

FRONTIER FORUM

Wednesday
April 27, 1983

Selected Subjects

Agricultural Commodities

Environmental Protection Agency

Authority Delegations (Government Agencies)

Justice Department

Banking

Defense Department

Government Property Management

Farmers Home Administration

Legal Services

Legal Services Corporation

Marine Safety

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Marketing Agreements and Orders

Agricultural Marketing Service

Milk Marketing Orders

Agricultural Marketing Service

Natural Gas

Federal Energy Regulatory Commission

Pesticides and Pests

Environmental Protection Agency

Privacy

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Political Candidates

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Satellites

Federal Communications Commission



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

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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 991

Hops of Domestic Production; Final Salable Quantity and Allotment Percentage for the 1983-84 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This emergency final rule establishes the quantity of hops that may be freely marketed from the 1983 crop to promote orderly marketing conditions under the marketing order for domestic hops.

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

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated seventeen handlers.

It is found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice because an emergency situation exists which warrants publication without opportunity for a public comment period

on this emergency final action. Growers have until March 31, 1983, to transfer allotment base to other growers. Moreover, handlers and growers are making preparations for handling and growing 1983 crop hops. Hence, it is critical that they know as soon as possible what salable quantity and allotment percentage will be effective for the 1983-84 marketing year so they can plan their operations accordingly.

The salable quantity and allotment percentage would be established in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The rule was recommended by the Hop Administrative Committee.

The salable quantity for the ensuing marketing year is based upon a recommendation of the Committee, and the following estimates for the marketing year beginning August 1, 1983:

- (1) Total domestic consumption of 43,000,000 pounds of hops;
- (2) Minus imports of 16,000,000 pounds of hops to result in domestic consumption of U.S. hops of 27,000,000 pounds;
- (3) Plus total exports of 41,500,000 pounds of hops to equal 68,500,000 pounds total usage of U.S. hops;
- (4) Plus 2,000,000 pounds to adjust for weight loss of hops processed into pellets and extract;
- (5) Minus inventory adjustment of 7,355,000 pounds; and
- (6) Plus an adjustment of 15,109,649 pounds to provide for adequate supplies should some producer allotments not be fully produced.
- (7) This results in a salable quantity for the 1983-84 marketing year of 78,254,649 pounds.

The salable percentage of 130 percent is computed by subtracting from this salable quantity a total of 1,203,809 pounds for additional allotment bases for hops of the Fuggle variety granted pursuant to § 991.38(b) and § 991.138(c) and dividing the remainder by 59,269,877 pounds, the total of all other allotment bases.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee, and other available information it is further found

that to establish a salable quantity and allotment percentage, as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1983-84 marketing year [August 1, 1983-July 31, 1984] are established as follows: [The following section will not be published in the Code of Federal Regulations].

§ 991.221 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1983.

The allotment percentage during the marketing year beginning August 1, 1983, shall be 130 percent, and the salable quantity shall be 78,254,649 pounds.

List of Subjects in 7 CFR Part 991

Marketing agreements and orders, Hops.

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

Dated: April 22, 1983.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-11259 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1046

[Milk Order No. 46]

Milk in the Louisville-Lexington-Evansville Marketing Area; Order Suspending Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rules.

SUMMARY: This action suspends for 1983 the "take-out/pay-back" (Louisville) plan for paying producers under the Louisville-Lexington-Evansville milk order. The intent of the plan is to encourage level milk production throughout the year. Under the plan, 40 cents per hundredweight is withheld from payments to producers for milk deliveries during April through July, when milk supplies are normally abundant. The money is then added to the marketwide pool for distribution to producers during September through December, when milk supplies are relatively short. The suspension was requested by Dairymen, Inc., a

cooperative association that represents a large portion of the producers supplying the market. The request was made at a public hearing held February 15, 1983, to consider replacing the order's Louisville plan with a seasonal base-excess payment plan.

EFFECTIVE DATE: April 27, 1983.

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

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3992).

It has been determined that this suspension is not a major action under the criteria set forth in Executive Order 12291.

It also has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the *Federal Register*. However, this would not permit the completion of the required suspension procedures in time to preclude the Louisville plan take-out money from being withheld from producer payments for their milk deliveries in April 1983. The initial request for this action was made at a public hearing on proposed amendments to the order that was held on February 15, 1983. Announcement of the suspension action was not appropriate until it was determined whether to recommend the adoption of a base-excess plan to replace the Louisville plan.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Under the suspension, monies normally withheld from payments to producers in accordance with the Louisville plan will be paid instead to such producers. Also, the suspension will have no effect on regulated handlers since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

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

handling of milk in the Louisville-Lexington-Evansville marketing area.

It is hereby found and determined that the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1046.61, the provisions in paragraph (g) in their entirety.

Statement of Consideration

This action suspends the operation of the "Louisville" payment plan during 1983. The suspension, which is based on evidence received at a public hearing held on February 15, 1983, at Louisville, Kentucky, was requested by Dairymen, Inc. (DI), a cooperative representing a large portion of the producers supplying the market.

Under the Louisville plan, 40 cents per hundredweight is withheld from payments to producers for their milk deliveries in the months of April through July when milk supplies are normally abundant. That money is then distributed to producers through the marketwide "blend" prices for the following months of September through December when supplies are seasonally lower. The purpose of the plan is to encourage dairy farmers to produce about the same amount of milk for the market each month.

A proposal by Dairymen, Inc., to replace the order's current Louisville plan with a seasonal base-excess plan for paying producers was considered at the recent hearing. At the conclusion of the hearing, the proponent cooperative asked that the current take-out provisions of the Louisville plan be suspended before any money is deducted from payments to producers during the 1983 take-out months. He stated that if the take-out provisions are not suspended, the money would be deducted from payments to producers under the provisions of the Louisville plan and then there would be no provisions for paying the money back to producers if a new seasonal base-excess plan becomes effective by September 1, 1983.

A tentative decision recommending the replacement of the Louisville plan with a seasonal base-excess plan is being issued concurrently with this suspension order. If issued, an order incorporating the base-excess provisions into the Federal order most likely would be made effective by September 1, 1983, which would be the beginning of the first base-forming period under the new base plan. In that case, the operation of the Louisville plan would have resulted in money being withheld from producer payments for their deliveries during April through July. However, the order provisions to

return the money to producers through the blend prices for the months of September through December would no longer exist, because the Louisville plan provisions would have been replaced with the provisions of a seasonal base-excess plan.

In view of the foregoing, it is appropriate to suspend the take-out provisions for 1983 pending completion of the amendment proceeding. This action will promote an orderly transition from the Louisville plan to a seasonal base-excess plan should the latter plan eventually be implemented under the order.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing of milk in the marketing area. This action will provide an orderly transition from the current Louisville plan to a seasonal base-excess plan that is being considered for this market;

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

(c) The basis for this action was explored fully at a public hearing held on February 15, 1983. All interested parties had an opportunity to present their views regarding a suspension of the take-out provisions of the Louisville plan. No one opposed DI's suspension request at the hearing or in briefs.

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

List of Subjects in 7 CFR Part 1046

Milk marketing orders, Milk, Dairy products.

PART 1046—[AMENDED]

§ 1046.61 [Amended]

It is therefore ordered, That in § 1046.61, the provisions in paragraph (g) in their entirety are hereby suspended.

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

Effective date: April 27, 1983.

Signed at Washington, D.C., on April 22, 1983.

John E. Ford,
Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-11250 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration**7 CFR Part 1955****Purchasing of Services for Program Property**

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is removing from the Code of Federal Regulations (CFR) its regulation regarding procurement of goods and services for inventory property and program services. This regulation is being removed since the portions of it that affect the public are contained elsewhere in the CFR. The intended effect of this action is to remove an unneeded regulation from the CFR.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Edward W. Nidever, Realty Specialist, Property Management Branch, Servicing and Property Management Division, Farmers Home Administration, USDA, Room 6342, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal Agency management. Certain aspects of the regulation are provided in the regulations issued by the General Services Administration, as contained in 41 CFR Chapter 1, and the U.S. Department of Agriculture, as contained in 41 CFR Chapter 4, publication of the Agency regulation is not necessary.

It is the policy of this Department to publish for comment rules relating to public property, loans, grants, benefits or contracts notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves Agency management, and publication for comments is unnecessary.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement." It is the determination of FmHA that this action does not

constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

This action does not affect any programs listed in the current Catalog of Federal Domestic Assistance (CFDA).

List of Subjects in 7 CFR Part 1955

Construction contracts, Government acquired property, Government property management, Service contracts.

Accordingly, Part 1955 of Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1955—PROPERTY MANAGEMENT**Subpart B—Management of Property****§ 1955.63 [Amended]**

1. Section 1955.63(a)(3)(i), (h) (2), (3) and (4), and (i) are amended to insert the phrase "(available in any FmHA office)" after the reference "Subpart D of this Part 1955."

Subpart C—Disposal of Acquired Property**§ 1955.116 [Amended]**

2. Section 1955.116(b)(3)(ii)(A) is amended to insert the phrase "(available in any FmHA office)" after the reference "Subpart D of this Part 1955."

Subpart D—Purchasing of Services for Program Property**§§ 1955.151 through 1955.170 [Removed and Reserved]**

3. Subpart D, consisting of §§1955.151 through 1955.170, is removed and reserved.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301, Section 10 Pub. L. 93-357, 88 Stat. 392; 7 CFR 2.23; 7 CFR 2.70; 29 FR 14764, 33 FR 9850)

Dated: April 15, 1983.

Charles W. Shuman,
Administrator, Farmers Home Administration.

[FR Doc. 83-11089 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-07-M

FEDERAL ELECTION COMMISSION**11 CFR Parts 100, 110, and 9003****Candidate's Use of Property in Which Spouse Has an Interest**

AGENCY: Federal Election Commission.

ACTION: Final rule; Transmittal of Regulations to Congress.

SUMMARY: The Commission has transmitted regulations to Congress to govern the application of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431 *et seq.*), to a federal candidate's use of property in which his or her spouse has an interest. The regulations address the definitions of "contribution" and of "personal funds" of a candidate.

2 U.S.C. 438(d) requires that any rule or regulation proposed by the Commission to implement Chapter 14 of Title 2, United States Code be transmitted to the Speaker of the House and the President of the Senate prior to final promulgation. If neither House of Congress disapproves the regulation within 30 legislative days after its transmittal, the Commission may finally prescribe the regulations in question. The following regulations were transmitted to Congress on April 22, 1983.

EFFECTIVE DATE: Further action, including the announcement of an effective date will be taken after the regulations have been before Congress 30 legislative days in accordance with 2 U.S.C. 438(d).

FOR FURTHER INFORMATION CONTACT: Susan E. Propper, Assistant General Counsel, 1325 K Street NW., Washington, D.C. 20463, (202) 523-4143 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On July 20, 1982, the Commission published a Notice of Proposed Rulemaking amending and adding to the regulations pertaining to a candidate's use of property in which the spouse has an interest. (47 FR 31390, July 20, 1982) No public comments were received during the thirty day comment period.

Explanation and Justification of Regulations Concerning a Candidate's Use of Property in Which Spouse has an Interest

The revisions primarily address two situations involving loans obtained by the candidate for use in a campaign. In the first situation, the loan is acquired on the basis of property owned jointly with the candidate's spouse. In the second situation, the signature of the spouse is required on the loan instrument to waive some statutory non-ownership interest such as dower or curtesy. A third situation covered by these revisions involves the drawing of funds from assets such as jointly held bank accounts or the proceeds from liquidating jointly held stock.

The revisions carve out a narrow area to allow for the use of property in which the candidate's spouse has an interest or

to allow for spousal signature on a loan without violating the contribution limits. This is implemented in 11 CFR 100.7(a)(1)(i) by adding a new subsection (D) which states that a signatory spouse will not be considered a contributor if the value of the candidate's share of the property used as collateral or as a basis for the loan equals or exceeds the amount of the loan to be used for the candidate's campaign. In addition, the standard set out in subsection (D) is applied as an exception to those parts of §§ 100.7(b)(11) and 100.8(b)(12) which classify endorser and guarantors as contributors.

The revisions also clarify the definition of "personal funds" of a candidate as set out in §§ 110.10(b) and 9003.2(c)(3). By changing the term "right of beneficial enjoyment" to "equitable interest" the Commission is using a term which more specifically applies to an ownership or pecuniary interest that is not one of legal title. By reordering the criteria defining "personal funds," it is made clear that the criteria of "legal and rightful title" and "equitable interest" must each be linked with "legal right of access to or control over." The latter criterion is the standard set out in the legislative history of the 1974 Amendments to 18 U.S.C. 608 pertaining to the limitations of expenditures of personal funds by a candidate, also cited in *Buckley v. Valeo*, 424 U.S. 1, 51, 52, n.57.

Finally, the revisions add a subsection (3) to the "personal funds" definition in 11 CFR 110.10(b) and a subsection (iii) to the "personal funds" definition in § 9003.2(c)(3) in order to address the concept of "personal funds" in joint ownership situations. These new provisions permit a candidate to use the full value of his or her share of assets jointly owned with a spouse without the spouse being considered a contributor. If there is no written instrument indicating the candidate's ownership share of the property, the candidate will be considered to own one-half of the value of the property under these rules. This 50% rule would apply in community property states, as well as in non-community property states.

List of Subjects

11 CFR Part 100

Elections.

11 CFR Part 110

Political candidates, Campaign funds.

11 CFR Part 9003

Campaign funds, Political candidates, Elections.

11 CFR Chapter I is Amended to Read as Follows:

PART 100—[AMENDED]

1. 11 CFR 100.7(a)(1)(i)(C) is revised to read as follows:

§ 100.7 [Amended]

- (a) * * *
- (1) * * *
- (i) * * *

(C) Except as provided in (D), a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

2. 11 CFR 100.7(a)(1)(i)(D) is redesignated as 11 CFR 100.7(a)(1)(i)(E) and 11 CFR 100.7(a)(1)(i)(D) is added as follows:

- (a) * * *
- (1) * * *
- (i) * * *

(D) A candidate may obtain a loan on which his or her spouse's signature is required when jointly owned assets are used as collateral or security for the loan. The spouse shall not be considered a contributor to the candidate's campaign if the value of the candidate's share of the property used as collateral equals or exceeds the amount of the loan which is used for the candidate's campaign.

3. 11 CFR 100.7(b)(11) is revised to read as follows:

- (b) * * *

(11) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance

Corporation, or the National Credit Union Administration is not a contribution by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a contribution by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For purposes of 11 CFR 100.7(b)(11), an overdraft made on a checking or savings account shall be considered a contribution by the bank or institution unless: the overdraft is made on an account which is subject to automatic overdraft protection; the overdraft is subject to a definite interest rate which is usual and customary; and there is a definite repayment schedule.

4. 11 CFR 100.8(b)(12) is revised to read as follows:

§ 100.8 Expenditures (2 U.S.C. 431(9)).

- (b) * * *

(12) A loan of money by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration is not an expenditure by the lending institution if such loan is made in accordance with

applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it: bears the usual and customary interest rate of the lending institution for the category of loan involved; is made on a basis which assures repayment; is evidenced by a written instrument; and is subject to a due date or amortization schedule. Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a). Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.7(a)(1)(i)(D) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that the loan agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered an expenditure by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors. For the purpose of 11 CFR 100.8(b)(12), an overdraft made on a checking or savings account shall be considered an expenditure unless: the overdraft is made on an account which is subject to automatic overdraft protection; and the overdraft is subject to a definite interest rate and a definite repayment schedule.

PART 110—CONTRIBUTION AND EXPENDITURE LIMITATIONS AND PROHIBITIONS

5. 11 CFR 110.10(b)(1) is revised to read as follows:

§ 110.10 [Amended]

(b) * * *
 (1) Any assets which, under applicable state law, at the time he or she became a candidate, the candidate had legal right of access to or control over, and with respect to which the candidate had either:
 (i) Legal and rightful title, or
 (ii) An equitable interest.

6. 11 CFR 110.10(b)(3) is added to read as follows:

(b) * * *
 (3) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be

considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by an instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

PART 9003—ELIGIBILITY FOR PAYMENTS

7. 11 CFR 9003.2(c)(3) is revised to read as follows:

§ 9003.2 Candidate certificates.

(c) * * *
 (3) For purposes of this section, the terms "personal funds" and personal funds of his or her immediate family" mean—
 (i) Any assets which, under applicable state law, at the time he or she became a candidate the candidate had legal right of access to or control over, and with respect to which the candidate, had either:
 (A) Legal and rightful title, or
 (B) An equitable interest.
 (ii) Salary and other earned income from bona fide employment; dividends and proceeds from the sale of the candidate's stocks or other investments; bequests to the candidate; income from trusts established before candidacy; income from trusts established by bequest after candidacy of which the candidate is a beneficiary; gifts of a personal nature which had been customarily received prior to candidacy; proceeds from lotteries and similar legal games of chance.

(iii) A candidate may use a portion of assets jointly owned with his or her spouse as personal funds. The portion of the jointly owned assets that shall be considered as personal funds of the candidate shall be that portion which is the candidate's share under the instrument(s) of conveyance or ownership. If no specific share is indicated by any instrument of conveyance or ownership, the value of one-half of the property used shall be considered as personal funds of the candidate.

Dated: April 22, 1983.
 Danny L. McDonald,
 Chairman, Federal Election Commission.

[FR Doc. 83-11220 Filed 4-26-83; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-143 (Texas—20 Addition); Order No. 291]

High-Cost Gas Produced From Tight Formations; Final Rule

Issued: April 21, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determined that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This final order adopts the recommendation of the Railroad Commission of Texas that the Monte Christo, South (9000') Formation be designated as a tight formation under § 271.703(d).

EFFECTIVE DATE: This rule is effective May 23, 1983.

FOR FURTHER INFORMATION CONTACT: Steven Ross (202) 357-8571 or Walter Lawson (202) 357-8556.

SUPPLEMENTARY INFORMATION: The Commission hereby amends § 271.703(d) of its regulations to include the Monte Christo, South (9000') Formation underlying land in Hidalgo County, Texas, as a designated tight formation eligible for incentive pricing under § 271.703. The amendment was proposed in a Notice of Proposed Rulemaking by the Director, Office of Pipeline and Producer Regulation, issued November 1, 1982 (47 FR 50300, November 5, 1982)¹ based on a recommendation by the Railroad Commission of Texas (Texas) in accordance with § 271.703, that the Monte Christo, South (9000') Formation, an addition to the Monte Christo

¹ Comments were invited on the proposed rule and one comment supporting the recommendation was received. No party requested a public hearing and no hearing was held.

Vicksburg (9000') Formation,² be designated as a tight formation.

Evidence submitted by Texas supports the assertion that the Monte Cristo, South (9000') Formation meets the guidelines contained in § 271.703(c)(2). The Commission adopts the Texas recommendation.

The amendment shall become effective May 23, 1983.

List of Subjects in 18 CFR Parts 271

Natural gas, Incentive price, Tight formations.

(Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Administrative Procedure Act, 5 U.S.C. 553)

In consideration of the foregoing, Part 271 of Subchapter H, Chapter I, Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,
Secretary.

PART 271—[AMENDED]

Section 271.703 is amended by redesignating paragraph (d)((91)(i) as (d)(91)(i)(A) and by adding a new heading for paragraph (d)((91)(i), by redesignating paragraph (d)(91)(ii) as (d)(91)(i)(B), by revising the heading for paragraph (d)(91), and by adding a new paragraph (d)(91)(ii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(91) Vicksburg (9000') Formation in Texas. RM79-76 (Texas—20).

(i) *Monte Cristo Vicksburg 9000' Formation.*

* * * * *

(ii) *Monte Cristo, South (9000') Formation.*

(A) *Delineation of formation.* The Monte Cristo, South (9000') Formation is located in the southern portion of Hidalgo County, Texas, Railroad Commission District 4. The designated area includes the following surveys: Macedonia Jr. Vela No. 214, A-623; Tex.-Mex. R.R. No. 215, A-130; W. T. Bomar No. 218, A-626; Jas. L. Hudson, A-649; Walter A. Hoffhein, A-797; W. H. Kozel, A-798; Tex.-Mex. R.R. No. 217, A-131; the northernmost 500 acres of both the Nicolas Zamora Porcion No. 48, A-76 and the Torebio Zamora Porcion No. 49, A-78; and the southernmost 900 acres of

the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A-570.

(B) *Depth.* The top of the Monte Cristo, South (9000') Formation varies from 8,750 feet subsea to 9,600 feet subsea. The maximum thickness of the formation is 1,030 feet.

[FR Doc. 83-11079 Filed 4-26-83; 8:45 am]
BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP 3H5385/R553; PH-FRL 2352-6; FAP 3H5385/R554]

Fluazifop-Butyl; Tolerances for Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish food and feed additive regulations to permit residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on certain food and feed commodities. These regulations to establish maximum permissible levels for residues of fluazifop and fluazifopbutyl, all expressed as fluazifop, in or on the commodities was requested, pursuant to a petition, by ICI Americas, Inc.

EFFECTIVE DATE: Effective on: April 27, 1983.

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

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the *Federal Register* of March 16, 1983 (48 FR 11161), that announced that ICI Americas, Inc., Agricultural Chemicals Div.,

Wilmington, DE 19897, had submitted food/feed additive petition 3H5385 to the Agency proposing to amend 21 CFR Parts 193 and 561 by establishing regulations permitting residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop) both free and conjugated, and of (±)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the food commodities (21 CFR Part 193) cottonseed oil at 0.2 part per million (ppm) and soybean oil at 2.0 ppm and in or on the feed commodities (21 CFR Part 561) cottonseed soapstock at 0.2 ppm and soybean meal and soapstock at 2.0 ppm.

There were no comments received in response to the notice of filing.

The data submitted in the petition and all other relevant material have been evaluated. The toxicological data considered in support of the tolerances in cottonseed and soybean oil is discussed in the notice establishing tolerances for fluazifop-butyl in soybeans, cottonseed, and animal tissues [PP 2F2630/R552] which appears elsewhere in today's *Federal Register*.

Based on the NOEL of 1 mg/kg in the rat chronic feeding study and a 100-fold safety factor, the acceptable daily intake (ADI) has been set at 0.01 mg/kg/day with a maximum permissible intake (MPI) of 0.6 mg/day for a 60-kg person. These tolerances have a theoretical maximum residue contribution (TRMC) of 0.0619 mg/day in a 1.5 kg diet and would utilize 10.32 percent of the ADI.

The nature of the residues is adequately understood and an adequate analytical method, high pressure liquid chromatography (HPLC) using an ultraviolet detector is available for enforcement purposes. Adequate tolerances for secondary residues in meat, milk, poultry and eggs resulting from this use of the pesticide are established in the above related document [PP 2F2630/R552]. There are currently no regulatory actions pending against the pesticide.

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*) and is established as set forth below.

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

² The Monte Cristo Vicksburg 9000' Formation (Texas-20) was designated as a tight formation by Order No. 240, in Docket No. RM79-76-095, issued June 30, 1982 (47 FR 30467, July 14, 1982).

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

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Part 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: April 15, 1983.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 193—[AMENDED]

Therefore, 21 CFR, Chapter I, is amended as follows:

1. In Part 193 by adding a new § 193.466 to read as follows:

§ 193.466 Fluazifop-butyl.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following foods:

Foods	Parts per million
Cottonseed, oil.....	0.2
Soybean, oil.....	2.0

PART 561—[AMENDED]

2. In part 561 by adding a new § 561.428 to read as follows:

§ 561.428 Fluazifop-butyl.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (±)-butyl 2[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on the following feeds:

Feeds	Parts per million
Cottonseed, soapstock.....	0.2
Soybean, meal.....	2.0

Feeds	Parts per million
Soybean, soapstock.....	2.0

[FR Doc. 83-10882 Filed 4-28-83; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF JUSTICE

Office of the Attorney General

28 CFR Part 0

[Order No. 1010-83]

Delegation of Authority to the Deputy Assistant Attorneys General of the Criminal Division

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order delegates authority to the Deputy Assistant Attorneys General of the Criminal Division to perform certain functions or duties pertaining to the Act to compensate law enforcement officers not employed by the United States who are killed or injured while in the process of apprehending persons suspected of committing federal crimes. It also delegates to the Assistant Attorney General of the Criminal Division authority to redelegate those functions and duties to the Chief of the Section in his Division which supervises the implementation of that Act.

EFFECTIVE DATE: April 18, 1983.

FOR FURTHER INFORMATION CONTACT: Roger B. Cabbage (202-724-6893), Deputy Chief for Legal Advice, General Litigation and Legal Advice Section, Criminal Division, Department of Justice, Washington, D.C 20530.

SUPPLEMENTARY INFORMATION: Sections 8191-8193 of Title 5 provide, *inter alia*, for compensation of a non-federal law enforcement officer or his survivors if the officer sustains a disabling personal injury or is killed while engaged in the "apprehension or attempted apprehension of any person * * * for the commission of a crime against the United States" or in the "lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States." 5 U.S.C. 8191(1)(A) and (3).

Claims under these provisions are made to the Department of Labor. Under 5 U.S.C. 8193(d) the Department of labor may seek the advice and assistance of the Attorney General of the United States in resolving any questions arising out of a particular claim.

The provisions of 28 CFR 0.58 currently authorize the Assistant Attorney General for the Criminal Division to exercise or perform any of the functions conferred upon the Attorney General by 5 U.S.C. 8191-8193.

In practice the claims are forwarded to the Criminal Division by the Department of Labor. An initial review and recommendation is made by the General Litigation and Legal Advice Section and forwarded to the Assistant Attorney General for the Criminal Division wherein it is reviewed by one of his deputies prior to his taking final action in the case. The procedure can be made more efficient by granting the power to give advice and assistance in the resolution of any questions raised by a particular claim under these provisions to Deputy Assistant Attorneys General in the Criminal Division or to the Chief of the Section within that division which is responsible for the initial review and recommendations.

This order is not a rule within the meaning of either Executive Order 12291, section 1(a), or the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

List of Subjects in 28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Government agencies).

PART 0—[AMENDED]

Accordingly, by the authority vested in me as Attorney General by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, § 0.58 of Title 28 of the Code of Federal Regulations is hereby revised to read as follows:

§ 0.58 Delegation respecting payment of benefits for disability or death of law enforcement officers not employed by the United States.

The Assistant Attorney General in charge of the Criminal Division and his Deputy Assistant Attorneys General are each authorized to exercise or perform any of the functions or duties conferred upon the Attorney General by the Act to Compensate Law Enforcement Officers not Employed by the United States Killed or Injured While Apprehending Persons Suspected of Committing Federal Crimes (5 U.S.C. 8191, 8192, 8193). The Assistant Attorney General in charge of the Criminal Division is authorized to redelegate any function delegated to him under this section to the Chief of the Section within the Criminal Division which supervises the implementation of the aforementioned Compensation Act.

Dated: April 18, 1983.
 William French Smith,
 Attorney General.
 [FR Doc. 83-11163 Filed 4-26-83; 8:45 am]
 BILLING CODE 4410-01-M

28 CFR Part 16

[AAG/A Order No. 8-83]

Exemption of Records System Under the Privacy Act

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: On January 26, 1983, the Department of Justice, United States Marshals Service issued proposed regulations to amend 28 CFR 16.101, "Exemption of U.S. Marshals Service Systems—Limited access, as indicated," to provide additional specificity as to statutory authorities; to make editorial changes; and to promulgate a new exemption. The exemption will preclude serving "notice on an individual when any record on such individual is made available to any person under compulsory legal process when such process becomes a matter of public record." 5 U.S.C. 552a(e)(8). The exemption is necessary because the individual notice requirement would present a serious impediment to law enforcement in that it would give persons sufficient warning to avoid warrants, subpoenas, etc. The other changes have no effect on the public.

DATES: This rule will be effective April 27, 1983.

ADDRESS: Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

SUPPLEMENTARY INFORMATION: No comments were received regarding the proposed regulations published on January 26, 1983.

List of Subjects in 28 CFR Part 16

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

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, the proposed regulations published in the *Federal Register* on January 26, 1983 (48 FR 3637) are adopted without change as set forth below.

Dated: April 13, 1983.
 Kevin D. Rooney,
 Assistant Attorney General for Administration.

PART 16—[AMENDED]

Section 16.101 is amended by revising paragraph (a)(1), introductory text to paragraph (e), paragraphs (e)(1), (f) (1) and (2); by redesignating the existing paragraphs (f)(7) and (f)(8) as (f)(8) and (f)(9), respectively; and by adding a new paragraph (f)(7).

§ 16.101 Exemption of U.S. Marshals Service Systems—Limited access, as indicated.

(a) * * *
 (1) Warrant Information System (JUSTICE/USM-007).
 These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2).

(e) The following system of records is exempt from 5 U.S.C. 552a (c) (3) and (4), (d), (e) (2) and (3), (e)(4) (G) and (H), (f) and (g) and may be additionally exempt from subsection (e)(8):

(1) Internal Investigations System (JUSTICE/USM-002)—Limited access. These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(5) or (j)(2).

(f) * * *
 (1) From subsection (c)(3) where the release of the disclosure accounting for disclosures made pursuant to subsection (b) of the Act would reveal a source who furnished information to the Government in confidence.

(2) From subsection (c) (4) for the reason stated in (b)(2) of this section.

(7) From subsection (e)(8) for the reason stated in (b)(7) of this section.

[FR Doc. 83-11164 Filed 4-26-83; 8:45 am]
 BILLING CODE 4410-04-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pacific Ocean Between Point Sal and Point Conception, California, Danger Zone

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps of Engineers is amending the regulations which

establish danger zones in the Pacific Ocean near Vandenberg Air Force Base (VAFB), California. This amendment will renumber all the danger zones, relocate some of the existing interior boundaries and add some restrictions to a sensitive danger zone. This will cause a decrease in the total number of danger zones from eleven to nine, with no changes in the perimeter of the existing danger zones.

EFFECTIVE DATE: June 13, 1983.

ADDRESS: HQDA, DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Clark at (213) 688-5606 or Mr. Ralph T. Eppard at (202) 272-0200.

SUPPLEMENTARY INFORMATION: Proposed revisions were published in the Proposed Rules Section of the *Federal Register* on 26 November 1982, (47 FR 53424) and in a public notice, dated 1 December 1982, distributed by the Commander, Los Angeles District, Corps of Engineers. The Notice of Proposed Rulemaking published in the *Federal Register* resulted in one comment from the Santa Barbara County, Resource Management Department, concerning the placement of fixed or mobile oil drilling platforms within the danger zones. The comment did not concern these proposed amendments and accordingly did not result in any change. No comments were received in response to the local public notice. Stations 9 and 10 are no longer needed to describe the danger zone's perimeter and are deleted in the final text. They were originally used to mark the extension of the danger zones in a previous publication and were inadvertently placed in the proposed rules.

Note.—This non-major regulation is issued with respect to a military function of the Defense Department and the provisions of EO 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

List of Subjects in 33 CFR Part 204

Water, Transportation, Vessels.

Dated: April 6, 1983.

Approved:

William R. Gianelli,
 Assistant Secretary of the Army (Civil Works).

Accordingly, 33 CFR 204.202 is amended by revising paragraphs (a)(2) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix); removing (x) and (xi); and adding a subparagraph (2) to subsection (b). As amended, § 204.202 reads as follows:

PART 204—DANGER ZONE REGULATIONS

§ 204.202 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, California; danger zones.

(a) *The Area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles and basically outlined as follows:

Station	Latitude	Longitude
Point Sal.....	34°54'08"	120°40'15"
1.....	34°54'08"	120°44'00"
2.....	34°52'48"	120°44'00"
3.....	34°50'00"	120°40'30"
4.....	34°44'50"	120°42'15"
5.....	34°41'50"	120°40'12"
6.....	34°35'12"	120°42'45"
7.....	34°33'00"	120°41'05"
8.....	34°30'40"	120°37'29"
9.....	34°24'18"	120°30'00"
10.....	34°23'34"	120°27'05"
11.....	34°24'21"	120°24'40"
12.....	34°27'20"	120°24'40"
Point Sal.....	34°54'08"	120°40'15"

(2) The danger area described in paragraph (a)(1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) Zone 1. An area extending seaward about three nautical miles from the shoreline beginning at Point Sal, latitude 34°54'08", longitude 120°40'15"; thence due west to latitude 34°54'08", longitude 120°44'00"; thence to latitude 34°52'48", longitude 120°44'00"; thence to latitude 34°50'00", longitude 120°40'30"; thence due east to the shoreline at latitude 34°50'00", longitude 120°36'30".

(ii) Zone 2. An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°50'00", longitude 120°36'30"; thence due west to latitude 34°50'00", longitude 120°40'30", thence to latitude 34°45'28", longitude 120°42'05"; thence due east to the shoreline at Purisima Point, latitude 34°45'28", longitude 120°38'15".

(iii) Zone 3. An area extending seaward about three nautical miles from the shoreline beginning at Purisima Point latitude 34°45'28", longitude 120°38'15"; thence due west to latitude 34°45'28", longitude 120°42'05"; thence to latitude 34°44'50", longitude 120°42'15"; thence to latitude 34°41'50", longitude 120°40'12"; thence due east to the shoreline at the mouth of the Santa Ynez River, latitude 34°41'50", longitude 120°36'20".

(iv) Zone 4. An area extending seaward about three nautical miles from the shoreline beginning at the mouth of

the Santa Ynez River latitude 34°41'50", longitude 120°36'20"; thence due west to latitude 34°41'50", longitude 120°40'12"; thence to latitude 34°35'12", longitude 120°42'45"; thence latitude 34°34'32", longitude 120°42'15", thence due east to the shoreline at Point Arguello, latitude 34°34'32", longitude 120°39'03".

(v) Zone 5. An area extending seaward about three nautical miles from the shoreline beginning at Point Arguello, latitude 34°34'32", longitude 120°39'03"; thence due west to latitude 34°34'32", longitude 120°42'15"; thence to latitude 34°33'00", longitude 120°41'05"; thence to latitude 34°30'40", longitude 120°37'29"; thence due north to the shoreline at latitude 34°33'15", longitude 120°37'29".

(vi) Zone 6. An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°33'15", longitude 120°37'29"; thence due south to latitude 34°30'40", longitude 120°37'29"; thence due east to the shoreline at latitude 34°30'40", longitude 120°30'10".

(vii) Zone 7. An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10"; thence due west to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°26'56", longitude 120°33'06"; thence due east to the shoreline at Point Conception, latitude 34°26'56", longitude 120°28'10".

(viii) Zone 8. An area extending seaward about three nautical miles from the shoreline beginning at Point Conception, latitude 34°26'56", longitude 120°28'10"; thence due west to latitude 34°26'56", longitude 120°33'06"; thence to latitude 34°24'18", longitude 120°30'00"; thence to latitude 34°23'34", longitude 120°27'05"; thence shoreward to Point Conception, latitude 34°26'56", longitude 120°28'10".

(ix) Zone 9. An area extending seaward about three nautical miles from the shoreline beginning at Point Conception, latitude 34°26'56", longitude 120°28'10"; thence seaward to latitude 34°23'34", longitude 120°27'05"; thence to latitude 34°24'21", longitude 120°24'40"; thence due north to the shoreline at latitude 34°27'20", longitude 120°24'40".

(b) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The stopping or loitering of vessels is expressly prohibited within Danger Zone 4, between the mouth of the Santa Ynez River and Point Arguello, unless prior permission is obtained from the Commander, Western Space and Missile

Center (WSMC) at Vandenberg AFB, CA.

(3) The impacting of missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHz), VHF channel 12 (156.60 MHz), and VHF channel 16 (156.80 MHz) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

(4) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHz), VHF channel 12 (156.60 MHz), or channel 16 (156.80 MHz) while in these zones for daily announcements of zone closures.

(5) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the specified zone or zones immediately by the shortest route.

(6) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(7) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(8) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established by the Commander, WSMC,

and the oil industry in the adjacent waters of the Outer Continental Shelf.

(9) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.

(10) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.

(11) The regulations in this section shall be in effect until further notice. They shall be reviewed again during September 1987.

(33 U.S.C. 1, 3)

[FR Doc. 83-11165 Filed 4-26-83; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1736/R546; PH-FRL 2354-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 4-(2,4-Dichlorophenoxy) Butyric Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the herbicide 4-(2,4-dichlorophenoxy) butyric acid and its metabolite in or on the raw agricultural commodity mint hay. This 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).

EFFECTIVE DATE: Effective on April 27, 1983.

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

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response and Minor Use Section, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202. (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the *Federal Register* of March 9, 1983 (48 FR 9886) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers

University, New Brunswick, NJ 08903, had submitted pesticide petition 6E1736 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Oregon.

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 the combined residues of the 4-(2,4-dichlorophenoxy)butyric acid (2,4-DB) and its metabolite 2,4-dichlorophenoxyacetic acid (2,4-D) in or on the raw agricultural commodity peppermint hay at 1.5 ppm. The petition was later amended to propose a tolerance for the combined residues of the herbicide and its metabolite in or on the raw agricultural commodity mint hay at 0.2 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

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

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

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

Dated: April 18, 1983.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.331 is revised to read as follows:

§ 180.331 4-(2,4-Dichlorophenoxy) butyric acid; tolerances for residues.

Tolerances are established for the combined residues of the herbicide 4-(2,4-dichlorophenoxy) butyric acid and its metabolite 2,4-dichlorophenoxyacetic acid in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa.....	0.2N
Clover	0.2N
Mint, hay.....	0.2
Peanuts	0.2N
Soybeans	0.2N
Soybeans, hay	0.2N
Trefoil, birdfoot.....	0.2N

[FR Doc. 83-11014 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2630/R552; PH-FRL 2352-7]

Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities; Fluazifop-Butyl

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of (\pm)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluazifop), both free and conjugated, and of (\pm)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluazifop-butyl), all expressed as fluazifop, in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of fluazifop and fluazifop-butyl, all expressed as fluazifop, in or on the raw agricultural commodities was requested, pursuant to a petition by ICI Americas, Inc.

EFFECTIVE DATE: Effective on April 27, 1983.

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

FOR FURTHER INFORMATION CONTACT: Richard Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the *Federal Register* of March 10, 1982 (47 FR 10290), that announced that ICI America, Inc., Agricultural Chemicals Division, Wilmington, DE 19897, had filed pesticide petition 2F2630 with the EPA. This petition proposed that tolerances be established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluzifop), both free and conjugated, and of (±)-butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluzifop-butyl), all expressed as fluzifop, in or on the raw agricultural commodities fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (ppm); eggs and milk at 0.05 ppm; cottonseed at 0.1 ppm; and soybeans at 1.0 ppm.

ICI Americas, Inc. subsequently amended the proposal by filing food additive petition 3H5385, notice of which was published in the *Federal Register* of March 16, 1983 (48 FR 11161). The petition proposed amending 21 CFR Parts 193 and 561 by establishing regulations permitting residues of fluzifop and fluzifop-butyl, all expressed as fluzifop, in or on the food and/or animal feed items cottonseed oil and soapstock at 0.2 ppm and soybean meal, oil, and soapstock at 2.0 ppm.

A related document, (FAP 3H5385/R553), establishing regulations permitting residues of fluzifop and fluzifop-butyl in or on the above food and feed commodities, appears elsewhere in today's issue of the *Federal Register*.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The data considered in support of the tolerances included plant and animal metabolism studies; a rat oral lethal dose (LD₅₀) with an LD₅₀ of 3,300 milligrams (mg) per kilogram (kg) of body weight (bw); a rabbit subchronic dermal study with a no-observed-effect level (NOEL) of 100 parts per million (ppm) (5 mg/kg/day); a 90-day rat feeding study with a NOEL of 0.5 mg/kg/day; a 90 day dog feeding study with a NOEL of 25 mg/kg/day; a rat teratology study with a teratogenic and maternal toxicity NOEL of 10 mg/kg/day (the teratogenic and maternal toxic effect level is 200 mg/kg/day (highest dose) with diaphragmatic hernia) and the NOEL of 1 mg/kg/day (based on fetotoxicity), Margin of Safety (MOS) values are based on the NOEL of 1 mg/kg/day for fetotoxicity or 10 mg/kg/day

for maternal toxicity and teratogenicity; a rabbit teratology study with no terata at 90 mg/kg/day [highest dose] and a NOEL of 10 mg/kg/day; a 2-generation rat reproduction study with a NOEL of 80 ppm (4 mg/kg/day); a 2-year chronic feeding/oncogenicity study in rats with no observed oncogenic potential at 3.0 mg/kg/day (highest dose and a NOEL of 1 mg/kg/day); a 20-month mouse chronic feeding/oncogenicity study with no-observed oncogenic potential at 3.0 mg/kg/day (highest dose) and a NOEL of 1.0 mg/kg/day; an Ames test (negative); a rat cytogenetic study (negative); an in-vitro transformation assay (negative); and an acute delayed neurotoxicity study in hens (negative). Data considered desirable, but lacking, include a 1-year subchronic feeding study in dogs and a dermal penetration study, preferably in the rat. The petitioner is nearing completion of the subchronic dog feeding study and has agreed to submit the final study and the dermal penetration study.

Based on the NOEL of 1 mg/kg in rat chronic feeding study and a 100-fold safety factor, the acceptable daily intake (ADI) has been set at 0.01 mg/kg/day with a maximum permissible intake (MPI) of 0.6 mg/day for a 60-kg person. These tolerances have a theoretical maximum residue contribution (TMRC) of 0.0619 mg/day in a 1.5 kg diet and would utilize 10.32 percent of the ADI.

The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method, high pressure liquid chromatography (HPLC) using an ultra-violet detector, is available for enforcement purposes.

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

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

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 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

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

Dated: April 15, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended by adding a new § 180.411 to read as follows:

§ 180.411 Fluzifop-butyl; tolerances for residues.

Tolerances are established for residues of (±)-2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoic acid (fluzifop), both free and conjugated, and of (±) butyl 2-[4-[[5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy]propanoate (fluzifop-butyl), all expressed as fluzifop, in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat.....	0.05
Cattle, meat.....	.05
Cattle, mby.....	.05
Cottonseed.....	.1
Eggs.....	.05
Goats, fat.....	.05
Goats, meat.....	.05
Goats, mby.....	.05
Hogs, fat.....	.05
Hogs, meat.....	.05
Hogs, mby.....	.05
Horses, fat.....	.05
Horses, meat.....	.05
Horses, mby.....	.05
Milk.....	.05
Poultry, fat.....	.05
Poultry, meat.....	.05
Poultry, mby.....	.05
Sheep, fat.....	.05
Sheep, meat.....	.05
Sheep, mby.....	.05
Soybeans.....	1.0

40 CFR Part 180

[PP 9E2142/R545; PH-FRL 2352-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Sodium Chlorate**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the fungicide sodium chlorate when used in or on the agricultural commodities flaxseed and flax straw. This regulation to exempt sodium chlorate from the requirement to establish maximum permissible levels for residues in or on the commodities was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on April 27, 1983.

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

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response and Minor Use Section (TS-767C), Registration Division, Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a proposed rule, published in the *Federal Register* of March 9, 1983 (48 FR 9888), that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 9E2142 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Minnesota and North Dakota.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on flaxseed, wheat, and their fodder, forage, and straw when it is used in accordance with good agricultural practice as a desiccant in flaxseed and wheat production. The petition was later amended by withdrawing the request for wheat and proposing the exemption for

flaxseed and flax straw only.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance would protect the public health and is established as set forth below.

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

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

List of Subjects in 40 CFR Part 180

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

Dated: April 15, 1983.
Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1020 is revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on the following raw agricultural commodities when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice in the production of chili peppers, corn, cotton, flax, guar beans, rice, safflower seed, sorghum, soybeans, and sunflower seed.

Commodities
Chili peppers
Corn fodder
Corn forage
Corn grain
Cottonseed
Flaxseed

Flax straw
Grain sorghum
Guar beans
Rice
Rice straw
Safflower seed
Sorghum fodder
Sorghum forage
Soybeans
Sunflower seed

[FR Doc. 83-10881 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION**45 CFR Part 1611****Eligibility; Income Levels for Individuals Eligible for Assistance****AGENCY:** Legal Services Corporation.**ACTION:** Final rule; Revised Appendix.

SUMMARY: The Legal Services Corporation is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Official Poverty Threshold as defined by the Department of Health and Human Services.

EFFECTIVE DATE: May 27, 1983.

FOR FURTHER INFORMATION CONTACT: Linda Perle, Legal Services Corporation, 733 Fifteenth Street, NW., Washington, D.C. 20005 (202) 272-4010.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that income shall be taken into account along with other specified factors. Section 1611.3(b) of the Corporation's Regulations establishes a maximum income level equivalent to one-hundred and twenty-five percent (125%) of the Official Poverty Threshold as defined by the Office of Management and Budget. Responsibility for revision of the Official Poverty Threshold was shifted in 1982 from the Office of Management and Budget to the Department of Health and Human Services. The revised figures for 1983 equivalent to 125% of the current Official Poverty Threshold are set forth below:

List of Subjects in 45 CFR Part 1611

Legal services, Eligibility.

PART 1611—ELIGIBILITY

Appendix A of Part 1611 is revised to read as follows:

APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION POVERTY GUIDELINES

	Maximum income
For all States Except Alaska and Hawaii:	
Size of family unit ¹	
1.....	\$6,075
2.....	8,175
3.....	10,275
4.....	12,375
5.....	14,475
6.....	16,575
7.....	18,675
8.....	20,775
For Alaska:	
Size of family unit ²	
1.....	7,600
2.....	10,225
3.....	12,850
4.....	15,475
5.....	18,100
6.....	20,725
7.....	23,350
8.....	25,975
For Hawaii:	
Size of family unit ³	
1.....	7,000
2.....	9,413
3.....	11,825
4.....	14,238
5.....	16,650
6.....	19,063
7.....	21,475
8.....	23,888

¹ For family units with more than eight members, add \$2,100 for each additional member in a family.

² For family units with more than eight members, add \$2,625 for each additional member in a family.

³ For family units with more than eight members, add \$2,413 for each additional member in a family.

Dated: April 22, 1983.

Alan R. Swendiman,

General Counsel, Legal Services Corporation.

[FR Doc. 83-11178 Filed 4-20-83; 8:45 am]

BILLING CODE 6820-35-M

Proposed Rules

Federal Register

Vol. 48, No. 82

Wednesday, April 27, 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

Agricultural Marketing Service

7 CFR PART 1046

[Docket No. AO-123-A50]

Milk in the Louisville-Lexington-Evansville Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments To Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends replacing the order's seasonal production incentive program known as the "Louisville plan" with a seasonal base-excess plan for distributing to producers their returns from the sale of milk. This change was proposed by Dairymen, Inc. (DI), a cooperative that represents a large portion of the dairy farmers that supply milk for the market.

Under the recommended provisions, each producer would establish a new "base" annually. It would be determined from the dairy farmer's milk deliveries during the base-forming months of September-December. During the following months of March through June, minimum payments to a producer would be based on the amounts of base and excess milk marketed by such dairy farmer. In the other months (July through February), producers would be paid not less than the marketwide uniform price for all of their milk deliveries. This new producer payment plan is intended to encourage level milk production throughout the year.

DATE: Comments are due by May 12, 1983.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United

States Department of Agriculture, Washington, D.C. 20250.

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

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 558 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action would not have a significant economic impact on a substantial number of small entities, and would have no effect on regulated handlers since the action affects only the manner in which the proceeds from milk sales are distributed to producers.

Prior document in this proceeding:

Notice of Hearing: Issued January 25, 1983; published January 28, 1983 (48 FR 3992).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the **Federal Register**. Four copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments hereinafter set forth are based on the record of a public hearing held at

Louisville, Kentucky, on February 15, 1983, pursuant to a notice of hearing issued on January 25, 1983 (48 FR 3992).

The material issue on the record of the hearing relates to replacing the "Louisville" plan to pay producers under the order with a seasonal base-excess plan.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should be amended to provide a seasonal base-excess plan to pay producers in place of the current "Louisville" plan. Under the present plan, 40 cents per hundredweight is withheld from payments to producers for milk delivered during the months of April through July when supplies are abundant. This money is paid back to producers through the marketwide pool during the following months of September through December when supplies are seasonally lower.

As in the case of the Louisville plan, the purpose of a base-excess plan is to provide an incentive for producers to even out their milk production throughout the year. Such a plan is designed to encourage more production in the months of seasonally low production and discourage production in the months of seasonally high production.

Dairymen, Inc. (DI), a cooperative that represents about 44 percent of the producers supplying the market, proposed that the order's current producer payment plan (Louisville plan) be replaced with a seasonal base-excess plan for use in distributing to producers their returns from the sale of milk. The DI witness testified that the proposed base-excess plan is needed to provide an enhanced inducement to dairy farmers to increase their production during the months of seasonally low milk production, which is when Class I demand is greatest, and to decrease their production during the months of seasonally high milk production, when fluid demand is somewhat lower.

In support of its proposal, the witness for the proponent cooperative testified that the current take-out rate under the Louisville plan is too low to effectively encourage desirable production patterns for the market. He also contended that

increasing the withholding rate to a level which would make it effective was not a practical solution because it would lower the blend prices too much in the take-out months. Hence, the cooperative proposed replacement of the Louisville plan with a seasonal base-excess plan to pay producers.

Southeastern Graded Milk Producers Association, another cooperative representing producers supplying the market, made a statement at the hearing in support of DI's proposed base-excess plan. Dean Milk Company, a proprietary handler under the order, also indicated support for DI's proposal at the hearing. Although the spokesman could not speak for the individual dairy farmers supplying the company's pool plant, he submitted a position statement on behalf of his company. In his view, the proposal would be beneficial to overall marketing conditions in the region from the standpoint of milk procurement between adjacent order areas. In addition, he recognized DI's concern about the declining influence in recent years of the Louisville plan adjustments on the blend prices dairy farmers receive.

No one testified in opposition to the proposed base-excess plan.

A base-excess plan should be provided for the Louisville-Lexington-Evansville market. The base plan will provide a means of encouraging a more level seasonal production pattern that will be beneficial to producers, handlers, and consumers.

The Louisville market has developed a good seasonal milk production pattern over the years. Nevertheless, milk production for the market does fluctuate seasonally, with supplies generally increasing in the spring and declining in the fall. This is evidence, for example, by the market data for producer receipts for a recent 5-year period.

These data indicate that the 1978-82 average daily deliveries of producer milk in May, the peak production month, were 108 percent of the 5-year daily average. Downswings of comparable magnitude occurred with the 5-year daily average producer milk deliveries during October, when production is lowest, dropping to 94 percent of the daily average for the entire 5-year period.

Although the seasonal fluctuations in production are relatively small, the changes are more meaningful when viewed in terms of the somewhat opposite swing in Class I Producer milk. When milk supplies were lower in the fall, average daily producer milk allocated to Class I was higher. For instance, the 1978-82 September daily average producer milk used in Class I

was 114 percent of the daily average for the entire 5-year period. This compares to a 5-year daily average of Class I utilization of producer milk during June, which was 92 percent of the average for the entire 5-year period.

The National Farmers Organization (NFO) filed a posthearing brief urging that a base-excess plan not be adopted. One of the points raised by NFO was that the Louisville plan provides an adequate incentive for level production, and that it has, in fact, provided a "remarkably stable level of production throughout the year."

This market's favorable production pattern has been influenced somewhat by the seasonal incentive (Louisville) plan which has been used to pay producers supplying the market for many years. Since early 1968, the take-out rate has been 10 percent of the preceding year's average basic formula price, but not to exceed 40 cents per hundredweight.¹ Because of this 40-cent limitation, which has limited the deduction since 1968, the Louisville plan has been less effective in recent years in promoting level milk production.

When the take-out rate represented 10 percent of the basic formula price for the take-out months in 1968, it provided an adequate incentive for producers to level their production. Since 1968, the 40-cent limit has applied and has represented a steadily declining percentage of the basic formula price. Since 1975, the 40-cent take-out has been less than 5 percent of the basic formula price for the preceding calendar year.² The 40-cent withholding rate now represents only about 3 percent of the basic formula price. Such a rate is too low to effectively encourage level production by dairy farmers. Hence, a seasonal base-excess plan should be provided in place of the order's current Louisville plan to provide a better incentive for producers to maintain their level milk production patterns throughout the year.

NFO's brief also stated that the proponent's reasons offered in support of a base-excess plan were "speculative." While the impact of payment plans on production may be difficult to measure with any preciseness, the decline of the take-out rate as a percent of the basic formula price cannot be ignored. At the least, it

¹ Official notice in taken of the Assistant Secretary's decision issued March 22, 1968 (33 FR 5040), with respect to the provisions of the current Louisville plan.

² Official notice is taken of "Federal Milk Order Market Statistics", December 1982, and Annual Summaries for 1968 through 1981, issued by the Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C.

can be presumed that the take-out rate currently provides a smaller incentive to level production than it did in 1968. It is important to note that the predominant view by producers in this market is that a base-excess plan will be more effective than the Louisville plan in maintaining a desirable seasonal pattern of production in the future.

Because of the declining effectiveness of the Louisville plan, proponent cooperative has operated seasonal incentive plans outside the order in each of the past two years to encourage to a greater extent the leveling of production. However, since the cooperative represents only about one-half of the market's producers, the effects of such programs are reflected in lower returns to the cooperative's members relative to other producers on the market. Other producers stand to benefit to the extent that they receive higher blend prices as a result of DI's curtailed production. The seasonal base-excess plan adopted herein would apply equally to all producers.

If milk production fluctuates widely on a seasonal basis, serious marketing problems could be created for producers, and especially for cooperatives that perform a major role in balancing the market's fluid needs. These problems would involve obtaining adequate supplies of milk for handlers' fluid needs during the months of seasonally low milk production and disposing of excess supplies during the months of seasonally high milk production. For example, if production declines too much in the short milk production season, cooperatives could find it necessary to import milk from beyond the local supply area to meet the shortage of the market's fluid processors. This could involve moving milk considerable distances, which is quite costly.

Another aspect of seasonal imbalances in milk production is the disposition of milk that is excess to the market's fluid needs. More marketing problems are experienced under this order in handling the excess supplies during the flush milk production season than with importing milk for the market during the short milk production season.

This is because there is considerably more milk produced in this general area than is needed to meet the fluid needs. Hence, at times when local manufacturing plants are operating at or near capacity, excess milk must be transported to manufacturing plants at considerable distance from the major consumption areas of the market.

In addition, a more level milk production pattern during the year

would reduce the amount of manufacturing capacity needed to handle the market's peak milk production and would allow area manufacturing plants to operate throughout the year with less seasonal fluctuation in the volumes of milk handled. This would improve the plants' operating efficiency, and in the case of cooperative manufacturing plants permit greater returns to members.

Hence, producers, handlers and consumers would benefit from a low variation in milk production primarily because of reduced marketing costs associated with disposing of excess supplies in the flush production months. In view of the foregoing, adoption of a base-excess plan applicable to all producers under this order is appropriate in the interest of maintaining reasonably level milk production for this market throughout the year.

The issue in this proceeding primarily concerns producers in that it deals with how the pool funds are to be divided among the producers supplying the market. In such case, the views of producers are an important consideration. The record in this proceeding clearly shows that a large portion of the producers associated with the Louisville market prefer a base-excess plan to the current Louisville plan as a means of encouraging more level milk production.

The base-excess plan adopted in this decision is very similar to that proposed by producers. Each producer would be assigned a base computed by dividing the producer's total pounds of producer milk in September through December (the base-forming period) by the number of days' production represented in such producer milk deliveries or by 100, whichever is more.

Bases would be computed, assigned, announced, and transferred on a daily basis (in terms of pounds per day). However, the milk of some dairy farmers may not be picked up each day. Hence, producers should be aware of the procedure that would be used by the market administrator to convert their every-other-day pickup to days of production. In that regard, if a producer's milk is regularly picked up every other day, a single pickup would be considered two days of production in computing such dairy farmer's base.

The market administrator would compute a new base for each producer annually. By February 1 of each year, he would notify each producer and the handler receiving the milk of the producer's base. If requested to do so by a cooperative, the market administrator would notify such cooperative of the

amount of base assigned to each producer-member in lieu of sending a notice to each individual producer-member of the cooperative. It is noted that any producer who did not receive a notice could obtain the base information by contacting the market administrator.

At the hearing, DI modified its hearing notice proposal with respect to notifying its member-producers about their established bases. Under the original proposal the market administrator would have been required to notify all producers (both cooperative members and nonmembers).

Instead of notifying each of the cooperative's member-producers, DI asked that the market administrator notify the cooperative of each member's base if requested to do so by such association. The witness for the cooperative testified that the base on which DI pays a member-producer may be different from the base established by such producer under the order. It is concluded that the cooperative's wishes in this regard should be accommodated since the cooperative has been designated by its producer-members to act as the marketing agent for their milk.

The order should provide for the computation of a separate base by the market administrator for each dairy farm operated by a producer. Although the proposed provisions included in the hearing notice did not cover this point, it is reasonable to expect that a producer who is operating two or three dairy farms may wish to sell the base that is associated with the milk production of an individual farm if he sells that farm. Establishing a separate base for each farm would accommodate this situation. In cross examination at the hearing, the witness for DI stated that the cooperative intended that a separate base be computed for each farm of a producer.

As proposed by DI, the months of September through December should be the base-forming period. It is during these months that milk production tends to reach its lowest point and the market's Class I needs are greatest. In order to establish a production level for which they will receive payment at the higher uniform price for base milk in the base-paying months, producers will tend to establish a higher level of production in the base-forming months.

Record data show that the market's Class I utilization of producer milk during 1978-82 was greatest during the months of September-November. It was noted at the hearing that the supply-sales relationship was somewhat better in January than December during the 5-year period. Although there was little difference in the relationship in the two

months as a whole, proponent indicated that the demand for milk in the first two-thirds of December is relatively higher. He also stated that in the last third of December, due to school closings and the holidays, the demand for milk falls off sharply. In view of the higher Class I use in the greater part of the month of December, it is appropriate that December be included with September, October, and November as the base-forming months.

The uniform (weighted average) price would be the minimum order price payable to producers for producer milk delivered during July through February.

The base-paying months should be March through June, as proposed by DI. These months form a period of time during the year when, in general, milk production is high and Class I utilization of milk is low. Thus, it is a period when the base plan should be discouraging excessive seasonal production. This would occur under the plan because during the base-paying months payments to producers would reflect a lower price for any excess producer milk delivered to the market. Operation of the base-excess plan should serve to maintain, or perhaps improve, the seasonal production pattern that producers desire.

Record data show that the market's producer receipts were substantially greater than Class I sales in the 5-year period of 1978-82 Recommended Decision—Louisville-Lexington-Evansville in April-June. The 5-year data also indicate that producer receipts exceeded Class I sales by a greater amount in July than in March. Nevertheless, March rather than July should be included as a base-paying month so that the base-paying months under the base plan for this order will conform with the base-paying period in the nearby Tennessee Valley market. The record also indicates that the local manufacturing plants in Kentucky, which are the normal outlets for this market's excess supplies, are utilized to dispose of the surplus milk of other markets in the Southeast where production tends to reach its seasonal peak earlier in the year. Because of this, DI has found it more difficult to secure a local outlet for surplus milk in the month of March than to do so in the month of July. In view of the foregoing, it is appropriate to include the month of March with the months of April through June in the base-paying period.

"Base milk" would be the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month. "Excess

milk" would be the producer milk of a producer in each such month that is in excess of the producer's base milk for the month. Excess milk would include all of the producer milk in March through June of a producer who has no assigned base.

In computing the uniform prices for base and excess milk, Class III producer milk would be assigned to excess milk first. If there are more pounds of Class III producer milk in the market than there are pounds of excess milk deliveries by producers, the uniform price for excess milk will be the Class III price. In such case, the additional value for the remaining Class III producer milk as well as the values for Class I and Class II producer milk will be reflected in the uniform price for base milk.

As proposed by producers, the uniform price for excess milk should not be subject to a location adjustment. Since excess milk would represent basically producer milk classified in Class III (milk for manufacturing uses) to which no location adjustment is applicable, the uniform price for excess milk should not be subject to a location adjustment. There is practically no difference in the location value of milk for Class III uses. The Class III price under the Louisville order and other orders is equal to the average price per hundredweight for the month of manufacturing grade milk f.o.b. plants in Minnesota and Wisconsin. If a location adjustment were applied to the excess price, it could result in applying an excess price to the producer milk at various plant locations that is less than the value of manufacturing grade milk delivered to those same plant locations.

A producer generally would deliver milk continuously throughout the base-forming period. However, because of various circumstances (e.g., storm damage at the farm or to roads, temporary suspension of a health permit or temporary loss of market when cut off by a buying handler), a producer may be off the market for a limited number of days in the base-forming period. In recognition of this, proponent cooperative proposed that a producer who delivered at least 100 days' production during the 122 days in the base-forming period have the average daily delivery computed on the same basis as a producer who delivered continuously throughout the entire period (by dividing the total producer milk during the four-month period by the number of days' production represented in such producer's deliveries).

The requirement that a producer supply the market in the base-forming months in order to earn base provides an incentive for a producer to ship milk

to this market instead of to other markets in the months when production is lowest relative to the demand for Class I milk. A Producer who ships at least 100 days' production during the four-month base-forming period can reasonably be considered as being fully associated with the market. A producer who delivered less than 100 days' production should have a base determined by dividing such person's total production in the base-forming period by 100. Thus, a producer who may have been supplying the Class I needs of another market for a substantial part of the base-forming period would receive a base that reflects the dairy farmer's contribution as a producer toward supplying the fluid needs of the Louisville market in such period.

In its brief, NFO maintained that a base-excess plan should not be adopted because it would restrict the movement of milk onto or off of the Louisville market. The testimony presented at the hearing was essentially silent with regard to whether a base-excess plan would restrict producer entry to the market more than would a Louisville plan. However, there is an indication that producers who shift from the Tennessee Valley or Nashville markets to the Louisville market (or vice-versa) would find a base-excess plan more compatible than the current Louisville plan.

The application of the base-excess plan adopted herein to new producers is essentially that proposed by DI. There are several types of new producers whose first association with this market could take place during the base-paying period. Two examples would be dairy farmers who had supplied the fluid milk needs of another order market or who had supplied an unregulated market in the preceding base-forming period. Milk produced on their farms in the base-paying months that becomes associated with this order would represent production that is surplus to the Class I needs of the market with which they had been previously associated. It is appropriate, therefore, that for their deliveries of such milk under the Louisville order in the base-paying months, such producers should receive only the excess milk price.

In other instances, persons who have not previously supplied a fluid milk market may become new producers for the Louisville market. Included in this category would be dairy farmers who had previously been shipping manufacturing grade milk and persons starting new dairy farm operations. Before coming onto the market as new producers, such persons would be

expected to have planned their entry into the market in advance. If such dairy farmers choose to begin delivering as new producers in one of the four base-paying months, presumably that decision would be made in recognition of the fact that the excess price would be received for milk delivered to the market in such months by producers without bases.

As proposed, if a dairy farmer's milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period, a base should be assigned in the same manner as if the dairy farmer had been a producer during the entire base-forming period. Such base would be calculated from all of the dairy farmer's deliveries that would have qualified as producer milk (including diversions) if the nonpool plant had been a pool plant for the entire September through December base-forming period. The same procedure would apply to a producer-handler operation that qualified as a pool plant.

To acquire pool status under the order a plant must dispose of a certain percentage of its receipts on routes in the marketing area or to other pool plants. Hence, when a nonpool plant becomes a pool plant it will most likely add Class I sales to the pool relative to such sales in prior periods when it was a nonpool plant. It is appropriate, therefore, that those dairy farmers who had been supplying the plant have bases computed for them on the basis of their deliveries in the base-forming period.

Bases so assigned to such producers should not be transferable. Such producers would be receiving bases without having incurred any of the economic costs that the market's regular producers incurred in adjusting their operations to achieve more level production. Thus, any income received from the transfer of such bases in essence would be windfall gains, which should not be permitted.

The base earned by any producer who supplied the market during the preceding base-forming period should be transferable. This procedure will facilitate the transfer of property when a baseholder dies or when the dairy farmer decides to go out of business. It will also permit dairy farmers to expand or contract their operations. However, proper safeguards would be provided so that the transfer provisions may not be exploited at the expense of producers regularly supplying the market.

The amount of base transferred could be in its entirety or in amounts of not less than 300 pounds. These limits, which were proposed at the hearing, are

administratively practicable and should be adequate under current marketing conditions.

At the hearing, the witness for the proponent cooperative clarified its intent with respect to transfers of base. In the cooperative's view, a producer should be permitted to transfer any remaining amount of base after transferring at least 300 pounds of base to another dairy farmer, even though such remainder might be less than 300 pounds. Such an interpretation would allow a dairy farmer to transfer all of the base earned by such person.

The order should specifically provide that base may only be transferred to a person who is or will be a producer by the end of the month that the base transfer is to become effective. Although the hearing notice proposal was not specific on this point, proponent's witness indicated that a base would only have value to a dairy farmer who delivers producer milk under the order, and expressed no opposition to having this limitation placed on transfers of base. Accordingly, the base rules specifically incorporate the necessary words to accomplish this.

Base transfers would be effective on the first day of the month following the date on which an application for transfer is received by the market administrator. Such application would be required to be on a form approved by the market administrator and signed by a baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, it would be required that the application be signed by all joint holders or their heirs. These provisions would insure that there will be no misunderstanding between the parties involved concerning transfers.

A producer who transferred base on or after February 1 would not be permitted to receive other base by transfer that would be applicable within the March-June period of the same year. Also, a producer who received base by transfer on or after February 1 would not be permitted to transfer a portion of the base assigned to such producer to be applicable within the March-June period of the same year, but would be permitted to transfer the entire base. Adoption of these provisions will tend to insure that the exchanges of base between producers are bona fide transfers. Absent such provisions, the transferring of base back and forth by two or more producers throughout the base-paying period could result in unwarrantedly increasing their share of the total payment under the order for producer milk at the expense of all of the other producers.

The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division, signed by each partner, is received by the market administrator or prior to the first day of the month in which the division is to be effective. This will facilitate the division of the assets of a partnership that is dissolved during the base-paying period. On the other hand, it will in no way affect the total quantity of base milk in the pool, irrespective of the manner in which the division of the base is made between the partners.

Likewise, the order should provide that two or more producers who decide to form a partnership may combine their separately established bases. As with the division of base in a partnership, it should be noted that the combination of individual bases by producers forming a partnership would not affect the total quantity of base milk in the pool the partners would be required to notify the market administrator prior to the first day of the month in which such combination of bases is to be effective.

In some instances, a "natural disaster" may cause a producer to suffer a significantly reduced rate of production or force such person to discontinue temporarily the production of milk. Unless provision is made in the order to give consideration to such occurrences in computing a producer's base, the producer would suffer an undue hardship. Thus, the order should specify certain conditions under which relief may be granted to a producer whose production was adversely affected in the base-forming period as the result of an occurrence beyond the control of such producer.

This can be achieved by providing that the base assigned to a person who was a producer in the preceding base-forming period may be increased by any amount up to 90 percent of the producer's average daily producer milk deliveries in the month immediately preceding the month during which such person's production was adversely affected by an allowable "hardship" condition. Such relief would be granted only after the producer submitted to the market administrator by March 1 a written statement that established to the satisfaction of the market administrator that the amount of milk produced on such dairy farmer's farm in the immediately preceding base-forming period was substantially reduced because of a condition beyond the producer's control, which resulted from:

(1) Loss by fire or windstorm of a farm building used in the production of milk on the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd, as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the dairy farmer from supplying milk from the farm of such producer to a plant.

The conditions under which hardship relief (in the form of an increased base) may be granted a producer encompass most natural disasters that could result in reduced production or in the temporary discontinuance of production on a dairy farm. Such a standard will provide the market administrator the guidance necessary for applying the provision in an objective manner.

Allowing hardship relief by assigning a producer a base equal to any amount up to 90 percent of such dairy farmer's average daily producer milk deliveries in the month immediately preceding the month during which the hardship occurred provides an equitable standard for this purpose. The order should indicate specifically that the market administrator could adjust a producer's base by any amount up to 90 percent of the dairy farmer's average daily producer milk deliveries. This would provide the market administrator with the flexibility necessary to administer the hardship provisions on the basis of each individual situation. Setting this forth in the order and the decision will let producers know how the provisions will be applied should such a situation occur.

In connection with replacing the order's "Louisville" plan with a seasonal base-excess plan, certain conforming changes in other sections of the order need to be made.

Under present order provisions, each handler is required to report on or before the 8th day of each month the total pounds of milk received from producers during the month. Since producers would be paid for base and excess milk deliveries only during the months of March-June, handlers should be required to report by the same date the total amount of base milk received from all producers during these months. Later, by the 20th day of each such month, handlers would be required to report the total amount of base milk received from each producer.

The entire section dealing with the computation of the uniform price is revised to provide that the market administrator compute a weighted average price each month. During the months of July through February the weighted average price also would be the uniform price and would be the minimum price to pay producers for all

of their milk deliveries. In the other months (March-June) the market administrator would compute uniform prices for base milk and excess milk, which would be the minimum prices to pay producers for their milk deliveries.

Following the computation of the uniform price or prices, the market administrator would be required to announce such uniform price or prices. Accordingly, the section dealing with such announcements is appropriately modified to reflect this change. In addition, certain other payment sections of the order are revised essentially for the purpose of referring to base and excess milk deliveries by producers and uniform prices for base and excess milk.

At the conclusion of the hearing, DI asked that a base-excess plan be incorporated in the order by September 1, 1983. Under the current provisions of the Louisville plan, money is withheld in paying producers for milk pooled during April through July and is distributed to producers through the "blend" prices for milk pooled in the following months of September through December. In view of this, the proponent cooperative requested that the current take-out provisions of the order be suspended before any money is deducted from producers during the 1983 take-out months. This is because the order provisions for distributing the withheld amounts plus interest would no longer exist if the base-excess plan adopted herein becomes effective by September 1983. For this reason, the take-out provisions of the Louisville plan are being suspended concurrently with the issuance of this recommended decision.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed,

except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

List of Subjects in 7 CFR Part 1046

Milk marketing orders, Milk, Dairy products.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. A new paragraph (d) is added to § 1046.32 to read as follows:

§ 1046.32 Other reports.

(d) Each handler described in § 1046.9 (a), (b) and (c) shall report to the market administrator on or before the 8th day after the end of each month of March through June the aggregate quantity of the base milk received from producers during the month, and on or before the 20th day after the end of each month of March through June the pounds of base

milk received from each producer during the month.

2. Section 1046.61 is revised to read as follows:

§ 1046.61 Computation of uniform price (including weighted average price and uniform prices for base and excess milk).

(a) The market administrator shall compute the weighted average price for each month and the uniform price for each month of July through February per hundredweight for milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1046.60 for all handlers who filed the reports prescribed in § 1046.30 for the month and who made the payments pursuant to § 1046.71 for the preceding month;

(2) Add one-half the unobligated balance in the producer-settlement fund;

(3) Add an amount equal to the total value of the minus location adjustments and subtract an amount equal to the total value of the plus location adjustments computed pursuant to § 1046.75;

(4) Divide the resulting amount by the sum of the following for all handlers included in these computations;

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1046.60(f); and

(5) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The resulting figure, rounded to the nearest cent, shall be the weighted average price for each month and the uniform price for the months of July through February.

(b) For each month of March through June, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, as follows:

(1) Compute the total value of excess milk for all handlers included in the computations pursuant to paragraph (a)(1) of this section as follows:

(i) Multiply the hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class III milk by the Class III price;

(ii) Multiply the remaining hundredweight quantity of excess milk that does not exceed the total quantity of such handlers' producer milk assigned to Class II milk by the Class II price;

(iii) Multiply the remaining hundredweight quantity of excess milk by the Class I price; and

(iv) Add together the resulting amounts;

(2) Divide the total value of excess milk obtained in paragraph (b)(1) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk;

(3) From the amount resulting from the computations pursuant to paragraph (a)(1) through (3) of this section, subtract an amount computed by multiplying the hundredweight of milk specified in paragraph (a)(4)(ii) of this section by the weighted average price;

(4) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b)(2) of this section times the hundredweight of excess milk from the amount computed pursuant to paragraph (b)(3) of this section;

(5) Divide the amount calculated pursuant to paragraph (b)(4) of this section by the total hundredweight of base milk included in these computations; and

(6) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (b)(5) of this section. The resulting figure, rounded to the nearest cent, shall be the uniform price for base milk.

§ 1046.62 [Amended]

3. In paragraph (b) § 1046.62, the words "uniform price" are changed to "applicable uniform price(s) pursuant to § 1046.61".

§ 1046.71 [Amended]

4. In paragraph (a)(2)(i) of § 1046.71, the words "uniform price" are changed to "applicable uniform price(s)".

5. In § 1046.73, paragraphs (a), (b), (d) and (e) are revised to read as follows:

§ 1046.73 Payments to producers and to cooperative associations.

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher. If the producer had no established base upon which to receive payments during the base-paying months of March through June, the applicable rate for making payments to such producer pursuant to this paragraph shall be the Class III price for the preceding month.

(b) On or before the 17th day of the following month, an amount equal to not less than the uniform price(s), as adjusted pursuant to §§ 1046.74 and 1046.75, multiplied by the hundredweight

of milk or base milk and excess milk received from such producer during the month subject to the following adjustments:

(1) Plus or minus adjustments for errors made in previous payments to such producer;

(2) Minus payments made to such producer pursuant to paragraph (a) of this section;

(3) Minus deductions for marketing services made pursuant to § 1046.86; and

(4) Minus proper deductions authorized by such producer which, in the case of a deduction for hauling, shall be in writing and signed by such producer or, in the case of members of a cooperative association which is marketing the producer's milk, by such association.

* * * * *

(d) In making the payments to producers pursuant to paragraph (b) of this section, each handler shall furnish each producer a supporting statement which shall show the following:

(1) The month and identity of the producer;

(2) The total pounds and the average butterfat content of milk received from such producer;

(3) For the months of March through June the total pounds of base milk received from the producer;

(4) The minimum rate(s) at which payment to the producer is required under the order;

(5) The rate(s) used in making the payment if such rate(s) is other than the applicable minimum rate(s);

(6) The amount or rate per hundredweight and nature of each deduction claimed by the handler; and

(7) The net amount of payment to such producer.

(e) In making payments to a cooperative association pursuant to paragraph (c) of this section, each handler shall report to such cooperative association for each such producer on forms approved by the market administrator as follows:

(1) On or before the 20th day of the month, the total pounds of milk received during the first 15 days of such month;

(2) On or before the 7th day of the following month, the total pounds of milk received each month, together with the butterfat content of such milk and the amount of deductions claimed by such handler; and

(3) On or before the 7th day after the end of each month of March through June, the total pounds of base milk received.

* * * * *

§ 1046.74 [Amended]

6. In § 1046.74, the words "uniform price" are changed to "uniform price(s)".

§ 1046.75 [Amended]

7. In paragraph (a) § 1046.75, the words "uniform price for producer milk" are changed to "uniform price and the uniform price for base milk".

8. A new centerheading and five new sections (§§ 1046.90, 1046.91, 1046.92, 1046.93 and 1046.94) are added after § 1046.86 to read as follows:

Base-Excess Plan

§ 1046.90 Base milk.

"Base milk" means the producer milk of a producer in each month of March through June that is not in excess of the producer's base multiplied by the number of days in the month.

§ 1046.91 Excess milk.

"Excess milk" means the producer milk of a producer in each month of March through June in excess of the producer's base milk for the month, and shall include all the producer milk in such months of a producer who has no base.

§ 1046.92 Computation of base for each producer.

(a) Subject to § 1046.93, the base for each producer shall be an amount obtained by dividing the total pounds of producer milk delivered by such producer during the immediately preceding months of September through December by the number of days' production represented by such producer milk or by 100, whichever is more. If a producer operated more than one farm at the same time, a separate computation of base shall be made for each such farm.

(b) The base for a producer whose milk was delivered to a nonpool plant that became a pool plant after the beginning of the base-forming period (September-December) shall be calculated as if the plant were a pool plant for the entire base-forming period. A base thus assigned shall not be transferable.

§ 1046.93 Base rules.

(a) Except as provided in § 1046.92(b) and in paragraph (b) of this section, a base may be transferred in its entirety or in amounts of not less than 300 pounds effective on the first day of the month following the date on which an application for such transfer is received by the market administrator. Base may be transferred only to a person who is or will be a producer by the end of the month that the transfer is to be effective.

An application for a base transfer shall be on a form approved by the market administrator and signed by the baseholder or the baseholder's heirs and the person or persons to whom the base is to be transferred. If a base is held jointly, the application must be signed by all joint holders or their heirs.

(b) A producer who transferred base on or after February 1 may not receive by transfer additional base that would be applicable during March through June of the same year. A producer who received base by transfer on or after February 1 may not transfer a portion of the base to be applicable during March through June of the same year, but may transfer the entire base.

(c) The base established by a partnership may be divided between the partners on any basis agreed to in writing by them if written notification of the agreed-upon division of base signed by each partner is received by the market administrator prior to the first day of the month in which such division is to be effective.

(d) Two or more producers in a partnership may combine their separately established bases by giving notice to the market administrator prior to the first day of the month in which such combination of bases is to be effective.

(e) The base assigned a person who was a producer during any of the immediately preceding months of September through December may be increased up to 90 percent of such producer's average daily producer milk deliveries in the month immediately preceding the month during which a condition described in paragraph (e)(1), (2), or (3) of this section occurred, providing such producer submitted to the market administrator in writing on or before March 1 a statement that established to the satisfaction of the market administrator that in the immediately preceding September through December base-forming period the amount of milk produced on such producer's farm was substantially reduced because of conditions beyond the producer's control, which resulted from:

(1) The loss by fire or windstorm of a farm building used in the production of milk of the producer's farm;

(2) Brucellosis, bovine tuberculosis or other infectious diseases in the producer's milking herd as certified by a licensed veterinarian; or

(3) A quarantine by a Federal or State authority that prevents the producer from supplying milk from the farm to a plant.

§ 1046.94 Announcement of established bases.

On or before February 1 of each year, the market administrator shall calculate a base for each person who was a producer during any of the immediately preceding months of September through December and shall notify each producer and the handler receiving milk from such producer of the base established by the producer. In lieu of notifying each individual producer-member of a cooperative association, the market administrator shall notify the cooperative association of each member's base if requested to do so by the cooperative association.

Signed at Washington, D.C., on April 22, 1983.

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

[FR Doc. 83-11156 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Controlled Substances; Buprenorphine

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Notice of hearing on proposed rulemaking.

SUMMARY: This is notice of a hearing with respect to a proposed rulemaking which would remove the substance buprenorphine from Schedule II and place it in Schedule V of the schedules established by the Controlled Substances Act (21 U.S.C. 801 *et seq.*). Notice of the proposed rulemaking was published in the *Federal Register* on September 20, 1982 at 47 FR 41401.

DATES: Interested persons desiring to participate in the hearing must give written notice of such desire as set out below on or before May 31, 1983. The hearing will commence on Tuesday, June 14, 1983 at 10:00 a.m. e.d.t. at the place specified below.

ADDRESS: Notices of desire to participate in the hearing are to be sent to: Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, 1405 I Street, N.W., Room 1100, Washington, D.C. 20537.

FOR FURTHER INFORMATION CONTACT: Ms. Melanie Baltz, Hearing Clerk, Drug Enforcement Administration, Washington, D.C. 20537. Telephone (202) 633-1350.

SUPPLEMENTARY INFORMATION: On September 20, 1982 a Notice of Proposed Rulemaking was published in the *Federal Register* (47 FR 41401) giving notice that the Acting Administrator of the Drug Enforcement Administration (DEA) proposed to reschedule the narcotic drug buprenorphine from Schedule II to Schedule V of the Controlled Substances Act (21 U.S.C. 801 *et seq.*) as the result of the receipt of a letter from the Department of Health and Human Services (DHHS) recommending such action. It was pointed out that, if this rescheduling were effected by rule, buprenorphine would be subject to the controls for schedule V substances on its manufacture, distribution, dispensing, security, registration, recordkeeping, inventory, exportation and importation.

Interested persons were invited to submit comments or objections and requests for a hearing if a hearing was considered to be warranted, on or before November 19, 1982.

Comments were received from the Committee on Problems of Drug Dependence and from the American Society of Hospital Pharmacists. The Committee expressed the view that, for scheduling purposes, it would be most equitable to treat buprenorphine identically to nalbuphine and butorphanol. The Society expressed the view that placement of buprenorphine in Schedule V is clearly proper.

Reckitt and Colman, Ltd. responded through counsel, advising that they hold the United States and foreign patents for buprenorphine. They asserted that buprenorphine is not properly subject to any regulatory control under the Controlled Substances Act (the Act) because the substance does not possess sufficient potential for abuse to justify control. They also asserted that buprenorphine is not a "narcotic drug" as defined in the Act. They requested a hearing on the issues:

1. Can or should buprenorphine be subject to regulatory controls under Schedule V of the Act?

2. If subjected to control under the Act, can or should buprenorphine be controlled as a "narcotic drug"?

Reckitt and Colman, Ltd. further advised that they would present factual evidence and expert testimony on those issues at the hearing.

On March 28, 1983, the Acting Deputy Administrator of DEA referred the matter to the agency's Administrative Law Judge, Francis L. Young, to conduct a hearing on the issues raised by Reckitt and Colman and such others as might be raised. The judge was directed to report his findings, conclusions and other

recommendations directly to the Acting Administrator upon conclusion of the proceedings. In addition, the judge was advised that the Food and Drug Administration of DHHS has referred the matter of the scheduling of buprenorphine back to its Drug Abuse Advisory Committee for further consideration.

Accordingly, notice is hereby given that the hearing in connection with this proposed rescheduling will commence on Tuesday, June 14, 1983 at 10:00 a.m. EDT in Courtroom 3-B, Room 309, United States Claims Court, 717 Madison Place, NW., Washington, D.C. and will continue until all interested persons desiring to participate, who have given notice of such desire as prescribed below, have been heard. The hearing will be conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and 21 CFR 1308.41.

Every interested person desiring to participate in the hearing, including DEA agency counsel, on behalf of the agency staff, shall file a written notice of intention to participate, in duplicate, with the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration 1405 I Street, NW., Washington, D.C. 20537, within thirty days after the date of publication of this notice of hearing in the *Federal Register*. Each notice of intention to participate must be in the form prescribed in 21 CFR 1316.48. Reckitt and Colman, Ltd., having filed a request for hearing, need not file a notice of intention to participate.

The proceedings at the first hearing session, on June 14, 1983, will be limited to a preliminary discussion to identify parties and issues and positions, and to determine procedures and set dates and locations for further proceedings.

Dated: April 20, 1983.

Francis M. Mullen, Jr.,
Acting Administrator.

[FR Doc. 83-11181 Filed 4-20-83; 8:45 am]

BILLING CODE 4410-09-M

POSTAL SERVICE

39 CFR Part 265

Freedom of Information Act; Disclosure of Street Addresses of Post Office Boxholders

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service wishes to clarify the circumstances under which the street address of a post office boxholder will be furnished when needed to effect service of legal process.

It has been the intent of the Postal Service to release such information to persons empowered by law to serve legal process, but only when a legal action has, in fact, been commenced, often by an appropriate filing with the clerk of court. Our underlying purpose has been to protect the privacy of Postal Service customers who elect to use post office boxes, while not permitting such use to become a means of avoiding or evading the obligation to respond to legal process.

As presently written, however, the pertinent Postal Service regulation does not literally state that disclosure of a street address will be made only after an action has been commenced, and may conceivably be interpreted to mean that disclosure will be made in order to commence an action. The proposed amendment is designed to remedy this situation, and also provides that street address information may be disclosed, when the prerequisite conditions are met, to attorneys (whether or not authorized to serve process) who represent the parties on whose behalf service is to take place, as well as to persons who are actually authorized to serve process.

DATE: Comments must be received on or before May 27, 1983.

ADDRESS: Written comments should be addressed to Jerry Belenker, Law Department, United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, DC 20260-1113. Copies of all written comments received will be available for public inspection and photocopying in Room 1P-602 at the above address between 9:30 a.m. and 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jerry Belenker, (202) 245-4616.

SUPPLEMENTARY INFORMATION: On February 19, 1975, the Postal Service published its existing regulation on the disclosure of boxholder information to persons empowered to serve legal process. 40 FR 7331. The regulation, at 39 CFR 265.6(d)(5)(ii), was one of several provisions designed to balance the privacy rights of Postal Service customers, under the Privacy Act and related provisions of the Postal Reorganization Act, with the legitimate interests of persons seeking information under the Freedom of Information Act. Since publication of the regulation, some concern has been expressed that disclosure of a boxholder's street address, in the absence of documentation that the information is needed in connection with litigation which has actually been commenced, could result in harassment, unwanted commercial solicitation, or other abuses.

Although it is recognized that the commencement of litigation could, in some instances, be frustrated by the absence of a street address, it is considered unlikely that there would be numerous instances of this problem. Moreover, a significant proportion of such cases would, presumably, involve prospective litigation with persons who utilize post office boxes for the purpose of doing or soliciting business with the public. The recorded names and addresses of such persons are presently disclosable, as set out in 39 CFR 265.6(d)(4), and it is not proposed to change the latter regulation.

In view of the considerations discussed above, the Postal Service proposes to amend 39 CFR as follows:

List of Subjects in 39 CFR Part 265

Freedom of information, Postal Service.

(39 U.S.C. 401; 5 U.S.C. 552)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

PART 265—RELEASE OF INFORMATION

In § 265.6, revise paragraph (d)(5)(ii) to read as follows:

§ 265.6 Availability of records.

* * * * *

(d) * * *

(5) Except as provided in paragraph (d)(4) of this section above, the name or address of the boxholder or other recorded information about the boxholder will be furnished only to:

* * * * *

(ii) A person empowered by law to serve legal process, or the attorney for the party in whose behalf service will be made, upon receipt of written information that specifically includes: the statute or regulation under which service of legal process is authorized; the name of the case for which the boxholder information is requested, and the court in which it has been commenced; the docket or other identifying number issued by the court; the capacity in which the boxholder is to be served, e.g., defendant or witness; and the specific process to be served, e.g., summons and complaint, subpoena, or other process. By submitting such information, the requester certifies that it is true.

[FR Doc. 83-11197 Filed 4-26-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2731/P294; PH-FRL 2352-8]

Diflubenzuron; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the insecticide diflubenzuron in or on the raw agricultural commodity mushrooms. The proposed regulation to establish a maximum permissible level for residues of the insecticide 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 May 27, 1983.

ADDRESS: Written comments to: Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, 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) at the above address.

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 2E2731 to EPA on behalf of the IR-4 Technical Committee and the United States Department of Agriculture.

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 insecticide diflubenzuron (*N*-[[[4-chlorophenyl]amino] carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodity mushrooms at 0.05 part per million. The petition was later amended to propose a tolerance of 0.2 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 included a 13-week dog feeding study with a systemic no-observed-effect level (NOEL) of 160 ppm at the highest dose tested (HDT); a 13-week mouse feeding study with a NOEL

of 1.1 mg/kg for sulfhemoglobin and 0.4 mg/kg for methemoglobin; a 3-generation rat reproduction study with a NOEL of 160 ppm (HDT); a mouse reproduction study with a NOEL greater than 50 ppm (HDT); mutagenicity test (Ames) with TA-98, TA-100, and TA-1537 strains of *Salmonella* (up to 1,000 micrograms did not result in mutagenic effects); cytogenic-mouse study with no evidence of mutagenic effect up to 1,500 mg/kg (HDT); *in vitro* mouse-lymphoma cell studies (negative); and rat and rabbit teratology studies with NOEL's greater than 4,000 mg/kg (HDT) for maternal toxicity, fetal toxicity and teratogenic effects. The NOEL for plasma testosterone levels in male rats in a 14-day study was 15 mg/kg/day. Higher doses produced transient decreases in plasma testosterone.

Oncogenicity studies in two species are currently lacking but considered desirable. The data gaps are presently being filled by industry.

The NOEL of 1.1 mg/kg/day was based on the methemoglobinemia and sulfhemoglobinemia studies. A safety factor of 100 was applied to the NOEL resulting in an acceptable daily intake (ADI) of 0.011 mg/kg of body weight (bw)/day. The maximum permissible intake (MPI) for a 60-kg human is calculated to be 0.66 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.035 mg/day; the current action will increase the TMRC by 0.00009 mg/day (0.26 percent). Published tolerances utilize 5.31 percent of the ADI; the current action will utilize an additional 0.014 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography with electron capture detector, is available for enforcement purposes. Since mushrooms are not normally considered as an animal feed, 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 180.377 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 within 30 days after publication of this notice in the Federal

Register 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 2E2731/P294). 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 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

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

Dated: April 18, 1983.

Douglas D. Campit,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.377 be amended by adding and alphabetically inserting the raw agricultural commodity mushrooms to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

	Commodities	Parts per million
Mushrooms	0.2 ppm	

40 CFR Part 180

[PP 4E1474/P293; PH-FRL 2353-1]

Dodine; Proposed Tolerance**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: This document proposes that a tolerance be established for residues of the fungicide dodine in or on the raw agricultural commodity spinach. The proposed regulation to establish a maximum permissible level for residues of the fungicide 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 May 27, 1983.

ADDRESS: Written comments to: Emergency Response and Minor Use Section, Registration Support and Emergency Response Branch, 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) at the above address.

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 4E1474 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Tennessee, and Texas.

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 fungicide dodine (*n*-dodecylguanidine acetate) in or on the raw agricultural commodity spinach at 2 parts per million (ppm). The petition was later amended to propose a tolerance of 12 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 included a 2-year chronic rat feeding study with a NOEL 200 ppm (10 mg/kg; a 1-year dog feeding study with a NOEL of 50 ppm (1.25 mg/kg); and a mouse multi-generation reproduction study with a NOEL of 400 ppm (60 mg/kg). Studies considered desirable but lacking include a mouse oncogenicity study, teratology studies

using two species, mutagenicity studies, and a rat metabolism study.

The acceptable daily intake (ADI), based on a NOEL of 1.25 mg/kg/day (1-year dog feeding study) and using a 100-fold safety factor, is calculated to be 0.0125 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.75 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 0.2981 mg/day; the current action will increase the TMRC by 0.0092 mg/day (0.31 percent). Published tolerances utilize 39.75 percent of the ADI; the current action will utilize an additional 1.2 percent.

The nature of the residues is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purposes. Since this commodity is not normally considered as an animal feed, 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 180.172 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 within 30 days after publication of this notice in the Federal Register 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 4E1474/P293]. 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 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 34a(e)))

List of Subjects in 40 CFR Part 180

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

Dated: April 18, 1983.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

PART 180--[AMENDED]

Therefore, it is proposed that 40 CFR 180.172 be revised to read as follows:

§ 180.172 Dodine; tolerances for residues.

Tolerances are established for residues of the fungicide dodine (*n*-dodecylguanidine acetate) in or on the following raw agricultural commodities.

Commodities	Parts per million
Apples.....	5.0
Cherries, sour.....	5.0
Cherries, sweet.....	5.0
Meat.....	0
Milk.....	0
Peaches.....	5.0
Pears.....	5.0
Pecans.....	0.3
Spinach.....	12.0
Strawberries.....	5.0
Walnuts, black.....	0.3

[FR Doc. 83-10884 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Parts 3000 and 3100****Proposed Oil and Gas Lease Form Revision**

AGENCY: Bureau of Land Management, Interior.

ACTION: Publication of Proposed Oil and Gas Lease Form.

SUMMARY: On July 23, 1982, the Bureau of Land Management proposed and published in the Federal Register (47 FR 32048) a multipurpose oil and gas lease form that would have replaced a number of existing forms. Also proposed was a set of standard stipulations which would have applied to all new oil and gas leases. As a result of comments received and further consideration by the Bureau, the multipurpose oil and gas lease form

has been revised and is herein repropoed. Also, a decision has been made that the proposed set of standard stipulations will not be adopted. The Bureau will instead propose a rulemaking at a later date which will define its use of lease stipulations.

DATE: Comments on the revised multipurpose oil and gas lease form should be submitted by May 27, 1983. Comments received or postmarked after the above date may not be considered in the final decisionmaking process.

ADDRESS: Comments should be submitted to: Director (530), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Karl F. Duscher or Jeffrey F. Zabler, (202) 343-7753 or (202) 343-7722.

SUPPLEMENTARY INFORMATION: This notice requests comments on a proposed new oil and gas lease form. The proposed lease form differs substantially from that proposed on July 23, 1982. The changes made were

prompted by both the few public comments received and the Bureau's own internal review. The new lease form is significantly shorter and simplified while, at the same time, expanded in scope to include oil and gas leasing in the National Petroleum Reserve—Alaska.

The form, as written, can be printed on letter-size paper, a new requirement of the Judicial Conference of the United States for records to be filed with Federal courts. However, a three inch tearoff will appear at the bottom of the form and contain the instructions for completion of the form.

Comments are invited on all aspects of the new lease form. However, attention is directed to section 6 which the Bureau believes clarifies to all parties the government's role with respect to post-lease operations. This section also will eliminate the need for the Bureau to attach certain stipulations to leases. This is done by incorporating the requirements of these stipulations, including the standard cultural resource

stipulations and those contained on Form 3109-5. Section 6 specifically requires that lessees contact the responsible government office prior to disturbing the surface of leased lands. At that time, the lessee will be provided a copy of the formal operating orders under which all operations must be conducted. The lessee will also be informed of any lease-specific environmental concerns that need to be considered. Section 6 also specifies that the lessee may be required to complete certain inventories or special studies, prior to conducting operations, under guidelines provided by the government. An example of such guidelines are those presently given in some States to lessees who contract archaeologists to inventory cultural resources prior to operations.

The proposed form and instructions for completion follow:

BILLING CODE 4310-84-M

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial No.

OFFER TO LEASE AND LEASE FOR OIL AND GAS

The undersigned (see reverse) offers to lease all or any of the lands in item 2 that are available for lease, pursuant to, as appropriate, the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351-359), or the Interior Appropriations Act, F.Y. 1981 (42 U.S.C. 6508).

Read Instructions Before Completing

1. Name

Street

City, State, Zip

This offer/lease is for: (Check Only One) PUBLIC DOMAIN LANDS OR ACQUIRED LANDS

2. Give legal description of land requested:

T. R. Meridian State County

U.S. interest if less than 100 percent

Amount remitted: Filing fee \$ _____ Rental \$ _____ Total acres applied for _____
Total \$ _____
Surface managing agency if other than BLM: _____ Unit/Project _____

3. Land included in lease:

DO NOT WRITE BELOW THIS LINE

T. R. Meridian State County

U.S. interest if less than 100 percent

Total acres in lease _____
Rental retained \$ _____

In accordance with the above offer, or the previously submitted simultaneous oil and gas entry form or competitive bid if appropriate, this lease is issued granting the exclusive right to drill for, mine, extract, remove and dispose of all the oil and gas (except helium in the contiguous 48 states) in the lands described in item 3 together with the right to build and maintain necessary improvements thereupon for the period indicated below, subject to renewal or extension in accordance with the authorizing Acts. Rights granted are subject to applicable laws, the terms, conditions and attached stipulations of this lease, regulations and formal orders in effect as of lease issuance and, when not inconsistent with the terms and conditions of this lease, regulations and formal orders hereafter promulgated.

Type and primary term of lease:

THE UNITED STATES OF AMERICA

Simultaneous noncompetitive lease (ten years)

by _____ (Signing Officer)

Regular noncompetitive lease (ten years)

Competitive lease (five years)

(Title) (Date)

Other _____

EFFECTIVE DATE OF LEASE _____

4. (a) Undersigned certifies as follows:
- (1) Offeror is a citizen of the United States; an association of such citizens; a municipality; a corporation organized under the laws of the United States or of any State or Territory thereof.
 - (2) All parties holding an interest in the offer are in compliance with 43 CFR 3100 and the authorizing Acts.
 - (3) Offeror's chargeable interests, direct and indirect, do not exceed 200,000 acres in oil and gas options or 246,080 acres in options and leases in the same State, or 300,000 acres in leases and 200,000 acres in options in each leasing District in Alaska.
 - (4) Offeror is not considered a minor under the laws of the State in which the lands covered by this offer are located.
- (b) Undersigned agrees that offeror's signature to this offer constitutes acceptance of this lease, including all terms, conditions and stipulations pertaining thereto, and any amendment or separate lease that may cover any land described in this offer open to lease application at the time this offer was filed but omitted for any reason from this lease. The offeror further agrees that this offer cannot be withdrawn, either in whole or part, unless the withdrawal is received by the BLM State Office before this lease, an amendment to this lease, or a separate lease, whichever covers the land described in the withdrawal, has been signed on behalf of the United States.

This offer will be rejected and will afford the offeror no priority if it is not properly completed and executed or if it is not accompanied by the required payments. 18 U.S.C. Sec. 1001 makes it a crime for any person knowingly and willfully to make to any Department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

Duly executed this _____ day of _____ 19 _____.

(Signature of Lessee or Attorney-in-fact)

LEASE TERMS

Sec. 1. Rentals—Rentals shall be paid to the proper office of the lessor in advance of each lease year until there is production from the leased lands. Rental rates per acre or fraction thereof are:

- (a) Simultaneous noncompetitive lease, \$1.00 for the first 5 years, thereafter, \$3.00;
- (b) Regular noncompetitive lease, \$1.00;
- (c) Competitive lease, \$2.00; or if the lands are within the National Petroleum Reserve in Alaska, \$3.00;

(d) If all or part of the land in a noncompetitive lease is later determined to be within a known geological structure or a favorable petroleum geological province, the annual rental shall become \$2.00, beginning with the lease year following notice of such determination. However, a lease that would otherwise be subject to rental of more than \$2.00 shall continue to be subject to that rental;

(e) If this lease or a portion thereof is committed to an approved cooperative or unit plan which includes a well(s) capable of producing leased resources, and the plan contains a provision for allocation of production, royalties shall be paid on the production allocated to this lease. However, annual rentals shall continue to be due at the rate specified in (a), (b), or (c) for those lands not allocated production.

Failure to pay annual rental on or before the anniversary date of this lease (or next official working day if office is closed) shall automatically terminate this lease by operation of law. Rentals may be suspended by the Secretary upon a sufficient showing by lessee.

Sec. 2. Royalties—Royalties shall be paid to the proper office of the lessor. Royalty rates are:

- (a) Noncompetitive lease, 12 1/2 percent; or
- (b) Competitive, renewal, or future interest lease, see attachment.

Royalties for undivided fractional interest leases shall be paid in the same proportion as the leased fractional interest is to the full interest in the resource.

Lessor reserves the right to specify whether royalty is to be paid in value or in kind, and the right to establish minimum values on production after giving lessee notice and an opportunity to be heard. When paid in value, royalties shall be due and payable on the last day of the month following the month in which production occurred. When paid in kind, production shall be delivered, unless otherwise agreed to by lessor, in merchantable condition on the premises where produced without cost to lessor. Lessee shall not be required to hold such production in storage beyond the last day of the month following the month in which production occurred, nor shall lessee be held liable for loss or destruction of royalty oil or other products in storage from causes beyond the reasonable control of lessee.

A minimum royalty shall be due for any lease year following discovery in which royalty payments aggregate less than the annual rental that would otherwise have been due. In such cases, lessee shall pay the difference at the end of the lease year. This minimum royalty may be waived, suspended, or reduced, and the above royalty rates may be reduced, for all or portions of this lease if the Secretary determines that such action is necessary to encourage the greatest ultimate recovery of the leased resources, or is otherwise justified.

Sec. 3. Bonds—Lessee shall file and maintain any bond required under regulations.

Sec. 4. Diligence, rate of development, unitization, and drainage—Lessee shall exercise reasonable diligence in developing and producing, and shall prevent unnecessary damage to, loss of, or waste of leased resources. Lessor reserves the right to specify rates of development and production in the public interest and to require lessee to subscribe to such cooperative or unit plan, within thirty days of notice, as is determined necessary for the proper development and operation of the area, field, or pool embracing these leased lands. In all cases, lessee shall either drill and produce wells necessary to protect the leased lands from drainage or pay compensatory royalty for such drainage in the amount determined by lessor.

Sec. 5. Documents, evidence, and inspection—Lessee shall file with the proper office of lessor, not later than thirty (30) days after the effective date thereof, any contract or evidence of other arrangement for the sale or disposal of production. At such times and in such form as lessor may prescribe, lessee shall furnish detailed statements showing amounts and quality of all products removed and sold from the lease, proceeds therefrom, and amount used for production purposes or unavoidably lost. Lessee also may be required to provide plats and schematic diagrams showing development work and improvements on the leased lands, and reports with respect to stockholders, investments, depreciation costs, and Federal lease interests.

Lessee shall keep a daily drilling record, a log, and complete information on all well surveys and tests in the form prescribed by lessor for all wells drilled on the leased lands. Lessee also shall keep a record of all subsurface investigations of said lands and furnish copies to lessor when required.

Lessee shall keep open at all reasonable times for the inspection of any duly authorized officer of lessor, the leased premises and all wells, improvements, machinery, and fixtures thereon, and all books, accounts, maps, and records relative to operations, surveys, or investigations on or under the leased lands.

Information obtained under this term shall be open to inspection by the public only in accordance with the Freedom of Information Act (5 U.S.C. 552).

Sec. 6. Conduct operations—Lessee shall conduct operations in a manner that prevents unnecessary impacts and minimizes other impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users. Lessee shall take measures deemed necessary by lessor to accomplish the intent of this lease term. Such measures may include, but are not limited to, modification to siting or design of facilities, timing of operations, and specification of interim and final reclamation measures. Lessor reserves the right to continue existing uses and to authorize future uses upon or in the leased lands, including the approval of easements or rights of ways. Such uses shall be conditioned so as to prevent unnecessary or unreasonable interference with rights of lessee.

Prior to disturbing the surface of the leased lands, lessee shall contact lessor to be apprised of procedures to be followed and modifications or reclamation measures that may be necessary. Areas to be disturbed may require inventories or special studies to determine the extent of impacts to other resources. Lessee may be required to complete such under guidelines provided by lessor. If, in the conduct of operations, threatened or endangered species, or cultural resources, or other specific resources that are statutorily protected, or substantially different or unanticipated environmental affects are observed, lessee shall immediately cease impacting operations and contact lessor.

Sec. 7. Use of mining techniques—To the extent that impacts from mining techniques would be substantially different or greater than those associated with normal drilling techniques, lessor reserves the right to further stipulate this lease at the time operations are proposed.

Sec. 8. Damages to property—Lessee shall pay lessor for damage to lessor's property improvements, and shall save and hold lessor harmless from all claims for damage or harm to persons or property as a result of lease operations.

Sec. 9. Protection of diverse interests, and equal opportunity—Lessee shall: pay when due all taxes legally assessed and levied under laws of the State or the United States; accord all employees complete freedom of purchase; pay all wages at least twice each month in lawful money of the United States; maintain a safe working environment in accordance with standard industry practices; and take measures necessary to protect the health and safety of the public. Lessor reserves the right to ensure that production is sold at reasonable prices and to prevent monopoly.

Lessee shall comply with the provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant thereto. Neither lessee nor lessee's subcontractors shall maintain segregated facilities.

Sec. 10. Transfer of lease interests, and relinquishment of lease—Lessee shall file for approval or recording in the proper office of lessor any instrument transferring a record title, or working or royalty interest in this lease, and shall not create overriding royalties in excess of that allowed by regulations.

The lessee may relinquish this lease or any legal subdivision by filing in the proper BLM office a written relinquishment, which shall be effective as of the date of filing, subject to the continued obligation of the lessee and surety to pay all accrued rentals and royalties.

Sec. 11. Delivery of premises—At such time as all or portions of this lease are returned to lessor, lessee shall place all wells in condition for suspension or abandonment and, within a reasonable period of time, remove equipment and improvements not deemed necessary by lessor for preservation of producible wells or continued protection of the environment.

Sec. 12. Proceedings in case of default—If lessee fails to comply with applicable laws, existing orders or regulations, or the terms, conditions or stipulations of this lease, and the noncompliance continues for 30 days after written notice thereof, this lease shall be subject to cancellation. However, if this lease includes land known to contain valuable deposits of leased resources, it may be cancelled only by judicial proceedings. This provision shall not be construed to prevent the exercise by lessor of any other legal and equitable remedy, including waiver of the default. Any such remedy or waiver shall not prevent later cancellation for the same default occurring at any other time.

Sec. 13. Heirs and successors-in-interest—Each obligation of this lease shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

Instructions**A. General:**

1. This offer must be typed or printed plainly in ink, signed in ink, and dated.
2. An original and four copies of this offer must be prepared and filed in the proper BLM State office. See regulations at 43 CFR 8121.2-1 for office locations.
3. If more space is needed, additional sheets must be initiated and attached to each copy of the form submitted.

B. Special (numbers correspond to offer form):

Item 1—Enter offeror's name and address. Proper BLM State office must be notified, in writing, of change of address. Identify the mineral status. (Public Domain or Acquired). Only one may be checked. The same application may not include both Public Domain and Acquired lands.

Item 2—Description: The description of land must conform to the provisions of 43 CFR 3111. Show total area of land requested in acres in space provided at bottom of Item 2. Area must not exceed 10,240 acres. If the United States does not own a 100 percent interest in the deposits in any particular tract, indicate the percentage of Federal ownership.

Payments: The amount remitted shall include the filing fee and the first year's rental at the rate of \$1 per acre or fraction thereof. The full rental based on the total acreage applied for shall accompany an offer even if the mineral interest of the United States is less than 100 percent. The filing fee is retained as a service charge even if the offer is completely rejected or withdrawn. In order to protect the offeror's priority it is important that the rental submitted with the offer be sufficient to cover all the land requested. If the land requested includes lots or irregular quarter-quarter sections the exact area of which is not known to the offeror, rental should be submitted on the basis of each such lot or quarter-quarter section containing 40 acres, or on the computed acreage included with a metes and bounds description. If the offer is withdrawn in whole or in part before a lease issues, or if the offer is rejected in whole or in part, the rental remitted for the parts withdrawn or rejected will be returned.

Surface Management Agency: Indicate the agency controlling the surface use of the land and the unit or project of which the land is a part. Offeror may also, if practicable, provide other information that will assist in establishing title for acquired minerals.

Item 3—This space will be completed by the United States. When the lease is issued, this space will contain the identification of the leased area, total acres, United States interest if less than 100 percent, and effective date of lease.

Item 4(b)(1)—The stipulations referred to are those contained in the simultaneous noncompetitive or competitive lease announcement. Any additional stipulations for those type leases and stipulations for regular noncompetitive leases will be

forwarded to offeror for signature prior to lease issuance.

Robert F. Burford,
Director.

April 22, 1983.

[FR Doc. 83-11261 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION
47 CFR Part 25

[CC Docket No. 83-370; RM-39731; FCC 83-137]

Amendment of the Commission's Rules With Respect to the Procurement of Apparatus, Equipment, and Services Required for the Establishment and Operation of the Communications Satellite System and Satellite Terminal Stations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Notice of Proposed Rulemaking that proposed to amend §§ 25.151(a) and 25.176(c) of the Commission's Rules. This action is taken to raise the minimum dollar level of procurements subject to the communications satellite procurement regulations from \$25,000 to \$100,000.

DATES: Comments are due by May 25, 1983 and replies by June 9, 1983.

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

FOR FURTHER INFORMATION CONTACT: Lon Levin, Common Carrier Bureau, (202) 632-6363.

List of Subjects in 47 CFR Part 25

Comsat, Procurement, Satellite system.

Notice of Proposed Rulemaking

In the matter of amendment of part 25 of Commission's Rules and Regulations with respect to the procurement of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; (CC Docket No. 83-370, RM 39731).

Adopted: April 7, 1983.

Released: April 18, 1983.

By the Commission: Commissioner Fogarty absent.

1. On August 21, 1981, the Communications Satellite Corporation (Comsat) filed a Petition for Rulemaking requesting the Commission to amend Part 25 of its Rules and Regulations to raise the minimum dollar level of procurements subject to the

communications satellite procurement regulations from \$25,000 to \$100,000. This petition was placed on public notice on September 21, 1981. No opposition or comments to the petition were filed. Comsat filed supplemental information on March 8, 1982 and January 28, 1983.

2. Part 25 of the Commission's Rules in part establishes uniform policies and procedures applicable to procurements of \$25,000 or more by Comsat for apparatus, equipment, and services required for establishment and operation of the communications satellite system and satellite terminal stations. We propose in this Notice of Proposed Rulemaking (NPRM) to amend §§ 25.151(a) and 25.176(c), 47 CFR §§ 25.151(a), 25.176(c), of the Commission's Rules to increase from \$25,000 to \$100,000 the present dollar value of contracts subject to the procurement regulations of Part 25.

Background

3. Sections 25.151(a) and 25.176(c) of the Commission's Rules were adopted on January 8, 1964 in Docket No. 15123, *Amendment of Part 25 of the Commission's Rules and Regulations (Communications Satellite Procurement)*, 1 RR 2d 1611 (1964). In this rulemaking proceeding, the Commission established the rules pertaining to Comsat's procurement practices. The rulemaking was done in accordance with Section 102(c) of the Communications Satellite Act of 1962, which states that "maximum competition be maintained in the provision of equipment and services utilized by the system." 47 U.S.C. 701(c). To this end, section 201(c)(1) requires the Commission "to insure effective competition" in Comsat's procuring of equipment, apparatus, and services. 47 U.S.C. 721(c)(1). As noted in the 1964 *Communications Satellite Procurement* order the Commission's regulatory objective was not to "participate in the selection of contractors" but rather "to establish a framework of procurement procedures which will afford all concerns, including small businesses, an equitable opportunity to share in the procurement requirements of the communications satellite system and satellite terminal stations, and to prevent an unfair competitive advantage accruing to any manufacturing interest who may participate in the ownership of the Corporation." 1 RR 2d at 1612-13.

4. To achieve these goals, the Commission established a procurement notification procedure in Part 25, under which Comsat must notify the Commission upon selecting a prime

contractor.¹ 47 CFR 25.162. Comsat may award the proposed contract at any time subsequent to 10 days after the date of filing notification unless within such period either; (a) Comsat voluntarily extends the period; (b) the Commission notifies Comsat that the notice is defective or the Commission finds that it cannot, without further investigation, determine whether its procurement rules have been complied with. In the latter case, the Commission may issue a public notice inviting comments on the proposed award. 47 CFR 25.166. The contract may be awarded unless within thirty days after issuance of the public notice the Commission finds that the procurement rules have not been complied with and so notifies Comsat. 47 CFR 25.166(b).

5. The Commission, however, was concerned that the procurement regulations would cause potential suppliers, especially small businesses, to find that conducting business with Comsat was unattractive. Therefore, a \$25,000 cut-off amount, under which the procurement regulations do not apply, was included in the rules to relieve smaller transactions from the paperwork and procedures of Part 25. 47 CFR 25.151(a). As the Commission stated in 1964, the choice of \$25,000 was a "matter of judgment."² The amount has remained the same for eighteen years.

Petition and Proposal

6. In its Petition for Rulemaking, Comsat states that the present dollar amount of \$25,000 for contracts subject to the Commission's Rules is too low and requests and the amount be raised to \$100,000. Comsat asserts that inflation and the development of the satellite system have made the \$25,000 cut-off amount obsolete. It avers that the present figure makes far too many transactions subject to an undue burden of paperwork and procedures which are not commensurate with the value of the procurements. Comsat states that the new amount would reduce the cost to the ratepayers of procurement of both radio equipment and services. According to Comsat, the in-house costs associated with the preparation and issuing of the Requests for Proposals (RFP), Requests for Quotes (RFQ), or Invitations for Bid (IFB), as well as the costs incurred in review of the proposals and in negotiations of contracts, could

be substantially reduced if the cut-off figure under the procurement regulations was increased to \$100,000. Comsat asserts that raising the procurement cut-off figure will facilitate achieving equipment uniformity. Comsat indicates that improved uniformity will lead to significant advantages, including reducing spare inventories, easing the operation, maintenance, and training of personnel, and standardizing the documentation for all earth station equipment. These factors would, in addition to reducing the personpower necessary for routine procurement, result in greater cost benefits to the corporation and to ratepayers.

7. Comsat also requests that the dollar limit established for contracts subject to the Commission's rules be tied to the Producer Price Index for Machinery and Equipment. Comsat suggests that the cut-off figure be adjusted annually based on the changes in this index. Comsat avers that this would allow the benefits derived from the original adjustment to be maintained in the face of continuing inflation without the need to have a new rulemaking to raise the procurement level every year. Comsat believes that the Producer Price Index for Machinery and Equipment is an appropriate index in view of the many different types of equipment and services purchased by Comsat for the space segment and earth stations. Additionally, Comsat states that for the purposes of administering the automatic escalation factor, Comsat could file with the Commission on an annual basis a statement as to what the revised cut-off figure would be for the future year on the basis of changes in the Producer Price Index for Machinery and Equipment. This annual report would facilitate the administration and implementation of the automatically adjusted monetary limit for small procurement.

Discussion

8. Our intention in creating Part 25 of the Commission's Rules was to assure that all concerns, including small businesses, would have an opportunity to participate in the satellite telecommunications field. To that end, we decided that the \$25,000 level enabled us to monitor effectively Comsat's procurement practices without hindering small business participation in the communications satellite field. Upon review, we tentatively conclude that raising the dollar level to at least reflect inflation over the past eighteen years is consistent with our original goal and is in the public interest.

9. Comsat requests that the cut-off figure be raised to \$100,000. This amount more than adequately reflects the rise of inflation over the 1964-1982 period. According to three different indices, the \$100,000 figure is above the amount that would reflect the equivalent buying power today of \$25,000 in 1964 dollars. Twenty five thousand dollars in 1964 dollars today is equivalent to \$71,193 based upon the GNP Price Deflator, \$75,085 based upon the Producer Price Index for Machinery and Equipment, and \$77,799 based upon the Consumer Price Index.

10. We tentatively conclude, however, that the public interest would be served by establishing a cut-off amount of \$100,000. The Commission's choice of the \$25,000 cut-off figure was a "matter of judgment" because in 1964 it lacked experience in regulating the new area of satellite telecommunications. Since 1964, the international telecommunications satellite system has grown in size and complexity and many countries have created domestic and regional systems. The development of these systems has resulted in a significant demand for equipment, much of which is available "off-the-shelf." This demand has created a ready market for earth station equipment in which many buyers and sellers exist. As a result, we believe that the Commission's mandate "to insure effective competition" can be accomplished through increased reliance on marketplace forces.

11. A cut-off amount of \$100,000 appears to be reasonable under these circumstances. It would reduce the Commission's administrative burden in reviewing Comsat procurement by one-half while still assuring Commission review of Comsat procurements representing over 90% of its total annual contract dollars.³ In addition, it would permit Comsat to procure equipment from firms that may not otherwise have the resources to engage in the paperwork and procedures that are involved in competitive procurement.

12. We question whether we should incorporate into the rule a price index that would adjust the dollar level annually. We believe that a rule that sets dollar limits to determine the applicability of a Commission regulatory program should be under Commission control and not subject to some external factor over which the Commission has

¹ Contractor selection is done by either formal advertising, two-step procurement, or negotiation. The process employed depends on the nature of the apparatus, equipment or service to be procured. See 47 CFR 25.171-74.

² For guidance, the FCC analyzed the procurement transactions involved in AT&T's Telestar project. 1 RR 2d at 1616-17.

³ In 1980, the contracts over \$100,000 represented 97 percent of the total dollar amount of contracts. In 1982, it was 96.9 percent.

Letter from William K. Coulter to William J. Tricarico (January 28, 1983) in reference to RM 3173- Amendment of Part 25 of the Commission's Rules and Regulations.

no control. A fixed figure can always be revised if necessary through rulemaking procedures. However, we will not reject Comsat's indexing proposal at this time, but will consider further comments before making a final determination.

13. Accordingly, consistent with our objective to periodically review and update our regulations, we propose to amend §§ 25.151(a) and 25.176(c) of the Commission's Rules, as follows:

Section 25.151. Scope, Purpose and Application of this subpart.

The provisions of this subpart govern the administration of Section 201(c)(1) of the Communications Satellite Act of 1962 * * *. This subpart establishes uniform policies and procedures applicable to all procurements except where:

(a) The value of the procurement is less than \$100,000, except as provide in § 25.176 (c).

Additionally the language of § 25.176(c) should be amended to read:

(c) In addition to complying with the requirements applicable to procurements of \$100,000, or more, all parties making procurements shall cooperate with the Small Business Administration to the extent feasible even if the value of the procurement is less than \$100,000, for the purpose of insuring that small business has an equitable opportunity to participate in all procurements.

Procedure Schedule

14. For purposes of this non-restricted informal rulemaking proceeding, members of the public are advised that *ex parte* contracts are permitted from the time of issuance of a notice of proposed rulemaking until the time a draft order proposing a substantive disposition of such proceeding is placed on the Commission's Sunshine Agenda. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments or pleadings and oral arguments) between a person outside the Commission, and a Commissioner or a member of the Commission's staff that addresses the merits of the proceedings. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any written comments previously filed in the proceeding must prepare a written summary of that presentation. On the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation discussed above must state on its face that the Secretary has been served, and must also state by

docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231.

15. Accordingly, it is ordered, that, pursuant to Sections 4(i), 4(j), 201-205, 214, 215, 218, 220, 303, 309, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 201-205, 214, 218, 220, 303, 309, 403 (1976), Sections 102(c), 201(c), and 401 of the Communications Satellite Act of 1962, as amended, 47 U.S.C. 701(c), 721(c), 741 (1976), and Section 553(b) of the Administrative Procedure Act, 5 U.S.C. 553(b) (1970), a Notice of Proposed Rulemaking on the captioned matter is instituted.

16. It is further ordered, THAT, interested parties may file comments on matters raised herein on or before May 25, 1983 and reply comments on or before June 9, 1983.

17. It is further ordered, THAT, is accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, all participants in the proceeding ordered herein shall file with the Commission an original and five (5) copies of all comments and reply comments. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order. Copies of comments and reply comments filed in this proceeding shall be available for public inspection during regular business hours in the Commission's reference room at its headquarters at 1919 M Street NW., Washington, D.C.

18. Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354) it is certified, that Sections 603 and 604 of the Act do not apply because this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. See 5 U.S.C. 603, 604, 605(b). As stated above, the rule change is in large part an adjustment for inflation and does not alter the intent of the original rule.

19. It is further ordered, that the Secretary shall cause a copy of this NPRM to be published in the **Federal Register** and shall mail a copy of the NPRM to the Chief for Advocacy of the Small Business Administration.

(Secs. 1, 2, 4, 201-205, 208, 215, 21*, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,
Secretary.

PART 25—[AMENDED]

Accordingly, 47 CFR Part 25 would be amended to read as set forth below.

Section 25.151 is amended by revising paragraph (a) and (c) to read as follows:

§ 25.151 Scope, purpose and application of this subpart.

(a) The value of the procurement is less than \$100,000, except as provided in §25.176(c).

* * * * *

§ 25.176 Small business.

* * * * *

(c) In addition to complying with the requirements applicable to procurements of \$100,000, or more, all parties making procurements shall cooperate with the Small Business Administration to the extent feasible even if the value of the procurement is less than \$100,000, for the purpose of insuring that small business has an equitable opportunity to participate in all procurements.

* * * * *

[FR Doc. 83-10900 Filed 4-26-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

Atlantic Sea Scallop Fishery; Public Hearing

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

ACTION: Notice of public hearing on inseason meat-count change.

SUMMARY: NOAA issues this notice that the Regional Director of the Northeast Region of the National Marine Fisheries Service will hold a public hearing together with the New England Fishery Management Council (Council), concurrent with the Council's May meeting. The hearing will be held to consider the Director's recommendation that the sea scallop meat count and shell height standards be adjusted from a 30 meat count per pound (3½ inch shell height) to a 35 meat count per pound (3¾ inch shell height), effective as soon as possible after May 15, 1983, through December 31, 1983. Adjustment of the standard would eliminate potential inconsistencies in management

measures imposed on Canadian and U.S. sea scallop fishermen that would adversely affect the U.S. domestic fishery. Notice of this hearing is required under the Magnuson Fishery Conservation and Management Act.

DATE: The public hearing will be held on May 12, 1983, beginning at 9:30 a.m. Written comments will be accepted through May 12, 1983, at the address given below.

ADDRESS: The hearing will be held at the Skipper Motor Inn in Fairhaven, Massachusetts. Written comments may be submitted to the Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Mark the envelope "Scallop Management Comments."

FOR FURTHER INFORMATION CONTACT: Bruce Nicholls (Scallop Management Coordinator), National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617-281-3800.

SUPPLEMENTARY INFORMATION: Public hearings by fishery management councils to allow all interested persons an opportunity to be heard in the development of, and amendments to, fishery management plans are mandated under Section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) The regulations (50 CFR 650.22) implementing the Fishery Management Plan for Atlantic Sea Scallops (FMP) (47 FR 35990, August 18, 1982) also require the Regional Director to review the status of the Atlantic sea scallop resource on a continuing basis.

In addition, the Director must prepare a report annually concerning the status of the fishery and possible changes in the resource, fishery, or industry which might require adjustment of the

management program. Such a report was prepared and reviewed at a public hearing held in conjunction with the Council's February 1983, meeting. That report recommended that no changes be made in the meat count and shell height standards which are established by the FMP and implementing regulations. The report recognized, however, that when the management standards automatically change from the present 40 meat count per pound (3¼ inch shell height) to a 30 meat count per pound (3½ inch shell height) on May 15, 1983, inconsistencies may develop between the meat count and shell height measures imposed on Canadian and U.S. fishermen.

Following presentation of the report, Canadian fisheries officials advised the Regional Director that social and economic considerations will make it impossible for the Canadian Department of Fisheries and Oceans to modify its management program to assure that management measures imposed on the Canadian sea scallop fishermen would be consistent with the 30 meat count standard applying to U.S. sea scallop fishermen. The Canadian officials suggested instead that they would be able to alter their present standard of a 40 meat count per pound to a 35 meat count per pound standard.

The FMP regulations at 50 CFR 650.22 (c)(4) include a provision for adjustment of U.S. management standards if inconsistencies exist in the management measures applied to sea scallop stocks in areas harvested by both domestic and foreign fishermen, and those inconsistencies provide foreign fishermen with an advantage over domestic fishermen which can be demonstrated to affect the domestic fishery adversely. The Regional Director believes that in the absence of an adjustment of the U.S. management

standard from a 30 to a 35 meat count, the domestic fishery would be adversely affected because of the harvest by non-U.S. fishermen of sublegal scallops. The share of the resource harvestable by domestic fishermen would thus be subject to decline, creating a distinct economic advantage for foreign fishermen.

The Regional Director recommends that the management standard be adjusted to permit the harvest of sea scallops at a 35 meat count per pound (3¾ inch shell height) standard as soon as possible after May 15, 1983 through December 31, 1983. Thereafter, the standard will revert to the 30 meat count (3½ inch shell height) level which would otherwise apply. The Regional Director will continue his efforts to ensure that consistent measures are equally imposed on U.S. sea scallop landings and Canadian sea scallop imports thereafter.

The Regional Director will present his recommendation with supporting analysis at the public hearing. He will solicit and consider any recommendation of the Council concerning his recommendation. The public hearing will also provide an opportunity for all interested persons to comment on the recommendation. Following the hearing, a final determination will be made, and an implementing rule will, if required, be published in the **Federal Register**.

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

Dated: April 22, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-11279 Filed 4-26-83; 8:45 am]

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Notices

Federal Register

Vol. 48, No. 82

Wednesday, April 27, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Forms Under Review by Office of Management and Budget

April 22, 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.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzer, Acting Department Clearance Officer, (202) 447-6201.

Revised

- Statistical Reporting Service Farm Production Expenditure Survey Annually
Farms: 40,400 responses; 13,928 hours;

- not applicable under 3504(h)
Lee Sandberg (202) 447-6820
- Statistical Reporting Service Commercial Fertilizer Consumption Report Annually
Businesses: 1,141 responses; 1,455 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820

Extension

- Animal and Plant Health Inspection service
9 CFR 73 Scabies in Cattle—Recordkeeping
On occasion
Businesses: 800 responses; 64 hours; not applicable under 3504(6)
Glen O. Schubert (301) 436-8438

Reinstatement

- Farmers Home Administration Form FmHA 1942-31, Association Water or Sewer Grant Agreement FmHA 1942-31
On occasion
State or local government and businesses: 600 responses; 1,200 hours; not applicable under 3504(6)
Wallis McArthur (202) 382-9634

Marshall L. Dantzer,
Acting Department Clearance Officer.

[FR Doc. 83-11186 Filed 4-26-83; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determinations on Stainless Steel Sheet, Strip, and Plate From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Final affirmative countervailing duty determinations.

SUMMARY: We have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate as described in the "Scope of Investigations" section of this notice. We have found that one company received *de minimis* benefits, and have, therefore, excluded it from these determinations. The estimated net

subsidy for each firm is indicated in the "Suspension of Liquidation" section of this notice. The U.S. International Trade Commission (ITC) will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 377-5414.

SUPPLEMENTARY INFORMATION:

Final Determinations

Based upon our investigations, we have determined that certain benefits that constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate as described in the "Scope of Investigations" section of this notice. For purposes of these investigations, the following programs are found to confer subsidies:

- Public dividend capital and new capital.
- National Loans Fund loans and loan conversions.
- Regional development grants.
- Iron and Steel Industry Training Board grants.

The net subsidy is indicated for each firm in the "Suspension of Liquidation" section of this notice.

Case History

On October 7, 1982, we received a petition from Allegheny Ludlum Steel Corporation; Armco, Inc.; Carpenter Technology Corporation; Colt Industries, Inc., of the Crucible Materials Group; Eastern Stainless Steel Company; Electralloy Corporation; Guterl Special Steel Corporation; Jessop Steel Company; Jones and Laughlin Steel Incorporated; Republic Steel Corporation; Universal Cyclops Specialty Steel Division of the Cyclops Corporation; Washington Steel Corporation; and the United Steelworkers of America, filed on behalf of the U.S. industry of manufacturers of

stainless steel sheet, strip, and plate. The petition alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in the United Kingdom of the stainless steel products listed above.

We found the petition to contain sufficient grounds upon which to initiate countervailing duty investigations, and on November 2, 1982, we initiated such investigations (47 FR 49692).

Since the United Kingdom is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations were required for these investigations. Therefore, we notified the ITC of our initiations. On November 22, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring, or threatening to materially injure, a U.S. industry.

We presented questionnaires concerning the allegations to the Delegation of the Commission of the European Communities and the government of the United Kingdom on November 9, 1982. Questionnaires were also presented to British Steel Corporation and Arthur Lee and Sons, Ltd. On December 30, 1982, we received the responses to the questionnaires. Supplemental responses were received on January 10, 1983. On February 10, 1983, we issued our preliminary determinations in these investigations (48 FR 6146). These stated that the government of the United Kingdom was providing British manufacturers, producers, or exporters of stainless steel sheet, strip, and plate with benefits that constitute subsidies. The programs preliminarily found to confer subsidies were:

- Public dividend capital and new capital.
- National Loans Fund loans and loan conversions.
- Regional development grants.
- Iron and Steel Industry Training Board grants.

Scope of Investigations

The products covered by these investigations are:

- Stainless steel sheet and stainless steel strip.
- Stainless steel plate.

The products are fully described in the appendix to this Federal Register notice.

British Steel Corporation (BSC or the Corporation) is the only known producer and/or exporter in the United Kingdom of stainless steel sheet and plate exported to the United States. Arthur Lee and Sons, Ltd., is the only known

producer and/or exporter in the United Kingdom of stainless steel strip exported to the United States. The period for which we are measuring subsidization is the most recent fiscal year for which information is available.

Analysis of Programs

In their responses, the government of the United Kingdom and the Delegation of the Commission of the European Communities provided data for the applicable periods. Additionally, we received information from BSC and Arthur Lee and Sons, Ltd.

Unless otherwise noted, we allocated each company's countervailable benefits as follows:

- Where untied benefits were provided to a company, they were allocated over the revenue of that company; and
- Where benefits were provided directly to a specific corporate division producing products under investigation, they were allocated over the revenue of that division.

Based upon our analysis of the petitions, responses to our questionnaires, our verification, and comments from interested parties, we determine the following:

I. Programs Determined To Confer Subsidies

We have determined that subsidies are being provided to manufacturers, producers or exporters in the United Kingdom of stainless steel sheet, strip, and plate under the programs listed below.

A Equity Investment in BSC

BSC was established by an Act of Parliament on March 22, 1967, under the provisions of the Iron and Steel Act of 1967. The 1967 Act combined 14 steel companies, creating the nationalized British Steel Corporation. The British government reimbursed stockholders of record at the time the companies were merged and absorbed the substantial debts of the individual companies. The bulk of the debt was converted to government equity under the provisions of the Iron and Steel Act of 1969, which also authorized government payments to BSC.

Authority for the government to make payments to BSC was renewed in the Iron and Steel Act of 1975. Section 18(l) of this Act provided that "the Secretary of State may, with the approval of the Treasury, pay to the British Steel Corporation such sums as he thinks fit." In nine of the fifteen years of its existence, the Corporation has received such payments, known as public dividend capital (PDC) or new capital

(NC), from the government. In 1972 and 1981, parliament directed that portions of its capital investment be credited to accumulated revenue deficit. Neither of these transactions altered the potentially countervailable benefit of the original public dividend capital or new capital infusions.

Two additional equity investments were made in 1972 and in 1981, when certain government loans were converted into equity. These investments are considered in the following section titled "National Loans Fund".

Our treatment of government equity investment in a company hinges essentially on the soundness of the investment. If the government investment was reasonably sound at the time it was made, we do not consider it a subsidy. If, on the contrary, the investment appears to have been unsound, a subsidy may exist. Government investment confers a subsidy only when it is on terms inconsistent with commercial considerations.

An equity subsidy potentially arises when the government makes equity infusions into a company which is sustaining deep or significant continuing losses and for which there does not appear to be any reasonable indication of a rapid recovery.

For the purpose of determining whether BSC represented a sound investment at the time each equity investment was made by the U.K. government, we primarily considered BSC's cash flow from operations, including interest, but excluding government grants. Our analysis also included BSC's operating results and computations of BSC's current ratio (current assets divided by current liabilities). On the basis of these tests, we considered investment in BSC to be inconsistent with commercial considerations from fiscal year 1977/78 through 1981/82.

Since we have determined that BSC was not a sound investment from April 1977 through March 1982, we examined the government's equity infusions during this period to determine whether they bestowed a subsidy. To the extent in any year that the government realized a rate of return on its equity investment in BSC which was less than the average rate of return on equity investment for the country as a whole (thus including returns on both successful and unsuccessful investments), its equity infusion is considered to confer a subsidy. We multiplied the "rate of return shortfall" (the difference between the company's rate of return on equity

and the national average rate of return on equity) by the original equity infusion (less any loss coverage to which the equity funds were applied) to yield the annual subsidy amount. Under no circumstances did we countervail in any year an amount greater than what we would have countervailed had we treated the government's equity infusion as an outright grant.

The average rate of return on equity investment in the United Kingdom was estimated by the average earnings yield on U.K. industrial shares. BSC's return was measured by its net earnings (or losses) divided by owner's equity. During this period, BSC's losses were large, resulting in substantial negative returns on owner's equity.

Comparing the average return with BSC's large negative return yielded an amount exceeding the amount we would have calculated had we treated the public dividend capital or new capital payments as outright grants rather than as equity. Consequently, we have limited the subsidy to the 1981/82 amount that would result if the equity investments were treated as grants.

We allocated that part of the equity infusion used for loss coverage in a given year exclusively to that year rather than over a longer period of time. The remainder of the subsidy was allocated using the grant methodology. As explained below under the section on "Regional Development Grants", the grant methodology consisted of allocating the present value of grants over a period of years. We have allocated equity infusions used for loss coverage to the year of receipt rather than over time in order to reflect the nature of the liabilities giving rise to the loss. These liabilities are generally the basic costs of operations (e.g., wages, materials, certain overhead expenses)—items generally expensed in the year incurred.

After calculating the magnitude of BSC's losses, we allocated to loss coverage only those equity infusions which were truly cash inflows into the company and were actually available to cover losses.

For 1981/82, we calculated a subsidy of 6.13 percent *ad valorem* for PDC and NC payments for loss coverage in that year. For PDC and NC payments in excess of loss coverage in each of the fiscal years 1977/78 through 1981/82, we found, using the equity methodology, a subsidy of 9.75 percent *ad valorem* for fiscal year 1981/82. Thus, the total subsidy received by BSC in fiscal year 1981/82 resulting from PDC and NC payments was 15.88 percent *ad valorem*.

B National Loans Fund

The National Loans Fund (NLF) is a depository of money raised through government borrowings. Lending from the NLF is not generally available, but is limited to nationalized British companies. Therefore, British Independent Steel Producer Association members (BISPA producers), including Arthur Lee and Sons, Ltd., do not qualify for NLF loans. BSC was expressly authorized to borrow from the NLF's predecessor fund (the Consolidated Fund) by the Iron and Steel Act of 1967, and from the NLF by the Iron and Steel Act of 1975.

BSC received substantial loans from the NLF. If these loans had remained outstanding in fiscal year 1981/82, then we would have applied the methodology for loans to companies considered creditworthy for loans received prior to fiscal 1977/78 and the methodology for loans to companies considered uncreditworthy for loans received in fiscal 1977/78. BSC received no NLF loans after fiscal 1977/78. Prior to 1977/78 the subsidy would have been computed by comparing what BSC would pay a normal commercial lender in principal and interest in a given year with what the corporation actually paid on the preferential NLF loan in that year. In 1977/78 the subsidy would have been computed by treating the loan as an equity infusion by the government and by applying the equity methodology described above. However, all outstanding loans from the NLF were forgiven: L 150 million in 1971/72, and L 509 million in 1981/82. We treated each forgiveness as an additional equity investment.

Since the first forgiveness occurred during the period in which we consider equity infusions to be consistent with commercial considerations, it did not confer a subsidy. The second forgiveness, however, was made during the period in which we consider equity infusions to have been inconsistent with commercial considerations, and potentially conferred a subsidy. We examined the rate of return on the second equity infusion and compared it to the national average rate of return on equity. Since the UK government realized a rate of return on its equity investment in BSC which was less than the average rate of return on equity investment for the country as a whole (thus including returns on both successful and unsuccessful investments), we determined that a subsidy was in fact conferred.

However, comparing the average return on equity in the United Kingdom during the period with BSC's large

negative return yielded an amount exceeding the amount we would have calculated had we treated the equity infusion as an outright grant. Consequently, we limit the subsidy calculation for the period 1981/82 to the amount that would result if the equity investment were treated as a grant. Upon this basis, we calculated a subsidy for BSC of 2.21 percent *ad valorem*.

We note that our loss coverage allocation methodology does not apply to the 1981/82 conversion since there was no infusion of cash at that time.

C. Regional Development Grants

The Industry Act of 1972 established a regional development grant (RDG) incentive program with the goal of eliminating certain social problems in specified regions of the United Kingdom. RDG's are not made generally available in the United Kingdom, but rather are available only to designated manufacturing sectors (e.g., metals manufacture) which are located in "special development" and "development" regions. Since this program is regional in nature, we find that it confers subsidies within the meaning of section 771(5) of the Act. Both BSC and Arthur Lee and Sons, Ltd., had plants located in development regions and received RDG's.

The Secretary of State for Industry, with the approval of the Treasury, is authorized to determine the activities that qualify for grants and the conditions of each grant. The grants are made toward the cost of capital expenditures on new buildings or works in development areas, the adaptation of existing buildings on qualifying premises in development areas, and new machinery and plants for use in qualifying premises in development areas. The grants pay for a fixed percentage of the cost for specific capital assets, depending on the type of region for which they are designated. The amount of a grant in a "development" area is 15 percent, and in a "special development" area 22 percent, of the capital asset cost. Grants are provided only after the asset has been purchased or the expenditure on it incurred. We find these grants to be "tied" to (*i.e.*, bestowed expressly to purchase) specific capital assets.

In each case, the individual grants were for less than \$50 million. To calculate the benefit received from the grants considered in these investigations, we allocated the present value of grants "tied" to the purchase of capital equipment over the number of years reflecting the average useful life of equipment used by the sector which

produces the products under investigation. A grant is considered tied where the intended use is known to the donor, and where such use is acknowledged prior to, or concurrently with, its bestowal. The regional development grants found in these investigations have been tied to capital investment in plant and equipment, and have been allocated over a 15-year period representing the average life of capital assets in integrated steel mills.

Under our grant methodology, we determine the present value of grants in order to calculate the current value of the benefit to the grant recipient. The calculation of the present value of funds received is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. For these determinations, we determine that the most appropriate discount rate is the "risk-free" rate as indicated by the secondary market rate for long-term government debt in the country under investigation. The foundation of a country's interest rate structure is usually its government's debt interest rate (the risk-free rate). On this basis we calculated a subsidy of 1.21 percent *ad valorem* for RDG's received by BSC and 0.16 percent *ad valorem* for RDG's received by Arthur Lee and Sons, Ltd.

We note that for our preliminary determinations, we applied the entire amount of RDG's reported in the Arthur Lee and Sons, Ltd., annual report to sales of stainless steel strip by Lee Steel Strip. During verification we found that RDG's received by Arthur Lee and Sons, Ltd., were tied to specific production facilities. We identified those grants received by Arthur Lee and Sons, Ltd., that were tied to plant and equipment used in the production of stainless steel strip. For this final determination we have included only the Arthur Lee and Sons, Ltd., RDG's tied to stainless steel strip production in our calculation of the subsidy rate.

D. The Iron and Steel Industry Training Board

There are 24 private industry training boards in the U.K. The Iron and Steel Industry Training Board (ISITB), established under the Industrial Training Act of 1964, sponsors various training programs aimed at maintaining the nation's pool of skills required by the iron and steel industry and increasing employee job versatility in the event that present employment is terminated. The Board receives annual levies of up to one percent of payroll from iron and steel producers and makes grants to those companies conducting training programs. In 1981/

82, however, approximately 80 percent of the funds received by the Board were contributed by the UK government. The amount of levy contributed by each producer is determined by the government's Manpower Service Commission. The grants normally are insufficient to cover the costs incurred by the companies providing the training. BSC received several training grants under this program.

Since training grants during 1981/82 were funded largely from government contributions rather than solely from levies contributed by producers, we find the grants to be countervailable. Because the grants were less than 1 percent of revenue and were expensed in the year of receipt, we considered only the grants received in 1981/82. Using this methodology, we calculated a subsidy of 0.01 percent *ad valorem* for BSC.

E. Investment in BSC Stainless

Petitioners alleged that BSC was receiving subsidies specifically for the production of stainless steel products. In fact, on March 28, 1974, the BSC Board, with the concurrence of the U.K. government, did approve a BSC stainless steel development strategy at a cost of about L 130 million from fiscal years 1974/1975 through 1980/1981. No formal agreement to the strategy was required from the U.K. government because none of the individual project costs exceeded L 50 million. The funds were used to expand cold-rolling finishing, stainless melting and continuous casting facilities, to improve plate finishing facilities, and to develop a new process for the manufacture of stainless strip.

Investment in BSC stainless was not a separate investment program but part of BSC's overall 10-year capital development strategy. The stainless steel development was partially financed with loans from the ECSC, regional development grants, and the balance from public dividend capital and new capital payments or National Loans Fund monies. However, investment for these projects came from the amounts received by BSC under the above-mentioned programs. Therefore, this investment in BSC stainless is already included in the subsidy calculations for the programs described elsewhere in this notice. Additionally, there is no evidence the PDC/NC and NLF loans were tied to BSC stainless production, except for a corporate strategy to emphasize increased development of stainless production. Except where it is otherwise indicated, we have allocated benefits over total

corporate revenue rather than over stainless steel revenue.

II. Programs Determined Not To Confer Subsidies

We have determined that subsidies are not being provided to manufacturers, producers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate under the following programs.

A. Industrial Investment Loans from the European Coal and Steel Community

Article 54 of the Treaty of Paris authorizes the European Coal and Steel Community (ECSC) to provide loans to steel companies in member countries for reducing production costs, increasing production, or facilitating product marketing. Loans provided under this program are funded exclusively from ECSC borrowings on world capital markets. Because of its quasi-governmental nature, the ECSC can raise funds at interest rates lower than those available on commercial terms to BSC. When the ECSC relends these borrowed funds to BSC without increasing the interest rate, any difference between the owner interest rate passed on and the rate otherwise available to BSC in the commercial financial market is a benefit to BSC. For this reason, we determine that ECSC loans raised through capital market funding are countervailable insofar as they offer interest rates which would not be available on commercial terms to BSC. Consequently, any loan to BSC involving ECSC funds borrowed on international capital markets, provided under any ECSC assistance program, confers countervailable benefits to the extent that the loan is made at a preferential interest rate.

BSC has received three ECSC industrial development loans directly related to plants at which the products under investigation were manufactured. All three ECSC loans which are tied directly to production of products under investigation were made to BSC during its creditworthy period. Each of these loans was denominated in U.S. dollars. For purposes of determining whether these ECSC loans resulted in a subsidy to BSC, we compared the interest rate on ECSC loans which ranged from 5 to 20 years to an average U.S. corporate bond rate. The bonds were chosen as being the most typical source of long-term debt for private British firms borrowing in U.S. dollars. The interest rates charged to BSC on the ECSC loans exceeded the average U.S. corporate bond rates. Therefore, we determine that these ECSC loans do not result in a subsidy.

B. Transportation Assistance

During verification we found that neither BSC nor Arthur Lee and Sons, Ltd., used British Rail, the totally government owned rail company, for shipments of finished stainless steel products. BSC did use British Rail for shipments of scrap used as input for stainless steel sheet and plate. To the best of our knowledge, no other producer shipped scrap by rail. For this reason, it was not possible to compare rail rates paid by BSC with rates paid by other companies for the shipment of scrap. We were able to ascertain, however, that BSC paid rail rates on scrap shipments that were equal to or in excess of the rates paid for road haulage of scrap. BSC has access to and used road haulage at rates below those paid on shipments by rail. Since British Steel did not appear to receive preferential rates, we determine that BSC's shipment of scrap by rail did not result in the payment or bestowal of a subsidy.

III. Program Determined Not To Be Used

Loans From the European Investment Bank

The European Investment Bank (EIB) was created by the Treaty of Rome establishing the EEC to fund projects that serve regional needs in Europe. Article 130 of the Treaty of Rome authorizes the EIB to make loans and guarantee financial projects in all sectors of the economy. These projects provide funds to further the development of low income regions. Funds are drawn from debt instruments floated on world capital markets and from investment earnings. Because EIB loans are designed to serve regional needs, we have in past investigations found them to be countervailable when the interest rate was less than the rate which would have been commercially available.

From October 1973 through December 1977, BSC received 18 EIB loans. EIB loans were tied exclusively to the production of products other than those currently under investigation. Consequently, EIB loans have not resulted in the bestowal of a subsidy on the production or exportations of BSC's stainless steel sheet, strip and plate.

Arthur Lee, and Sons, Ltd., did not receive EIB loans.

Petitioner's Comments

Comment 1

Petitioners contend that BSC was uncreditworthy in fiscal year 1971/72 and in all the years that followed. They cite the transfer of PDC and NLF funds to general reserve in 1971/72 as an

indication that BSC was uncreditworthy at that time. They feel that, in subsequent years, any profits would have been eliminated had BSC been required to make interest payments on NLF debt transferred to general reserve.

DOC Position

We disagree. As described in the "Equity Investment in BSC" section, we found BSC to be a sound investment through fiscal year 1976/77, based on BSC's operating results, cash flow from operations, and current ratio in each of the years during this period. We considered the transfer of NLF debt to reserves as not inconsistent with commercial considerations, in view of the fact that BSC's capital structure at the time of its formation was composed primarily of debt rather than equity.

Comment 2

Petitioners assert that the proper benchmark interest rate for ECSC loans received by BSC in U.S. dollars should not be the U.S. corporate bond rate but a rate which reflects both U.S. monetary conditions and the creditworthiness of the foreign borrower. Petitioners recommend that we use as a benchmark the U.S. Government bond yield plus the difference between the U.K. corporate bond yield and the U.K. government bond yield. They state that the former "can be used as a proxy for the U.S. monetary conditions component" while the latter "can be used as a proxy for the U.K. industrial creditworthiness component."

DOC Position

We disagree. The ECSC loans in question were in fact made in U.S. dollars. We believe that the U.S. corporate bond rate is a more realistic measure of the freely available interest rate on U.S. dollar financing than a rate which is constructed in the manner proposed by petitioners.

Comment 3

Petitioners claim that our preliminary determination that BSC did not receive a rail subsidy was in error, since we had earlier found a rail subsidy in the countervailing duty investigation on certain carbon steel products from the U.K.

DOC Position

We disagree. Because our final determination of a rail subsidy in our investigation of certain steel products from the U.K. was based solely on British Rail's failure to make contracts available to us, we determined preliminarily in this investigation that no rail subsidy was conferred, pending

verification of this point. During verification we were unable to compare rail rates paid by BSC to those paid by other companies, because, to the best of our knowledge, only BSC used British Rail, and BSC used it only for shipment of scrap, not for shipment of the finished product. Comparing the rail rate paid by BSC on these scrap shipments with road haulage rates for scrap we found that BSC was paying rail rates that were equal to and that exceeded the road rates. We, therefore, concluded that BSC's shipment of scrap by rail did not result in the bestowal of a subsidy.

Respondent's Comments

Comment 1

BSC contends that certain funds provided by the government which it used to close redundant production facilities or to purchase assets that are now idle because of plant closure are not countervailable because such money did not benefit the manufacture, production or export of stainless steel.

DOC Position

We disagree. We have determined that Public Dividend Capital received by BSC from 1977/78 to 1981/82 was equity capital provided to BSC's steel manufacturing divisions, and that these equity investments were made on terms inconsistent with commercial considerations because BSC was not a sound investment at that time. As a result, we have concluded that these equity infusions confer subsidies under section 771(5)(B)(i).

In reaching our conclusion regarding whether investments were made on terms inconsistent with commercial considerations, we examined objective financial characteristics of the firm's steel manufacturing divisions at the time these investments were made. The subsequent uses to which these funds were applied were not relevant. Therefore, once we had concluded that the capital investments in a steel enterprise were made on noncommercial terms, issues as to whether the expenditure of these funds was arguably not associated with the manufacture, production, or export of stainless steel but rather was made toward curtailing productive capacity, are beyond the scope of our inquiry.

Moreover, subsidies used to close redundant facilities or to purchase idled assets clearly constitute countervailable benefits under the statutory definition of "subsidy." Section 771(5)(B) of the Act defines "subsidy" to include various types of benefits "paid or bestowed directly or indirectly on the

manufacture, production, or export of any class or kind of merchandise." Clearly, redundancy funds and plant closures make the recipient more efficient and relieve it of significant financial burdens. Thus, such funds are unquestionably indirect, if not direct, benefits to BSC's manufacture, production, or export of steel and consequently are countervailable. We note, for example, that costs associated with plant closures have recently resulted in a common business expense borne by many steel companies in various countries, including the U.S. and the U.K. Therefore, these are costs associated with manufacturing and producing the products under investigation.

Comment 2

BSC contends that we should not, as a matter of policy, countervail against subsidies used to restructure the British steel industry because restructuring eliminates excess capacity, which in turn alleviates a form of trade distortion, and is therefore consistent with the goals of our countervailing duty law and the GATT Subsidies Code. To countervail against such subsidies would remove all incentive to restructure and would be contrary to the purposes of law and the Code.

DOC Position

We disagree with BSC's interpretation of the countervailing duty law and the Code. Our statutory obligations are carefully defined and mandatory in nature. Whenever it is determined that subsidized imports are injuring the domestic industry that manufactures or produces a like product, we are *required* by domestic law, and authorized by the Code, to impose appropriate countervailing duties, provided, of course, that all relevant procedural requirements are satisfied.

As discussed in the preceding comment, we have determined that certain Public Dividend Capital is an equity investment provided on terms inconsistent with commercial considerations, and is therefore countervailable, regardless of whether some of the funds received from these capital infusions were used for restructuring or to purchase assets now idle as a result of restructuring. Therefore, we must countervail against these benefits.

Although Article 11 of Part II of the Code does provide, among other things, that a signatory's right to provide domestic subsidies for purposes of restructuring are not precluded by the Code, it does not exempt such subsidies from countervailing duties. Therefore,

regardless of whether restructuring subsidies serve to alleviate other trade distortions, countervailing against such benefits is wholly consistent with the Code and our statute.

Comment 3

BSC contends that subsidies used to restructure its productive capacity are analogous to corporate restructuring under Chapter 11 of our Bankruptcy Act. As such, they are consistent with normal commercial considerations and should not be considered subsidies.

DOC Position

Chapter 11 of the Bankruptcy Act is a specific statute, with general applicability, which provides certain legal protections to financially troubled debtors and their creditors. BSC has furnished no information indicating that it is subject to any proceedings analogous to those under Chapter 11, or that its restructuring remotely resembles normal reorganization procedure in Britain. Absent such information, BSC's contentions are entirely speculative.

Comment 4

Counsel for BSC argues that we should allocate subsidies used to close plants to the year in which such costs were incurred. Respondent claims that such allocation would be in accordance with both generally accepted accounting principles and our allocation of loss coverage subsidies (where cash inflows are actually available to cover losses) to the year in which the losses were incurred.

Response

The subsidies at issue here were large amounts of money provided by the government as part of a broad plan of modernization, including closing old facilities and building new ones. Indeed, steel companies routinely close old facilities and build new ones. In such a case, we do not agree that the monies for closing facilities should be allocated exclusively to the year in which those costs were incurred rather than over time. We believe that the benefits conferred through the modernization plan, including subsidization of plant closures and building new facilities, are more likely to continue beyond that single year. A longer allocation is therefore more appropriate.

We agree that generally accepted accounting principles in many countries allow a company to expense plant closure costs in the year incurred. However, the Department is not invariably required to allocate subsidies in accordance with such principles, and

thus ignore the economic reality of the entire modernization program.

We do not agree that our allocation over more than one year of plant closure costs is necessarily inconsistent with our allocation in one year of some loss coverage subsidies. Relief from losses is less likely to benefit a company over a longer period of time. Even if it were, we believe that loss coverage subsidies, unlike plant closure costs, may be allocated to a single year without creating a serious loophole in the countervailing duty law. By contrast, where a company is closing plants but also building more modern, efficient facilities, the benefit of the modernization program clearly extends for a number of years. If we were to allocate plant closure subsidies solely to one year, a company could allocate government funds exclusively for the plant closing costs of its modernization plan, and use other available assets (e.g., cash flow) to build new facilities. If we accepted respondent's position, the subsidized company would perhaps face significant countervailing duties in one year, but possibly none in successive years when the new facilities were in operation. Such a result would fail to reflect the manner in which the subsidy benefits were realized.

Moreover, we note that insofar as costs for plant closures contributed to a company's cash-based losses, we are already generally allocating subsidies to the extent of loss coverage to the year in which losses were incurred. In these investigations, BSC subsidies to the extent of cash-based losses of L 211 million were allocated exclusively to the period for which we are measuring subsidies. In that same period, BSC expended L 156 million for closing plants. The latter expense clearly contributed to the former loss.

For these reasons the Department has allocated subsidies for plant closure—in these investigations, about L 679 million for the period 1977/78 through 1981/82—over a longer period of time (in this investigation, 15 years, the average estimated life of assets in integrated steel mills).

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determinations. During this verification, we followed normal procedures including inspection of documents and on-site inspection of manufacturers' operations and records.

Administrative Procedures

The Department has afforded interested parties an opportunity to

present oral views in accordance with its regulations (19 CFR 355.35). Interested parties, however, did not request a public hearing but did submit written views, which were considered in accordance with the Department's regulations (19 CFR 355.31(a)).

The suspension of liquidation ordered in our "Preliminary Affirmative Countervailing Duty Determinations" shall remain in effect until further notice for stainless steel sheet, strip and plate except with respect to stainless steel strip produced by Arthur Lee and Sons, Ltd., which is excluded from these determinations. The net subsidy for each firm and product is now as follows:

Manufacturer/producer/exporter	Ad valorem rate
British Steel Corporation:	
Stainless steel sheet.....	19.31
Stainless steel strip.....	19.31
Stainless steel plate.....	19.31
All other producers, manufacturers and exporters of stainless steel sheet, strip and plate.....	19.31

We are directing the United States Customs Service to require a cash deposit or bond in the amount indicated above for each entry of the subject merchandise entered on or after the date of publication of this notice in the **Federal Register**. Where the manufacturer is not the exporter, and the manufacturer is known, the rate for that manufacturer shall be used in determining the amount of cash deposit or bond. If the manufacturer is unknown, the rate for all other manufacturers/producers/exporters shall be used.

ITC Notifications

In accordance with section 705(d) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy (for Policy) to the Deputy Assistant Secretary for Import Administration. The ITC will determine within 45 days of the publication of this notice whether these imports are materially injuring, or threatening to materially injure, a U.S. industry. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all securities posted as a result of the

suspension of liquidation will be refunded or cancelled. If, however, the ITC determines that such injury does exist, within 7 days of notification by the ITC of that determination, we will issue a countervailing duty order, directing Customs officers to assess countervailing duties on certain stainless steel products from the United Kingdom entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the net subsidy determined or estimated to exist as a result of the annual review process prescribed by section 751 of the Act. The provisions of section 707(a) of the Act will apply to the first directive for assessment.

This notice is published pursuant to section 705(d) of the Act and § 355.33 of the Department of Commerce Regulations (19 CFR 355.33).

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

April 20, 1983

Appendix—Description of Products

For purposes of these investigations:

(1) The term "Stainless steel sheet, and strip" covers hot or cold-rolled stainless steel sheet or strip products, excluding hot or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for it items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated (TSUSA)*.

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and over 0.50 inch but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

(2) The term "Stainless steel plate" covers stainless steel plate products as provided for

in items 607.7605 and 607.9005 of the TSUSA. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inches or more in thickness and over 8 inches in width or if cold-rolled over 12 inches in width.

[FR Doc. 83-11185 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Harvard Medical School; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 81-00383. Applicant: Harvard Medical School, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Instrument: Mass Spectrometer, MAT-312 and Accessories. Manufacturer: Varian MAT, West Germany. Intended Use Of Instrument: See Notice on page 51627 in the **Federal Register** of October 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (September 20, 1979). Reasons: The foreign instrument is a computer controlled, high resolution, double focusing, mass spectrometer that can characterize metastable peaks through linked scanning (i.e., simultaneous scanning of two mass spectrometer fields—either accelerating voltage and electrostatic field or magnetic field and electrostatic field). We find these characteristics of the foreign instrument pertinent to the determination of unsaturation and interpretation of isomeric structures in the applicant's oligosaccharide and glycolipid studies. At the time the foreign instrument was ordered no comparable domestically manufactured mass spectrometer provided linked scanning. We therefore find that no instrument or apparatus of equivalent scientific value to the foreign

instrument for its intended purposes was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11200 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

California Institute of Technology; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230

Docket No. 82-00340. Applicant: California Institute of Technology, Pasadena, CA 91125. Instrument: Achromatic Corrector Lens. Manufacturer: NEI Parson, Ltd., United Kingdom. Intended use of instrument: See Notice on page 41799 in the *Federal Register* of September 22, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (January 5, 1981).

Reasons: The foreign instrument is a cemented doublet, clear aperture 49.5 inches (125.73 centimeters) in diameter achromatic corrector lens. The National Bureau of Standards advises in its memorandum dated January 17, 1983 that (1) the specification of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) that to the best of its knowledge the only domestic manufacturer (Perkin-Elmer) capable of providing a comparable lens was unwilling to design and fabricate a lens comparable to the foreign instrument. We note the applicant claims in verbal communications with the domestic firm the firm indicated it could not produce

the lens in the time required. This claim has not been used by the domestic firm.

Accordingly the Department of Commerce finds that no domestic manufacturer was both "able and willing" to manufacture a domestic instrument of equivalent scientific value to the foreign instrument for such purposes as the foreign instrument is intended to be used at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11212 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Department of Commerce; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-32. Applicant: U.S. Department of Commerce, National Oceanic & Atmospheric Administration, 235 Broadway, Boulder, CO 80303. Instrument: Fourier Transform Spectrometer, DA/3002. Manufacturer: Bomen Inc., Canada. Intended use of instrument: See Notice on page 51437 in the *Federal Register* of November 15, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a spectral resolution of at least 0.002 reciprocal centimeters. The National Bureau of Standards advises in its memorandum dated January 24, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific

value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11210 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Department of Health, Education & Welfare; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517). A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-88. Applicant: Department of Health, Education & Welfare, National Institutes of Health, National Cancer Institute, Division of Cancer Biology & Diagnosis, Building 31, Room 3A-05, Bethesda, MD 20205. Instrument: Gammacell-40 (Small Animal Irradiator). Manufacturer: Atomic Energy of Canada Limited, Canada. Intended use of instrument: See Notice on page 57982 in the *Federal Register* of December 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a uniform dose distribution of approximately ± 5 percent. The National Bureau of Standards advises in its memorandum dated February 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument

or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Material)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11216 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Idaho State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-25. Applicant: Idaho State University, Pocatello, Idaho 83209. Instrument: Electromagnetic Receiver, #EM 16-VLF. Manufacturer: Geonics, Canada. Intended use of instrument: See Notice on page 52489 in the *Federal Register* of November 22, 1982.

Comments: No comments have been received with respect to this application.

Decision. Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides very low frequency measurements in the quad-phase and the in-phase secondary field. The National Bureau of Standards advises in its memorandum dated February 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11-214 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Maine Department of Environmental Protection; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-73. Applicant: Maine Department of Environmental Protection, State House Station #17, Augusta, ME 04333. Instrument: Two Man-Variable Depth Non-Earth Contact Resistivity Meter, Model EM 34-3. Manufacturer: Geonics Limited, Canada. Intended use of instrument: See Notice on page 56534 in the *Federal Register* of December 17, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides selective resistivity/conductivity mapping. The National Bureau of Standards advises in its memorandum dated February 28, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11211 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

Mellon Institute et al.; Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-103. Applicant: Mellon Institute, 4400 Fifth Avenue, Pittsburgh, PA 15213. Instrument: Electron Microscope, Model EM 420 and Accessories. Manufacturer: Philips Electronic Instruments Incorporated, The Netherlands. Intended use of instrument: See Notice on page 2812 in the *Federal Register* of January 21, 1983. Application received by Commissioner of Customs: January 4, 1983.

Docket No. 83-00106. Applicant: Duke University Medical Center, Department of Physiology, Box 3709-PH, Durham, NC 27710.

Instrument: Electron Microscope, Model JEM 100CX-II and Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 2812 in the *Federal Register* of January 21, 1983. Application received by Commissioner of Customs: January 4, 1983.

Docket No. 83-107. Applicant: Georgia State University, Department of Biology, University Plaza, Atlanta, GA 30303. Instrument: Electron Microscope, Model JEM-100CXII/SEG with Accessories. Manufacturer: JEOL Limited, Japan. Intended use of instrument: See Notice on page 4018 in the *Federal Register* of

January 28, 1983. Instrument ordered: September 30, 1982.

Docket No. 83-113. Applicant: Lovelace Biomedical and Environmental Research Institute, Building 9200, Area Y, Kirtland Air Force Base, East, Albuquerque, NM 87115. Instrument: Electron Microscope, Model EM 109 with 60-Degree Goniometer and Accessories. Manufacturer: Carl Zeiss, Inc., West Germany. Intended use of instrument: See Notice on page 4018 in the Federal Register of January 28, 1983. Application received by Commissioner of Customs: January 13, 1983.

Docket No. 83-114. Applicant: Indiana University, 1101 E. 17th Street, Bloomington, IN 47405. Instrument: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: See Notice on page 4018 in the Federal Register of January 28, 1983. Instrument Ordered: November 22, 1982.

Docket No. 83-118. Applicant: Hendrick Medical Center, Department of Pathology, 19th and Hickory Streets, Abilene, TX 79601. Instrument: Electron Microscope, EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: See Notice on page 4019 in the Federal Register of January 28, 1983. Instrument ordered: December 8, 1982.

Docket No. 83-120. Applicant: Purdue University, Lilly Hall of Life Sciences, West Lafayette, IN 47907. Instrument: Electron Microscope, Model EM 420 and Accessories. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of instrument: See Notice on page 5578 in the Federal Register of February 7, 1983. Instrument ordered: November 29, 1982.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each instrument establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each instrument described above or at the time of receipt

of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign instruments to which the foregoing applications relate, for such purposes as these instruments are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,
Statutory Import Programs Staff.

[FR Doc. 83-11219 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

MIT National Magnet Laboratory; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-85. Applicant: MIT National Magnet Laboratory, 150 Albany Street, Cambridge, MA 02139. Instrument: Millimeter Wave Open Resonator System with 28 GHz Mirror. Manufacturer: National Physical Laboratory, United Kingdom. Intended Use of Instrument: See Notice on page 57982 in the Federal Register of December 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates at millimeter and submillimeter wavelengths. The National Bureau of Standards advises in its memorandum dated March 11, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it

knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,
Director, Statutory Import Programs Staff.

[FR Doc. 83-11207 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Ohio State University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-111. Applicant: The Ohio State University, Materials Research Laboratory, 174 W. 18th Avenue, Columbus, OH 43210. Instrument: Fourier Transform Optical Spectrometer P/N 1ZM01 with Accessories. Manufacturer: Bomem, Incorporated, Canada. Intended Use of Instrument: See Notice on page 2812 in the Federal Register of January 21, 1983.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a resolution of 0.04 reciprocal centimeters (cm^{-1}) with a wavelength coverage from 10 to 45,000 cm^{-1} . The National Bureau of Standards advises in its memorandum dated March 22, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it

knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11206 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Purdue University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-21. Applicant: Purdue University, West Lafayette, IN 47907. Instrument: Mass Spectrometer, Model MS50S and Accessories. Manufacturer: Kratos Analytical Instruments, United Kingdom. Intended Use of Instrument: See Notice on page 53760 in the *Federal Register* of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (August 20, 1982).

Reasons: The foreign instrument has a guaranteed resolution of 150,000 (10 percent valley definition). The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign

instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as the instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11202 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

State of New York Department of Environmental Conservation; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00176R. Applicant: State of New York Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233. Instrument: Trace Analysis System, TAGA 3000. Application is a resubmission, notice of which was published in the *Federal Register* of June 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (January 15, 1981).

Reasons: This application is a resubmission of Docket Number 82-00176 which was denied without prejudice to resubmission on October 6, 1982 for informational deficiencies. The foreign instrument combines mobility with direct, continuous, real-time, atmospheric mass spectrometric

analysis. The National Bureau of Standards advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which is being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11213 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

State University of New York; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-60. Applicant: The State University of New York, Stony Brook, N.Y. 11974. Instrument: Klystron Tube, Type VRB 2113A. Manufacturer: Varian of Canada Incorporated, Canada. Intended use of instrument: See Notice on page 55988 in the *Federal Register* of December 14, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument operates at a frequency range centered

at 90.5 gigahertz. The National Bureau of Standards advises in its memorandum dated March 14, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11208 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Texas A & M University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00367. Applicant: Texas A & M University, Department of Civil Engineering, Ocean Engineering Program, College Station, Texas 77843. Instrument: Bi-directional micro-propeller, current meter. Manufacturer: Hydrei Aps., Denmark. Intended use of instrument: See Notice on page 49056 in the Federal Register of October 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides small size (five blade propeller one centimeter in diameter) and ability to measure current reversals in air/water mixtures. The National Oceanic

and Atmospheric Administration advises in its memorandum dated February 1, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11205 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Alaska; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-36. Applicant: University of Alaska, Geophysical Institute, Fairbanks, AK 99701. Instrument: Wide Band Digital Imaging System. Manufacturer: MacDonald Dettwiler & Associates Limited, Canada. Intended use of instrument: See Notice on page 54998 in the Federal Register of December 7, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 82-00040 which was denied without prejudice to resubmission on July 1, 1982 for informational deficiencies. The

foreign instrument provides a high resolution quick look image recording system (QLIRS) capable of converting real-time digital data from satellite sensors to high resolution real-time imaging and data processing, and real-time scrolling display. The National Bureau of Standards advises in its memorandum dated March 8, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11218 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of California; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-18. Applicant: University of California, Berkeley, School of Optometry, 2405 Bowditch Street, Berkeley, CA 94720. Instrument: Electronic Visual Display Unit with Raster Rotation. Manufacturer: Joyce Electronics, United Kingdom. Intended use of instrument: See Notice on page 53083 in the Federal Register of November 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this

instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has raster rotation and (450 candela per square meter) 99% brightness accuracy. The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as the foreign instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 11203 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

University of Colorado; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00369. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, Boulder, CO 80309. Instrument: Pulsed Dye Laser, FL 2002. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of Instrument: See Notice on Page 49057 in the *Federal Register* of October 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States

at the time the foreign instrument was ordered (July 15, 1982).

Reasons: The foreign instrument has an amplified spontaneous emission (ASE) as low as 0.25 to 0.4 percent at the Rhodamine 6G peak. The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11215 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

University of North Dakota; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-16. Applicant: The University of North Dakota, Grand Forks, North Dakota 58202. Instrument: Scanning Electron Microscope, Model S-800. Manufacturer: Hitachi Scientific Instruments, Japan. Intended Use of Instrument: See Notice on page 53760 in the *Federal Register* of November 29, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign

instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (June 30, 1982).

Reasons: The foreign instrument guarantees a resolution of 20 Å. The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-11204 Filed 4-28-83; 8:45 am]

BILLING CODE 3510-25-M

University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-15. Applicant: University of Pennsylvania, School of Medicine, Department of Pharmacology, 172 Med Labs/G3, 36th & Hamilton Walk, Philadelphia, PA 19104.

Instrument: Patch Clamp System, Type L/M-EPC-5. Intended use of instrument: See Notice on page 53083 in the *Federal Register* of November 24, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument has a sensitivity of one picoampere (pA), low noise (0.1 pA RMS at one kilohertz) and a transient cancellation range (0-10 picofarads calibrated). The Department of Health and Human Services advises in its memorandum dated March 2, 1983 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,
Director, Statutory Import Programs Staff.

[FR Doc. 83-11209 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 1523, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 83-22. Applicant: The University of Texas Health Science Center, Department of Biochemistry, 7703 Floyd Curl Drive, San Antonio, Texas 78284. Instrument: Accessories for a Nanosecond Fluorometer System 2000. Manufacturer: Photo-chemical Research Associates, Canada. Intended use of instrument: See Notice on page 51437 in the Federal Register of November 15, 1982.

Comments: No comments have been received with respect to this application. **Decision:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that has been previously imported for the use of the applicant institution. The accessories are being furnished by the manufacturer which produced the instrument with which they are intended to be used. We are advised by the Department of Health and Human Services in its memorandum dated March 2, 1983 that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic accessories.

The Department of Commerce knows of no similar accessories being manufactured in the United States which are interchangeable with or, can be readily adapted to the instrument with which the accessories are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,
Director, Statutory Import Programs Staff.

[FR Doc. 83-11217 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in Officials of the Government of Macau Authorized to Sign Visas for Certain Textile Products Exported to the United States

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a new list of officials of the Government of Macau who are authorized to sign export visas for cotton, wool, and man-made fiber textile products from Macau.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709).

SUMMARY: The Government of Macau has notified the Government of the United States that five officials are authorized to sign export visas for cotton, wool, and man-made fiber textile products exported to the United States.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On September 16, 1981, a letter dated September 11, 1981 to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the Federal Register (46 FR 45979), which established an export visa requirement for cotton, wool and man-made fiber textile products, produced or manufactured in Macau and exported to the United States under the provisions of Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended. One of the requirements is that the visas must be signed by an authorized official. Macau has designated the following five officials to issue export visas: Jose Bernardino Marques Ferreira, Maria Manuela da Silva Aguiar Viana de Freitas, Rogelia Maria Cativo de Almedia Machado Barreto, Florinda de Rosa Silva Chan, Rita Sermelinda da Silva Rodrigues. **Walter C. Lenanan,** Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11190 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Announcing Additional Import Control for Certain Cotton Apparel Products From the Republic of Singapore

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of cotton knit shirts and blouses in Category 338/339, produced or manufactured in Singapore and exported during the agreement year which began on January 1, 1983, at a level of 638,141 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, the United States Government has decided to control imports of cotton textile products in Category 338/339 in the same manner as other categories are currently being controlled.

EFFECTIVE DATE: April 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 23, 1982, there was published in the *Federal Register* (47 FR 57322) a letter dated December 17, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. The letter published below amends the letter of December 17, 1982 to include an import control level of 638,141 dozen for Category 338/339. That level has not been adjusted to account for any imports after December 31, 1982. As the data become available, charges will be made for the period which began on January 1, 1983 and extends to the effective date of this action, as well as thereafter.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 17, 1982 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1983.

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on April 27, 1983 and for the twelve-month period which began on January 1, 1983 and extends through December 31, 1983, entry into the United States for consumption and withdrawal from

warehouse for consumption of cotton textile products in Categories 338/339, produced or manufactured in Singapore, in excess of the following level of restraint:

Category	12-mo level of restraint ¹
338/339	638,141 dozen of which not more than 362,667 dozen shall be in Category 339 and not more than 424,906 dozen shall be in Category 338.

¹ The level of restraint has not been adjusted to reflect any imports after December 31, 1982. Imports during the period January 1—February 28, 1983 have amounted to 25,181 dozen in Category 338/339 of which 12,116 dozen should be charged to Category 338 and 13,065 dozen should be charged to Category 339.

Textile products in Category 338/339 which have been exported to the United States prior to January 1, 1983 shall not be subject to this directive.

Textile products in Category 338/339 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11189 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Level for Certain Cotton Textile Products From Pakistan

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing from 523,383 dozen pairs to 513,361 dozen pairs the level of restraint established during 1983 for cotton gloves and mittens in Category 331, produced or manufactured in Pakistan, to account for carryforward used last year.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: The Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan provides

for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the category level in the succeeding year. Under the terms of the bilateral agreement, as amended, the level of restraint established for cotton textile products in Category 331 is being adjusted for carryforward used in 1982.

EFFECTIVE DATE: April 27, 1983.

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).

SUPPLEMENTARY INFORMATION: On December 17, 1982, there was published in the *Federal Register* (47 FR 56536) a letter dated December 14, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton textile products, including Category 331, produced or manufactured in Pakistan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce the level of restraint established for Category 331 to 513,361 dozen pairs.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On December 14, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983 of cotton textile products, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 9 and 11, 1982, as amended, between the Governments of the United States and Pakistan which provide, in part, that: (1) Within the aggregate limit, specific levels of restraint may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve problems arising in the implementation of the agreement.

Effective on April 27, 1983, paragraph 1 of the directive of December 14, 1982 is amended to include an adjusted level of restraint of 513,361 dozen pairs² for cotton textile products in Category 331.

The action taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR-Doc. 83-11188 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Restraint Levels for Certain Cotton Apparel Products From Thailand

April 21, 1983.

AGENCY: Committee for the Implementation of Textile Agreements

ACTION: Increasing to 701,926 dozen pairs and 960,158 dozen by the application of carryover the respective levels of restraint established for cotton gloves and cotton knit shirts and blouses in Categories 331 and 338/339, produced or manufactured in Thailand and exported during the eighteen-month period which began on January 1, 1982.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended and extended, between the Governments of the United States and Thailand provides for the carryover of shortfalls in certain categories from the previous agreement year (carryover). Accordingly, carryover is being applied to the levels of restraint for Categories 331 and 338/339.

EFFECTIVE DATE: April 27, 1983.

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).

SUPPLEMENTARY INFORMATION: On October 14, 1982, there was published in the Federal Register a letter dated

² The level of restraint has not been adjusted to account for any imports after December 31, 1982.

October 8, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs which established levels of restraint for certain specific categories of cotton, wool, and man-made fiber textile products, including Category 338/339, produced or manufactured in Thailand, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the eighteen-month period which began on January 1, 1982 and extends through June 30, 1983. On January 20, 1983 a further letter dated January 17, 1983 was published in the Federal Register (48 FR 2582), which established a level of restraint for cotton textile products in Category 331 for the same eighteen-month period. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the terms of the bilateral agreement, as amended and extended, directs the Commissioner of Customs to adjust the previously established levels of restraint for Categories 331 and 338/339 to the designated amounts.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

April 21, 1983.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: The directive of October 8, 1982, as amended, from the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the eighteen-month period beginning on January 1, 1982 and extending through June 30, 1983 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended and extended, between the Governments of the United States and Thailand, which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of October 4, 1978, as amended and extended, between the Governments of the United States and Thailand, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on April 27, 1983, the levels of restraint previously established for cotton textile products in Categories 331 and 338/339, the following:

Category	Amended 18-month level of restraint ¹
331	701,926 dozen pairs.
338/339	960,158 dozen pairs.

¹ The levels of restraint have not been adjusted to reflect any imports after December 31, 1981.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11187 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

Importers and Retailers' Textile Advisory Committee; Change of Date of Public Meeting

April 21, 1983.

On April 8, 1983 a notice was published in the Federal Register (48 FR 15310) announcing a meeting of the Importers and Retailers' Textile Advisory Committee on May 10, 1983 at 10:30 a.m. in Room 6802 of the Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. The purpose of this notice is to announce that the date of the meeting has been changed to May 17. The time and location of the meeting have not been changed.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11184 Filed 4-26-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE**Department of the Army****Army Science Board; Closed Meeting**

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (92-463), announcement is made of the following committee meeting:

Name of committee: Army Science Board (ASB).

Dates of meeting: Thursday and Friday, 12-13 May 1983.

Times: 0830-1700 hours (Closed) Both Days.

Place: Pentagon, Washington, D.C.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will meet for classified briefings and discussions on the capabilities of currently available and future space assets to enhance the Army's ability to carry out its mission. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (22) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83-11137 Filed 4-26-83; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

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

Name of committee: Army Science Board (ASB)

Dates of meeting: Thursday and Friday, 19-20 May 1983.

Times: 0830-1700 hours (closed) both days.

Place: Pentagon, Washington, D.C.

Agenda: the Army Science Board 1983 Summer Study on Future Development Goal will meet for classified briefings and discussions on Lessons Learned—Falkland Islands and Lebanon, Training Technology—Multi-Service Program Examples, Lessons Learned—9th Infantry Division, RDF Deployment Plans—Problems, Solutions, Future. A presentation is to be given on opportunities for Innovation—A Review of ARI Programs. Each panel will report on selected areas of concentration, and findings to-date. The session will conclude with a Tri-Service Panel

Discussion with Service Assistant Secretaries for RDA and Chief Scientists. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified and nonclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Helen M. Bowen, may be contacted for further information at (202) 695-3039 or 697-9703.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83-11138 Filed 4-26-83; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy**Public Information Collection Requirement Submitted to OMB for Review**

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total numbers of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Long Range Design Working Forecast.

The Commander, Naval Sea Systems Command as the Coordinator of Shipbuilding, Conversion and Repair is responsible for the design, development, acquisition, modernization, and conversion of Navy Ships. As such, the Commander, has a direct interest in the total naval ship design and engineering resources potentially available to perform these functions, their general adequacy, and the degree of utilization of such resources. Naval Ship design and engineering assignments and long range forecasting and planning which involves ship design and engineering capability require a current knowledge of the total ship and engineering resources available. An analysis of

workload forecasts, overlaid on resources available at each facility is the primary means of making such determinations. Total ship design and engineering resources are considered to be not only those available in naval activities, but also those available in private shipyards and design agents and consulting firms.

Respondent are shipyards and private marine design agents; 80 responses, 160 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Commander, Naval Sea Systems Command (SEA 0713), Department of the Navy, Washington, D.C. 20362, telephone (202) 692-3782.

M. S. Healy,

*OSD Federal Register, Liaison Officer,
Department of Defense.*

April 22, 1983.

[FR Doc. 83-11286 Filed 4-26-83; 8:45]

BILLING CODE 3810-01-M

Office of the Secretary**Defense Intelligence College Panel of the National Defense University and the Defense Intelligence College**

Pursuant to the provisions of Sub-Section (d), Section 10 of Public Law 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a partially closed meeting of the Defense Intelligence College Panel of the Board of Visitors of the National Defense University and the Defense Intelligence College will be held on-site at the College in Washington, D.C. on May 23, 24 and 25, 1983.

Morning sessions on May 23, 24 and 25 1983 will be devoted to the discussions of classified information as defined in Section 552b(c)(1), Title 5, of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

April 22, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

FR Doc. 83-11265 Filed 4-26-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Supercomputer Applications; Advisory Committee Meeting

The Defense Science Board Task Force on Supercomputer Applications will meet in open session on May 11, 1983 at Stanford University, Stanford, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on May 11, 1983 the Defense Science Board Task Force on Supercomputer Applications will conduct a review of the Defense Department's programs to apply the emerging capacity of computers to contribute to military programs and issues. It will attempt to identify areas where the expected many orders of magnitude improvement in computing power can be of aid to the Defense establishment.

Persons interested in attending should contact Commander R. B. Ohlander, Task Force Executive Secretary, Telephone: (202) 699-5051. Space will be awarded on a first come first served basis.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Service,
Department of Defense.*

April 22, 1983.

[FR Doc. 83-11264 Filed 4-26-83; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Suspension of Near-term Resource Policy Development Process

AGENCY: Bonneville Power Administration (BPA) Energy.

ACTION: Notice.

SUMMARY: BPA proposed a Near-term Resource Policy on July 15, 1982, (47 FR 30811) for BPA to use as a guide in resource development and acquisition decisions including implementation of conservation programs, a small renewable resource acquisition program, financial assistance programs, and others. BPA has decided that it would not be prudent to adopt a final policy at this time.

The reasons for this include the fact that the Pacific Northwest Electric Power and Conservation Planning Council (Regional Council) will soon adopt its regional energy plan. Also,

changing regional economics and BPA's financial circumstances have made it necessary to revise some of the assumptions underlying BPA's anticipated load/resource balance.

FOR FURTHER INFORMATION CONTACT:

Joseph F. Cade, Public Involvement Officer, P.O. Box 12999, Portland, Oregon 97212, 503-230-3478. Oregon callers may use the toll-free number 800-452-8429; callers in California, Idaho, Montana, Nevada, Utah, Wyoming, and Washington may use 800-547-6048.

Stephen D. Dunne, Division of Resource Development and Acquisition, 847 NE Irving Street, Portland, Oregon 97208, 503-230-3473

George Gwinnutt, Lower Columbia Area Manager, Suite 288, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97208, 502-2320-4551

Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503-687-6952

Ronald H. Wilkerson, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington, 99201, 509-456-2518

George Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406-329-3860.

Ronald K. Rodewald, Wenatchee District Manager, P.O. Box 741, Wenatchee, Washington, 98801, 509-662-4377, extension 379

Richard D. Casad, Puget Sound Area Manager, 415 First Avenue North, Room 250, Seattle, Washington 98109, 206-442-4130

Thomas Wagenhoffer, Snake River Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509-525-5500, extension 701

Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208-523-2706

SUPPLEMENTARY INFORMATION: A notice of proposed Near-Term Resource Policy was published on July 15, 1982 (47 FR 30811). BPA will not develop a final policy at this time. The reasons for this include the Regional Council's imminent publication of its regional energy plan. Also, changing regional economics and power requirements have made it necessary to revise some of the assumptions underlying BPA's anticipated load/resource balance. Because BPA is in the midst of revising its load/resource analysis, BPA will not develop a final Near-Term Resource Policy until the situation warrants.

The following changed conditions demand a reassessment of BPA's resource situation.

1. A lower near-term forecast for electricity due to the length and depth of

the economic recession. The demand for electricity for BPA's industrial customers has been lower than previously anticipated.

2. Further downward pressure on BPA's anticipated revenue from reduced power sales.

3. Less than expected interest among potential customers in the Southwest in surplus firm power acquisitions from the Northwest at adequate prices.

The above items have increased the uncertainty associated with BPA's need for and the economics of resource acquisitions.

BPA will not consider or commit to acquiring a generating resource in the near term unless it appears justifiable as a prudent financial decision. This is in keeping with the Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) and the guidance provided in the Regional Council's draft energy plan. BPA will continue to investigate and assess resource opportunities to maximize its flexibility for meeting future obligations. It is unlikely, however, that BPA will make any financial commitments until it has had adequate opportunity to assess the final Regional Council energy plan.

Following the directives of the Regional Act, BPA will continue to emphasize cost-effective conservation. Conservation programs need to be emphasized in the near term so they can effectively penetrate the market as an inexpensive resource to meet forecasted loads. However, the level of expenditures on conservation programs is under review in light of our forecasted surplus of power and BPA's financial circumstances.

Issued in Portland, Oregon, April 15, 1983.

James J. Jura,
Acting Administrator.

[FR Doc. 83-11230 Filed 4-26-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Missouri Terminal Oil Company; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Missouri Terminal Oil Company ("MoTer") of St. Louis, Missouri. The Proposed Remedial Order charges MoTer with pricing violations in the amount of \$1,082,682.97 exclusive of interest, connected with the sale of motor gasoline from March 1, 1979 through July 31, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, ERA (816) 374-2092. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Missouri on the 15th day of April 1983.

David H. Jackson,
Director, Kansas City Office, Office of Special Counsel, Economic Regulatory Administration.

[FR Doc. 11231 Filed 4-26-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TC83-6-000]

Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Tariff Filing

April 22, 1983.

Take notice that on April 15, 1983, Arkansas Louisiana Gas Company, a Division of Arkla, Inc. (Arkla), P.O. Box 21734, Shreveport, Louisiana 71151, tendered for filing in Docket No. TC83-6-000, 6th Revised Sheet No. 3B, superseding 5th Revised Sheet No. 3B, to Arkla's FERC Gas Tariff, First Revised Volume No. 1, to be effective 30 days after filing.

The tariff sheet is said to change the definition of the two interruptible priorities in Arkla's curtailment plan in order to modify the order of curtailment among interruptible customers only and is said to make no changes in any of the firm priorities. The present curtailment plan is said to distinguish between the two interruptible priorities solely on a volumetric basis, the dividing point being 3,000 Mcf of gas per day. The new definitions would place in Priority 7 interruptible customers who have agreed to purchase at least a specified minimum volume of gas if it is tendered to them and would place in Priority 8 interruptible customers who have not agreed to purchase a specified minimum volume of gas if it is tendered to them.

Arkla states that it currently has an interruptible service contract with Central Louisiana Electric Company, Inc. (CLECO), who will fall in proposed Priority 7, and an interruptible service contract with Texas Eastman Company (Texas Eastman), who will fall in proposed Priority 8. These interruptible industrial loads are alleged to be a benefit to Arkla in that it will have

industrial sale outlets for its gas as needed from time to time. At the same time, Arkla alleges, it can maintain control over the magnitude of such interruptible deliveries and reduce those deliveries, if necessary, in the course of monitoring their impact on Arkla's firm retail customers.

Any person desiring to be heard or to make any protest with reference to said tariff sheet should on or before May 6, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11232 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-205-000]

Capitol Cogeneration Co., Ltd.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

April 22, 1983.

On March 7, 1983, Capitol Cogeneration Co., Ltd., P. O. Box 21130, San Antonio, Texas 78285, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The proposed topping cycle cogeneration facility will be located within the Pasadena Industrial District, Pasadena, Harris County, Texas. The facility will consist of three combustion turbines, three heat recovery steam generators and one condensing steam turbine in a combined cycle configuration. The net electric power production capacity of the facility will be 330.56 megawatts. Steam will be sold to Celanese Chemical Company for use in chemical process units at the Clear Lake Plant, which is adjacent to the facility. The primary energy source will be natural gas and No. 2 fuel oil will be used as an emergency standby fuel. Installation of the facility will begin in July 1983. Texas-New Mexico Power

Co., an electric power wholesaler, will own a 50 percent equity interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11233 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER80-657-001, ER80-672-000 and ER80-721-000]

Cincinnati Gas & Electric Co.; Refund Report

April 22, 1983.

The filing Company submits the following:

Take notice that on March 31, 1983, Cincinnati Gas & Electric Company submitted for filing a refund report pursuant to the Commission's letter issued February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11234 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP83-25-000]

Eastern American Energy Corp.; Petition for Declaratory Order

April 22, 1983.

Take notice that on April 1, 1983, Eastern American Energy Corporation

(Eastern American), 3025 South Parker Road, Suite 907, Aurora, Colorado 80014, filed a petition for declaratory order pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure. 18 CFR 385.207.

Eastern American, describing itself as a small independent producer of natural gas operating principally in West Virginia, has petitioned the Commission to issue a declaratory order to remove alleged uncertainty regarding the applicability of section 315 of the Natural Gas Policy Act of 1978 (NGPA) to certain transactions involving Eastern American, Equitable Gas Company (Equitable) and Columbia Gas Transmission Corporation (Columbia).

As part of a settlement agreement negotiated by and between Equitable and Eastern American in Docket Nos. R174-188 and R175-21, *Independent Oil & Gas Association of West Virginia*, Equitable has released Eastern American for a period of 15 years from its contractual commitment to sell its production to Equitable. Columbia, on December 16, 1982, agreed to purchase gas from Eastern American for a term of 15 years. The agreement¹ permits Columbia to terminate the contract one year after its date of execution unless the Commission, within that time, issues a final, nonappealable order or opinion that either (i) finds that section 315 of the NGPA does not apply to the above transaction, or (ii) approves the above transaction, notwithstanding the provisions of NGPA section 315.

Specifically, Eastern American has petitioned the Commission to issue a declaratory order that section 315 does not act as a bar to the transactions among Eastern American, Equitable, and Columbia described above. Alternatively, Eastern American has petitioned the Commission for a declaratory order that specifically approves the 15-year release of the gas by Equitable.

Any person desiring to be heard or to protest Eastern American's petition for a declaratory order should file, within 30 days after publication of this notice in the *Federal Register*, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered

but will not make protestants parties to the proceeding. Any party wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11235 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-467-000]

Electric Energy, Inc., Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, Electric Energy, Inc. (EEI) tendered for filing a Letter Agreement dated March 30, 1983 between EEI, its Sponsoring Companies (Central Illinois Public Service Company, Illinois Power Company, Kentucky Utilities Company and Union Electric Company) and the United States Department of Energy (DOE), as successor to the Energy Research and Development Administration, modifying Power Contract No. DE-AC05-76OR01312 (formerly designated Contract No. AT-(40-1)-1312) between EEI and DOE (FERC Rate Schedule No. 7).

EEI requests an effective date of August 1, 1980, and therefore requests waiver of the Commission's notice requirements.

EEI states that the Letter Agreement makes plain that the obligation of DOE under the Power Contract to make certain surcharge payments has at all times been an obligation of DOE to the Sponsoring Companies and cancels the provisions of the Power Contract pursuant to which EEI acted as a conduit for such payments by DOE to the Sponsoring Companies.

Copies of the filing have been sent to the Sponsoring Companies, the Illinois Commerce Commission, the Missouri Public Service Commission and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to

the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 11236 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-458-000]

El Paso Electric Co.; Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 13, 1983, El Paso Electric Company (El Paso) tendered for filing an initial rate schedule pursuant to an "Economy Energy and Short-Term Capacity Agreement Between El Paso and Colorado-Ute Electric Association, Inc." dated February 18, 1983 (Agreement). El Paso states this Agreement initiates economy energy and short-term capacity service between the two companies and that El Paso shall provide and Colorado-Ute Electric Association, Inc. shall schedule and purchase varying amounts of capacity during the term of this Agreement.

El Paso requests an effective date of April 1, 1983, and therefore requests waiver of the Commission's notice requirements.

According to El Paso, copies of this filing have been served upon the Public Utility Commission of Texas, the New Mexico Public Service Commission and Colorado-Ute Electric Association, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11237 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

¹ All wells subject to the gas purchase agreement with Columbia currently produce natural gas that is qualified under sections 102(c), 103(c), or 107(c)(1)-(4) of the NGPA, according to Eastern American.

[Docket Nos. ER83-348-000, ER83-349-000, ER83-350-000, ER82-412-000, and ER80-259-000, et al.]

Kansas Gas & Electric Co.; Order Accepting for Filing and Suspending Rate Schedules, Granting Waivers, Consolidating Dockets, and Establishing Procedures

Issued April 20, 1983.

On February 25, 1983, Kansas Gas and Electric Company (KG&E) tendered for filing executed interconnection agreements and accompanying rate schedules for services provided to the Cities of Neodesha, Mulvane, and Winfield, Kansas.¹ The submittals also include joint stipulations executed by the parties. The company requests an effective date of February 28, 1983, and a one day suspension so that the submittal may become effective, subject to refund, on March 1, 1983, the day after the existing contracts expire. In order to accomplish this result, KG&E requests waiver of the notice requirements.

The Cities, which obtain partial requirements service from KG&E, have contracted with the Board of Public Utilities of Kansas City, Kansas for the purchase of "participation power" as of March 1, 1983. The instant filings have been submitted in order to provide for the transmission of this power and to enable the Cities to enter into other, similar arrangements in the future.

The terms and conditions of the interconnection agreements are identical, but for the provisions relating to participation power, to those which are the subject of proceedings in *Kansas Gas and Electric Company*, Docket Nos. ER80-259-000, et al.² Therefore, KG&E and the Cities have stipulated that the interconnection agreements will be modified in accordance with the final Commission order in that proceeding.

In addition, KG&E has tendered five service schedules applicable to each municipality: Schedule A (Firm Power); Schedule B (Emergency Power); Schedule C (Supplemental Energy); Schedule E (Transmission Service for Outside Firm and Participation Power Purchases); and Schedule F (Reserve Capacity Service). Schedules B and C would not be changed by the current filing; the company will continue to provide these services at the rates being collected subject to refund in Docket Nos. ER80-259-000, et al. KG&E proposes to increase its firm power rate under Schedule A to the level previously

filed with the Commission in *Kansas Gas and Electric Company*, Docket No. ER82-412-000.³ KG&E and the Cities have stipulated, therefore, that the Schedule A rates will be modified in accordance with the final Commission order entered in that docket. The proposed Service Schedules E and F provide for new services to the Cities. As discussed below, the rates under both of these schedules are derived, in part, from components of the rates which are at issue in Docket No. ER82-412-000. Thus, KG&E requests that the Commission adopt the testimony and exhibits previously submitted in Docket No. ER82-412-000 as meeting the filing requirements prescribed by sections 35.13 (d) and (e) of the Commission's regulations.

Notices of the instant filings were published in the *Federal Register*⁴ with comments due on or before March 24, 1983. No protests or motions to intervene have been received.

Discussion

Our preliminary review indicates that KG&E's proposed interconnection agreements and service schedules have not been shown to be just and reasonable and may be unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the submittals for filing and suspend them as ordered below.

In explaining the Commission's suspension policy in *West Texas Utilities Co.*, Docket No. ER82-23-000, 18 FERC ¶61,189 (1982), we noted that the Commission would consider such factors as the availability of new services which the affected customers desire to obtain. The instant filings have been submitted to enable the Cities to obtain power from a third party as of March 1, 1983, and the Cities have agreed that service under the instant submittals shall become effective on that date. Further more, KG&E's submittals incorporate rates which have already been suspended and set for hearing in earlier dockets. Given the customers' consent and the fact that the various elements of KG&E's filing will be made subject to the outcome of either Docket Nos. ER80-259-000, et al., or ER82-412-000, we find that good cause exists to waive the notice requirements and to suspend KG&E's filings for one

³ By order issued May 28, 1982, the Commission accepted the rates in Docket No. ER82-412-000 for filing, suspended their effectiveness for five months, and ordered a hearing concerning their lawfulness. 19 FERC ¶ 61,210. Inasmuch as KG&E had stated that the firm power rates filed in Docket No. ER82-412-000 would ultimately apply to the Cities, they each intervened in that proceeding.

⁴ 48 FR 10909-910 (March 15, 1983)

day, to become effective as of March 1, 1983, subject to refund.

As previously indicated, the rates proposed under Service schedule A are currently under investigation in Docket No. ER82-412-000. Further, we note that the \$0.53/kW charge contained in Service Schedule E for load regulation service, maintenance of spinning reserves, and quick start capability, and the \$6.98/kW/month reserve capacity charge provided for in Service Schedule F are based upon the rates filed in Docket No. ER82-412-000. Because we find that common questions of law or fact may exist, we shall consolidate Docket Nos. ER83-348-000 through ER83-350-000 with Docket No. ER82-412-000 for purposes of considering KG&E's proposed charges for firm power under Service Schedule A, for load regulation, spinning reserve, and quick start capability under Service Schedule E, and for reserve capacity under Service Schedule F.

With respect to the proposed interconnection agreements and Service Schedules B and C, we note that similar or identical rates, terms, and conditions are before the Commission in Docket Nos. ER80-259-000, et al. In addition, the charge for transmission losses contained in Service Schedule E was also filed by KG&E in those dockets. Accordingly, we shall make these aspects of KG&E's instant filings subject to the outcome of our decision in Docket Nos. ER80-259-000, et al.

Inasmuch as KG&E's filings seek to apply previously filed rates to the affected customers and in view of the fact that cost support for these rates has been submitted in the prior dockets, we find that good cause exists to waive the outstanding requirements of § 35.13 and permit KG&E to incorporate its earlier cost support by reference.

The Commission orders:

(A) KG&E's motions for waiver of the notice and filing requirements are hereby granted.

(B) KG&E's proposed interconnection agreements and service schedules are hereby accepted for filing and suspended for one day, to become effective as of March 1, 1983, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and By the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a

¹ See Attachment A for rate schedule designations.

² Initial Decision issued August 12, 1982, 20 FERC ¶ 83,040.

public hearing shall be held concerning the justness and reasonableness of KG&E's rates.

(D) Docket Nos. ER83-348-000; ER83-349-000, ER83-350-000, and ER82-412-000 are hereby consolidated for purposes of hearing and decision on the matters identified in the body of this order.

(E) The terms and conditions of KG&E's proposed interconnection agreements, as well as the rates under Service Schedules B and C, and the charge for transmission losses under Service Schedule E, shall be subject to the outcome of the final Commission order issued in Docket Nos. ER80-259-000, *et al.*

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,
Secretary.

**ATTACHMENT—KANSAS GAS & ELECTRIC
COMPANY RATE SCHEDULE DESIGNATIONS**

[Docket Nos. ER83-348-000, ER83-349-000 & ER83-350-000]

Designation	Description
(1) Rate Schedule FERC No. 153 (Supersedes Rate Schedule FPC No. 13t as Supplemented).	Electric Service Agreement (Neodesha).
(2) Supplement No. 1 to Rate Schedule FERC No. 153.	Service Schedule A Firm Power Service.
(3) Supplement No. 2 to Rate Schedule FERC No. 153.	Service Schedule B Emergency Service.
(4) Supplement No. 3 to Rate Schedule FERC No. 153.	Service Schedule C Supplemental Energy.
(5) Supplement No. 4 to Rate Schedule FERC No. 153.	Service Schedule E Transmission Service.
(6) Supplement No. 5 to Rate Schedule FERC No. 153.	Service Schedule F Reserve Capacity Service.
(7) Rate Schedule FERC NO. 154 (Supersedes Rate Schedule FPC No. 132 as Supplemented).	Electric Service Agreement (Mulvane).
(8) Supplement No. 1 to Rate Schedule FERC No. 154.	Service Schedule A Firm Power Service.
(9) Supplement No. 2 to Rate Schedule FERC No. 154.	Service Schedule B Emergency Service.
(10) Supplement No. 3 to Rate Schedule FERC No. 154.	Service Schedule C Supplemental Energy.
(11) Supplement No. 4 to Rate Schedule FERC No. 154.	Service Schedule E Transmission Service.
(12) Supplement No. 5 to Rate Schedule FERC No. 154.	Service Schedule F Reserve Capacity Service.
(13) Rate Schedule FERC No. 155 (Supersedes Rate Schedule FERC No. 146 as Supplemented).	Electric Service Agreement (Winfield).
(14) Supplement No. 1 to Rate Schedule FERC No. 155.	Service Schedule A Firm Power Service.
(15) Supplement No. 2 to Rate Schedule FERC No. 155.	Service Schedule B Emergency Service.
(16) Supplement No. 3 to Rate Schedule FERC No. 155.	Service Schedule C Supplemental Energy.
(17) Supplement No. 4 to Rate Schedule FERC No. 155.	Service Schedule E Transmission Service.
(18) Supplement No. 5 to Rate Schedule FERC No. 155.	Service Schedule F Reserve Capacity Service.

[FR Doc. 83-11238 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-464-000]

Kansas Power & Light Co.; Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, the Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract dated April 5, 1983 with the City of Scranton, Kansas for wholesale service to the community. KPL states that this contract permits the City of Scranton to receive service under rate schedule WSM-81 designated Supplement No. 7 to R.S. FERC No. 129.

KPL proposes an effective date of May 1, 1983, and therefore requests waiver of the Commission's notice requirements.

KPL further states that the proposed contract change provided essentially for the ten year extension of the original terms of the presently approved contract.

Copies of the filing have been served upon the City of Scranton and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11239 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-560-000, ER82-746-000 and ER83-171-000]

Lockhart Power Co.; Refund Report

April 22, 1982

The filing company submits the following:

Take notice that on April 5, 1983, Lockhart Power Company submitted for filing a refund report pursuant to the Commission's letter order dated March 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street,

N.E., Washington, D.C. 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11240 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER78-524-001 and ER78-524-000]

Michigan Power Co.; Compliance Filing

April 22, 1983.

The filing company submits the following:

Take notice that on April 11, 1983, Michigan Power Company submitted for filing compliance rates and a refund report pursuant to the Commission's order issued February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11241 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

Docket No. GP83-24-00

Minerals Management Service, Section 102 Determination, Getty Oil Company, North Bilbrey "7" Federal Well No. 1, FERC J.D. No. 82-53262; Petition To Reopen Final Well Category Determination and Request for Withdrawal

Issued April 22, 1983.

On March 21, 1983, Getty Oil Company (Getty) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen and a request to withdraw, its determination that the North Bilbrey "7" Federal Well No. 1 located in the Lea County, New Mexico qualifies as a new onshore well pursuant to section 102 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982). The subject determination became final on October 18, 1982, in accordance with NGPA section 503(d) and § 275.202(a) of the Commission's regulations (18 CFR 275.202(a)).

In order for a well to be a "new onshore well" and thereby qualify for pricing under NGPA section 102(c)(1)(B)(i), it must, *inter alia*, be at least 2.5 miles or more from the nearest marker well." NGPA section 2(5)(A) defines a marker well as ". . . any well from which natural gas was produced in commercial quantities at any time after January 1, 1970, and before April 20, 1977." Getty states that the Texaco 1-State of New Mexico "CM" Well, which falls within a 2.5 mile radius of Getty's North Bilbrey "7" Federal Well No. 1, produced in commercial quantities between January 1, 1979 and April 20, 1977. Because the subject well was within 2.5 miles of the Texaco 1-State of New Mexico "CM" Well, which qualifies as a marker well pursuant to section 2(5)(A), Getty states that it does not qualify as a new onshore well under NGPA section 102(c)(1)(B)(i).

Notice is hereby given that, in the event the subject determination is reopened, the question of whether the Commission will require refunds, plus interest computed under § 154.102(c) of the regulations, is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of Rules 214 or 211 of the Rules of practice and Procedure. All protests filed will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11242 Filed 4-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. SA83-10-000]

Montana-Dakota Utilities Co.; Request for Adjustment Under Section 502(c) of the NGPA

Issued April 22, 1983.

On March 31, 1983, Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota, 58501, filed with the Federal Energy Regulatory Commission (Commission) an

application for adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. V 1982) and Rules 1101-1117, Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-.1117. MDU also requests interim relief pending determination of its petition.

MDU seeks relief from §§ 282.502 and 282.602(d) of the Commission's regulations. Section 282.502 requires that a natural gas supplier establish and maintain Accounts No. 192.1 and 805.2, as prescribed in the Uniform System of Accounts, to account for unrecovered incremental gas costs. Section 282.602(d) requires that the entries made in Accounts No. 192.1 and 805.2 be summarized in a supplement to be filed with each PGA filing made pursuant to § 154.38(d) of the Commission's regulations.

In support of its application, MDU states that it has no non-exempt boiler fuel industrial customers served under the jurisdictional rate schedules for on-system service and that it does not anticipate the addition of any such customers. Consequently, MDU avers that there is no basis upon which it could make the PGA reduction contemplated by §§ 282.601 and 282.602.

MDU further states that in addition to its jurisdictional sales, it operates a distribution company in Montana, North Dakota, South Dakota and Wyoming. Each of these states has adopted industrial tariff provisions for gas used for non-exempt boiler fuel purposes. MDU states that the non-exempt boiler fuel customers served by its distribution operations have no MSACs which could absorb incremental pricing surcharges, as the state tariffs provide that the rate to non-exempt fuel users shall be the higher of the otherwise applicable industrial rate or the alternative fuel price ceilings applicable to those users as published by DOE's Energy Information Administration.

Accordingly, MDU alleges that the accounting entries required in Accounts No. 192.1 and 805.2 are "totally useless," as there are no amounts to be collected through incremental pricing surcharges to be credited to Account No. 192.1 and debited to Account No. 805.2.

MDU submits that having to comply with the accounting requirements set forth in § 282.502 for Accounts No. 192.1 and 805.2, and to develop the supplement required by § 282.602(d) constitutes a special hardship, inequity, and unfair distribution of burdens due to the increased manpower and operating expenses incurred as a result of such compliance.

The procedure applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-.1117 (47 FR 19014, May 7, 1982).

Any person desiring to participate in this proceeding shall file a motion to intervene in accordance with Rule 1105 of the Commission's Rules of Practice and Procedure. All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11243 Filed 4-26-83; 8:45]
BILLING CODE 6717-01-M

[Docket No. CP83-279-000]

Producer-Suppliers of Transcontinental Gas Pipe Line Corp.; Application

April 21, 1983.

Take notice that on April 15, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-279-000 an application pursuant to Section 7 of the Natural Gas Act on behalf of producers currently selling gas to Transco pursuant to certificates of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act for (1) permission and approval for the abandonment of certificated sales to Transco and (2) a certificate of public convenience and necessity authorizing the sale in interstate commerce of such abandoned reserves to certain customers of Transco for a limited period, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that in connection with an offer of settlement filed April 13, 1983, by Transco in its rate proceeding in Docket No. RP83-11-000, Transco has agreed to implement an experimental Industrial Sales Program (ISP) whereunder Transco would arrange, as agent for its customers, gas supplies to be purchased by eligible customers for the purposes of keeping natural gas prices competitive with the prices of alternate fuels and of maintaining historical throughput levels on Transco's system. In the instant application, Transco states that the authorizations sought in this case are necessary to permit the inclusion in the

ISP program, which is limited to the period April 1 through October 31, 1983, of gas supplies which presently are sold to Transco under certificates of public convenience and necessity and which its producer-suppliers voluntarily elect to divert temporarily for sale to Transco's customers. The application also states that except to the extent that such gas supplies are utilized for the limited scope and term of the ISP program, Transco's long-term gas supplies would remain the same.

It is asserted that under the ISP program all Natural Gas Policy Act of 1978 price categories of gas supplies are eligible to participate; therefore, Transco may release gas reserves tendered by producers that do not require abandonment authority under Section 7(b) or a certificate under Section 7(c) of the Natural Gas Act in order to participate therein.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20436, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the

Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 11244 Filed 4-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. QF83-137-000]

Richard T. Immel; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

April 22, 1983.

On January 11, 1983, Richard T. Immel (Applicant) of 3911 Via Del Campo, San Clemente, California 92672, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules. On April 1, 1983 supplementary information was filed regarding the facility.

The facility is located in Boulevard, California. The generating capacity of the facility is 240 kilowatts. The primary energy source is wind. There are no other small power production wind facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11245 Filed 4-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER83-463-000]

Southwestern Electric Power Co.; Filing

April 22, 1983.

The filing Company submits the following:

Take notice that on April 18, 1983, Southwestern Electric Power Company (SWEPCO), tendered for filing an interconnection agreement between SWEPCO and the Grand River Dam Authority (GRDA), dated March 30, 1983. SWEPCO indicates the agreement provides for the parties to obtain mutual benefits and advantages in planning and operation and opportunities from time to time to purchase, sell and/or exchange electric power and energy from one system to the other.

SWEPCO requests an effective date of March 30, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Arkansas Public Service Commission, Louisiana Public Service Commission, Oklahoma Corporation Commission, Public Utility Commission of Texas, and the Grand River Dam Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214) All such motions or protests should be filed on or before May 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11246 Filed 4-26-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. GP83-18-000]

State of Colorado, Oil & Gas Conservation Commission, J-W Operating Company, Malcolm Akey #2 Well, FERC J.D. No. 82-22128, Malcolm Akey #3 Well, FERC J.D. No. 82-22129; Petition To Reopen and Vacate Final Well Category Determinations and Request To Withdraw

April 22, 1983.

On December 6, 1982, J-W Operating Company (J-W) filed with the Federal Energy Regulatory Commission (Commission) a copy of its request to the Colorado, Oil & Gas Conservation Commission (Colorado) that the well category determinations, that natural gas from the Malcolm Akey #2 and #3 Wells qualifies for pricing as new natural gas pursuant to section 102 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. §§ 3301-3432 (Supp. V 1982), be "cancelled." The well category determinations made by Colorado became final determinations on April 23, 1982, pursuant to NGPA section 503(d) and 18 CFR 275.202(a).¹

J-W states that its section 102(c)(1)(B) filings were made based on the best information available at the time but that J-W has since discovered that the Malcolm Akey #2 and #3 Wells do not qualify under NGPA section 102, as they are located within 2.5 miles of a marker well and are not 1,000 feet deeper. J-W further states that no collections were made under the section 102 determinations and that applications were submitted for NGPA section 107 classification and received by Colorado on August 17, 1981. The wells were placed on line January 4, 1982, and according to J-W the price collected from initial production was the maximum lawful price under NGPA section 107.

The Commission hereby gives notice that the question of whether refunds, plus interest as computed under § 154.102(c), will be required is a matter which is subject to the review and final determination of the Commission.

Any person desiring to be heard or to make any protest to the requested reopening and withdrawal should file, within 30 days after this notice is published in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of Rules 214 or 211 of the Rules of Practice and Procedure. All protests filed will be

considered but will not make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11247 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-604-000]

Wisconsin Electric Power Company; Refund Report

April 22, 1983.

The filing Company submits the following:

Take notice that on April 11, 1983, Wisconsin Electric Power Company submitted for filing a refund report pursuant to the Commission's letter order of March 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before May 10, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11248 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2157-011, et al.]

Public Utility District No. 1 of Snohomish County and the City of Everett, WA, et al.; Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Federal Energy Regulatory Commission and are available for public inspection:

a. Type of Application: Amendment of License.

b. Project No: 2157-011.

c. Date Filed: December 20, 1982.

d. Applicants: Public Utility District No. 1 of Snohomish County and the City of Everett, Washington.

e. Name of Project: Sultan River.

f. Location: On Sultan River in Snohomish County, Washington.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W. G. Hulbert, Jr., Manager, Public Utility District No. 1 of Snohomish County, P.O. Box 1107, Everett, Washington 98206.

i. Comment Date: June 6, 1983.

j. Description: Licensee filed a revised Exhibit R (Recreation Plan) on December 20, 1982, in accordance with Article 52 of the Order Amending License issued on October 16, 1981. Licensee proposes the development of three boat launch sites; two with ramps for trailered boats and one for car-top boats. The sites, and attendant day-use facilities would be located along the southeastern shore of Spada Lake. The present restrictions on the use of organic bait, shoreline fishing and the use of rubber rafts at Spada Lake would be lifted, and the use of electric motors only would be permitted. The revised Exhibit R would also provide for the rehabilitation of certain existing areas for project overlooks, and the development of a new overlook on the north side of the reservoir. A fishing access and day-use facilities are proposed along the West bank of the Sultan River, between the City of Everett's diversion dam and the powerhouse. In addition, Licensee proposes to cooperate with the Washington State Parks and Recreation Commission in the development of back-country overnight camping facilities at the off-site Wallace Lake in lieu of development of such facilities within the Sultan River watershed.

k. This notice also consists of the following standard paragraphs: B, C, and D2.

2. a. Type of Application: Major License (over 5 MW).

b. Project No: 2909-001.

c. Date Filed: November 24, 1982.

d. Applicant: Town of Vidalia, Louisiana.

e. Name of Project: Lock and Dam No. 4.

f. Location: Near the town of Coushatta, Red River Parish, Louisiana, on the Red River.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: J. B. Lancaster, Jr., V.P., Forte and Tablada, Inc., P.O. Box 64844, Baton Rouge, Louisiana 70896.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would be located at the proposed U.S. Army Corps of Engineers Lock and Dam #4 of the Red River Waterway Project. The proposed hydroelectric facility would consist of a new powerhouse containing two turbine-generators with a total rated capacity of 36 MW built integrally to the south abutment of the Corps' proposed gated spillway structure, a tailrace channel, a switchyard and a 13.8-mile-long 138-kV transmission line. The transmission line would be overbuilt on existing Central Louisiana Power and

¹ The petition of J-W with respect to the Malcolm Akey #1 Well has already been noticed in Docket No. GP83-8-000. Notice of that petition was issued January 7, 1983. 48 FR 1,536 (January 13, 1983).

Light transmission lines for approximately 11.3 miles to the Caroll sub-station. The Applicant plans to construct the project concurrently with the Corps' construction of Lock and Dam #4. The project would generate up to 1,544,526,000 kWh annually.

k. Purpose of Project: Energy produced at the project would be sold to the Louisiana Energy and Power Authority. This application was filed during the term of the preliminary permit issued to the Town of Vidalia, FERC Project No. 2909-000.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

3. a. Type of Application: Exemption of Small Hydroelectric Power Project.

b. Project No: 2936-001.

c. Date Filed: January 27, 1983.

d. Applicant: White Hydropower Company.

e. Name of Project: Sears Hydroelectric Project.

f. Location: Rock River, Rock Island County, Illinois.

g. Filed Pursuant to: 18 CFR Part 4 Subpart K (1982).

h. Contact Person: Mr. Mitchell M. White, 1855 Glendale Road, Clinton, Iowa 52732.

i. Comment Date: June 3, 1983.

j. Description of Project: The proposed project would consist of: (1) the existing Sears and Steel Dams, each a concrete overflow structure, about 13 feet high and 460 feet long, and 3.5 feet high and 760 feet long, respectively; (2) the existing Sears Powerhouse, with a proposed installation of two 300 kW generating units; and (3) appurtenant facilities. Both dams and the powerhouse are owned by the State of Illinois and leased to the Applicant for a period of 20 years. Applicant estimates the average annual generation to be 5.077 GWh.

k. Purpose of Project: The power generated would be sold to Iowa-Illinois Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

a. Type of Application: Exemption of Conduit Hydroelectric Facility.

b. Project No: 4490-001.

c. Date Filed: March 19, 1982.

d. Applicant: Richvale Irrigation District.

e. Name of Project: Sutter-Butte Project.

f. Location: On the Sutter-Butte Canal in Butte County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act, 16 U.S.C. 823(a).

h. Contact Person: Mr. Loyd E. Horn, Richvale Irrigation District, P.O. Box 147, Richvale, California 95974.

i. Comment Date: June 6, 1983.

j. Competing Application: Project No. 5163-000, Date filed: July 31, 1981.

k. Description of Project: The proposed project would consist of: (1) installation of a steel lining in the four existing Sutter-Butte Canal outlet culverts; (2) a 400-foot-long, 13-foot-diameter penstock connected to the outlet structure; and (3) a powerhouse located in the canal, containing two 1,500-kW generating units and a bypass conduit. Applicant estimates the project would have an average annual energy production of 11,000 MWh.

l. Competing Applications: Any qualified license, conduit exemption, or small hydroelectric exemption applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license, conduit exemption, or small hydroelectric exemption application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing license, conduit exemption, or small hydroelectric exemption application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted in response to this notice.

A notice of intent must conform with 18 CFR 4.33(b) and (c) and 18 CFR 4.104(d).

m. Filing and Service of Responsive Documents: Any filings must bear in all capital letters the title "NOTICE OF INTENT TO FILE COMPETING APPLICATION" or "COMPETING APPLICATION", as applicable, and the Project Number of the particular application to which the filing is in response. Either of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Project Management Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent or competing application must also be served upon each representative of the Applicant specified in the particular application.

5 a. Type of Application: Exemption from Licensing for a 5MW or Less Project.

b. Project No: P-5306-001.

c. Date Filed: December 27, 1982.

d. Applicant: Mega Hydro, Inc.

e. Name of Project: Mega Hydro #1 Power Project.

f. Location: On Clover Creek, near Oak Run, in Shasta County, California.

g. Filed Pursuant to: Section 408 of the Energy Security Act, 16 U.S.C. 2705 and 2708, as amended.

h. Contact Person: Mr. Fred G. Castagna, Vice President, Mega Hydro, Inc. 2576, Hartnell Avenue, Redding, California 96002.

i. Comment Date: June 8 1983.

j. Description of Project: The proposed project would consist of: (1) a 4-foot-high, 32-foot-long diversion structure; (2) a 4,400-foot-long trapezoidal ditch; (3) six 4-foot-high, by 4-foot-long intake structure screens; (4) a 33-inch-diameter, 5,720-foot-long steel penstock; (5) a powerhouse to contain one generating unit with a rated capacity of 1,000 kW; and (6) an 16,100-foot-long transmission line from the powerhouse to an existing 60-kV Pacific Gas and Electric Company (PG&E) transmission line. The Applicant estimates the average annual energy generation at 4.3 million kWh which would be sold to PG&E.

k. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

6 a. Type of Application: License (under 5 MW).

b. Project No: 6700-000.

c. Date Filed: September 23, 1982.

d. Applicant: Georgetown Hydro Associates.

e. Name of Project: Georgetown Hydro Project.

f. Location: C&O Canal on the Potomac River, in Washington, D.C.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Graig Lussi, 4105 Aspen Street, Chevy Chase, Maryland 20815.

i. Comment Date: June 29, 1983.

j. Description of Project: The proposed project would consist of: (1) the restoration of an existing intake structure; (2) an existing concrete penstock 10 feet in diameter and 66 feet long; (3) restoration of the existing powerhouse and one generating unit with a capacity of 700 kW; (4) an existing tailrace; and (5) appurtenant facilities.

The C&O Canal takes water from the Potomac River diverted by the U.S. Army Corps of Engineers Diversion Weir at Little Falls. The C&O Canal is owned and operated by the United States Department of the Interior National Park Service. The Applicant owns all the other project facilities. The Applicant estimates the average annual energy would be 6,132,000 kWh.

Estimated cost of project construction is \$600,000.

k. Purpose of Project: All project energy would be sold to Potomac Electric Power Company.

l. This notice also consists of the following standard paragraphs: A2, B, C and D1.

7 a. Type of Application: Preliminary Permit.

b. Project No: 6832-000.

c. Date Filed: November 5, 1982.

d. Applicant: Butte-Silver Bow Government.

e. Name of Project: Basin Creek.

f. Location: Silver Bow County, Montana.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Don Peoples, Chief Executive, Government of Butte-Silver Bow Courthouse, Butte, Montana 59701.

i. Comment Date: June 27 1983.

j. Description of Project: The proposed project would consist of: (1) proposed two 14 inch penstocks approximately 2,500-feet long and 3,500-feet long, respectively; (2) a proposed three quarters of a mile, 7200 volt transmission line; (3) a proposed powerhouse containing two generating units rated at 90 kW and 190 kW, respectively. The Applicant estimates the average annual energy output to be 1,960,000 kWh. A portion of the project would occupy lands owned by the U.S. Forest Service.

k. Purpose of Project: The Applicant proposes to sell the generated power to either the Montana Power Company or the Vigilante Electric Cooperative.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

8 a. Type of Application: Exemption from Licensing.

b. Project No: 6840-000.

c. Date Filed: November 10, 1982.

d. Applicant: Olympus Energy Corporation.

e. Name of Project: Tyler Peak Hydroelectric.

f. Location: On Upper Dungeness River, within Olympic National Forest, near Sequim, in Clallam County, Washington.

g. Filed Pursuant to: Section 408 of the Energy Security Act of 1980, 16 U.S.C. 2705 and 2708 *as amended*.

h. Contact Person: Mr. Jerome Livingston, 201-215th Street, S.E. Bothell, Washington 98011.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) a 5-foot-high, 75-foot-long concrete diversion structure; (2) a 8,000-foot-long, 54-inch-diameter steel pipeline; (3) a 1,000-foot-

long, 54-inch-diameter steel penstock; (4) a powerhouse containing two generating units with a total installed capacity of 4.88 MW; and (5) a 6.5-mile-long transmission line. The applicant estimates the average annual energy production at 29.9 million kWh.

k. Purpose of Project: Project power would be sold to a local public utility.

l. This notice also consists of the following standard paragraphs: A1, B, C, and D3a.

9 a. Type of Application: Preliminary Permit.

b. Project No: 6864-000.

c. Date Filed: December 20, 1982.

d. Applicant: City of Buffalo.

e. Name of Project: Buffalo Water Power.

f. Location: Johnson County, Wyoming.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. W. H. Edelman III, President, Hydro Management Inc., Route 1, Box 169, Ronan, Montana 59864.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would consist of: (1) proposed diversion structures; (2) proposed 15 inch diameter penstocks; (3) a proposed powerhouse containing 1 generating unit rated at 600 kW; (4) a proposed 29 kV transmission line; and (5) appurtenant facilities. The Applicant estimates the average annual energy output to be 3,832 MWh.

k. Purpose of Project: The Applicant proposes to sell the generated power to the Pacific Power and Light Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

10 a. Type of Application: Small Conduit Exemption.

b. Project No: 6919-000.

c. Date Filed: December 10, 1982.

d. Applicant: James B. Peter.

e. Name of Project: Peter Ranch Power Project.

f. Location: On the Peter Ranch irrigation system, which diverts water from Peter's Creek in Plumas County, California.

g. Filed Pursuant to: Section 30 of the Federal Power Act [16 U.S.C. 823(a)].

h. Contact Person: James B. Peter, Route 1, Box 45 Greenville, California 95947.

i. Comment Date: June 6, 1983.

j. Description of Project: The proposed project would consist of: (1) a powerhouse containing a turbine-generator with a rated capacity of 15 kW and an average annual production of 83,000 kWh; and (2) a 10-foot-long tailrace return to the irrigation system.

k. Purpose of Project: The purpose of the project is to produce electricity from

the potential energy of an existing irrigation system. The Applicant proposes to sell electricity produced to the Pacific Gas and Electric Company.

l. This notice also consists of the following standard paragraphs: B, C and D3b.

11a. Type of Application: Exemption.

b. Project No: 6932-000.

c. Date Filed: December 14, 1982.

d. Applicant: The Pacific Lumber Company and Bernice R. and Christine E. Bankdull.

e. Name of Project: Grizzly Creek.

f. Location: On Grizzly Creek in Humboldt County, California.

g. Filed Pursuant to: Energy Security Act of 1980 (16 U.S.C. 2705 and 2708 *as amended*).

h. Contact Person: Mr. Warren D. Flinchbaugh, The Pacific Lumber Company, P.O. Box 37, Scotia, California 95565 and Mr. John R. Winzler, Winzler & Kelly Engineers, P.O. Box 1345, Eureka, California 95501.

i. Comment Date: June 8, 1983.

j. Description of Project: The proposed project would consist of: (1) a 3-foot-high diversion structure at elevation 1,100 feet (msl); (2) a 30-inch-diameter, 5,200-foot-long low pressure conduit; (3) a 30-inch-diameter, 5,700-foot-long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 1,310 kW; and (5) a 1.5-mile-long, 12-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electric Company (PG&E) line west of the powerhouse.

k. Purpose of Project: Project energy would be sold to PG&E.

l. This notice also consists of the following standard paragraphs: A1, B, C and D3a.

12a. Type of Application: License (under 5 MW).

b. Project No: 7020-000.

c. Date Filed: January 24, 1983, and revised on March 11, 1983.

d. Applicant: Auburn Hydro, Inc.

e. Name of Project: Division Street.

f. Location: On the Owasco Lake Outlet in the City of Auburn, Cayuga County, New York.

g. Filed Pursuant to: 16 U.S.C. 791(a)-825(r).

h. Contact Person: James J. Glass, P.O. Box 845, Auburn, New York 13021.

i. Comment Date: June 6, 1983.

j. Competing Application: Project No. 6785-000. Date Filed: October 20, 1982.

k. Description of Project: The proposed project would consist of the following existing facilities: (1) an 11 1/2-foot-high 100-foot-long gravity-type dam having an inoperative intake structure at the right (north) abutment and a waste gate at the left abutment; (2) a reservoir

having a surface area of 2.0 acres and a gross storage capacity of 6.0 acre-feet at spillway crest elevation 622.21 feet m.s.l.; (3) a breached intake canal along the left (south) bank; (4) a gated intake structure; (5) a powerhouse containing an inoperative generating unit having a rated capacity of 410-kW under a 25-foot head and at a flow of 420 cfs; (6) a tailrace; and (7) miscellaneous appurtenances.

Applicant proposes to redevelop the existing facilities and would: (1) reconstruct the dam and powerhouse; (2) repair the intake canal and intake structure; (3) replace the waste gate; (4) renovate the generating unit and switchgear; and (5) install a short 15-kV transmission line. Applicant estimates that the proposed project would cost \$625,000.

In the future Applicant would provide an additional generating unit having a rated capacity of 470-kW operated under a 25-foot head and at a flow of 480 cfs. Applicant estimates that the proposed future generating unit would cost \$1,200,000.

l. Purpose of Project: Project energy would be sold to New York State Electric and Gas Corporation. Applicant estimates that the average annual energy output would be 2,634,312 kWh. The proposed future generating unit would provide an additional 976,536 kWh annually.

m. This notice also consists of the following standard paragraphs: A2, B, C and D1.

13a. Type of Application: Preliminary Permit.

b. Project No: 7048-000.

c. Date Filed: February 1, 1983.

d. Applicant: The Metropolitan District.

e. Name of Project: Collinsville Project.

f. Location: On the Farmington River in Hartford and Litchfield Counties, Connecticut.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Bernard A. Batycki, District Manager, The Metropolitan District, 555 Main Street, Hartford, Connecticut 06103.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would include the following existing facilities: (1) the 350-foot-long and 18-foot-high Upper Collins Company Dam with provisions for 3-foot-high flashboards; (2) a reservoir with a storage capacity of 350 acre-feet; (3) a 50-foot-wide intake channel 180 feet long at the right (west) bank; (4) a powerhouse with old generating equipment; (5) a tailrace; (6) sluice gates and a forebay at the left (east) bank; (7)

a canal; (8) a powerhouse with old generating equipment; (9) a tailrace; (10) the 350-foot-long and 20-foot-high Lower Collins Company Dam; (11) a reservoir with a storage capacity of 160 acre-feet; (12) a gatehouse at the left abutment (east); (13) a 50-foot-wide and 650-foot-long canal; (14) a powerhouse with old generating equipment; (15) a tailrace; and (16) other appurtenances. Applicant proposes various alternatives for power generation at both sites, to include: the rehabilitation of some existing units and installation of new generating units at the existing powerhouses; removal of existing equipment and installation of new units in the existing powerhouses; or, the construction of 2 new powerhouses at the left bank. Applicant proposes an installed capacity of 1,500 kW at each site, and estimates a total average annual generation of 11,000,000 kWh.

k. Purpose of Project: Project energy would be sold to the Hartford Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

m. Proposed Scope of Studies under Permit: A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 2 years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under permit would be \$120,000.

14a. Type of Application: Preliminary Permit.

b. Project No: 7075-000.

c. Date Filed: February 14, 1983.

d. Applicant: Northern Wasco County People's Utility District.

e. Name of Project: McNary Dam Fish Attraction.

f. Location: On the Columbia River, at McNary Dam, near Umatilla, in Benton County, Washington.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Harold E. Haake, Manager, Northern Wasco County People's Utility District, P.O. Box 621, The Dalles, Oregon 97058.

i. Comment Date: June 20, 1983.

j. Description of Project: The proposed project would consist of: (1) two turbine-generating units, one rated at 2.7 MW and one rated at 4.3 MW, to be installed in two conduits of the existing Corps of Engineers' McNary Dam; and (2) an

1,800-foot-long transmission line. The average annual energy generation is estimated to be 41 million kWh.

A preliminary permit does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct feasibility studies and prepare an FERC license application. No new roads would be required. The cost would be \$130,000.

k. Purpose of Project: Power would be used in the Applicant's service area.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, D2.

15a. Type of Application: Preliminary Permit.

b. Project No: 7134-000.

c. Date Filed: March 10, 1983.

d. Applicant: Mountain West Hydro, Inc.

e. Name of Project: Squirrel Creek Hydroelectric.

f. Location: On Squirrel Creek, within Mt. Hood National Forest, near Estacada, Marion County, Oregon.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. Contact Person: Mr. David L. Browning, Mountain West Hydro, Inc., 2155 Christina N.W., Salem, Oregon 97304.

i. Comment Date: June 30, 1983.

j. Description of Project: The project would consist of: (1) a 6-foot-high, 40-foot-long concrete diversion structure at an elevation of 3,600 feet; (2) a 5,285-foot-long, 24-inch-diameter pipeline; (3) a powerhouse containing one generating unit with an installed capacity of 510 kW; and (4) a 19,800-foot-long, 69-kV transmission line. The Applicant estimates that the average annual energy production would be 2.79 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$83,000.

k. Purpose of Project: Project power would be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C and D2.

16a. Type of Application: Preliminary Permit.

b. Project No: P-7137-000.

c. Date Filed: March 10, 1983.

d. Applicant: Springfield Associates #2.

e. Name of Project: North Fork #2

f. Location: On the North Fork of Middle Fork Willamette River in Lane County, Oregon, within the Willamette National Forest near the Town of Westfir.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Tom Forbes, P.O. Box 421, Mercer Island, Washington 98040 with a copy to: Mr. Joel Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

i. Comment Date: June 27, 1983.

j. Description of Project: The proposed project would consist of: (1) an 80-foot-high, 1,110-foot-long dam at elevation 1,320 feet; (2) a reservoir having a surface area of 90 acres and a storage capacity of 2,200 acre-feet; (3) a 700-foot-long steel penstock; (4) a powerhouse containing a single 5.3-MW generating unit capable of an average annual generation of 20,900 MWh; and (5); a 10-mile-long, 34.5-kV transmission line.

A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a 24-month preliminary permit to conduct engineering, economic, and environmental feasibility studies and to prepare an application for an FERC license. Those studies would include core borings and test pits at the dam site, penstock route, and powerhouse site. No new roads would be constructed to conduct the studies and all disturbed lands would be restored. Applicant estimates the cost of the above studies to be \$150,000.

k. This notice also consists of the following standard paragraphs: A4b, A4c, A4d, B, C and D2.

17a. Type of Application: Preliminary Permit.

b. Project No: 7146-000.

c. Date Filed: March 15, 1983.

d. Applicant: County of Butte.

e. Name of Project: Butte Creek.

f. Location: On Butte Creek, on lands managed by the Bureau of Land Management and within the Lassen National Forest, near Paradise, in Butte County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. Delbert Siemsen, Counsel, County of Butte, 25 County Center Drive, Oroville, California 94965.

i. Comment Date: June 8, 1983.

j. Competing Application: Project No. 6896-000. Date filed: December 16, 1982.

k. Description of Project: The proposed project would consist of: (1) a 270-foot-high, 1,400-foot-long earthen dam at a crest elevation of 2,270 feet,

creating a reservoir with a storage capacity of 12,600 acre-feet; (2) a 16,000-foot-long, 9-foot-diameter conduit/tunnel; (3) a surge tank; (4) a 2,000-foot-long, 9-foot-diameter penstock; (5) a powerhouse containing two generating units with a total installed capacity of 32 MW; and (6) a 800-foot-long, 60-kV transmission line connecting to an existing PG&E transmission line. The Applicant estimates that average annual energy production would be 66 million kWh.

A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and economic studies. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be \$450,000.

l. Purpose of Project: Project power would be sold to PG&E.

m. This notice also consists of the following standard paragraphs: A3, B, C and D2.

18a. Type of Application: Preliminary Permit.

b. Project No: 7176-000.

c. Date Filed: March 28, 1983.

d. Applicant: Hydro-Cor, Inc.

e. Name of Project: Roaring River Waterpower.

f. Location: On Roaring River in Clackamas County, Oregon near the Town of Estacada, within the Mt. Hood National Forest.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. Contact Person: Mr. L. Maurice Baker, Small Scale Hydropower, Suite 1211, 319 S.W. Washington, Portland, Oregon 97204.

i. Comment Date: June 30, 1983.

j. Description of Project: The proposed project would consist of: (1) an intake structure at elevation 1,600 feet; (2) a 60-inch-diameter, 19,000-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 7,000 kW; and (4) a transmission line. The average annual energy output would be 30 million kWh.

A preliminary permit, if issued does not authorize construction. The Applicant seeks a 24 month permit to study the feasibility of construction and operating the project. No new access road will be needed for the purpose of conducting these studies. The estimated cost for conducting these studies is \$75,000.

k. Purpose of Project: Power produced by the proposed project will be sold to Portland General Electric Company.

l. This notice also consists of the following standard paragraphs: A4a, A4c, B, C, and D2.

Competing Applications

A1. Exemptions for Small Hydroelectric Power Project under 5MW Capacity—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either a competing license application that proposes to develop at least 7.5 megawatts in the project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1982). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d).

A2. Applications for License—Anyone desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, either the competing application itself (see 18 CFR 4.33(a) and (d), and Part 16, where applicable) or a notice of intent (see 18 CFR 4.33(b) and (c)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or §§ 4.101 to 4.104 (1982).

A3. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for license, examination or preliminary permit, or notices of intent to file competing applications, will be accepted for filing in response to this notice (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate). Any application for license or exemption from licensing, or notice of intent to file a license or an exemption application, must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

Preliminary Permits

A4a. Existing Dam or Natural Water Feature Project—Anyone desiring to file a competing application for preliminary permit for a proposed project at an

existing dam or natural water feature project, must submit the competing application to the Commission on or before 30-days after the specified comment date for the particular application (see 18 CFR 4.30 to 4.33 (1982)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

A4b. No Existing Dam—Anyone desiring to file a competing application for preliminary permit for a proposed project where no dam exists or there are proposed to be major modifications, must submit to the Commission on or before the specified comment date for the particular application, the competing application itself, or a notice of intent to file such an application (see 18 CFR 4.30 to 4.33 (1982)).

A4c. The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be submitted to the Commission on or before the specified comment date for the particular application. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see 18 CFR 4.30 to 4.33 or §§ 4.101 to 4.104 (1982), as appropriate).

A4d. Submission of a timely notice of intent to file an application for preliminary permit allows an interested person to file an acceptable competing application for preliminary permit no later than 60 days after the specified comment date for the particular application.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST" or "MOTION TO INTERVENE", as applicable, and the Project Number of the particular

application to which the filing is in response. Any of the above named documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments

D1. License applications (5 MW or less capacity)—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments with the Commission within the time set for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D2. Preliminary permit applications—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the applicant.) If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to Applicant's representatives.

D3a. Exemption applications (5 MW or less capacity)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and game agency(ies) are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish

and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D3b. Exemption applications (Conduit)—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State Fish and Game agency(ies) are requested, for the purposes set forth in Section 30 of the Act, to file within 45 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 45 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: April 22, 1983.

Kenneth F. Plumb,
Secretary.

[FR Doc. 83-11249 Filed 4-20-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

PF-323; PH-FRC #2351-8]

Certain Companies; Pesticide, Food and Feed Additive Petitions**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: EPA has received pesticide, food, and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-323] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA give notice that the Agency has received the following pesticide, food, and feed additive petitions relating to the establishment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues where required, is given in each petition.

Initial Filings

1. *FAP 3H5391*. Uniroyal Chemical, 74 Amity Rd, Bethany, CT 06525. Proposed amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in connection with an experimental use program resulting from application of the pesticide in the growing crop citrus with a tolerance limitation of 2.0 parts per million (ppm) in or on dried citrus pulp. (PM-12, Jay Ellenberger, 703-557-2386).

2. *FAP 3H5391*. Uniroyal Chemical.

Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the above insecticide under said program with a tolerance limitation of 40.0 ppm in citrus oil. (PM-12, Jay Ellenberger, 703-557-2386).

3. *PP 3F2844*. American Research Division, P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.361 by establishing tolerances for the combined residues of the herbicide pendimethalin [*N-T1(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenzmine*] and its metabolite [4-([1-ethylpropylamino]-2-methyl-3,5-dinitrobenzyl alcohol in or on the commodity safflower seeds at 0.1 ppm. The proposed analytical method for determining residues is gas liquid chromatography. (PM-25, Robert Taylor, 703-557-1800).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409 (b)(5), 72 Stat. 1788, (21 U.S.C. 348))

Dated: April 14, 1983.

Douglas D. Camp,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-10740 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS 64000; TSH-FRL 2354-1]

4,4'-Methylenedianiline; Initiation of Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: This notice announces initiation of a 180-day review of 4,4'-methylenedianiline under section 4(f) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603. Information relevant to this review may be submitted to EPA and will receive consideration.

DATES: Information for review must be submitted on or before June 27, 1983.

ADDRESS: Information relevant to this review should be submitted to: Document Control Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St. SW., Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M Street, SW., Washington, D.C. 20460, Toll Free: (800-424-9065). In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: A 180-days review of 4,4'-methylenedianiline has been initiated under section 4(f) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2603. The Administrator's decision under section 4(f) will be published in the **Federal Register** on or before September 12, 1983. Review may be extended for up to 90 days for good cause. If extended review is necessary, a notice will be published in the **Federal Register**.

Dated: April 15, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-11167 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

Extension of PSD Permit Originally Issued to the Northern Tier Pipeline Co.

[A-10-FRL #2354-6]

Notice is hereby given that on April 14, 1983, the Environmental Protection Agency (EPA) issued a two year extension to the Prevention of Significant Deterioration (PSD) permit of the Northern Tier Pipeline Company, Number PSD-X81-13.

This extension has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulation, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available only by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

FOR FURTHER INFORMATION CONTACT: Lee Marshall, (206) 442-1417, FTS: 399-1417.

Copies of the permit are available for public inspection upon request at the following location: Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Room 11D, M/S 532, Seattle, Washington 98101.

Dated: April 14, 1983.

John R. Spencer,
Regional Administrator.

[FR Doc. 83-11168 Filed 4-26-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

(No. AC-234)

Valley Federal Savings and Loan Association; Van Nuys, Calif; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Notice is hereby given that on April 13, 1983, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to the authority delegated to him by the Board, approved Post-Approval Amendment No. 5 to the mutual-to-stock conversion application of Valley Federal Savings and Loan Association, Van Nuys, California ("Association"). The application had been approved by the Board by a letter dated March 9, 1983. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California 94120.

Dated: April 21, 1983.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,
Acting Secretary.

[FR Doc. 83-11228 Filed 4-26-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM**Acquisition of Bank Shares by a Bank Holding Company; Texas Commerce Bancshares, Inc.**

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. Board of Governors of the Federal Reserve System (William W. Wiles, Secretary) Washington, D.C. 20551:

1. Texas Commerce Bancshares, Inc., Houston, Texas; to acquire 100 percent of the voting shares or assets of Texas Commerce Bank-Sugarland, N.A., Sugarland, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than May 20, 1983.

Board of Governors of the Federal Reserve System, April 21, 1983.

James McAfee

Associate Secretary of the Board.

[FR Doc. 83-11139 Filed 4-26-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies, Proposed de Novo Nonbank Activities; PNC Financial Corp., et al.

The organization identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of Cleveland (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. PNC Financial Corp, Pittsburgh, Pennsylvania (lending activities; Texas): To engage, through its subsidiary, The Kissell Company, in making or acquiring and servicing for its own accounts and/or the accounts of others, loans and other extensions of credit. These activities will be conducted at an office located in the metropolitan area of Dallas, Texas, and will serve the counties of Dallas, Tarrant, Parker, Wise, Denton, Collin, Hunt, Rockwall, Kaufman, Van Zandt, Navarro, Ellis, Johnson, Somervell, and Hood, all in Texas. Comments on this application must be received not later than May 16, 1983.

B. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. NCNB Corporation, Charlotte, North Carolina (consumer finance and insurance activities; North Carolina): To engage, through its subsidiary, TranSouth Financial Corporation, in making direct loans for consumer and other purposes, purchasing retail installment notes and contracts and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit and through its subsidiary, TranSouth Mortgage Corporation, in making direct loans for consumer and other purposes under the general usury statutes, purchasing retail installment notes and contracts; making direct loans to dealers for the financing of inventory (floor planning); and working capital purposes; and acting as agent for the sale of credit life, credit accident and health and physical damage insurance directly related to its extensions of credit from a common office to be located in Waynesville, North Carolina, serving the geographic area 25 miles of said office. Comments on this application must be received not later than May 20, 1983.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. BankAmerica Corporation, San Francisco, California (financing and insurance activities; expansion of geographic scope; Alabama): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance, credit-related accident and health insurance and

credit-related property insurance. The aforementioned types of credit-related insurance are permissible under Section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit secured by real and personal property, and offering credit-related life, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation. All these activities have been previously approved as in accordance with Regulation Y. These activities will be conducted from an existing office located in Anniston, Alabama, serving the entire State of Alabama. Comments on this application must be received not later than May 16, 1983.

2. *Napa National Bancorp*, Napa, California (leasing activities; Northern California): To engage, through its proposed subsidiary, Napa National Leasing Corporation, in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from offices in Napa, California and would be performed in Napa, Sonoma, and Solano Counties, California. Comments on this application must be received not later than May 20, 1983.

Board of Governors of the Federal Reserve System, April 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-11141 Filed 4-26-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company; Thorndale Bancshares, Inc.

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must

include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Thorndale Bancshares, Inc.*, Thorndale, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Thorndale State Bank, Thorndale, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not later than May 20, 1983.

Board of Governors of the Federal Reserve System, April 21, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 11140 Filed 4-26-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Surplus Personal Property Mailing List Application (GSA Form 2170)

AGENCY: General Services Administration.

ACTION: Notice of information collection; revision.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration plans to request the Office of Management and Budget to review and approve the revision of an information collection request for the continued collection of data.

DATES: Comments on the information collection must be submitted on or before May 13, 1983.

ADDRESSES: Send comments to Franklin S. Reeder, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and to John Gilmore, GSA Clearance Officer, General Services Administration (ORAI), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Milton Herman on 202-557-0814.

SUPPLEMENTARY INFORMATION: GSA Form 2170, Surplus Personal Property Mailing List Application, is completed by persons who wish to have their names placed on the surplus property bidders' mailing list. The form allows each prospective bidder to identify the type of property and geographical areas

of interest. The preparation and submission of the form is voluntary, the annual estimated number of respondents is 100,000, and the estimated average completion time per response has been reduced from 7½ minutes to 5 minutes. This estimate is based on a reduction in the number of surplus personal property categories. A copy of the information collection proposal may be obtained from the General Services Administration (ORAI), Room 3015, GS Building, Washington, D.C. 20405, telephone (202) 566-1164.

Dated: April 19, 1983.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 83-10471 Filed 4-26-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Health Education Assistance Loan Program; "Maximum Interest Rates for Quarter Ending June 30, 1983"

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending June 30, 1983, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 12 percent. Using the regulatory formula (45 CFR 126.13(a)(2)(3)), in effect prior to January 27, 1981, the Secretary computes the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (8.39 percent), and rounding the result (4.89 percent) upward to the nearest 1/8 percent (5.0 percent). The regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-

month period concluded by those 3 months. However, because the average of the 4 quarters concluded by the quarter ending March 31, 1983 is not in excess of 12 percent, there is no necessity for reducing the interest rate. For the previous 3 quarters the variable interest at the annual rate was as follows: 11 percent for the quarter ending September 30, 1982; 111/8 percent for the quarter ending December 31, 1982; and 113/4 percent for the quarter ending March 31, 1983.

2. For fixed rate loans executed during the period of April 1 through June 30, 1983, and for variable rate loans executed after January 27, 1981, the interest rate is 12 percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (8.39 percent); adding 3.50 percent (11.89 percent); and rounding that figure to the next higher one-eighth of 1 percent (12 percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans)

Dated: April 21, 1983.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 83-11131 Filed 4-26-83; 8:45 am]

BILLING CODE 4160-16-M

Public Health Service

Section 1876 of Social Security Act; Delegation of Authority

Notice is hereby given that in furtherance of the March 31, 1983 delegation by the Secretary of Health and Human Services to the Assistant Secretary for Health of authority under section 1876 of the Social Security Act (42 U.S.C. 1395mm), as amended, to determine whether an entity is an "eligible organization" within the meaning of section 1876(b) of the Social Security Act, the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration, with authority to redelegate, all the authority delegated to the Assistant Secretary for Health under section 1876 of the Social Security Act (42 U.S.C. 1395 mm), as amended.

The October 23, 1978 delegation by the Acting Assistant Secretary for Health to the Director, Office of Health Maintenance Organizations, has been superseded insofar as it pertains to the authority under the former section 1876(b)(2)(A) of the Social Security Act (42 U.S.C. 1395 mm).

The delegation to the Administrator,

Health Resources and Services Administration, became effective on April 15, 1983.

Dated: April 15, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-1156 Filed 4-26-83; 8:45 am]

BILLING CODE 4160-16-M

Title V of the Public Health Service Act; Delegation of Authority to the Director, National Institutes of Health

Notice is hereby given that, in furtherance of the delegation of authority of December 9, 1982 by the Secretary of Health and Human Services to the Assistant Secretary for Health (48 FR 9067), the Assistant Secretary for Health has delegated to the Director, National Institutes of Health the following authorities under Title V of the Public Health Service Act (42 U.S.C. 219-229d), as amended, concerning certain functions of the Public Health Service insofar as they apply to the functions assigned to the National Institutes of Health:

(1) The authority under section 501 (42 U.S.C. 219), as amended, Gifts, excluding the authority to accept gifts of real property. Offers of personal property may not be accepted if the total costs associated with acceptance are expected to exceed the cost of purchasing a similar item and the cost of normal care and maintenance;

(2) The authority under section 506 (42 U.S.C. 224), as amended, Transportation of the Remains of Officers;

(3) The authority under section 507 (42 U.S.C. 225a), as amended, Grants to Federal Institutions;

(4) The authority under section 509 (42 U.S.C. 227), as amended, Availability of Appropriations; and

(5) The authority under section 512 (42 U.S.C. 229a), as amended, Memorials and Other Acknowledgments.

The Director, National Institutes of Health, may redelegate the authority under Title V of the PHS Act subject to the following provisions: the authority to accept conditional gifts offered to the National Library of Medicine may be redelegated to the Director, National Library of Medicine, with authority to redelegate further; otherwise, redelegation of the authority under section 501 is limited to the acceptance of unconditional gifts of personal property valued at \$5,000 or less.

Exercise of the authorities under Title V of the PHS Act shall be in accordance with statute and established policies, procedures, guidelines and regulations

of the Department and the Public Health Service.

The following delegations of authority to the Director, National Institutes of Health, have been superseded: (1) The Memorandum for the Director, Office of Management, PHS dated August 20, 1979, entitled: Delegation of Authority Under Section 501 of the PHS Act to Accept Gifts; (2) the Memorandum for the Acting Director, Office of Management, PHS, dated March 25, 1981, entitled: Delegation of Authority Under Section 501 of the PHS Act to Accept Gifts; (3) that portion concerning section 509 in the Memorandum for the Assistant Secretary for Administration and Management, OS, HEW, dated March 26, 1971, entitled: Delegation of Authority with Respect to the Wearing of Uniforms or Other Special Wearing Apparel; and (4) the Delegation of Authority to the extent that it concerns Title V and in particular section 509, contained in the Public Health Service Reorganization Order of July 1, 1973 (38 FR 18261).

The delegation to the Director, National Institutes of Health, became effective on April 13, 1983.

Dated: April 13, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

[FR Doc. 83-11157 Filed 4-26-83; 8:45 am]

BILLING CODE 4140-01-M

National Center for Health Services Research; Notice of Assessment of Medical Technology

The Public Health Service (PHS), through the Office of Health Technology Assessment (OHTA), announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness and use (indications) of electrocoagulation of gastrointestinal hemorrhage. Specifically, we are interested in the medical indications for: its use in the treatment of specific upper and lower gastrointestinal bleeding lesions (i.e. Mallory-Weiss tears, visible vessels in gastric or duodenal ulcers) and in other forms of endoscopic control of gastrointestinal bleeding such as thermal coagulation (heater probe) laser photocoagulation (Neodymium YAG or Argon) sclerotherapy, and topical therapy. Embolic and pharmacotherapy are not within the scope of this assessment.

For the purposes of this announcement, electrocoagulation of gastrointestinal hemorrhage is defined as the endoscopic use of monopolar or bipolar probes or electrofulguration in the coagulation and treatment of

gastrointestinal bleeding lesions. Other endoscopic methods of coagulation therapy are also being assessed. These methods and devices will be assessed from the standpoint of safety, clinical effectiveness and the extent to which these procedures are accepted and applied in the medical community as standard methods of treatment. The assessment also seeks to identify which of these modalities and devices are presently in investigational stages of development.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than July 15, 1983, or within 90 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designed clinical studies since 1978 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is not being sought, but published commercial information may be submitted.

Written material should be submitted to: Enrique D. Carter, M.D., National Center for Health Services Research, Office of Health Technology Assessment, Park Bldg., Room 3-10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20852.

Further information is available from Enrique D. Carter, M.D., Health Science Analyst, at the above address or by telephone (301) 443-4990.

Dated: April 18, 1983.

Harold Margulies,
Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83-11268 Filed 4-26-83; 8:45 am]
BILLING CODE 4160-17-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau's clearance officer and the Office of Management and Budget's reviewing official, Mr. Richard Otis, at (202)395-7340.

Title: 43 CFR 4120.6-7, Proffer of Monetary Contribution
Bureau Form Number: 4120-9
Frequency: Occasionally
Description of Respondents: Persons or groups wishing to make monetary contributions to the Bureau's resource protection and management program.

Annual Responses: 50

Annual Burden Hours: 25

Bureau clearance officer (alternate):

Linda Gibbs 202-653-8853.

Dated: October 15, 1982.

Arnold E. Petty

Acting Associate Director.

[FR Doc. 83-11148 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

[C-3357, C-3358]

Colorado; Classification Decision Termination

April 19, 1982.

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Bureau of Land Management Multiple Classification Orders of March 18, 1968, March 22, 1968, and July 3, 1969, described in *Federal Register* notices of March 26, 1968 (32 FR 4998-4999), April 2, 1968 (33 FR 5271), and July 10, 1969 (34 FR 11428), segregating the following described public lands from appropriation under the agricultural lands laws (43 U.S.C. Chapters 7 and 9, 25 U.S.C. 334) and from sale under section 2455 of the Revised Statutes (43 U.S.C. 1171), and further segregating the following described public lands under the general mining laws (30 U.S.C. Ch. 2) are hereby terminated: C-3357:

Dome Lake Site

New Mexico Principal Meridian

T. 45 N., R. 2 E.,
Sec. 2, W $\frac{1}{2}$ of lot 4 (W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 3, SE $\frac{1}{4}$ NE $\frac{1}{4}$.
T. 46 N., R. 2 E.,
Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described aggregates 179.65 acres in Saguache County.

Cochetopa Creek

New Mexico Principal Meridian

T. 47 N., R. 2 E.,
Those lands within 300 feet of either side of Cochetopa Creek within sections 5, 8, 16 (State Minerals), 17, 18, 20, 21, 28, and 29 (Subject to Power Site Reserve No. 43).

The area described aggregates 668 acres in Saguache County.

Tomichi Site

New Mexico Principal Meridian

T. 49 N., R. 2 E.,
Sec. 16, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (State Minerals).

The area described aggregates 69 acres in Gunnison County.

Cathedral Site

New Mexico Principal Meridian

T. 44 N., R. 2 W.,
Sec. 1, lot 5 (NE $\frac{1}{4}$ NE $\frac{1}{4}$), (Subject to PLO 5309, and PLO 5386);
Sec. 12, lots 4 (SW $\frac{1}{4}$ NW $\frac{1}{4}$), 5 (SE $\frac{1}{4}$ NW $\frac{1}{4}$), and 6 SW $\frac{1}{4}$ NW $\frac{1}{4}$, (Subject to PLO 5309, and PLO 5386).

The area described aggregates 167.60 acres in Hinsdale County.

Granodiorite Site

New Mexico Principal Meridian

T. 49 N., R. 2 W.,
Sec. 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ (Subject to Power Site Reserve No. 50 and C-014843, Bureau of Reclamation withdrawal).

The area described aggregates 390 acres in Gunnison County.

Powderhorn Lakes Site

New Mexico Principal Meridian

T. 45 N., R. 3 E.,
Sec. 22, E $\frac{1}{2}$ SE $\frac{1}{4}$, (Subject to C-19376, Public Water Reserve No. 107);
Sec. 23, Lots 7 thru 12 (lot 7 subject to C-19376, Public Water Reserve No. 107).

This area described aggregates 268 acres in Hinsdale County.

Narrow Grade Site

New Mexico Principal Meridian

T. 45 N., R. 4 W.,
Sec. 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ (patented surface and minerals).

The area described aggregates 40 acres in Gunnison County.

Kellog Siding Site

New Mexico Principal Meridian

T. 46 N., R. 4 W.,
Sec. 25, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described aggregates 40 acres in Gunnison County.
C-3358:

Big Blue Creek Site

New Mexico Principal Meridian

T. 47 N., R. 5 W.,
300 feet on either side of Big Blue Creek in the following described areas:
Sec. 15, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 22, W $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 27, W $\frac{1}{2}$ W $\frac{1}{2}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 34, NW $\frac{1}{4}$.

The area described aggregates 275 acres in Gunnison County.

Little Cimarron Site

New Mexico Principal Meridian

T. 46 N., R. 6 W.,
Sec. 12, E $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described aggregates 80 acres in Gunnison County.

2. At 10:00 a.m. on May 31, 1983, the lands in paragraph one shall be open to the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. At 10:00 a.m., on May 31, 1983, the lands in paragraph one will be open to the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. Appropriations of lands under the general mining laws prior to the date and time of restoration is authorized. 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 continue to be open to applications and offers under the mineral leasing laws, subject to valid existing rights.

Inquiries concerning the land should be addressed to the Chief, Lands and General Mining Law Section, Branch of Lands and Minerals Operations, Bureau

of Land Management, 1037-20th Street, Denver, Colorado 80202.

George C. Francis,
State Director.

[FR Doc. 83-11159 Filed 4-26-83; 8:45 am]
BILLING CODE 4310-84-M

[I-18576]

Realty Action; Competing Sale of Public Lands in Camas County, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, I-18576, competitive sale of public lands in Camas County, Idaho.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (909 Stat. 2750; 43 U.S.C. 1713) at no less than fair market value of \$4,000.00. Both sealed and oral bids will be accepted.

Boise Meridian, Idaho

T. 2S., R. 17E.
Sec. 11: W $\frac{1}{2}$ NW $\frac{1}{4}$ —comprising 20 acres.

The land, which will be sold at public auction by competitive bidding, is no longer required for any Federal purpose. It does not complement BLM programs and the location and physical characteristics of the tract, along with the private ownership of adjoining lands, make it uneconomical to manage as public land. Disposal would not have any significant effect on resource values and would best serve the public interest.

Notice is hereby given that on or after July 1, 1985, any grazing permit for Macon Flat Allotment may be altered to reflect the deletion of this 20 acre parcel. Because of the minimal impact to grazing capacity, no reduction of grazing capacity is expected. A grazing decision will be issued and be subject to protest under 43 CFR 4160.2 and/or appeal under 43 CFR 4.470.

A patent for the land, when issued, shall be subject to the following conditions:

1. A right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.
2. All minerals including Oil and Gas and Geothermal shall be reserved to the United States, as required by section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.
3. All valid existing rights and reservations of record.

The sale will be held at the Shoshone District Office, Bureau of Land Management, 400 West F Street,

Shoshone, Idaho at 10:00 a.m. Friday, July 1, 1983.

Additional information concerning the land, terms and conditions of the sale, and bidding instructions may be obtained from the Shoshone District Manager, at the above address or by calling (208) 886-2206.

Further Information/Inquiries

Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Shoshone District Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Shoshone District Manager. Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: April 19, 1983.

Dennis D. Schulze,
Acting District Manager.

[FR Doc. 83-11160 Filed 4-26-83; 8:45 am]
BILLING CODE 4310-84-M

[M 166]

Montana; Partial Termination of Proposed Withdrawal and Reservation of Land

April 15, 1983.

The Forest Service, United States Department of Agriculture, filed an application for withdrawal of the following described land from location and entry under the mining laws. The Notice of Proposed Withdrawal was published in the *Federal Register* on August 19, 1966, Vol. 31, No. 161, pages 11039-11040, and republished in *Federal Register*, on June 16, 1977, Vol. 42, No. 115, pages 30692-30693. The applicant agency has cancelled its application in part as to the following:

Principal Meridian, Beaverhead National Forest, Lower Seymour Lake Campground

T. 3 N., R. 13 W.,
Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

The area described contains 10 acres in Deer Lodge County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), at 8 A.M. on May 17, 1983, such lands will be relieved of the segregative effect of the above mentioned application.

Inquiries concerning these lands should be addressed to the Chief, Branch of Lands Resources, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Chief, Branch of Land Resources.

Roland F. Lee,

[FR Doc. 83-11161 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

Worland District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Pub. L. 91-463, Pub. L. 94-579, Pub. L. 95-514, and 43 CFR Part 1780, that a meeting of the Worland District Advisory Council will be held on June 7, 1983, at 9:30 a.m. Agenda for the meeting will include the following:

1. Introduction and Opening Comments.
2. Orientation and Highlight of District Program.
3. Council Function and Involvement.
4. Election of Officers.
5. Fiscal Year 1983 Public Land Sale Program.
6. The Asset Management Program.
7. Arrangements for Next Meeting.

The meeting is open to the public. Interested persons may make oral statements to the Council between 11:30 a.m. and 12 noon, or file written statements for the Council's consideration. Anyone wanting to make an oral statement must notify the District Manager by June 3, 1983. Depending on the number of persons wanting to make oral statements, a per-person limit may be established.

DATE: June 7, 1983, 9:30 a.m.

ADDRESS: Bureau of Land Management Office, Conference Room 1700 Robertson Avenue, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Paul Andrews, Associate District Manager, Bureau of Land Management, 1700 Robertson Avenue, Worland, Wyoming 82401. (307/347-6151)

SUPPLEMENTARY INFORMATION:

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Chester E. Conard,
District Manager.

[FR Doc. 83-11162 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-84-M

[W-71187, W-71188, W-71190]

Wyoming; Proposed Withdrawal Continuation

Correction

In FR Doc. 83-9218 appearing on page 15335 in the issue of Friday, April 8, 1983, make the following correction:

In the center column of page 15335, under T. 45N., R. 114 W., in Sec. 18, "E½ W¼" should have read "E½ NW¼".

BILLING CODE 1505-01-M

Fish and Wildlife Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Federal Fish and Wildlife Permit/License Bureau Form Number: 3-200

Frequency: On occasion/annually

Description of Respondents:

Individuals and businesses that take, possess or sell listed wildlife and their product; State, local, Federal governments, and educational institutions involved in scientific research and propagation

Annual Responses: 25,013 pc

Annual Burden Hours: 21,086 pc

Service Clearance Officer: Arthur J.

Ferguson, 202-653-7499.

April 15, 1983.

John P. Rogers,

Associate Director—Wildlife Resources.

[FR Doc. 83-11147 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Kerr-McGee Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4842, Block, 34, South Timbalier Area, Offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Services makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). These practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-11145 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 2812, 3301, and 4130, Blocks 237, 192, and 193, Garden Banks Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at

the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-11146 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

[Federal Lease No. 71692]

Availability of Final Environmental Impact Statement on the Proposed North Rochelle Mine, Campbell County, Wyoming

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

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM), Western Technical Center, has prepared a final environmental impact statement (EIS) on the mining and reclamation plan submitted by Shell Oil Company Mining to OSM and the State of Wyoming for the proposed North Rochelle mine. The EIS evaluates the two alternative actions of approval or disapproval that the Department could take on this plan and will assist the Department in making a decision on Shell Oil Company Mining's application for surface mining of coal south of the City of Gillette, Wyoming.

ADDRESSES: Copies of the final EIS may be obtained from Allen D. Klein, Administrator, Western Technical

Center, Office Surface Mining, Brooke Towers, 1020 Fifteenth Street, Denver, Colorado 80202.

Copies of the EIS are available for review at the Converse County Courthouse and the Douglas Library, Douglas, Wyoming; the Campbell County Courthouse and the George Amos Memorial Library, Gillette, Wyoming; and at the State of Wyoming, Department of Environmental Quality, 401 Nineteenth Street, Cheyenne, Wyoming.

FOR FURTHER INFORMATION CONTACT: Allen D. Klein, Attn: Charles Albrecht (telephone 303-837-5656) at the location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: Shell Oil Company Mining has submitted an application to OSM and the State of Wyoming for approval of the mining and reclamation plan for the proposed North Rochelle mine which will surface mine about 197 million tons of coal over a period of 26 years. The proposed site is 55 miles south of the City of Gillette, Wyoming. The mine would encompass 4,587 acres of State, private, and Federal land (Thunder Basin National Grasslands) of which 3,271 acres would be disturbed for mining, roads, railroad spur, and facilities.

OSM has identified a preferred alternative which is approval of the modified mining and reclamation plan. The State of Wyoming, the U.S.D.A. Forest Service, and OSM have identified stipulations that would be attached to the permit if it is granted. The other alternative is disapproval or no action.

OSM, with assistance from the Geological Survey, the Forest Service, the Interstate Commerce Commission, and the State of Wyoming, has analyzed the impacts of the alternatives. The final EIS consists of two documents: Draft EIS OSM-EIS-9 and Final EIS OSM-EIS-9. The final EIS document contains all the written comments submitted to OSM regarding the North Rochelle draft EIS and also contains responses as well as certain revisions to the draft document. Where changes in response to comments on a draft EIS are minor and do not warrant extensive revision, an abbreviated final EIS of this sort is sanctioned by the Council on Environmental Quality's regulations (40 CFR 1503.4(c)). Therefore, both documents are needed for complete EIS information.

Dated: April 22, 1983.

Carson W. Culp, Jr.,

Acting Director, Office of Surface Mining.

[FR Doc. 83-11198 Filed 4-26-83; 8:45 am]

BILLING CODE 4310-05-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Joint Committee on Agricultural Research and Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the fourth meeting of the Joint Committee on Agricultural Research and Development (JCARD) of the Board for International Food and Agricultural Development (BIFAD) on May 16 and 17, 1983.

The purpose of the meeting is to assist AID in implementing the components of the Title XII program by providing a two-way communications link for concerns of AID and concerns of the universities. The meeting will be addressing several of the issues identified in JCARD's "Program of Work Plan for 1983" including the International Research Centers and the Strengthening Grant Program.

The Executive Committee will meet from 9:00 a.m. to 12:00 noon on May 16; and the full JCARD will meet from 1:00 p.m. to 5:00 p.m. on May 16 and from 9:00 a.m. to 12:00 noon on May 17. The meeting will be held in the Holiday Inn, 1850 N. Fort Myer Drive, Rosslyn, Virginia. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. John Stovall, BIFAD Support Staff, is the designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, BIFAD Support Staff, Washington, D. C. 20523 or telephone him at (202) 632-8532.

Dated: April 21, 1983.

John Stovall,

A.I.D. Advisory Committee Representative, Joint Committee on Agricultural Research and Development, Board for International Food and Agricultural Development.

[FR Doc. 83-11130 Filed 4-26-83; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

Certain Canape Makers; Investigation

[Investigation No. 337-TA-146]

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 March 24, 1983, and amended on April 18, and 20, 1983, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of LK Manufacturing Corp., 9 Northern Boulevard, Greenvale, New York 11548. The complainant alleges unfair methods of competition and unfair acts in the importation of certain canape makers into the United States, or in their sale, by reason of alleged infringement of the claim of U.S. Letters Patent Des. 268,318. 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, during the pendency of the investigation, the Commission issue a temporary exclusion order, prohibiting importation of the articles into the United States except under bond and, after a full investigation, issued a permanent exclusion 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 April 20, 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 reason to believe that there is a violation or whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain canape makers in the United States, or in their sale, by reason of infringement of the claim of U.S. Letters Patent Des. 268,318, 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—
LK Manufacturing Corp., 9 Northern Boulevard, Greenvale, New York 11548.

(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: Wecolite Company, Inc., 699 Front Street, Teaneck, New Jersey 07660
Hoan Products Ltd., 615 East Crescent Avenue, Ramsey, New Jersey 07446
Rowoco, Warehouse Lane, Elmsford, New York 10523

Mid-West Housewares, Inc., 3320 North Kedzie Avenue, Chicago, Illinois 60618
Cooks Tools Ltd., 621 Route 46 West, Hasbrouck Heights, New Jersey 07604
S. Rossi Co., 197 Lagunitas Road, Ross, California 94957

(c) Samuel Bailey Jr., Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 128, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer. Pursuant to § 210.30(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.30(c)), discovery should be allowed in connection with the temporary relief phase of the investigation only to the extent necessary to weigh the standards that are applicable in determining whether temporary relief should be granted.

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 §§ 210.16(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 N.W., Room

156, Washington, D.C. 20436, telephone 202-523-0471.

FOR FURTHER INFORMATION CONTACT: Samuel Bailey Jr., Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-1273.

Issued: April 21, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-11252 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Commission Decision Not To Review Initial Determination

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. 31) granting a joint motion to terminate the above-captioned investigation as to respondents Cuproquim, S.A. and Jerry A. Mohn based on a settlement agreement.

Authority: The authority for the Commission's disposition of this matter is contained in sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. 1335, 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On March 16, 1983, the presiding officer issued an initial determination granting the joint motion of complainant Kocide Chemical Corp. and respondents Cuproquim, S.A. and Jerry A. Mohn to terminate the investigation as to those respondents on the basis of a written settlement agreement. Under § 210.54(b) of the Commission's rules, the deadline for filing petitions for review expired on March 18, 1983. No petitions were filed.

Copies of the nonconfidential version of the presiding officer's initial determination, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

Issued: April 18, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11255 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

Certain Rotary Wheel Printers; Order

[Investigation No. 337-TA-145]

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties or record and shall publish it in the *Federal Register*.

Issued: April 19, 1983.

Donald K. Duvall

Chief Administrative Law Judge.

[FR Doc. 83-11254 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-120]

Certain Silica-Coated Lead Chromate Pigments; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUPPLEMENTARY INFORMATION: On April 7, 1983, the Commission unanimously determined with respect to the above-captioned investigation that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation of certain silica-coated lead chromate pigments into the United States, and in their sale, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States. In addition, the Commission determined that a limited exclusion order pursuant to subsection (d) of section 337 is the most appropriate remedy for the violation found to exist, that the public-interest factors enumerated in subsection (d) do not preclude the issuance of such an order, and that the amount of the bond under subsection (g) of section 337 should be 35 percent of the entered value of the articles concerned. The Commission's Action and Order and the Commission opinion in support thereof were issued on April 21, 1983.

The notice instituting the investigation and defining its scope was published in the *Federal Register* on April 21, 1982 (47 FR 17134).

The Commission Action and Order, the Commission opinion, and all other

non-confidential documents on the record of the investigation are available for public inspection Monday through Friday 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 202-523-0471.

FOR FURTHER INFORMATION CONTACT:

Gracia M. Berg, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-1626.

Issued: April 21, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11257 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

[332-155]

Competitive Position of U.S. Producers of Robotics in Domestic and World Markets

AGENCY: International Trade Commission.

ACTION: The Commission will hold a public hearing for the purpose of affording all interested parties an opportunity to present views on the competitive position of the U.S. robotics industry in domestic and international markets. The initial notice of the investigation indicating the scope of the study, contact persons, and other related information was published in the *Federal Register* of March 9, 1983 (48 FR 9971).

Public hearing: A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street N.W., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on September 7, 1983. All persons shall have the right to appear by counsel or in person, to present information and to be heard. Request to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than August 30, 1983.

Written submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation, by September 1, 1983. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform

with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: April 18, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-11256 Filed 4-26-83; 8:45 am]

BILLING CODE 7020-02-M

[332-161]

Possible Effects of Changing World Crude Petroleum Prices

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted on its own motion investigation No. 332-161 for the purposes of gathering and presenting information on the future supply and prices of crude petroleum. This information will be used in assessing the possible effects of changing crude petroleum prices on such areas as United States Trade, the petroleum industry, the petrochemical industry, and other energy-intensive industries.

EFFECTIVE DATE: April 20, 1983.

FOR FURTHER INFORMATION CONTACT:

Mr. John J. Gersic of Mrs. Cynthia B. Foreso, Energy and Chemicals Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone—202-523-0451 or 202-523-1230).

Public hearing: A public hearing will be held in Houston, Texas starting Nov. 1, 1983 in connection with the investigation. At least 60 days prior to the hearings, a *Federal Register* notice will be posted giving the time and place. All persons shall have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436, no later than Oct. 24, 1983.

Written submissions: In lieu of or in addition to appearance at the public hearing, interested persons are invited to submit written statements concerning the investigation, no later than October 24, 1983. Commercial or financial information which a party desires the

Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 200.6). All written submissions, except for confidential business information, will be made available for inspection by interested parties. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: April 22, 1983.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 83-11253 Filed 4-26-83; 8:45 am]
BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[No. 39172 et al.¹]

Motor Carriers; Barrett Moving & Storage Company—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Two motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on May 12, 1983. The sought relief will become final May 27, 1983, after the close of the comment period unless, in response to time filed adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Elaine Dobbins, (202) 275-6272 or Howell I. Sporn, (202) 275-7691.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2227, 12th and Constitution Ave., N.W., Washington,

D.C. 20423, or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: April 20, 1983.

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-11150 Filed 4-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

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 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.

Agatha L. Mergenovich,
Secretary.

For status, please call Team 4 at 202-275-7669.

Volume No. OP4-FC-247

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81393, filed April 11, 1983. By decision of April 20, 1983 issued under 49 U.S.C. 10926 and the transfer at 49 CFR Part 1181, Review Board Number 1 approved the transfer to HEAVY HAUL CRANE & RIGGING, INC., of Spokane, WA, of Certificate No. MC-163197, issued January 26, 1983, to RAY SPENCER, Kellogg, ID, authorizing the transportation of (1) *building materials*, between points in Idaho, Washington, Montana, North Dakota, South Dakota, Minnesota, Colorado, Wyoming, and Nebraska; (2) *machinery* between points in Minnesota, North Dakota, South Dakota, Montana, Wyoming, Colorado, Utah, Idaho, Washington, and Oregon, (3) *transportation equipment*, between points in Washington, Oregon, Montana, North Dakota, South Dakota, and Wyoming; and (4) *scrap iron and metal products*, between points in Idaho, Washington, Oregon, and Montana. Representative: James W. Atwood, P.O. Box 447, Coeur d'Alene, ID 83814.

[FR Doc. 83-11153 Filed 4-26-83; 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 or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of

¹ This proceeding embraces two petitions for exemption filed by motor contract carriers: No. 39172, Barrett Moving & Storage Company and No. 39175, Rail-Trail Co.

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.

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."

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-148

Decided: April 29, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 148391 (Sub-2), filed April 15, 1983. Applicant: THE CONOVER EXCHANGE, INC., 7433 Bollinger Road, Conover, OH 45317. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603, (312) 263-2306. As a broker of general commodities (except household goods), between points in the U.S. (except AK and HI).

MC 167361, filed April 11, 1983. Applicant: HARRY DEFRATES, RRI Box 297, Hampshire, IL 60140.

Representative: Harry Defrates (same address as applicant), (312) 683-3630. 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 the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 167401, filed April 13, 1983. Applicant: GENESIS GROUP, INC., 2059 Greens Court, Hoffman Estates, IL 60194. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036, (202) 296-2900. As a broker of general commodities (except household goods), between points in the U.S. (except AK and HI).

MC 167430, filed April 15, 1983. Applicant: U.S. TRANSPORTATION CORPORATION, R. D. #3, Pottsville, PA 17901. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518, (215) 385-6086. As a broker, of general commodities (except household goods), between points in the U.S.

MC 167431, filed April 14, 1983. Applicant: MINATEE TRANSPORT, 1171 Chestnut St., Camden, NJ 08101. Representative: Larry Minatee, 34 Charman Ave., Lawnside, NJ 08045, (609) 547-1866. 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. (except AK and HI).

MC 167440, filed April 15, 1983. Applicant: ST. LOUIS TRAFFIC BUREAU, INC., 5053 Clayridge Drive, Suite 203, St. Louis, MO 63129. Representative: Daniel J. Crinnion (same address as applicant), (314) 892-8102. As a broker of general commodities (except household goods), between points in the U.S.

MC 167450, filed April 15, 1983. Applicant: DENNIS S. CROWDEN d.b.a. D C TRANSPORTATION Rt. #5—Box 105, Decatur, AL 35603. Representative: Dennis Crowden (same address as applicant), (205) 350-7544. Transporting food and other edible products and byproducts intended for human consumption (except alcoholic beverages and drugs), agricultural limestone and fertilizer, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-245

Decided: April 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 147816 (Sub-3), filed April 15, 1983. Applicant: VALLEY TRAVEL CLUB, INC., 15243 Victory Blvd., Van Nuys, CA 91405. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655-3573. Transporting passenger, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-11154 Filed 4-26-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; 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). Persons 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 authorized 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 of 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 finding 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 contract 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 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.

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."

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP2-185

Decided: April 14, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 59583 (Sub-191), filed April 4, 1983. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, TN 37662. Representative: Kim D. Mann, suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703-522-0900. 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 Mattel Toys, Division of Mattel, Inc., of Hawthorne, CA.

MC 107012 (Sub-812), filed April 5, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 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. under continuing contract(s) with Intergraph Corporation, of Huntsville, AL.

MC 107743 (Sub-62), filed March 8, 1983. Applicant: SYSTEM TRANSPORT, INC., P.O. Box 3456, Spokane, WA 99220. Representative: James E. Wallingford, P.O. Box 11841, Spokane, WA 99214, 509-535-6236. Transporting *farm products, clay, concrete, glass or stone products, plastic and rubber products, and metal products*, between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of the permits in MC-138256 Sub-Nos. 9, 16, 18, and 20, and MC-141548 Sub 21X (and the underlining authority it supercedes in MC-138256 Sub-Nos. 2, 4, 5, and 11F).

Note.—The purpose of this application is to convert applicant's contract-carrier authority to common-carrier authority, and to remove plantsite restrictions from its common-carrier authorities.

MC 110923 (Sub-13), filed April 6, 1983. Applicant: ALBERT LIVEK d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison St., Kewanee, IL 61443. Representative: Leslieann G. Maxey, 907 South Fourth St., P.O. Box 5093, Springfield, IL 62705, 217-528-8476. Transporting *beverages*, between points in the U.S. (except AK and HI), under continuing contract(s) with C.L. Van De Voorde Distributing, Inc., of Kewanee, IL.

MC 112713 (Sub-336), filed April 4, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, 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., under continuing contract(s) with Union Carbide Corporation, of Danbury, CT).

MC 112713 (Sub-337), filed April 4, 1983. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: William F. Martin, Jr., 913-383-3000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under

continuing contract with Dayco Corporation, of Dayton, OH.

MC 133703 (Sub-13), filed April 6, 1983. Applicant: WCS, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, 608-238-3119. 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 136953 (Sub-2), filed April 4, 1983. Applicant: KAY'S TRUCKING, INC., 100 South Washington Ave., P.O. Box 421, Dunellen, NJ 08812. Representative: Edward F. Bowes, 7 Becker Farm Rd., P.O. Box Y, Roseland, NJ 07068, 201-992-2200. Transporting *such commodities* as are dealt in by hardware, houseware, and home furnishing businesses, between points in the U.S. (except HI), under continuing contract(s) with Eagle Sales Co., Inc., of Dunellen, NJ.

MC 141603 (Sub-10), filed April 1, 1983. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT, LTD., Suite E-330, Atria North, 2255 Sheppard Ave., East, Willowdale, Ontario M2J 4Y1. Representative: Harry J. Jordan, Suite 200, 1090 Vermont Ave., NW., 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).

MC 148122 (Sub-1), filed April 4, 1983. Applicant: RELIABLE EXPRESS, INC., 20 North Main, Cornelia, GA 30531. Representative: Mark S. Gray, 1006 South Tower, 225 Peachtree St., NE., Atlanta, GA 30303, 404-523-1717. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in GA, TN, FL, AL, SC, and NC.

MC 150183 (Sub-8), filed April 8, 1983. Applicant: CASSCO REFRIGERATED TRANSPORT DIVISION OF CASSCO CORPORATION, P.O. Box 548, Harrisonburg, VA 22801. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, 515-274-4985. Transporting *food and related products*, between points in VA, 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.

MC 151982 (Sub-3), filed April 5, 1983. Applicant: AMERICAN EAGLE LINE, INC., 11836 Leonard St., Nunica, MI 49448. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, 616-459-6121.

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 Spartan Stores, Inc., of Grand Rapids, MI.

MC 153012 (Sub-3), filed April 8, 1983. Applicant: CAMPBELL TRUCKING & HEAVY HAULERS, INC., 5533 East Tecumseh, Tulsa, OK 74151. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73151, 405-424-3301. Transporting *metal products, machinery, and Mercer commodities*, between points in AR, KS, LA, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153992 (Sub-2), filed April 4, 1983. Applicant: C & C TRUCKING, 108 Coburn Dr., Chattanooga, TN 37414. Representative: J. Greg Hardeman, 618 United Southern Bank Bldg., Nashville, TN 37219, 1-615-244-8100. Transporting *such commodities* as are dealt in or used by grocery stores and discount stores, between points in the U.S. (except AK and HI).

MC 157042 (Sub-2), filed April 5, 1983. Applicant: L & L LEASING, INC., P.O. Box 516, Waterloo, IN 46793. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204, 317-638-1301. Transporting *commodities in bulk, chemicals and related products, and petroleum, natural gas and their product*, between points in the U.S. (except AK and HI).

MC 166792, filed March 14, 1983. Applicant: WENDELIN BACHMEIER d.b.a. BACHMEIER TRANSFER, Box 527, 507 6th St., Devils Lake, ND 58301. Representative: Thomas Rutten, P.O. Box 838, Devils Lake, ND 58301, (701) 662-4077. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Fargo, ND, on the one hand, and, on the other, points in Ramsey, Benson and Nelson Counties, ND.

MC 167202, filed April 4, 1983. Applicant: BURSAW GAS & OIL, INC., 94 Great Rd., Acton, MA 01720. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, 617-235-5571. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with (a) P. J. Keating Company, of Lunenburg, MA, and (b) Keating Materials Corp., of Dracut, MA.

MC 167232, filed April 5, 1983. Applicant: BEST WEST, INC., 35003-16th Ave., South, P.O. Box 3558, Federal Way, WA 98003. Representative: Robert

J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036, 202-785-0024. 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 Bostrum-Warren, Inc., of Seattle, WA, and (2) *knocked down wood buildings*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lindal Cedar Homes, Inc., of Seattle, WA.

MC 167233, filed April 5, 1983. Applicant: NORMAN J. PAULLUS TRANSPORTATION, INC., 305-Linden Way, Heppner, OR 97836. Representative: Phillip G. Skofstad, 529 S.E. Grand Ave., Portland, OR 97214. Transporting (1) *farm products*, (2) *limber and wood products*, (3) *Petroleum, natural gas and their products*, (4) *rubber and plastic products*, (5) *metal products*, (6) *waste and scrap materials not identified by industry producing*, and (7) *building materials*, between points in AZ, CA, CO, ID, MT, NM, OR, TX, UT, WA, WY, and NV.

MC 167243, filed April 5, 1983. Applicant: STOW & DAVIS FURNITURE COMPANY, 25 Summer Ave., NW., Grand Rapids. Representative: Sylvia Van Dyke (same address as applicant), 616-456-9681. Transporting *Trucks and parts for trucks*, between points in the U.S. (except AK and HI), under continuing contract(s) with O.I.E., Inc., dba Overland Industrial Equipment Company, of Holland, MI.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-147

Decided: April 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 47171 (Sub-232), filed April 15, 1983. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews (same address as applicant), (803) 879-2101. 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 CertainTeed Corporation, of Valley Forge, PA.

MC 87451 (Sub-21), filed April 14, 1983. Applicant: CARGO TRANSPORT, INC., P.O. Box 31—Sterling Road, North Billerica, MA 01862-0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663-

4300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 138181 (Sub-12), filed April 8, 1983. Applicant: TRANSPORT EXPRESS, INC., Box 663, Dodge City, KS 67801. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110-L, Topeka, KS 6612, (913) 233-9629. Transporting *petroleum and coal products*, (1) between points in Woodward, Harper, Grant and Blaine Counties, OK and Moore County, TX, on the one hand, and, on the other, those points in KS west of U.S. Hwy 81 and Interstate Hwy 135, those points in NE south of a line beginning at the SD-NE state line and extending along NE Hwy 91 to junction NE Hwy 2, then along NE Hwy 2 to junction U.S. Hwy 20, then along U.S. Hwy 20 to the CO-WY state line and west of U.S. Hwys 77 and 385, and those points in CO east of a line beginning at the WY-CO state line and extending along U.S. Hwy 24 to junction CO Hwy 131, then along CO Hwy 131 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction CO Hwy 14, then along CO Hwy 14 to junction CO Hwy 125, then along CO Hwy 125, to junction CO Hwy 127, and then along CO Hwy 127 to the CO-WY state line, (2) between points in Butler, Grant, Clay, Reno, Seward, Morton, Stevens and McPherson Counties, KS, on the one hand, and, on the other, those points in CO east of a line beginning at the NM-CO State line and extending along U.S. Hwy 285 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction CO Hwy 131, then along CO Hwy 131 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction CO Hwy 14, then along CO Hwy 14 to junction CO Hwy 125, then along CO Hwy 125 to junction CO Hwy 127, then along CO Hwy 127 to CO-WY state line, and those points in NE south of a line beginning at the SD-NE state line and extending along NE Hwy 91 to junction NE Hwy 2, then along NE Hwy 2 to junction U.S. Hwy 20, then along U.S. Hwy 20 to the CO-WY state line and west of U.S. Hwys 77 and 385, and points in Texas County, OK, and (3) between points in Jefferson, Douglas, Elbert, Arapaho, Adams, Denver, and Boulder Counties, CO, on the one hand, and, on the other, points in KS west of U.S. Hwy 81 and Interstate Hwy 135 and those points in NE south of a line beginning at the SD-NE state line and extending along NE Hwy 91 to junction NE Hwy 2, then along NE Hwy 2 to junction U.S. Hwy 20, then along U.S. Hwy 20 to the CO-WY state line and west of U.S. Hwys 77 and 385, and points in Texas County, OK.

MC 151811 (Sub-1), filed April 12, 1983. Applicant: E. L. JERDEE, D.B.A. E. L. JERDEE TRUCKING, 1704 Burrell, Lewiston, ID 83501. Representative: David E. Wishney P.O. Box 837, Boise, ID 83701, (208) 336-5955. Transporting (1) *lumber and wood products*, and (2) *building materials*, between points in CA, ID, MT, OR, UT, and WA, on the one hand, and, on the other, those points in and the west of WI, IA, NE, KS, OK, and TX (except AK and HI).

MC 153051 (Sub-5), filed April 15, 1983. Applicant: ATS TRANSPORT, INC., 34439 Mills Road, No. Ridgeville, OH 44039. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 297-9900. 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 161390 (Sub-1), filed April 18, 1983. Applicant: CURRAN CARRIERS, 120 N. Brooklyn Street, Berlin, WI 54923. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608) 742-3579. Transporting *machinery*, between points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 16670, filed April 11, 1983. Applicant: DENNIS CENTLIVRE d.b.a. C & M TRANSFER, 2338 High, Topeka, KS 66611. representative: William B. Barker, P.O. Box 1969, Topeka, KS 66601. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Kansas City, MO, and points in Shawnee County, KS, on the one hand, and, on the other, points in CO, NE, KS, OK and MO.

MC 167420, filed April 14, 1983. Applicant: G & K SCOTTS FARMS, INC., 17233 Silver Creek Falls Hwy. SE., Sublimity, OR 97385. Representative: John A. Anderson, Suite 801—The 1515 Bldg., 1515 S.W. Fifth Avenue, Portland, OR 97201, (503) 227-4586. Transporting *general commodities* (except classes A and B explosives and household goods), between points in OR, WA, CA and ID, on the one hand, and, on the other, points in OR, WA, CA, ID, WY, MT, UT, NV, CO, AZ, KS, TX and NM.

MC 167471, filed April 18, 1983. Applicant: AUGUSTA LUMBER & SUPPLY, INC., P.O. Box 2417, Staunton, VA 24401. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. 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).

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-240

Decided: April 20, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 13087 (Sub-61), filed February 18, 1983, previously noticed in the Federal Register of March 11, 1983. Applicant; STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd St., SW., Mason City, IA 50401. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282-3525. 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 National Commercial Services Co., Inc., of Des Moines, IA.

Note.—The purpose of this republication is to reflect the exclusion of household goods.

Volume No. OP4-241

Decided: April 19, 1983.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 157687 (Sub-3), filed April 12, 1983. Applicant: COUNTRY WIDE TRUCKING, INC., 18520 Kishwaukee Valley Rd., Woodstock, IL 60098. Representative: George J. Balek (same address as applicant), (815) 568-6544. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, PA, TN, TX, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164617, filed April 11, 1983. Applicant: RUSSELL D. VASSAR, d.b.a. VASTONE CO., R. R. #2, Tonganoxie, KS 66086. Representative: Russell D. Vassar (same address as applicant), (913) 845-2009. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Kansas City, and points in Leavenworth and Wyandotte Counties, KS, on the one hand, and, on the other, points in AR, IL, IA, KS, MO, NE, OK, and TX, under continuing contract(s) with KRJ Systems, Inc., of Shawnee Mission, KS; Wyco Manufacturing Company, Inc., of Tonganoxie, KS; and Ecology and Environmental Systems, Inc., of Bonner Springs, KS.

MC 167336, filed April 11, 1983. Applicant: PAUL B. HICKS AND NANCY L. HICKS, A PARTNERSHIP

d.b.a. P.N.H. TRUCKING, 7661 Oneida Rd., Grand Ledge, MI 48837. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting *building materials*, between points in the U.S. (except AK and HI), under continuing contract(s) with Universal Forest Products, Inc. of Grand Rapids, MI.

MC 167337, filed April 11, 1983.

Applicant: POZZI WINDOW COMPANY, 62845 Boyd Acres Rd., Bend, OR 97708. Representative: Pam Brixley (same address as applicant), (800) 452-6822. Transporting *food and related products*, between points in TX, NM, CO, WY, MT, ID, AZ, CA, NV, WA and OR.

MC 167346, filed April 7, 1983.

Applicant: CONNECTICUT AIRPORT SERVICE, INC., 17 Fairfield Ave., Danbury, CT 06810. Representative: Gerald A. Joseloff, 410 Asylum St., Suite 532, Hartford, CT 06103, (203) 728-0700. Transporting (1) *passengers*, in charter and special operations, between points in the U.S., and (2) over regular routes, transporting *passengers*, between Hartford, CT and New York, NY: from Hartford over U.S. Hwy 84 to Southington, CT, then over U.S. Hwy 84 to Waterbury, CT, then over U.S. Hwy 84 to Southbury, CT, then over U.S. Hwy 84 to Danbury, CT, then over U.S. Hwy 84 to junction U.S. Hwy 684, near Brewster, NY, then over U.S. Hwy 684 to junction U.S. Hwy 287, at White Plains, NY, then over U.S. Hwy 287 to junction U.S. Hwy 95, near Rye, NY, then over U.S. Hwy 95 to junction U.S. Hwy 678, also known as the Hutchinson River Parkway, then over U.S. Hwy 678 across the Whitestone Bridge to junction U.S. Hwy 278, also known as the Grand Central Parkway, then over the Grand Central Parkway to La Guardia Airport, then over U.S. Hwy 278 to junction U.S. Hwy 678, also known as the Van Wyck Expressway, then over U.S. Hwy 678 to John F. Kennedy International Airport, and return over the same route, serving all intermediate points and the off-route point of Naugatuck, CT.

Note.—In (1) above applicant seeks to provide privately-funded charter and special transportation, and in (2) 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. Because this application includes issues subject to a finding of public interest as well as fitness only, it will be published in two volumes of this Federal Register issue. Part (1) will be published in VOL #241 and part (2) will be published in Volume No. 242.

MC 167376, filed April 12, 1983.

Applicant: INTERSTATE SERVICES TRANSPORT CORPORATION, 15

Olympia Ave., P.O. Box 4017, Woburn, MA 01888. Representative: John Dickison, 16 Middleby Rd., Lexington, MA 02173, (617) 935-8320. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, ME, MA, MD, NC, NH, NJ, NY, OH, PA, SC, VT, VA, and WV.

Volume No. OP4-244

Decided: April 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 79687 (Sub-4), filed April 15, 1983.

Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, PA 15219, (412) 765-1600. Transporting *food and related products*, between those points in U.S. in and east of MN, IA, MO, AR, and TX.

MC 139697 (Sub-11), filed April 14,

1983. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, 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), under continuing contract(s) with Highway Transport Services, Inc., Chamblee, GA.

MC 146117 (Sub-4), filed April 14, 1983. Applicant: D. C., INC., 712 S. York St., Mechanicsburg, PA 17055. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE., Atlanta, GA 30326, (404) 237-6472. 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 Avon Products, Inc., of New York, NY.

Volume No. OP4-246

Decided: April 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 150986 (Sub-2), filed March 29, 1983. Applicant: YOUNG TRANSFER, INC. d.b.a. YOUNG TRANSFER, P.O. Box 668226, Charlotte, NC 28266. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244-9314. Transporting *pulp, paper and related products*, between Charlotte, NC, on the one hand, and, on the other, points in PA.

[FR Doc. 83-11155 Filed 4-26-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-243]

Motors Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 20, 1983.

The following restriction removal applications, are governed by 49 CFR Part 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.

By the Commission, Review Board No. 1, Members Chandler, Fortier, and Parker.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 4, at (202) 275-7669.

MC 60087 (Sub-25) X, filed April 11, 1983. Applicant: CURRY MOTOR FREIGHT LINES, INC., 700 Northeast 3rd St., Amarillo, TX 79107. Representative: Morris G. Cobb, P.O. Box 9050, Amarillo, TX 79189 (806) 374-1641. Lead and Subs 9, 10, 14, 21 and 22: (1) broaden general commodities with the currently usual exceptions by removing restrictions against "those of unusual value, livestock, cotton, lumber, commodities requiring special equipment and those injurious or contaminating to other lading," (2) remove intermediate point restriction between Lubbock and Ropesville, TX, (3) remove exception against service at San Angelo and Brady, TX, (4) remove

intermediate point restriction between Canyon and Farwell, TX, (5) remove restriction against service at Anton and Shallowater, TX, and further remove restriction against service from or to points in the Farwell, TX commercial zone located in NM, (6) remove joinder restriction at Anton, TX (7) remove intermediate point restriction between Plainview and Dimmitt, TX, and (8) broaden service between Tulia and Turkey, TX, Fort Stockton and El Paso, TX, and Marfa and El Paso, TX to include service to all intermediate points.

[FR Doc. 83-11152-Filed 4-26-83; 8:45 am]
BILLING CODE 7035-01-M

[I.C.C. Order No. P-51]

Rail Carriers; Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Washington, D.C. and Montreal, Canada. The operation of these trains requires the use of the tracks and other facilities of Boston and Maine Corporation (B & M). A portion of the B & M tracks at Claremont Junction, New Hampshire, are temporarily out of service because of a derailment. An alternate route is available via the Green Mountain Railroad Corporation, Vermont Railway, Inc., and Central Vermont Railway, Inc., between Bellows Falls, Vermont and Essex Junction, Vermont.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided October 30, 1981, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 582(c)), Green Mountain Railroad Corporation (GMRC), Vermont Railway, Inc. (VTR), and Central Vermont Railway, Inc. (CV), are directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Boston and Maine Corporation (B & M) at Bellows Falls, Vermont and Essex Junction, Vermont.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no

agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 7:50 p.m., April 9, 1983.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 10, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon Central Vermont Railway, Inc., Green Mountain Railroad Corporation, Vermont Railway, Inc., and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 9, 1983.

Interstate Commerce Commission.

Bernard Gaillard,

Agent.

[FR Doc. 83-11149 Filed 4-26-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; 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 1131.3. 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-256

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 136508 (Sub-5-1TA), filed April 14, 1983. Applicant: GALE B. ALEXANDER, 120 S. Ward, Ottumwa, IA 52501. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. *Food and Related Products*; between points in Polk County, IA, on the one hand, and, on the other, points in IL and MO. Supporting Shipper: Perishable Distributors of Iowa Ltd., Des Moines, IA.

MC 149157 (Sub-5-10TA) filed April 15, 1983. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract Irregular. *Furniture and fixtures*, from Los Angeles, CA, to Sioux City, and Spencer, IA, Duluth, MN and Sioux Falls, SD. Supporting Shipper: J.C. Leather Corporation, Sioux Falls, SD.

MC 164510 (Sub-5-1TA), filed April 14, 1983. Applicant: WILLIAM E. PINCKNEY, d.b.a. CEDAR MOUNTAIN EXPRESS, 1732 "E" Avenue, N.E., Cedar Rapids, IA 52404. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products*, between Linn County, IA, on the one hand, and, on the other, points in CA, FL, IN, MI, OH, OR, and WA. Supporting shipper: Midwest Food Distributors, Inc., Cedar Rapids, IA.

MC 167340 (Sub-5-1TA), filed April 14, 1983. Applicant: CONTRACT

TRANSPORTS, INC., Rt. 3, Box 355, Tuttle, OK 73089. Representative: Dean Williamson, Suite 107, 50 Classen Center, 5101 North Classen Boulevard, Oklahoma City, OK 73118. Contract; Irregular. *Concrete products and materials, equipment and supplies used in the manufacture thereof*, between Oklahoma City, OK, on the one hand, and, on the other, points in AR, CO, GA, KS, LA, MO, NC, NM, TX and WY, under continuing contract or contracts with Harter Concrete Products, Inc. Supporting shipper: Harter Concrete Products, Inc., Oklahoma City, OK.

MC 167413 (Sub-5-1TA), filed April 14, 1983. Applicant: ORLAN WESLEY MEARS, d.b.a. Orlan Mears Trucking, Rural Route 6, Box 200, Paragould, AR. 72450. Representative: Orlan Wesley Mears (same as applicant's). *General commodities (except Classes A and B explosives, household goods, and commodities in bulk.)* Between Clay, Craighead, and Greene Counties in AR, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shippers: Dr. Pepper-Seven-Up Bottling Co., Paragould, AR. Arkla Industries, Paragould, AR.

MC 167435 (Subs-1TA), filed April 15, 1983. Applicant: H & M CONSOLIDATORS, INC., 1125 North Monroe, Kansas City, MO 64120. Representative: Carter Wilcoxson (same address as applicant). *General commodities (except commodities in bulk, household goods, classes A and B explosives and those requiring special equipment)* between points in Wyandotte and Johnson Counties, KS, and Jackson, Clay and Platte Counties, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: 7.

MC 167436 (Sub-5-1TA), filed April 15, 1983. Applicant: STAGGS AND BERRY TRUCKING, INC., P.O. Box 871, Hennessey, OK 73742. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Mercer Commodities*, between points in AR, OK and TX; restricted to traffic moving for the account of ARCO Oil and Gas Company. Supporting shipper: Arco Oil and Gas Company, a subsidiary of Atlantic-Richfield Corporation, Covington, OK.

MC 167437 (Sub-5-1TA), filed April 15, 1983. Applicant: B. R. McGEE, d.b.a. SFI TRUCKING COMPANY, Rte. 1, Box 280PZ, Kilgore, TX 75662. Representative: BILLY R. REID, 1721 Carl Street, Fort Worth, TX 76103. Contract, irregular; *Mercer commodities*, between points in the U.S., except AK & HI, under continuing contract(s) with Southern Forge, Inc., Longview, TX

MC 167438 (Sub 5-1 TA), filed April 15, 1983. Applicant: COOPER'S TRUCK & TRAILER SERVICES, INC., 4601 Holiday Lane East, Ft. Worth, TX 76118. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75082. *General Commodities (except classes A and B explosives, household goods or bulk commodities)* between Dallas and Tarrant Counties, TX on the one hand, and, on the other, points in AR, LA, OK and TX. Restricted to shipments having a prior or subsequent movement by rail or water carrier. Supporting shippers: There are five (5) supporting shippers.

MC 102546 (Sub-5-5 TA), filed April 18, 1983. Applicant: BLUE FLASH EXPRESS INC., Route 1, Box 233, Zachary, LA 70791. Representative: L. F. Aguiard (same as above), Contract; Irregular. *Sodium Bisulfite* between Geismar, LA and Pascagoula, MS; Mobile, AL; Birmingham, AL; Montgomery, AL; Jackson, MS; and Panama City, FL. Supporting shipper: Coco Resources; Baton Rouge, LA.

MC 116710 (Sub-5-2 TA), filed April 18, 1983. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 6176, Bossier City, LA, 71171-6176. Representative: Lela M. Sisk (same address as above). *Butane-butylene mix*, in bulk, between Krotz Springs, LA and Tyler, TX, under continuing contract with Texas Olefin Corporation.

MC 128087 (Sub-5-6 TA), filed April 18, 1983. Applicant: JOHN N. JOHN III, INC., 1000 W. 2nd Street, Crowley, LA 70526. Representative: William M. John, P.O. Box 921, Crowley, LA 70526. *General Commodities* (Except those of unusual Value, Classes A & B explosives and Household Goods), having prior or subsequent movement by water. Supporting shippers: Crown Zellerbach International, Portland, OR.

MC 145704 (Sub-5-1 TA), filed April 18, 1983. Applicant: G. P. BOURROUS TRUCKING CO., INC., P.O. Drawer F, Diboll, TX 75941. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. *Building Materials and Mercer Commodities* between points in the U.S. (except AK and HI). Supporting shipper(s): Lufkin Industries, Inc., Lufkin, TX; and Temple Eastex, Inc., Diboll, TX.

MC 152774 (Sub-5-3TA), filed April 18, 1983. Applicant: EMERALD DELIVERY SYSTEMS, INC., 5104-10 Winner Road, Kansas City, 64127. Representative: John F. Michaels, 601 West 47th Street, Kansas City, 64112. *General Commodities (except classes A and B explosives, household goods, commodities in bulk, and commodities which because of size and weight*

require the use of special equipment) between points in MO, KS, OK and NE. Supporting shippers: 6.

MC 154438 (Sub-5-3TA), filed April 19, 1983. Applicant: J. T. TAYLOR d.b.a. MILRON TRUCK LINE, 3808 Sago Court, El Paso, TX 79927. Representative: J. T. Taylor (Same as Applicant). (1) *Disposable Medical Materials and Supplies*, Between El Paso County, TX, on the one hand, and, on the other, points in TX and (2) *Iron & Steel Articles*, Between El Paso County, TX, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, LA, MS, MT, NV, OK, OR, TX, UT, WA and WY. Supporting Witnesses: Surgikos, Inc., El Paso, TX and Wells Castings Company, El Paso, TX.

MC 156488 (Sub-5-5TA), filed April 18, 1983. Applicant: CONTRANS, INC., 6716 Berger, Kansas City, Kansas 66111. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line-Suite 232, Kansas City, Missouri 64114. *Food and related products* between points in the U.S. Supporting shipper: Children's Place, Inc., Kansas City, MO.

MC 161957 (Sub-5-2TA), filed April 19, 1983. Applicant: EXPRESS TRANSPORTATION CO., INC, Post Office Box 70611, Houston, TX 77270. Representative: Mick Graeber, same as above. *Chemicals (not in bulk) and food and related products* between points in LA and TX on the one hand, and, on the other points in the U.S. Supporting shippers: 8.

MC 166797 (Sub-5-1TA), filed April 19, 1983. Applicant: NORTH AMERICAN TRANSPORT, INC., 4700 San Pedro, San Antonio, TX 78212. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731. *Automobiles, in truckaway service between San Antonio, Austin and Houston, TX; New York City, NY; and Newport Beach CA, on the one hand, and, on the other, points in the US, excluding AK and HI.* Supporting shipper: German Auto Center, Austin, TX.

MC 167308 (Sub-5-1TA), filed April 18, 1983. Applicant: DAVEY WILKETT and MARY WILKETT d.b.a. MM&K TRUCK LINES, Rt 2, Box 507, Stigler, OK 74462. Representative: June E. Edmondson, 1101 Connecticut Ave., NW., Suite 500, Washington, DC 20036. Contract, Irregular; *Such commodities as are dealt in or used by manufacturers and distributors of cabinets* between points in the U.S. under continuing contract with Dunkin Enterprises, Inc., Stigler, OK.

MC 167482 (Sub-5-1TA), filed April 19, 1983. Applicant: JAMES THOMPSON, JACK THOMPSON AND LARRY THOMPSON, d.b.a. THOMPSON TRUCKING, Country Road, Route 1, Box 161, Canton, TX 75103. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Motorcycles and Machinery* from Omaha and Lincoln, NE; Baton Rouge, LA; Arlington and Dallas, TX; and Los Angeles, CA to Jackson, MS; McAlester, Ardmore, Pauls Valley and Muskogee, OK; Dallas, FT. Worth, Gainesville, Sherman and Temple, TX; and Baton Rouge and Gonzales, LA. Supporting shipper(s): 15.

MC 167501 (Sub-5-1TA), filed April 19, 1983. Applicant: R. E. (GENE) NUNN d.b.a. SCOTTY TRUCKING CO., 1001 B No. Forest St., Amarillo, TX 79106. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002. Contract, Irregular; *Plastic Articles used in the packaging of food and other products*, between Amarillo, TX on the one hand, and on the other Friona, Plainview, Lubbock and Hereford, TX under continuing contract with American Can Co., Greenwich, CT.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 96891 (Sub-6-2TA), filed April 14, 1983. Applicant: ALLSTATE TRUCKING, INC., P.O. Box 1936, Farmington, NM 87401. Representative: James E. Snead, P.O. Box 2228, Santa Fe, NM 87501. *Frac sand and cement in bulk and sacks* between points in NM, AZ, UT, CO and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 147145 (Sub-6-2 TA), filed April 18, 1983. Applicant: ANDERSON AND SONS TRUCKING CO., INC., 1887 Deming Way, Sparks, NV 89432-2112. Representative: James R. Anderson, Jr. (Same address as Applicant). *General Commodities*, (Except class A and B explosives, household goods and commodities in bulk), between points in NV on the one hand, and, on the other, the county of Mono, CA and the city of Bishop, CA for 270 days. Supporting shippers: Pioneer Equipment Co., 900 Marietta Way, Sparks, NV 89431; and Glass Mountain Block, Inc., 355 Greg St., Sparks, NV 89431.

MC 42487 (Sub-6-79 TA), filed April 13, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R.

Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier*, irregular routes. *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 Kendavis Industries, International, Inc. and its wholly-owned subsidiaries listed on attached pages, for 270 days. Supporting shipper(s): Kendavis Industries International, Inc., P.O.B. 1224, Fort Worth, TX 76101.

MC 42487 (Sub-6-80 TA), filed April 18, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier*, irregular routes: *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 Cotter & Company, for 270 days. Supporting shipper(s): Cotter & Company, 808 S. Division St., Harvard, IL 60033.

MC 146652 (Sub-6-1 TA), filed April 15, 1983. Applicant: FEDERAL PRODUCE TRANSPORTATION CO., 8309 Tujunga, Sun Valley, CA 91352. Representative: Daniel O. Hands, 104 S. Michigan Ave., Suite 410, Chicago, IL 60603. (1) *Malt beverages*, (except in bulk), from Irvine and Van Nuys, CA, and points in their Commercial Zones to the facilities of Gray Beverage Company at or near Yuma, AZ and (2) *wine*, (except in bulk), from Madera County, CA to the facilities of Gray Beverage Company at or near Yuma, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gray Beverage Company, P.O. Box 1332, Yuma, AZ 85364.

MC 167473 (Sub-6-1 TA), filed April 18, 1983. Applicant: D. R. GREER, 1885 Carol Dr., Erie, CO 80516. Representative: Robert W. Wright, Jr., 5711 Ammons St., Arvada, CO 80002. *Contract Carrier*, irregular routes, (1) *Furniture and Fixtures*, from Boulder, CO to Wichita, KS and/or Dallas, TX, under continuing contract with Contemporary Comfort, Inc., Boulder, CO; and (2) *Foodstuffs and related products*, from Denver, CO to points in ID, KS, MO, NE, UT, and WY, under continuing contract with R. H. Bass Foods, Inc., Denver, CO, for 270 days. Supporting shippers: Contemporary Comfort, Inc., 4747 Pear St., Boulder, CO 80301; and R. H. Foods, Inc., 1015 W. 12th St., Denver, CO 88204.

MC 148806 (Sub-6-1TA), filed April 18, 1983. Applicant: GUNNISON TRUCKING, Box 420, Gunnison, CO

81230. Representative: David E. Driggers 1600 Lincoln Center, 1600 St., Denver, CO 80264 *Lime in bulk* from Clark County, NV to Gunnison County, CO, for 270 days. Underlying ETA was filed. Supporting shipper: Webbco-Vulcan Resources, 6328 Monarch, El Paso, TX 79912.

MC 155223 (Sub-6-4TA), filed April 15, 1983. Applicant: HIGHWAY EXPRESS, INC., 5742 West Maryland, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste 310, Whittier, CA 90602. *Contract carrier*, irregular routes: *plastic bottles and plastic safety bottle caps; and materials, equipment and supplies used in the manufacture and distribution of plastic bottles and plastic safety bottle caps*, between Phoenix, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI) for the account of Inventive Packaging Corporation, for 270 days. Supporting shipper: Inventive Packaging Corporation, 14 Inverness Drive East, Englewood, CO 80112.

MC 167474 (Sub-6-1TA), filed April 18, 1983. Applicant: PIONEER HOTEL & GAMBLING HALL, INC., P.O. B. 644, Laughlin, NV. 89048. Representative: Steven B. Cohen, 302 E. Carson Ave., #1100, Las Vegas, NV. 89101. *Passengers*: In special and charter operation between points in AZ and NV for 270 days. Supporting shippers: Pioneer Hotel & Gambling Hall, Inc., P.O. B. 644, Laughlin, NV 89046.

MC 167475 (Sub-6-1TA), filed April 18, 1983. Applicant: PUGH BROS. CONST. INC., P.O. Box 70, St. Maries, ID 83861. Representative: Ronald Pugh (same address as applicant). *Contract carrier*; irregular route, *general commodities (except classes A and B explosives)*, between points in the U.S. under a continuing contract with Regulas Stud Mills, Inc., of St. Maries, ID. Supporting shipper(s): Regulas Stud Mills, Inc., P.O. Box 247, St. Maries, ID 83861.

MC 167385 (Sub-6-1TA), filed April 13, 1983. Applicant: P. SAWCHUCK TRUCKING LTD., 12345-90 Street, Edmonton, AB CD T5B 3Z6. Representative: Peter or Annette Sawchuck. Same address as applicant. *Contract Carrier*; regular route, *Precut lumber*, from Winterburn, Alberta to CA, WA, OR, ID, NV, and AZ for 270 days. Supporting shippers: Sunchild Forest Products (1983), Box 68, Winterburn, Alberta T0E 2N0.

MC 167150 (Sub-6-1TA), filed April 18, 1983. Applicant: J. R. SIMPLOT COMPANY, P.O. Box 27, One Capital Center, Boise, ID 83707. Representative: John H. Goslin, P.O. Box 921, Caldwell, ID 83605. *Dry Fertilizer*, between points

in the U.S. (except AK and HI) under continuing contract(s) with IND/AG Chemicals of Walnut Creek, CA and Union Oil Company of Los Angeles, CA, for 270 days. Supporting Shippers: OND/AG Chemicals, 3075 Citrus Circle, Suite 195, Walnut Creek, CA; Union Chemicals Division of Union Oil Co. of California, 1231 W. 5th St., Los Angeles, CA 90016.

MC 160405 (Sub-6-2TA), filed April 18, 1983. Applicant: VOLD TRUCKING, Box 2134, Cody WY 82414. Representative: Ralph Vold (same as applicant). (1) *Machinery, material, equipment and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof. (Restricted against the transportation of complete oil rigs.) From points in WY, MT, ND, SD, NE, UT, ID, CO, OK and TX. Supporting Shipper(s): Centrilift-Hughes, P.O. Box 2227, Cody, WY 82414.; Dresser Westech, P.O. Box 97, Cody, WY 82414; Southwest Electric Co., P.O. Box 2533, Cody, WY 82414.

MC 118832 (Sub-6-1TA), filed April 18, 1983. Applicant: WESTOURS MOTOR COACHES, INC., 300 Elliott Ave. West, Seattle, WA 98119. Representative: Jeremy Kahn, 1511 K Street NW., Washington, DC 20005. *Common carrier*, regular routes, Passengers, between Skagway, AK and the U.S.-CN border via Klondike Hwy 2, serving all intermediate points for 270 days. An underlying ETA seeks 120 days' authority. Supporting Shippers: Westours Hyway Holidays, Inc., 300 Elliott Ave. W., Seattle, WA 98119. Agatha L. Mergenovich, *Secretary*.

[FR Doc. 83-11229 Filed 4-26-83; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-901)]

Rail Carriers; Richmond, Fredericksburg and Potomac Railroad Company, Exemption for Contract Tariff; ICC-RFP-C-0019 (Used Motor Vehicles)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713 (e), and the above-noted contract tariff may become effective on one day's notice.* This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the *Federal Register*.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

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

(49 U.S.C. 10505)

Decided: April 20, 1983.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 83-10993 Filed 4-26-83; 8:45 am]
BILLING CODE 7035-01-M

**JUSTICE
Drug Enforcement Administration**

[Docket No. 82-33]

Joseph D. Lehmborg, d.b.a. Ridgfield Pharmacy, Ridgfield, Washington Hearing;

Notice is hereby given that on October 14, 1982, the Drug Enforcement Administration, Department of Justice, issued to Joseph D. Lehmborg, d.b.a. Ridgfield Pharmacy, an Order To Show Cause as to why the Drug Enforcement Administration should not deny the application executed by Lehmborg on July 24, 1982 for registration with the

*Note tariff supplements advancing contract's effective date shall refer to this decision for authority.

Drug Enforcement Administration under 21 U.S.C. 823(f).

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, May 12, 1983, commencing at 9:30 a.m. in Courtroom No. 6, U.S. District Court, U.S. Courthouse, 620 S.W. Main Street, Portland, Oregon.

Dated: April 20, 1983.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-11179 Filed 4-26-83; 8:45 am]
BILLING CODE 4410-09-M

[Docket No. 83-1]

Roger Lee Palmer, D.M.D., Lakeport, California, Hearing

Notice is hereby given that on November 24, 1982, the Drug Enforcement Administration, Department of Justice, issued to Roger Lee Palmer, D.M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny the application he executed March 4, 1982 for registration with the Drug Enforcement Administration under 21 U.S.C. 823.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, May 10, 1983, commencing at 9:30 a.m. in Courtroom 17435, 450 Golden Gate Avenue, San Francisco, California.

Dated: April 20, 1983.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-11180 Filed 4-26-83; 8:45 am]
BILLING CODE 4410-09-M

**MOTOR CARRIER RATEMAKING
STUDY COMMISSION**

Public Meeting

Date: Tuesday, May 10, 1983.

Place: Russell Senate Office Building, Room SR253 (old 235) Constitution Avenue and First Street, N.E., Washington, D.C. 20510.

Time: 10:00 a.m.

Purpose: The Motor Carrier Act of 1980, Pub. L. 96-296, 94 Stat. 793 (1980), as amended by the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1102 (1982), directs the Motor

Carrier Ratemaking Study Commission (Study Commission) to make a full and complete investigation and study of the collective ratemaking process for general rate changes, innovative fare changes, and broad changes in tariff structure of motor common carriers of passengers and upon the need or lack of need for antitrust immunity therefor. The Study Commission may study the collective ratemaking process for single-line or joint-line rates of motor common carriers of passengers. Each such study shall estimate the impact of the elimination of such immunity upon rate levels and rate structures and describe the impact of the elimination of such immunity upon the Interstate Commerce Commission and its staff. This study shall give special consideration to the impact of the elimination of such immunity upon rural areas and small communities.

In addition, the Study Commission has been directed to make a full and complete investigation and study of the impact to implementation of the Bus Regulatory Reform Act of 1982 on persons over the age of 60, including those who reside in rural areas and small communities, and particularly the effect on such persons of the potential termination of routes as a result of implementation of the Bus Regulatory Reform Act of 1982. Further, the Study Commission has been directed to consider the impact to both statutory and administrative regulatory reforms on the continuation and development of high quality intrastate motor bus services. This study shall focus on the impact on existing firms currently providing service, some or all of which is conducted between points wholly within a single State. The Study Commission shall present its conclusions in its final report to the President and the Congress, but has been directed to immediately notify the Congress and the Interstate Commerce Commission if it finds the existence of conditions that jeopardize the viability of continued intrastate services before it can issue its final report.

The purpose of this meeting is to discuss the Study Commission's procedures, work plan, future hearings and other related organizational business as necessary.

FOR FURTHER INFORMATION CONTACT:
Name: Gary D. Dunbar; Title: Executive Director; Phone No. (202) 724-9600.

Submitted this, the 22nd day of April, 1983.

Gary D. Dunbar
Executive Director.

[FR Doc. 83-11144 Filed 4-26-83; 8:45 am]
BILLING CODE 6820-BD-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point Plant); Exemption

I

The Consumers Power Company (CPC) (the licensee) is the holder of Facility Operating License No. DPR-6 which authorizes the operation of Big Rock Point Plant located in Charlevoix, Michigan, at steady state reactor core power levels not in excess of 240 megawatts thermal. This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now and hereafter in effect.

II

By submittal dated March 18, 1983, the licensee has requested a schedular exemption from the requirements of 10 CFR 50.49(g). 10 CFR 50.49(g) requires licensees to submit a list of electrical equipment important to safety and a schedule for environmental qualification of such equipment by May 20, 1983. The exemption requested by the licensee is simply a delay in the submittal deadline from May 20, 1983 to June 1, 1983.

The licensee has asked the NRC to perform an integrated assessment for Big Rock Point of several licensing issues including environmental qualification of electrical equipment important to safety. The NRC has agreed to this request. The licensee plans to submit by June 1, 1983, a list of proposed alternatives to several NRC regulations and guidelines along with information to show that the alternatives will not degrade plant safety. Since the licensee plans to include environmental qualification of electrical equipment in that list, the licensee believes that a delay of twelve days in the 10 CFR 50.49(g) schedule is justified to allow a truly integrated approach.

The NRC staff has evaluated the licensee's request for an extension of the May 20, 1983 submittal deadline. The delay requested by the licensee is in the submittal of their plans and schedules; the licensee has not requested a delay in the final implementation of 10 CFR Part 50.49. The requested delay of twelve days is short and will not affect the overall NRC schedule for resolution of this issue of environmental qualification of electrical equipment important to safety. The requested delay for the purpose of integrating this issue with other licensing issues is consistent with the NRC's agreement to perform the integrated assessment requested by the

licensee. Therefore, the NRC staff concludes that the requested exemption to the schedular requirement of 10 CFR Part 50.49(g) should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby grants an exemption to the licensee to delay submittal of the information required by 10 CFR Part 50.49(g) by May 20, 1983 until June 1, 1983.

The Commission has determined that the granting of this Exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland this 21st day of April, 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,
Director, Division of Licensing, Office of
Nuclear Reactor Regulation.

[FR Doc. 83-11221 Filed 4-26-83; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light & Power Co., et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 87 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to incorporate revisions to the tables of safety related snubbers to reflect modifications made to satisfy the requirements of the Mark I Containment Long Term Program Order for Modification dated February 28, 1978 and to clarify location of some existing snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The

Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 2, 1983 (2) Amendment No. 87 to License No. DPR-49, and (3) the Commission's letter to Iowa Electric Light and Power Company dated April 18, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 18th day of April, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,
Chief, Operating Reactors Branch #2,
Division of Licensing.

[FR Doc. 83-11222 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U. S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 17 to facility Operating License No. DPR-22, issued to Northern States Power Company, which revised the Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to include:

1. Title change from AEC to Commission
2. Correction of Table numbering

3. Clarification of definition for Ni
4. Clarification of the bases section to reflect the removal of two vacuum breakers
5. Identification of fire detectors that have been installed
6. Correction of inconsistency between the FSAR and the Technical Specifications on the reactor vessel construction codes and standards
7. Change from FSAR to USAR as the report to be reviewed by the operations Committee; and
8. Correction of typographical errors

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1982, (2) Amendment No. 17 to License No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of April, 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,
Chief, Operating Reactors Branch #2,
Division of Licensing.

[FR Doc. 83-11224 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-263]

Northern States Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-22, issued to Northern States Power Company, which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect changes in the organizational structure of Northern States Power Company.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 24, 1982, (2) Amendment No. 16 to license No. DPR-22, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of April, 1983.

For the Nuclear Regulatory Commission.
Domenic B. Vassallo,
Chief, Operating Reactors Branch No. 2,
Division of Licensing.
 [FR Doc. 83-11223 Filed 4-20-83; 8:45 am]
 BILLING CODE 7590-01-M

[Docket No. P-564A]

Pacific Gas & Electric Co.; Hearing

In the Matter of; Pacific Gas and Electric Company (Stanislaus Nuclear Project, Unit No. 1) Docket No. P-564A; Oral Argument.

Notice is hereby given that, in accordance with the Appeal Board's order of April 20, 1983, oral argument on the appeal of the Northern California Power Agency from the January 19, 1983 memorandum and order of the Administrative Law Judge in this antitrust proceeding will be heard at 10:00 a.m., on Wednesday, May 18, 1983, in the NRC Public Hearing Room, Fifth Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: April 20, 1983.

For the Appeal Board.

C. Jean Shoemaker,
Secretary to the Appeal Board.

[FR Doc. 83-11225 Filed 4-20-83; 8:45 am]
 BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published March 23, 1983 (48 FR 12156). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the *Federal Register* approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee meetings will start will be

published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the May 1983 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Reactor Radiological Effects*, April 28-30, 1983, Washington, DC. The Subcommittee will discuss NRC Staff's response to the ACRS comments and recommendations on control room habitability, Shippingport decommissioning, the potassium iodide (KI) issue, generic safety issues related to radiological effects, and site evaluation. Notice of this meeting was published April 8, 1983.

Westinghouse Water Reactors, May 5, 1983, Washington, DC. The Subcommittee will discuss preliminary design information for the Westinghouse advanced pressurized water reactor (WAPWR). The entire meeting will be closed to public attendance in order to protect Westinghouse proprietary information.

**Systematic Evaluation Program*, May 6, 1983, Washington, DC. The Subcommittee will discuss the integrated plant safety assessment of the La Crosse Boiling Water Reactor (LACBWR).

**AC/DC Power Systems Reliability*, May 10, 1983, Washington, DC. The Subcommittee will discuss the status of the NRC work on reliability of AC/DC power systems with the principal item of discussion being the NRC work on station blackout.

**Electrical Systems*, May 10, 1983, Washington, DC. The Subcommittee will review the status of the Office of Research activities and generic issues assigned to this Subcommittee in preparation for the report to the Commission on the FY 1985 and 1986 budget.

**Emergency Core Cooling Systems (ECCS)*, May 10, 1983, Washington, DC. The Subcommittee will discuss NRR review of the revised methodology for the GE SAFER/GESTER ECCS Codes, and the status of other NCR/NRR licensing actions; and NRC/RES activities, including: Appendix K revision status, status of B&W/NRC Test Advisory Group effort, and the results of the recent LOFT feed-and-bleed test.

**Safety Research Program*, May 11, 1983, Washington, DC. The Subcommittee will review the NRC

Safety Research Program and Budget for FY 1985 and 1986, along with the Office of Research responses to ACRS recommendations included in the recent ACRS report to Congress on the Safety Research Program for FY 1984 and 1985 (NUREG-0963).

**Joint Reliability and Probabilistic Assessment and Extreme External Phenomena*, May 11, 1983, Washington, DC. The Subcommittee will review the status of the NRC sponsored research relating to reliability and probabilistic assessment and external events.

**Decay Heat Removal Systems*, May 18, 1983, Washington, DC. The Subcommittee will discuss generic safety issues associated with decay heat removal and a draft Brookhaven National Laboratory Report, "Grouping of LWRs According to their Decay Heat Removal Capability".

**Human Factors*, May 19, 1983, Washington, DC. The Subcommittee will meet: (a) to review the priorities assigned in NUREG-0933, A Prioritization of Generic Safety Issues, to human factors related safety issues; (b) to review proposed human factors related modifications to the "General Design Criteria for Nuclear Power Plants," 10 CFR 50 Appendix A; (c) to be briefed by the Office of Inspection and Enforcement on recent activities at the NRC's incident response center; (d) to review the Human Factors Research Budget for FY 1985 and 1986; and (e) to discuss Dr. G. Salvendy's proposal for training human factors engineers relative to the safe design and operation of nuclear power plants.

**Emergency Core Cooling Systems (ECCS)*, May 24-26, 1983, Idaho Falls, ID. The Subcommittee will review the NRC research programs on loss-of-coolant accidents (LOCA) and transient research.

**Joint Metal Components and Reactor Fuels*, May 26-27, 1983, Washington, DC. The Subcommittee will discuss BWR pipe cracking, turbine disk cracking, reactor coolant pump seal failure and fuel cladding degradation.

**Anticipated Transient Without Scram (ATWS)*, May 27, 1983, Washington, DC. The Subcommittee will continue review of the proposed Rule: "Reduction of Risk from Anticipated Transient Without Scram Events for Light Water Cooled Reactors".

**Joint Reactor Radiological Effects (RE)/Site Evaluation (SE)/Waste Management (WM)*, Date to be determined (May-June, Tentative), Washington, DC. The Subcommittees will review NRC proposed Research Program and Budget for RE/SE/WM for FY 1985 and 1986.

**Quality Assurance During Construction*, June 1, 1983, Washington, DC. The Subcommittee will be briefed by the NRC Staff on its quality assurance initiatives, including those related to the "Ford Amendment" of Pub. L. 97-415. The Subcommittee will also review the priorities given in NUREG-0933, A Prioritization of Generic Safety Issues, to generic items related to construction quality assurance. Also, the Subcommittee will discuss, with representatives of the Institute of Nuclear Power Operations (INPO), INPO's efforts related to construction quality assurance (e.g., Construction Projects Evaluation Program).

**Plant Features Important to Safety*, June 7, 1983, Washington, DC. The Subcommittee will obtain from the NRC Staff a status report and program plans on Equipment Qualification and Classification Systems dealing with both mechanical and electrical components. New initiatives in the quality assurance area will be explored.

**Safety Research Program*, June 8, 1983, Washington, DC. The Subcommittee will discuss the draft ACRS report to the Commission on the NRC Safety Research Program and Budget for FY 1985 and 1986.

**Generic Items*, June 8, 1983 (Tentative), Washington, DC. The Subcommittee will discuss the results of the review conducted by various ACRS Subcommittees on the priority rankings proposed by the NRC Staff for various generic issues.

**Metal Components*, June 14-15, 1983, Oak Ridge, TN. On June 14, the Subcommittee will review the status of the pressurized thermal shock (PTS) program. On June 15, the Heavy Section Steel Technology (HSST) research site will be visited and the mid-year review of the HSST program will be discussed.

**Metal Components*, Date to be determined (June, Tentative), Washington, DC. The Subcommittee will review the NRC position on generic recommendations for steam generator tube integrity and multiple tube ruptures. NRC plans to ensure bolt integrity will also be discussed.

**Decay Heat Removal Systems*, July 26, 1983, Washington, DC. The Subcommittee will discuss the Combustion Engineering Owners Group and NRC Staff recommendations concerning the installation of Power Operated Relief Valves on the Combustion Engineering plants.

**Midland Plant Units 1 and 2*, Date to be determined (July, Tentative), Washington, DC. The Subcommittee will review Consumers Power Company's (CPCo) plan for an audit of plant quality

at Midland Plant Units 1 and 2. In addition, representatives of CPCo will report on design and construction problems at Midland, their disposition, and the overall effectiveness of the effort to assure appropriate plant quality. The Committee will be briefed on CPCo's Construction Completion Plan.

**Human Factors*. Date to be determined (July-August, Tentative), Washington, DC. The Subcommittee will review the question of what qualifications would be desirable for members of a nuclear power plant operating staff.

ACRS Full Committee Meeting

May 12-14, 1983: Items are tentatively scheduled.

**A. La Crosse Boiling Water Reactor (LACBWR)*—Review of the Systematic Evaluation Program for the facility.

**B. Haddam Neck Plant*—Review of the Systematic Evaluation Program for the facility.

**C. GESSAR-II*—Review of the application of General Electric for a final design approval of the GESSAR-238 nuclear island.

**D. Station Blackout*—ACRS comments on NRC Staff recommendations for the resolution of USI-A-44, "Station Blackout Accidents."

**E. Precursor Study*—Complete ACRS report on NRC-sponsored ORNL study, Precursors to Potentially Severe Core Damage (NUREG/CR-2497).

**F. Regionalization of NRC activities*—Further consideration of the matter.

**G. ACRS Subcommittee Activities Reports of designated ACRS Subcommittees regarding ongoing activities related to matters such as: Regulatory Requirements* including proposed NRC Regulatory Guide on Instrument Sensing Lines (Task No. IC 126-5); Regulatory Policy and Procedures including proposed legislative and administrative changes to the regulatory process; *Probabilistic Risk Assessment/Extreme External Phenomena* regarding Safety Goal Evaluation Plan, NREP, seismic design margins, and design basis earthquakes for Eastern U.S. sites; *Waste Management Program* concerning the Site Characterization Report for the Basalt Waste Isolation Project (DOE/RL 82-3); *Emergency Core Cooling System* consideration of ECCS analysis methods in conjunction with NRC review of GE SAFER/GESTER ECCS evaluation model codes; and *Safety Research Program* recommendations concerning drafting of future reactor safety research reports.

**H. Meeting with Nuclear Reactor Regulation Staff*—Discuss management policy regarding prioritization of generic issues, integration of Systematic Evaluation Program phase II, NREP, systems interaction, etc.

**I. Meeting with NRC Commissioners*—Discussion of safety related items including consideration of Class-9 Accidents in the regulatory process and the related Accident Source Term Program.

**J. Discussion of Memorandum of Understanding*—Discussion of ACRS participation in NRC rule making and policy making activities.

**K. Personnel Policy and Procedures*—Discussion of non-ACRS Activities of Committee Members.

**L. Rules on Immediate Notification Requirements (10 CFR 50.72) and Licensee Event Reporting (10 CFR 50.73)*—Review by the ACRS.

June 9-11, 1983—Agenda to be announced.

July 7-9, 1983—Agenda to be announced.

Dated: April 22, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-11227 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide; Withdrawal

Regulatory Guide 1.67, "Installation of Overpressure Protection Devices," has been withdrawn. This guide was issued in October 1973 to provide guidance to licensees and applicants on the design of piping for certain safety valve and relief stations in light-water-cooled reactors.

The Winter 1978 Addenda to the 1977 Edition of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code's Appendix O, Section III, Division 1, "Rules for Design of Safety Valve Installations," included requirements equivalent to the recommendations of the guide. These changes were incorporated by reference in § 50.55a of 10 CFR Part 50 (46 FR 20153) on April 3, 1981, and there is no longer a need for Regulatory Guide 1.67. The withdrawal of this guide does not alter any prior or existing licensing commitments based on its use.

Regulatory guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

(5 U.S.C. 552(a))

Dated at Silver Spring, Maryland, this 20th day of April 1983.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 83-11226 Filed 4-26-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22918; 70-6861]

Central and South West Corporation and Public Service Corporation of Oklahoma; Proposed Acquisition by Subsidiary of Its Common Stock From Holding Company

April 21, 1983.

Central and South West Corporation ("CSW") 2700 One Main Place, Dallas, Texas 75250, a registered holding company, and its electric utility subsidiary, Public Service Company of Oklahoma ("PSO") P.O. Box 201, Tulsa, Oklahoma 74102, have filed a declaration with this Commission pursuant to Sections 12(c) and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 43 promulgated thereunder.

PSO proposes to acquire from CSW, from time to time in 1983 and 1984, up to \$60 million of PSO's common stock at the current book value at the time of purchase.

On January 15, 1982, the Oklahoma Corporation Commission ("OCC") entered an order in a pending PSO retail rate proceeding which held, in part, that it was inappropriate for PSO to continue the construction of the Black Fox Nuclear Generating Station ("Black Fox"). The order provided that if PSO terminated Black Fox as a nuclear project, PSO would be allowed to recover a portion of the Oklahoma jurisdictional share of its investment in Black Fox through retail electric rates over a period not to exceed ten years. The recoverable investment, estimated at \$269 million, was offset by an amount equal to the gain from a sale by PSO of certain undeveloped oil and gas leases that occurred late in 1981 and certain extraordinary gains since 1974. Under the OCC order, the annual recovery of investment from the Oklahoma ratepayer will be supplemented by other extraordinary gains, margins on off-system electric sales over the test year level, and other revenue streams if and when they occur during the recovery period. On February 16, 1982, PSO, with the concurrence of the co-owners of Black Fox, notified the OCC of its

decision to terminate Black Fox as a nuclear project. The amount of the recovery from all sources will be reviewed periodically. In 1981, the application of the gains from the extraordinary sales noted above provided recovery of \$53.6 million. For 1982, the amount of recovery from all revenue sources was \$16.4 million, and it is estimated that for 1983 the amount will be \$29 million. PSO has also filed an application with the Federal Energy Regulatory Commission ("FERC") to recover, over a ten year period, the portion of PSO's investment in Black Fox related to FERC customers. In October 1982, PSO began collecting additional annual revenues of \$1,900,000, subject to refund pending final determination by FERC, in recovery of PSO's investment in Black Fox related to FERC customers. The above amortization revenues have increased positive cash flow and will continue to do so. In addition, PSO is deducting as much of the abandonment loss as possible for tax purposes. This has created tax timing differences which, although they will be offset in later years, will provide additional cash flow in the first few years of the 10-year amortization period. Termination of Black Fox as a nuclear project also significantly decreases projected construction expenditures during the next several years. PSO does not plan significant expenditures for substitute capacity through 1985.

It is stated that the interim cash flow from the Black Fox recovery revenue streams, including proceeds of the 1981 sale of oil and gas leases, and the related deferred taxes, can only be used in the normal course of business to retire short-term borrowing. However, PSO's \$269 million investment in the Black Fox project was in the form of debt, preferred stock, and common equity—not short-term debt alone. The retirement of only short-term debt would create an imbalance in PSO's capital structure during the next several years. If no action is taken to correct the imbalance, PSO's common stock equity ratio will approach and could exceed 50% at various times in the 1983 to 1988 period, well above the company's present target ratio of approximately 42%-44%. PSO rates have recently been established based on a 42% common equity ratio. An unnecessarily high common equity ratio for this period will raise PSO's overall cost of capital and decrease profitability for any given stream of operating income, due to the higher cost of equity as opposed to debt. PSO proposes to alleviate the temporary imbalance in capitalization ratios by acquiring a portion of its common stock

from CSW over the next two years. Such purchases will be financed by PSO pursuant to short-term borrowings under the CSW System Money Pool (File No. 70-6725). The amount and timing of such transactions would maintain PSO's common stock equity ratio closer to the current target level of approximately 42%-44%. Because of the need for flexibility in the light of the possibility that the facts may differ from the assumptions, PSO requests authorization to purchase, from time to time during 1983 and 1984, an amount of its common stock not to exceed \$60 million.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 17, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-11274 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22893; (70-6852)]

Columbia Gas System, Inc.; Proposed Issuance and Sale of Common Stock Through an Exchange for Issuer's Debentures in Satisfaction of Sinking Fund Requirements; Request for Exception From Competitive Bidding

March 28, 1983.

The Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50 promulgated thereunder.

As of March 3, 1983, Columbia had issued 35,993,784 shares out of 50 million shares of authorized common stock. Columbia now proposes to issue from time to time through December 31, 1983, up to 2 million additional shares of authorized, but unissued, common stock in exchange for an amount of its outstanding debentures of comparable value which would otherwise be reacquired for cash to satisfy normal sinking fund requirements. The debentures will have been previously acquired by one or more investment banking firms which will exchange the debentures for the additional common stock and then sell the common stock. The additional common stock will be registered with this Commission in accordance with its delayed or continuous offering and sale procedures (17 ICF 230.415) in order to permit periodic, but not more than three, public offerings in 1983.

Columbia cites two material advantages which result from the issuance of common stock in the manner herein described. The gradual replacement of debt with common stock will strengthen Columbia's capital structure and improve its earnings coverage ratios. Additionally, it is anticipated that the gain resulting from the acquisition of the debentures, at less than their par value, will be tax-free as an exchange of securities. This type of exchange will produce higher cash savings than if the debentures were simply reacquired for cash.

Columbia has requested an exception from the competitive bidding requirements of Rule 50 under the Act. It represented that the exchange ratio, which determines the number of shares of common stock issued, would be negotiated based on the value of the debentures versus the market value of the common stock, less underwriting commissions. Because transactions under this proposed procedure may be carried out periodically over an extended time period, and because Columbia must deal directly with those investment bankers that hold the debentures Columbia seeks to purchase, Columbia asserts that it is essential that it be able to negotiate with the investment bankers to determine the appropriate exchange ratio. In light of the foregoing, Columbia proposes to initiate preliminary negotiations and is hereby granted permission to do so.

The effect of the proposed transactions upon the consolidated capital structure of Columbia as of December 31, 1982, is demonstrated below assuming an acquisition of debentures of a par value equaling \$63

million, at a discounted value of \$50 million, in exchange for common stock at a market price of \$28 per share (this exchange ratio would result in the issuance of 1,786,000 shares):

	Actual		Pro forma	
	Dollars (mil-lions)	Per-cent	Dollars (mil-lions)	Per-cent
Common stock equity... Redeemable preferred stock ¹	1,458	48.3	1,508	50.2
Long-term debt ²	40	1.3	40	1.3
Total.....	1,519	50.4	1,458	48.5
	3,017	100.0	*3,004	100.0

¹ Includes current maturities.

² Gain on retirement of debt recorded as a deferred credit, and amortized over the remaining life of the debentures, on a series-by-series basis, to reduce interest expense.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit their views in writing by April 22, 1983, to the Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-11269 Filed 4-26-83; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 13179; 812-5454]

Dean Witter Developing Growth Securities Trust and John R. Haire; Filing of Application

April 21, 1983.

Notice is hereby given that Dean Witter Developing Growth Securities Trust, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company (the "Trust"), and John R. Haire (collectively, "Applicants") Five World Trade Center, New York, New York 10048, filed an application on February 11, 1983, for an

order of the Commission, pursuant to Section 6(c) of the Act, declaring that Mr. Haire, a trustee of the Trust, shall not be deemed an interested person of the Trust, as defined by Section 2(a)(19) of the Act, solely because he serves as a director of Washington National Corporation ("WNC"), which has three wholly-owned subsidiaries registered as broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act"). 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 exemption applies.

Applicants state that Mr. Haire is a director of WNC, a publicly-held life insurance complex, and two of its wholly-owned life insurance subsidiaries, Anchor National Life Insurance Company ("ANL") and Washington National Life Insurance Company of New York ("WNNY"). Two other wholly-owned subsidiaries of WNC, Washington National Equity Company ("WNEC") and Anchor National Financial Services, Inc. ("ANS"), are registered as broker-dealers under the Exchange Act. Applicants further state that ANS itself has a wholly-owned subsidiary, ANFS, Inc. ("ANFS"), also registered as a broker-dealer under the Exchange Act.

Applicants represent that the three broker-dealer subsidiaries of WNC function primarily as adjuncts to the insurance operations of the WNC complex, marketing mutual funds and variable annuities. Applicants represent that ANS and ANFS conduct a general securities business on a fully disclosed basis through an unaffiliated broker-dealer. Applicants contend they limit such general securities business to the accommodation of clients of dually-licensed insurance agents/registered representatives. Applicants describe such business as occasional and unsolicited. Applicants represent that the broker-dealer affiliates of WNC will not transact any business with the Trust, as portfolio brokers or otherwise, so long as Mr. Haire remains a trustee of the Trust.

Applicants state that because Mr. Haire serves as a director of WNC, he might be deemed to control WNEC, ANS, and ANFS, the broker-dealer subsidiaries of WNC and, thus, through the application of Sections 2(a)(19), 2(a)(3), and 2(a)(9), be considered an interested person of the Trust. A similar analysis might deem Mr. Haire to be controlled by WNC and, thus, an

affiliated person of the same broker-dealer subsidiaries by reason of his being under the common control of WNC. Either analysis, the Applicants acknowledge, would result in Mr. Haire being considered an interested person of the Trust.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that Mr. Haire does not exercise a controlling influence over the affairs of WNC's broker-dealer subsidiaries, except in his official capacity as a director of WNC. Applicants represent that Mr. Haire is not a director, officer, or employee of the broker-dealer subsidiaries, and that Mr. Haire in no way participates in the day-to-day operations of WNC or its broker-dealer subsidiaries. Mr. Haire does not serve as an officer of WNC. Mr. Haire receives the same director's fees as received by the other outside directors of WNC, WNNY, and ANL. According to the application, Mr. Haire works, full-time, as president and chief executive officer of the Council for Financial Aid to Education, a non-profit corporation promoting financial aid to education.

Applicants argue that it would be misleading to shareholders and unfair to Mr. Haire to identify him as an interested trustee of the Trust because such designation implies an actual or potential conflict of interest which, Applicants claim, does not exist. Applicants contend that because no possibility exists that the Trust will do business with WNC or its broker-dealer subsidiaries, Mr. Haire will be in a position to act independently on behalf of the Trust and its shareholders without any possible impairment arising out of his affiliation with WNC. Accordingly, Applicants believe it would be in the best interests of the Trust and its shareholders to have Mr. Haire's status as a disinterested trustee acknowledged. Applicants believe the exemption requested to be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interests, the reasons for his/her 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. Persons who request a hearing will receive any notices and orders issued in this matter. 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. 83-11272 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13178; 812-5367]

Heizer Corporation; Filing of an Application

April 21, 1983.

Notice is hereby given that Heizer Corporation ("Applicant") 20 North Wacker Drive Chicago, Illinois 60606, a business development company within the meaning of Section 2(a)(48) of the Investment Company Act of 1940 ("Act"), filed an application on October 29, 1982, and amendments thereto on March 8 and April 19, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, declaring that Edward Glassmeyer, a director of Applicant, shall not be deemed an "interested person" of Applicant, as defined by Section 2(a)(19) of the Act, by reason of: (1) his investment as a limited partner in Grubb & Company ("Grubb"), a partnership registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934; (2) his providing consulting and other services to Grubb; or (3) his proposed sole ownership of a corporation that will become a limited partner of NH Management Company ("NH"), the managing general partner of Grubb. All interested persons are referred to the application on file with the Commission for a statement of the representations made 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 exemption applies.

Primarily engaged in the business of developing independent companies that exhibit significant growth potential, Applicant seeks, as its primary

investment objective, long-term capital appreciation. In accordance with this objective, Applicant states that it provides capital and managerial assistance to selected businesses. Applicant's management makes the investment decisions for Applicant in accordance with policies approved by its board of directors. Mr. Glassmeyer, Applicant has six directors, two of whom may be deemed to be "interested". To ensure its continued compliance with Section 56(a) of the Act, Applicant seeks an order of the Commission declaring that Mr. Glassmeyer shall not be deemed an interested person of Applicant within the meaning of Section 2(a)(19)(A)(v).

Applicant states that Mr. Glassmeyer beneficially owns 57,000 shares of Applicant's common stock representing approximately 0.4% of Applicant's outstanding common stock. Mr. Glassmeyer also holds options to acquire an additional 7,000 shares of Applicant's common stock, none of which are currently exercisable. Applicant represents that Mr. Glassmeyer's investment of \$25,000 in a limited partnership interest in Grubb constitutes less than six percent of Grubb's initial capital. Applicant represents that Mr. Glassmeyer's limited partnership interest in Grubb does not entitle him to vote on any partnership matters, except in extraordinary circumstances, and that his liability as a limited partner cannot exceed the amount of his investment in the partnership (including any capital returned to him after the date on which the partnership incurred a liability).

Grubb, a privately-held limited partnership organized under the laws of Georgia to conduct investment banking activities for its own and others' accounts, will arrange financing for emerging growth companies by using its best efforts to privately place securities of such companies. Applicant represents that Grubb will provide the following services: financial planning, strategic planning, market planning, market analysis, business plan development, and locating key managers. Applicant expects that Grubb will provide management consulting services to a small number of companies on a fee basis. As Grubb develops and enhances its capital position, Applicant anticipates that Grubb will expand its activities to include investment research, mergers and acquisitions, public offerings, market making, and other related services. The application also states that Grubb anticipates forming venture capital partnerships,

which will be operated as separate but affiliated entities.

In addition to his limited partnership interest in Grubb, Mr. Glassmeyer intends to provide, among other things, consulting services to Grubb. Moreover, Mr. Glassmeyer is the sole owner of a corporation that will become a limited partner of NH. Applicant describes NH as a privately-held, Georgia limited partnership formed for the purpose of acting as the managing general partner of Grubb. Applicant states that NH's sole business consists of acting as the managing partner of Grubb, and that NH is not registered with the Commission as a broker or dealer.

Applicant acknowledges that Mr. Glassmeyer, as a limited partner of Grubb, would be deemed an "affiliated person", through Section 2(a)(3)(D), of a registered broker-dealer, and thus an "interested person" of Applicant as defined in Section 2(a)(19)(A)(v) of the Act. Similarly, as a result of the consulting and other services which Mr. Glassmeyer will provide to Grubb, he may be considered an "employee" of that broker-dealer partnership and thus an affiliate of an interested person (and thus an interested person himself) of Applicant. Finally, as sole owner of a corporation that will become a limited partner of NH, Mr. Glassmeyer might be deemed an affiliate of an interested person, and thus an interested person of Applicant, either through Section 2(a)(3)(C) or Section 2(a)(3)(D).

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any of the provisions of the Act, or of any rules thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that no business or financial relationship currently exists, and none existed in the past, between Applicant and Grubb (or Grubb's predecessor corporation, Grubb & Co., Inc.) or NH. As a condition to the requested exemption, Applicant undertakes that—as long as Mr. Glassmeyer is a director of Applicant, is deemed not be an "interested person" of Applicant, and also is an affiliate of Grubb or NH—it will not effect any business transactions with Grubb or NH. Applicant believes that compliance with this undertaking will not adversely effect it or its shareholders because, as a business development company, Applicant rarely utilizes the brokerage or other services of registered brokers or dealers. Applicant represents that the

services provided by Grubb are not unique, nor are they of the type that Applicant has historically used in its business development activities. Moreover, Applicant notes the existence of a large number of registered broker-dealers throughout the United States that provide a wide range of services, on a highly competitive basis, and sees no reason why Applicant would need to use Grubb's services, as opposed to other broker-dealers. In addition, Applicant represents that Mr. Glassmeyer has agreed to recuse himself from participation in any decision by Applicant to acquire an investment position in a portfolio company with which either Mr. Glassmeyer, Grubb, or NH have or have had within the past one year, a material business relationship.

Applicant does not believe it necessary or appropriate to request any of its portfolio, or "investee", companies to undertake to refrain from engaging in any business transactions with Grubb or NH. Characterizing the possibility that one of its investee companies will have occasion to use the services of Grubb or NH as "extremely remote," Applicant asserts that the comprehensive prohibitions and protective procedures set forth in Section 57 of the Act and the rules thereunder more than adequately protect Applicant and its shareholders in the context of this application.

Applicant believes that the requested exemption is appropriate in the public interest because it will permit Applicant and its shareholders to continue to receive the benefits of Mr. Glassmeyer's services as a director. As noted earlier, Mr. Glassmeyer has served as a director of Applicant since 1969, and, in addition to his invaluable knowledge and experience gained through his service with Applicant, Mr. Glassmeyer has outstanding abilities and experience in investment banking and other fields. Applicant asserts that Mr. Glassmeyer is a most valued member of its board of directors, and that the conflicts of interest which Section 2(a)(19)(A)(v) seeks to eliminate do not occur in this context. Finally, Applicant submits that its requested exemption is fully consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her 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. Persons who request a hearing will receive any notices and orders issued in this matter. 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. 83-11271 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13180; 812-5494]

**Keystone International Fund, Inc.,
Keystone Tax Free Fund, Keystone
Custodian Funds, Inc. as Trustee for
Keystone Custodian Funds, Series B-
1, B-2, B-4, K-1, K-2, S-1, S-3 and S-4;
Filing of an Application**

April 21, 1983.

Notice is hereby given that Keystone International Fund, Inc., Keystone Tax Free Fund, and Keystone Custodian Funds, Inc. ("Keystone"), as trustee of each of eight trusts, namely Keystone Custodian Funds, Series B-1, B-2, B-4, K-1, K-2, S-1, S-3, and S-4 (referred to hereinafter with Keystone International Fund, Inc. and Keystone Tax Free Fund as the "Funds") (Keystone and the Funds are collectively referred to as "Applicants") 99 High Street, Boston, Massachusetts 02110, filed an application on March 15, 1983, for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicants from the provisions of Sections 2(a)(32), 2(a)(35), and 22(c) of the Act and Rule 22c-1 thereunder to the extent necessary to permit Applicants to assess a contingent deferred sales charge under certain circumstances. 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.

Registered under the Act as open-end, diversified, management investment companies, the Funds have no employees. The Travelers Corporation

("Travelers") holds all of the outstanding shares of capital stock of Keystone, the investment adviser or corporate trustee of each of the Funds. Applicants state that Fund shares are offered for sale to the public through broker-dealers pursuant to dealer agreements with the Funds' principal underwriter, Keystone Massachusetts, Inc. (the "Distributor"), a wholly-owned subsidiary of Keystone. Applicants represent that purchases of Fund shares incur a sales charge of up to 8.5% of their public offering price.

After five years of experiencing substantial net redemptions, the boards of directors of Keystone and the Funds concluded that the Funds should change their distribution arrangements. The directors decided to replace the front-end sales charges with a contingent deferred sales charge to be imposed on redemptions of shares purchased after elimination of the front-end sales charge. The directors further decided that each Fund should partially finance the distribution of its shares, and they approved distribution plans pursuant to Rule 12b-1 under the Act. Because of their anticipated Rule 12b-1 plan, Applicants seek to impose a contingent deferred sales charge on those shares which the Funds have paid commissions on which are redeemed before the funds have had an opportunity to realize the tangible and intangible benefits of long-term investment of the capital that such sales represent. Applicants contend they calculated the contingent deferred sales charge to reflect the amount of commissions paid by the Funds on sales of shares, adjusted to reflect the time value of money and for rounding to the nearest whole percentage.

Applicants represent that they would impose contingent deferred sales charges on partial or complete redemption of shares purchased following elimination of their front-end sales charge. Shares redeemed during the same calendar year of their purchase will incur a sales charge of 4% of the lesser of: (1) the net asset value of such shares redeemed, or (2) the total cost of such shares. Applicants would charge a sales commission of 3%, based on the same calculation, on shares redeemed during the next calendar year after the year of purchase. Applicants would impose a 2% sales charge on redemptions occurring during the second calendar year after the year of purchase, 1% if the redemption occurs during the third calendar year after the year of purchase. Applicants would impose no sales charge on redemptions made during the fourth and subsequent

calendar years following the year of purchase.

Applicants assert that in no event could the contingent deferred sales charges, in the aggregate ever exceed 4% of the lesser of the net asset value of the shares redeemed or the total cost of such shares. Applicants will impose no contingent deferred sales charge on: (1) increases above the shares' cost resulting from increases in the shares' net asset value, or (2) shares the Funds did not pay a commission on issuance (including shares acquired through reinvestment of dividend income and capital gains distributions). When calculating contingent deferred sales charges, Applicants will assume that shares held longest are first to be redeemed. Applicants state they will not impose a contingent deferred sales charge on exchanges of shares between Funds. Moreover, on such exchanges, Applicants will assume exchanged shares to have been purchased during the year in which the shares surrendered in the exchange were purchased or deemed to have been purchased as a result of prior exchanges.

Applicants believe that the imposition of a contingent deferred sales charge is fair and in the best interests of their shareholders. Applicants submit that their proposal permits shareholders to have more investment dollars working for them from the time they purchase Applicants' shares. Moreover, Applicants reiterate that their proposal would not impose a contingent deferred sales charge on shares held at least four years after the date of purchase or to increases in an investor's account resulting from reinvestment of distributions or increases in net asset value per share.

Applicants propose to finance their distribution expenses pursuant to a distribution plan ("Plan") adopted under Rule 12b-1 under the Act. Each Fund's Plan provides that the Fund may incur certain distribution expenses not exceeding for any quarter a maximum amount equal to 0.3125% of the Fund's average daily net assets during the quarter (an amount approximately equivalent to 1.25% annually of the Fund's average daily net assets). Such amounts may be paid to the Distributor as commissions for shares of the Fund sold after the Plan's inception, all or part of which may be allowed to others, and to enable the Distributor to pay others maintenance or other fees in respect of Fund shares sold by them after the Plan's inception that remain outstanding on the Fund's books for specified periods.

Applicants contend that their proposed contingent deferred sales charge is consistent with all provisions of the Act and that they need no exemptive relief to implement such a sales load. To avoid any questions as to the applicability of certain definitional and regulatory sections of the Act, however, Applicants request exemptions, to the extent necessary, from the provisions of the Act described below.

Applicants submit that the imposition of a contingent deferred sales charge would not remove Fund shares from the definition of "redeemable securit(ies)" found in section 2(a)(32) of the Act. Applicants believe, therefore, that the Funds will continue to qualify as open-end companies under Section 5(a)(1) of the Act. Applicants maintain that the contingent deferred sales charge in no way restricts a shareholder from receiving his proportionate share of the current net assets of the Fund, but merely defers the deduction of a sales charge and makes it contingent upon an event that may never occur. Although the proposed contingent deferred sales charge is not a redemption charge in the ordinary sense, Applicants assert that the provisions of Section 10(d) of the Act contemplate that an investment company may be an open-end company and may impose a discount from net asset value on redemption of its shares. Applicants request an exemption from Section 2(a)(32) of the Act to the extent necessary to permit the Funds to qualify as open-end companies under Section 5(a)(1) of the Act.

Applicants contend that the proposed contingent deferred sales charge qualifies as a "sales load" within the meaning of Section 2(a)(35). The contingent deferred sales charges will be paid to the Funds, not the Distributor, to reimburse the Funds for expenses related to the sale of their shares. The contingent deferred sales charge partially recompenses the Funds for commissions they paid—rather than the investor—at the time of purchase. Because the Funds pay a 5% sales commission, even the highest contingent deferred sales charge of 4% does not fully recompense the Fund. Applicants represent that the contingent deferred sales charge does not penalize an investor, but merely requires him to pay part of a sales cost disclosed yet not imposed at the time of sale. Applicants designed the contingent deferred sales charge to partially compensate the Fund and its shareholders for having borne sales costs without receiving the long-term benefits of the investments resulting from such sales. Applicants

recognize that sales loads are typically charged at the time of purchase, but they can find no logical reason to prohibit imposition of a sales charge at a time other than at the time of original purchase. Moreover, because Applicants would impose a charge only on amounts representing purchase payments (and not on increases in share value or on shares purchased through reinvestment), they assert that a purchaser can be no worse off and, in fact, is better off with their proposal than with a traditional sales charge. Nonetheless, Applicants request an exemption from the provisions of Section 2(a)(35) to the extent necessary to implement their proposed contingent deferred sales charge.

Applicants submit that their contingent deferred sales charge in no way violates Section 22(c) of the Act or Rule 22c-1 thereunder. Applicants will redeem those shares subject to a contingent deferred sales charge at net asset value or the total cost of the shares redeemed, whichever is less. Applicants will merely deduct the contingent deferred sales charge from redemption proceeds at the time of redemption in arriving at the shareholder's redemption proceeds. To avoid any questions as to the applicability of Section 22(c) and Rule 22c-1, however, Applicants request an exemption from Section 22(c) and from Rule 22c-1 to the extent necessary or appropriate to permit Applicants to implement their contingent deferred sales charge.

Section 6(c) of the Act permits the Commission, among other things, to grant an exemption by order upon application from any provision or provisions of the Act, or from any rule or regulation thereunder, provided such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants submit that the exemptions they request are appropriate, in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 16, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her 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. Persons who request a hearing will receive any notices and orders issued in this matter. 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. 83-11273 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13177; 812-5483]

Kidder, Peabody Government Money Fund, Inc.; Filing of Application

April 21, 1983.

Notice is hereby given that Kidder, Peabody Government Money Fund, Inc. (the "Company"), 20 Exchange Place, New York, New York 10005, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 8, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Company from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the Company's net asset value per share to be valued at amortized cost. 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 Act for the complete text of those provisions of the Act from which an exemption is being sought.

The Company states that its objective is the maximization of current income to the extent consistent with the preservation of capital and the maintenance of liquidity. The Company pursues this objective by investing in short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities and entering repurchase agreements with respect to such securities. The Company states that it may invest in commitments to purchase such securities on a "when-issued" or "delayed delivery" basis. The Company states that with respect to repurchase agreements it at no time will invest in repurchase agreements for

more than seven days. The Company states further that securities which collateralize such repurchase agreements may have maturities beyond one year from the time that the Company enters into the repurchase agreement.

According to the application, the amounts invested in obligations of various maturities depend on management's evaluation of the risks involved. The Company attempts to balance its three-fold objectives of high income, preservation of capital and liquidity in determining the maturity of securities selected for investment. The Company states that, generally, its investments will consist of obligations maturing within one year and the average maturity of all the investments (on a dollar-weighted basis), will be 120 days or less. The Company may also invest in such obligations which were originally issued with maturities in excess of one year if, at the time of purchase, the remaining time to maturity is less than one year.

The Company maintains that all of the above instruments are generally offered on the basis of a quoted yield to maturity and the market price of the security reflects an adjustment of its face value so that relative to the stated rate of interest it will return the quoted rate to the purchaser. The Company intends to declare its net income as a dividend to its shareholders on a daily basis and pay such dividends in additional shares on a monthly basis. According to the application, "net income" for this purpose will consist of all interest income accrued on the portfolio assets of the Company, less all expenses of the Company, plus or minus any gains or losses realized on sales of portfolio securities. The Company indicates that, if it is permitted to value its securities on an amortized cost basis, net income will also be adjusted to reflect amortization of original issue and market discount or market premium, but will not include any unrealized capital gains or losses. The Company states that, in addition, its net asset value per share will remain at \$1.00 because the Company will pay the daily dividend in the form of additional shares of the Company.

The Company states that it has been the experience of the Company's manager and distributor in advising and managing other "money market" funds that in order to attract investors and retain shareholders, the Company should possess the two attributes of stability of principal, i.e., a stable net asset value, and a steady flow of investment income. The Company states

that its management believes that the Company's investment policy of investing only in instruments having a remaining maturity of one year or less with an average portfolio maturity of 120 days combined with a stable price of \$1.00 per share will provide both of the attributes of stability of principal and a steady flow of investment income. The Company states that management's experience with respect to securities within the Company's investment policy indicates that with respect to instruments maturing in 120 days or less there is normally a negligible discrepancy between market value and the amortized cost value of such security. The Company believes that valuation of its assets on the amortized cost basis, by enabling the maintenance of a stable price per share and at the same time allowing a flow of investment income less subject to fluctuation than under procedures whereby its dividend would be adjusted by all realized gains and losses, will benefit its shareholders.

The Board of Directors of the Company has determined in good faith that, in light of the characteristics of the Company as described in the application, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for the Company and reflects fair value of such securities.

Applicant further represents that granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In order to enhance investor protection, the Company has agreed to the following conditions:

1. The Board of Directors, in supervising the Company's operations and delegating special responsibilities involving portfolio management to the Company's investment manager, undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Company's investment objectives, to stabilize the Company's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at \$1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable, in light of current market conditions, to determine

the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Company's \$1.00 amortized cost price per share. To fulfill this condition, the Company intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

(b) In the event such deviation from the Company's \$1.00 amortized cost price per share exceeds one half of one percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated.

(c) Where the Board of Directors believes the extent of any deviation from the Company's \$1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Company; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Company will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that the Company will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Company will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Company will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; and the Company will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations

and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31 (b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Company will limit its portfolio investments to those short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities which the Board of Directors determines present minimal credit risks, and which are of "high-quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Directors.

6. The Company will include in each quarterly report, as an attachment to form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 18, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her 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 the Company 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. Persons who request a hearing will receive any notices and orders issued in this matter. 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 83-11270 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19693; File No. SR-MSE-83-4]

**Self-Regulatory Organizations;
Proposed Rule Change by Midwest
Stock Exchange, Inc.**

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 April 8, 1983 the Midwest Stock Exchange, Incorporated 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**

The Midwest Stock Exchange provides that Rule 3 of Article IV be amended to grant the Floor Procedure Committee of the Exchange the authority to act through subcommittee(s). Rule 3, Article IV would be amended by adding a new paragraph to the existing rule as follows:

Notwithstanding the foregoing and Rule 9 of this Article, the Committee if it so determines may act through a subcommittee to perform any of its duties pursuant to the Rules of the Exchange or otherwise. A subcommittee shall be composed of not less than three (3) members of the Committee appointed by the Chairman, a majority of whom shall constitute a quorum. Any member adversely affected by a determination of a subcommittee regarding any matter may appeal to the full Committee within five days of receiving notice of its determination by making a written request therefore specifically stating the action complained of, the specific reasons why exception is taken thereto and the relief sought. Any determination made by a subcommittee which is not specifically appealed as set forth herein shall be final.

**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.*—Presently, there are working ad-hoc subcommittees of the Floor Procedure Committee, such as a committee to establish training programs for floor members and various floor facilities review committees. Such subcommittees formulate recommendations to the full committee. The full committee has varied functions but its primary functions can be outlined as follows:

- A. Floor registration process and market maker assignments.
- B. Floor decorum.
- C. Arbitration.
- D. Trading practices.
 - i. ITS.
 - ii. rule interpretations and guidance.
 - iii. rule proposals.
- E. Discussion and guidance regarding operational needs.
- F. Coordinate with and when requested assist the Specialist Assignment and Evaluation Committee.

G. Refer matters for disciplinary action to enforce rules. The Proposed rule change would grant the Floor Procedure Committee the authority to act through subcommittee(s) if it so determined to perform any of these duties. This should enable more particularized attention to be devoted to the significant areas now the responsibility of the full committee. It should crystalize thinking and substantially clean up agendas of the full Committee.

It would also be beneficial to broaden floor participation in the process of the orderly and efficient running of the trading floor. It is anticipated that these subcommittees will be standing subcommittees to handle routine but important on-going functions such as assignment of issues to market makers and appeals of floor decorum fines. Any member which may be adversely affected by a determination of a subcommittee may appeal to the full committee.

The proposed rule change is consistent with Section 6(b)(3) of the Securities Exchange Act of 1934 in that it helps assure fair representation of the Exchange's members in the administration of Exchange affairs.

**(B) Self-Regulatory Organization's
Statement on Burden on Competition.**—The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed rule change.

**(C) Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change Received from**

Members, Participants or Others.—Comments have neither been solicited nor received from members or participants.

**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., 20549. 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: April 21, 1983.

George A. Fitzsimmons,
Secretary.

[FR Doc. 83-11177 Filed 4-26-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms**

[Notice No. 465]

Winegrape Varietal Names Advisory Committee; Open Meeting**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.**ACTION:** Notice of Advisory Committee Meeting.

SUMMARY: An open meeting of the Winegrape Varietal Names Advisory Committee will be held at 9:30 am on May 17, 1983, in Room 5041, 1200 Pennsylvania Avenue, NW, Washington, DC.

SUPPLEMENTARY INFORMATION: At this meeting the Committee will continue its efforts toward compiling a complete listing of winegrape names now being used in the United States, and identifying those names which may be incorrect, confusing, or deceptive.

The meeting will be open to the public. Any person who wishes to furnish written information or to address the Committee should submit the information or the request to appear to the Committee Manager at the address shown below. Requests to appear before the Committee should

specify the purpose of the presentation, the subject matter to be covered, and the amount of time desired.

FOR FURTHER INFORMATION CONTACT: Melvin T. Bruce, Manager, Winegrape Varietal Names Advisory Committee, Room 6230, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7568).

Signed: April 18, 1983.
Stephen E. Higgins,
Director.

[FR Doc. 83-11142 Filed 4-26-83; 8:45 am]
BILLING CODE 4810-31-M

Office of the Secretary

[Supp. to Dept. Circ., Public Debt Series—No. 11-83]

Series T-1985; Interest Rate

April 21, 1983.

The Secretary announced on April 20, 1983, that the interest rate on the notes designated Series T-1985, described in Department Circular—Public Debt Series—No. 11-83 dated April 14, 1983, will be 9½ percent. Interest on the notes will be payable at the rate of 9½ percent per annum.

Gerald Murphy,
Acting Fiscal Assistant Secretary.

[FR Doc. 83-11127 Filed 4-26-83; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 48, No. 82

Wednesday, April 27, 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).

[No. 36, April 25, 1983]

[S-592-83 Filed 4-25-83; 10:27 am]

BILLING CODE 6720-01-M

Dated: April 21, 1983.

Richard LaPointe,

Executive Director of the National Council on Educational Research.

[S-593-83 Filed 4-25-83; 2:47 pm]

BILLING CODE 4000-01-M

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1

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17432, Friday, April 22, 1983.

PLACE: Board room, Sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Ms. Gravlee (202-377-6970).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Tuesday, April 26, 1983, at 2:30 p.m.

Implementation of New Powers; Limitations on Loans to One Borrower
Preemption of State Due-on-Sale Laws
Sale of Branches
Interstate Operations of Insured Institutions
FSLIC Insurance Premiums

2

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

DATE: The program committee, a subcommittee of the National Council on Educational Research, will hold a meeting on May 5, 1983.

STATUS: Open.

TIME: 9:00 a.m.-5:15 p.m.

PLACE: Director's Conference Room, National Institute of Education, 1200 19th Street, Washington, D.C.

MATTERS TO BE CONSIDERED:

1. Discussion of Research in beginning Reading and in the Teaching of writing.
2. Examination of research in mathematics and science instruction.
3. Discussion of how a Liberal Arts Education may be strengthened by educational research.
4. Secondary Education reforms will be discussed.

CONTACT PERSON FOR MORE

INFORMATION: Patricia Hines, NCER Assistant, 2000 L Street NW., Washington, D.C. telephone 202-254-7490.

3

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

DATE: The program committee, a subcommittee of the National Council on Educational Research, will hold a meeting on May 6, 1983.

STATUS: Closed.

TIME: 9:00 a.m.-12 noon.

PLACE: Director's conference room, National Institute of Education, 1200 19th Street NW., Washington, D.C.

MATTERS TO BE CONSIDERED: Committee discussion: Personnel: Closed pursuant to (2) and (6).

CONTACT PERSON FOR MORE

INFORMATION: Patricia Hines, NCER Assistant, 2000 L Street NW., Washington, D.C. 20208, telephone 202-254-7490.

Dated: April 21, 1983.

Richard LaPointe,

Executive Director of the National Council on Educational Research.

[S-594-83 Filed 4-25-83; 2:47 pm]

BILLING CODE 4000-01-M

Federal Register

**Wednesday
April 27, 1983**

Part II

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 875]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 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: Geopressed 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.

BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED APRIL 21, 1983

VOLUME 875

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** OKLAHOMA CORPORATION COMMISSION *****								
-AMSTAR OIL INC	8329859 19439	3510900000	102-2	RECEIVED:	03/28/83 JA: OK KUSEK #4	KUSEK #4	0.0	WESTWIND GAS CO
-ANADARKO PRODUCTION COMPANY	8329837 20703	3500321010	103	RECEIVED:	03/28/83 JA: OK TUCKER C-2	LAMBERT S E	200.0	PIONEER GAS PRODU
-ARCO OIL AND GAS COMPANY	8329804 20704	3500321010	103	RECEIVED:	03/28/83 JA: OK TUCKER C-2	LAMBERT S E	150.0	PIONEER GAS PRODU
-B R POLK INC	8329781 20747	3509321752	108	RECEIVED:	03/28/83 JA: OK LLOYD VICKERY #3	N E CEDARDALE	7.3	MICHIGAN WISCONSI
-BRAXTON OIL AND GAS CORP	8329810 20815	3500721763	103	RECEIVED:	03/28/83 JA: OK ULLRICH-PARKER UNIT #3	MOCANE-LAVERNE	182.5	NORTHERN NATURAL
-BROWN & BORELLI INC	8329786 20776	3505921150	103	RECEIVED:	03/28/83 JA: OK WHEELER-O'HAIR #2-35	S LAVERNE	100.0	MICHIGAN WISCONSI
-BUCK EXPLORATION	8329775 20702	3507122554	103	RECEIVED:	03/28/83 JA: OK SCHOOL LAND #1		10.0	CHASE GATHERING S
-C E DINSMORE	8329763 20352	3507323646	103	RECEIVED:	03/28/83 JA: OK BOB #1	N OKARCHE	73.0	CONOCO INC
-CHAMPLIN PETROLEUM COMPANY	8329778 20729	3501120373	108	RECEIVED:	03/28/83 JA: OK MEHEW-WHITE #1	SOONER TREND	6.0	DELHI GAS PIPELIN
-CORE OIL & GAS CORP	8329803 20468	3515121259	103	RECEIVED:	03/28/83 JA: OK ZEBB MCBRIDE #1	WEST ALINE FIELD	0.0	AMINOIL U S A INC
-DONALD C SLAWSON	8329815 20870	3508100000	103	RECEIVED:	03/28/83 JA: OK JAMES MURPHY #4	S E DAVENPORT	10.0	MERIDIAN ENERGY I
-EARL COX	8329771 20693	3504721445	108	RECEIVED:	03/28/83 JA: OK FRANK BIRD "A" #2	ENID	10.0	CHAMPLIN PETROLEU
-EL PASO NATURAL GAS COMPANY	8329769 20691	3508700000	108	RECEIVED:	03/28/83 JA: OK GILES-BROWN NO 1	UNALLOCATED	7.0	SUN OIL CO
-ENTEK PETROLEUM INC	8329770 20692	3504700000	108	RECEIVED:	03/28/83 JA: OK STATE SCHOOL #1	ENID	2.0	CHAMPLIN PETROLEU
-F C D OIL CORP	8329762 19814	3501121739	103	RECEIVED:	03/28/83 JA: OK SCHLOTTHAUER #2		255.0	ARKANSAS LOUISIAN
-GEO-ENGINEERING INC	8329792 10827	3510920453	102-4	RECEIVED:	03/28/83 JA: OK EUEL #3	CHDOCTAW	0.0	
-GRANHAM "A" #1	8329828 19535	3515121219	102-4	RECEIVED:	03/28/83 JA: OK HULL #1-11	S E WAYNOKA	600.0	PANHANDLE EASTERN
-HARPER OIL COMPANY	8329812 20861	3511121871	103	RECEIVED:	03/28/83 JA: OK STAUFFACHER #2	SCHULTER	7.3	SCHULTER GATHERIN
-HAWKINS OIL & GAS INC	8329787 20774	3512920762	103	RECEIVED:	03/28/83 JA: OK THURMOND #6	BERLIN N W REDFORK	358.0	EL PASO NATURAL G
	8329807 20762	3508320818	103	RECEIVED:	03/28/83 JA: OK ROBERT R GOOCH #2	WEST LAWRIE	14.0	EASON OIL CO
	8329843 20735	3515121306	103	RECEIVED:	03/28/83 JA: OK CIMARRON 1-10	WEST CLEO SPRINGS	127.8	PHILLIPS PETROLEU
	8329844 20734	3515121305	103	RECEIVED:	03/28/83 JA: OK HODGDEN 1-9	WEST CLEO SPRINGS	84.0	PHILLIPS PETROLEU
	8329830 19858	3503722628	103	RECEIVED:	03/28/83 JA: OK SIDWELL #1	MANNFORD	85.0	COLORADO GAS COMP
	8329855 20559	3513723058	103	RECEIVED:	03/28/83 JA: OK GRAHAM "A" #1	SOUTH CRUCE	0.0	AMINOIL USA INC
	8329845 20731	3509322583	103	RECEIVED:	03/28/83 JA: OK PECK #2	SOONER TREND	36.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329827	19518	3500722345	102-2		ISAAC #1-7	LOREANA EXT	3.7	
-HIGH-MCDONALD OPERATING CO RECEIVED: 03/28/83 JA: OK								
8329858	19467	3503320648	102-2	103	HOOKER #2	N E WALTERS	200.0	ENSERCH CORP
-HPC INC RECEIVED: 03/28/83 JA: OK								
8329805	20708	3501722391	103		CROUCH #2	NORTH CALUMET	0.0	PHILLIPS PETROLEU
-INTERNORTH INC RECEIVED: 03/28/83 JA: OK								
8329779	20733	3500721439	108		FILE #2-29	IVANHOE WEST	10.1	NORTHERN NATURAL
-JAMES Q MAGUIRE INC RECEIVED: 03/28/83 JA: OK								
8329806	20709	3508121837	103		VEATCH #2		0.0	
8329836	20699	3508121838	103		VEATCH #3		0.0	
-JAY PETROLEUM INC RECEIVED: 03/28/83 JA: OK								
8329821	20375	3506300000	108		BROWN OSBORNE #1	GREASY CREEK	6.0	JAY PETROLEUM INC
8329822	20376	3506300000	108		GIBSON #1	GREASY CREEK	11.9	JAY PETROLEUM INC
8329820	20374	3506300000	108		MEADORS B-1	GREASY CREEK	9.6	JAY PETROLEUM INC
8329823	20377	3506300000	108		TURNER NOLEN #1	GREASY CREEK	12.7	JAY PETROLEUM INC
-JEFFERSON-WILLIAMS ENERGY CORP RECEIVED: 03/28/83 JA: OK								
8329811	20822	3510321791	103		K A SPAULDING #4	CERES SOUTH	20.0	ARCO OIL & GAS CO
-JET OIL COMPANY RECEIVED: 03/28/83 JA: OK								
8329783	20789	3504723133	103		MURPHY #4	WILSON	233.0	EASON OIL CO
-JIMMY W GRAY RECEIVED: 03/28/83 JA: OK								
8329809	20765	3504921527	103		GARLAND #1	PAULS VALLEY	90.0	BUCKEYE NATURAL G
8329808	20764	3504921331	103		WILLIAMS (SUSIE WILLIAMS) 1-B	PAULS VALLEY	72.0	BUCKEYE NATURAL G
-JOE A HUITT RECEIVED: 03/28/83 JA: OK								
8329814	20863	3503723809	103		ABRAHAM #2	MILLFAY	9.2	KERR-MCGEE CORP
8329813	20862	3503722779	103		BOONE #2	MILLFAY	7.3	KERR-MCGEE CORP
-KAISER-FRANCIS OIL COMPANY RECEIVED: 03/28/83 JA: OK								
8329766	20611	3515100000	108		GRAVES #1	WAYNOKA NORTHEAST	15.0	CITIES SERVICE GA
8329765	20609	3504700000	108		ZALOUDEK #1	EAST KREMLIN	15.0	ARKANSAS LOUISIAN
-KENNEDY & MITCHELL INC RECEIVED: 03/28/83 JA: OK								
8329784	20781	3515312285	103		KEENAN #41-496		300.0	NORTHERN NATURAL
-LOUIS KAHAN RECEIVED: 03/28/83 JA: OK								
8329768	20685	3504723100	103		WUEFLEIN B #1	ENID NORTHEAST	78.0	GRACE PETROLEUM C
-M S KLOTZMAN EXPLORATION RECEIVED: 03/28/83 JA: OK								
8329854	20216	3511121233	103		BILLIG #1	SCHULTER	24.0	SCHULTER GATHERIN
8329852	20214	3511122132	103		COLE #1	WEST SCHULTER	19.0	SCHULTER GATHERIN
8329857	20213	3511121247	103		MILLER #1	SCHULTER	4.0	SCHULTER GATHERIN
8329853	20215	3511122993	103		REYNOLDS #1	SCHULTER	70.0	SCHULTER GATHERIN
-MACK OIL CO RECEIVED: 03/28/83 JA: OK								
8329831	20487	3500320879	103		BERNARD (WO) #2	WILD CREEK	42.5	
8329832	20488	3500320715	103		LOTT #2	S E GOLTRY	120.0	UNION TEXAS PETRO
8329833	20489	3500320992	103		LOTT #4	S E GOLTRY	90.0	UNION TEXAS PETRO
-MAPCO PRODUCTION COMPANY RECEIVED: 03/28/83 JA: OK								
8329842	21203	3513900000	108		KNOP C NO 1	GUYMON - HUGOTON	15.8	NORTHERN NATURAL
-MARTIN ENERGY RECEIVED: 03/28/83 JA: OK								
8329788	20773	3508121840	103		ZELDA #1	EAST OF DAVENPORT	0.0	MERIDIAN ENERGY I
-MAY PETROLEUM INC RECEIVED: 03/28/83 JA: OK								
8329785	20778	3508322078	103		GRININGER #1		18.3	
-MOBIL OIL CORP RECEIVED: 03/28/83 JA: OK								
8329848	20641	3501900000	108		C F ADAMS #29	SHO VEL TUM	0.6	LONE STAR GAS CO
8329851	20637	3501900000	108		GRAHAM DEESE #25-3 H B ELLER #3	SHO VEL TUM	0.1	LONE STAR GAS CO
8329850	20638	3501900000	108		GRAHAM DEESE #25-4 H B ELLER #4	SHO VEL TUM	0.1	LONE STAR GAS CO
8329849	20639	3501900000	108		GRAHAM DEESE #24-7 G A NELSON #7	SHO VEL TUM	0.1	LONE STAR GAS CO
8329846	20644	3501900000	108		GRAHAM DEESE UNIT #52-5 (ELLIS #5)	SHO VEL TUM	0.1	LONE STAR GAS CO
8329774	20698	3501900000	108		GRAHAM DEESE UNIT #52-8 (ELLIS #8)	SHO VEL TUM	0.1	LONE STAR GAS CO
8329773	20697	3501900000	108		GRAHAM DEESE UNIT #53-2 RICKETTS #2	SHO VEL TUM	0.0	LONE STAR GAS CO
8329772	20696	3501900000	108		GRAHAM DEESE UNIT #58-2 SPARKS A #2	SHO VEL TUM	0.1	LONE STAR GAS CO
8329847	20643	3501900000	108		GRAHAM DEESE UNIT #9-8 (A DAVIS #8)	SHO VEL TUM	0.1	LONE STAR GAS CO
-MORAN EXPLORATION INC RECEIVED: 03/28/83 JA: OK								
8329825	19462	3501721613	102-2		H & F REALTY #2	YUKON	0.0	PHILLIPS PETROLEU
8329826	19463	3501721610	102-2		HORNE #1	YUKON	0.0	PHILLIPS PETROLEU
8329829	19544	3501721776	102-2		SBC #1	YUKON	0.0	PHILLIPS PETROLEU
8329818	19546	3501721819	102-2		SBC #2	YUKON	0.0	PHILLIPS PETROLEU
8329819	19574	3501722215	102-2		SBC #4	YUKON	0.0	PHILLIPS PETROLEU
-PATEWOOD PETROLEUM CORP RECEIVED: 03/28/83 JA: OK								
8329791	20571	3503120762	108		BUNCH-COUCH #2		6.4	MANN INDUSTRIES I
-PETRO-ENERGY EXPLORATION INC RECEIVED: 03/28/83 JA: OK								
8329764	20486	3504722806	103		KOKOJAN #1-33	SOONER TREND	100.0	UNION TEXAS PETRO
-PHILLIPS PETROLEUM COMPANY RECEIVED: 03/28/83 JA: OK								
8329841	22246	3505135182	108-PB		DAHL #1	CHICKASHA	13.5	ARKANSAS LOUISIAN
8329856	20420	3506721286	108-PB		FRICKENSCHMIDT A #1	SOONER TREND	7.0	TRANSOK PIPELINE
8329861		3504700000	108		MAXEY B #1	SOONER TREND	9.8	TRANSOK PIPELINE
8329794	15442	3513900000	108		TINDLE #1		0.0	PANHANDLE EASTERN
-PLAINS PRODUCTION INC RECEIVED: 03/28/83 JA: OK								
8329759	19515	3510525728	102-4	103	HENDRICKS #10	WOODY	25.0	ENICO OIL CORP
8329761	19517	3510525729	102-4	103	HENDRICKS #11	WOODY	100.0	ENICO OIL CORP
8329760	19516	3510525730	102-4	103	HENDRICKS #12	WOODY	25.0	ENICO OIL CORP
8329839	19510	3510525722	102-4	103	HENDRICKS #3	WOODY	25.0	ENICO OIL CORP
8329757	19513	3510525723	102-4	103	HENDRICKS #4	WOODY	25.0	ENICO OIL CORP
8329756	19512	3510525724	102-4	103	HENDRICKS #5	WOODY	25.0	ENICO OIL CORP
8329838	19511	3510525725	102-4	103	HENDRICKS #7	WOODY	25.0	ENICO OIL CORP
8329758	19514	3510525726	102-4	103	HENDRICKS #8	WOODY	25.0	ENICO OIL CORP
-PYRO ENERGY CORP RECEIVED: 03/28/83 JA: OK								
8329834	20630	3509322294	103		R D CASE '36' #1	WEST CHEYENNE VALLEY	0.0	TENNESSEE GAS PIP
-RED EAGLE OIL CO RECEIVED: 03/28/83 JA: OK								
8329790	20766	3509322546	103		LWH #2-26	WEST FAIRVIEW	219.0	PHILLIPS PETROLEU
-RICKS EXPLORATION CO RECEIVED: 03/28/83 JA: OK								
8329835	20678	3500721990	103		DAVIS 4-A		197.0	PHILLIPS PETROLEU
8329767	20679	3500721708	103		JANZEN 3-A		8.0	PHILLIPS PETROLEU
-ROCKWELL PETROLEUM CORP RECEIVED: 03/28/83 JA: OK								
8329862	17783	3508101427	102-4		STATE SCHOOL LAND #2	SKELLYVILLE	402.0	
-ROYAL OIL & GAS CORPORATION RECEIVED: 03/28/83 JA: OK								
8329789	20768	3511921978	103		STATE OF OKLAHOMA 40-1	EAST CUSHING	146.0	ENTERPRISE DEVELO
-SOUTHLAND ROYALTY CO RECEIVED: 03/28/83 JA: OK								
8329840	22375	3506120003	107-PE		BRASHEARS UNIT #1	KINTA	9.9	PUBLIC SERVICE CO
8329863	17192	3509321589	108-ER		PAINTON #1-11	ORION	36.0	MICHIGAN WISCONSI
8329860	19247	3515130010	108-PB		WILSON #1-11	N E LOVEDALE	20.0	EL GRANDE PIPELIN
-SOUTHWESTERN EXPLOR CONSULTANTS INC RECEIVED: 03/28/83 JA: OK								
8329800	19329	3510321716	102-4		ISABEL #2	POLO	0.0	AMINOIL U S A INC
-STANTON ENERGY INC RECEIVED: 03/28/83 JA: OK								
8329780	20741	3511921992	103		ED KELLY #2		12.0	COLORADO GAS COMP
-SUN EXPL. & PROD. CO. -HOUSTON RECEIVED: 03/28/83 JA: OK								
8329864	10073	3511900000	108		BROYLES UNIT #1-1	BROYLES	3.8	CITIES SERVICE CO
8329865	10072	3511900000	108		STILES #1	BROYLES	8.0	CITIES SERVICE GA
-SUN OIL CO RECEIVED: 03/28/83 JA: OK								

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329824	19266	3506120450	102-2		USA #1-3	BROOKEN	0.0	UNITED GAS PIPE L
-TITAN OIL & GAS INC								
8329817	17331	3510500000	108		ALSPACH 1	NOMATA	12.0	ENECO PIPELINE
8329816	17313	3510500000	108		ALSPACH 6	NOMATA	12.0	ENECO PIPELINE
-UNION TEXAS PETROLEUM								
8329776	20719	3500320474	108		DOWERS G A #2	HODGE II	40.6	PANHANDLE EASTERN
8329777	20720	3509300000	108		UNRUH J B #1	HODGE I	15.6	PANHANDLE EASTERN
-WOODS PETROLEUM CORPORATION								
8329798	16519	3504320416	102-4	103	ALVIS #16-1	SQUIRREL CREEK	15.0	HYDROCARBON SERVI
8329795	16516	3504321417	102-4	103	ALVIS #16-2	SQUIRREL CREEK	27.0	HYDROCARBON SERVI
8329802	18269	3504321464	102-4	103	ALVIS #16-3	SQUIRREL CREEK	24.0	HYDROCARBON SERVI
8329801	18270	3504321465	102-4	103	ALVIS #16-4	SQUIRREL CREEK	27.0	HYDROCARBON SERVI
8329796	16517	3504300000	102-2	103	EDDIE SMITH #9-2	SQUIRREL CREEK	0.0	HYDROCARBON SERVI
8329782	17796	3504321452	102-4	103	EDDIE SMITH #9-3	SQUIRREL CREEK	64.0	HYDROCARBON SERVI
8329793	16515	3504321412	102-4	103	EDDIE SMITH #9-1	SQUIRREL CREEK	64.0	HYDROCARBON SERVI
8329797	15612	3504321390	102-4	103	FRED A JONES #16-1	SQUIRREL CREEK	88.0	HYDROCARBON SERVI
8329799	16520	3504321448	102-4	103	FRED JONES 16-2	SQUIRREL CREEK	9.0	HYDROCARBON -SERVI

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES								

-ADOBIE OIL & GAS CORPORATION								
8329754	19412	3706327302	103		C EDWARD STUEHELL #2	ROCHESTER MILLS	24.0	T W PHILLIPS GAS
8329690	11030	3706522407	103		FANNIE STARTZELL #1	OLIVER	25.0	
-ASHTOLA PRODUCTION CO								
8329744	19354	3705120333	103		A D MCCLANAHAN #1	HIGHHOUSE	25.0	
8329743	19353	3705120325	103		BEST FOOD PRODUCTS INC #1	WALTERSBURG	10.4	INDUSTRIAL ENERGY
8329742	19352	3705120314	103		CHARLES J & LEWANDA YOCUM #2	WALTERSBURG	28.0	COLUMBIA GAS OF P
8329741	19351	3705120313	103		DOMINIC D'ISODORO #1	HIGHHOUSE	7.3	
8329703	18465	3712921749	108		GEORGE PAVICK #1	GREENSBURG	0.0	INDUSTRIAL ENERGY
-BITTINGER - BARRETT LEASEHOLD								
8329704		3700522751	103		LYLE & VERLE BARRETT #4	WAYNE	30.0	PEOPLES NATURAL G
-C & C TROYER BROTHERS								
8329708	19005	3704922346	107-TF		DONALD A TROYER #2	UNION	8.0	NATIONAL FUEL GAS
8329707	19004	3704922346	102-2		DONALD A TROYER #2	UNION	8.0	NATIONAL FUEL GAS
8329718	19017	3704922248	107-TF		ED LOPUS #1 (76)	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8329717	19016	3704922248	102-2		ED LOPUS #1 (76)	WATERFORD BOROUGH	10.0	NATIONAL FUEL GAS
8329712	19011	3704922250	107-TF		EMERY METZIRS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8329711	19010	3704922250	102-2		EMERY METZIRS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8329716	19015	3704922304	107-TF		HOWARD ROHDE #1	AMITY	5.0	NATIONAL FUEL GAS
8329715	19014	3704922304	102-2		HOWARD ROHDE #1	AMITY	5.0	NATIONAL FUEL GAS
8329714	19013	3704922236	107-TF		LEWIS DOVE #1 (74)	WATERFORD	11.0	NATIONAL FUEL GAS
8329713	19012	3704922236	102-2		LEWIS DOVE #1 (74)	WATERFORD	11.0	NATIONAL FUEL GAS
8329710	19009	3704922303	107-TF		RICHARD STUTZMAN #1	WAYNE	10.0	NATIONAL FUEL GAS
8329709	19008	3704922303	102-2		RICHARD STUTZMAN #1	WAYNE	10.0	NATIONAL FUEL GAS
-CARL E MC CALL								
8329705	18780	3703121054	103		ARDELLE DELP #1	PORTER	5.0	
-CONSOLIDATED GAS SUPPLY CORPORATION								
8329749	19407	3706327163	103		FRANCIS SMITH #1 WN-1947	GREEN	3.0	GENERAL SYSTEM PU
8329748	19404	3706327109	102-2		GEORGE A RICKARD #1 WN-1935	GREEN	58.0	GENERAL SYSTEM PU
8329753	19411	3703321459	103		H SHAW #1 WN-1964	PENN	71.0	GENERAL SYSTEM PU
8329747	19403	3703321451	102-2		IVAN E JOHNSTON #2 WN-1959	BURNSIDE	8.0	GENERAL SYSTEM PU
8329752	19410	3703321425	103		J M CHASE #1 WN-1936	KNOX	2.0	GENERAL SYSTEM PU
8329746	19402	3703321464	102-2		MILLIE E FULTON #1 WN-1967	BURNSIDE	39.0	GENERAL SYSTEM PU
8329751	19409	3706327110	103		VERMA L FERRIER #1 WN-1941	MONTGOMERY	11.0	GENERAL SYSTEM PU
8329750	19408	3703321471	103		WILLIAM PIFER #1 WN-1945	BELL	9.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC								
8329738	19287	3712922113	103		ANNA MARY STEELE #1 KK-5	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8329702	17235	3706522102	108		L MCCAULEY #1 KN-9	UPPER DEVONIAN SANDS	20.0	T W PHILLIPS GAS
8329733	19210	3706327021	103		NORTH AMERICAN COAL CO #1 KA-135	UPPER DEVONIAN SANDS	30.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO								
8329755	19413	3700500000	103		B & S COAL & COKE #9 F-3431	PLUMVILLE	60.0	EQUITABLE GAS CO
-LOCUST KNOB DRILLING PROGRAM								
8329745	19371	3712922155	103		DANIEL K SHEARER #5	LOYALHANNA	25.0	
-NATIONAL FUEL GAS SUPPLY CORP								
8329699	12753	3703100000	108		A G CORBETT #4698	CLARION TOWNSHIP	0.4	GENERAL SYSTEM PU
8329700	13050	3704700000	108		LAVINA AVERY #1009-P	HIGHLAND TOWNSHIP	0.1	GENERAL SYSTEM PU
8329701	14289	3708500000	108		PETER PRYOR #584-P	WETMORE TOWNSHIP	0.9	GENERAL SYSTEM PU
8329697	12556	3703120956	108		S A WILSON #3270	CLARION TOWNSHIP	0.7	GENERAL SYSTEM PU
8329698	12572	3703100000	108		T L AARON #3330	LIMESTONE TOWNSHIP	0.6	GENERAL SYSTEM PU
-PETRO EVALUATION SERVICES INC								
8329720	19148	3704900000	107-TF		BURNS-WRIGHT UNIT	FRANKLIN CENTER	28.0	COLUMBIA GAS TRAN
8329734	19218	3704922047	107-TF		LOVETT #1	EDINBORO NORTH	36.0	NATIONAL FUEL GAS
8329721	19149	3704900000	107-TF		MILIERIUS	FRANKLIN CENTER	30.0	COLUMBIA GAS TRAN
8329719	19142	3704900000	107-TF		SEMPLE #1	FRANKLIN CENTER	0.0	COLUMBIA GAS TRAN
-S T JOINT VENTURE - 81-B								
8329739	19346	3703321528	103		HENRY #2	BRADY	25.0	NATIONAL FUEL GAS
-S T JOINT VENTURE 82-D								
8329740	19347	3703321509	103		CARDINALE #1	PIKE	25.0	CONSOLIDATED GAS
-UNION DRILLING INC								
8329737	19222	3705921769	103		PAUL W HUFFMAN #1	JACKSON TOWNSHIP	0.0	COLUMBIA GAS TRAN
8329735	19220	3705921785	103		WILLIAM C MINOR #1 0667	WASHINGTON TOWNSHIP	0.0	COLUMBIA GAS TRAN
8329736	19221	3705921786	103		WILLIAM C MINOR #2 8672	WASHINGTON TOWNSHIP	0.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO								
8329722	19176	3702120184	103		DEFENSE & EMERGENCY POLICE #1	SUSQUEHANNA	36.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO								
8329732	19208	3704922459	102-2		ELEGEER #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329731	19207	3704922459	107-TF		ELEGEER #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329728	19194	3704922474	102-2		H OBERLANDER #1	DRUMLIN	12.0	COLUMBIA GAS TRAN
8329727	19193	3704922474	107-TF		H OBERLANDER #1	DRUMLIN	12.0	COLUMBIA GAS TRAN
8329730	19196	3704922247	102-2		RUTKOWSKI #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329729	19195	3704922247	107-TF		RUTKOWSKI #1	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329724	19190	3704922437	107-TF		SAUERS #2	DRUMLIN	24.0	COLUMBIA GAS TRAN
8329723	19189	3704922437	102-2		SAUERS #2	LE BOEUF	24.0	COLUMBIA GAS TRAN
8329726	19192	3704922478	102-2		ZIMMERLY #6	DRUMLIN	12.0	COLUMBIA GAS TRAN
8329725	19191	3704922478	107-TF		ZIMMERLY #6	DRUMLIN	12.0	COLUMBIA GAS TRAN
-WAINOCO OIL & GAS CO								
8329694	11899	3703921353	107-TF		CHARLES D WETHERBEE #1 (W-98)	ATHENS (SPARTA)	0.0	COLUMBIA GAS TRAN
8329688	10467	3703921223	107-TF		ERVIN A HELMUTH #1 (W-92)	ATHENS (BLOOMFIELD)	0.0	COLUMBIA GAS TRAN
8329693	11045	3703921139	107-TF		JERRY G KERR #1 (W-108)	ATHENS (BLOOMFIELD)	4.0	COLUMBIA GAS TRAN
8329689	10739	3703921104	107-TF		MARTIN R GREISHAW JR #1 (W-95)	ATHENS (BLOOMFIELD)	0.0	COLUMBIA GAS TRAN
8329696	11906	3703921383	107-TF		MARY & WANDA KWAPINSKI #1 (W-89)	ATHENS (ROME)	65.0	COLUMBIA GAS TRAN
8329695	11905	3703921383	102-2		MARY & WANDA KWAPINSKI #1 (W-89)	ATHENS (ROME)	65.0	COLUMBIA GAS TRAN
8329692	11038	3703921140	107-TF		TERRY L MILLER #1 (W-109)	ATHENS (BLOOMFIELD)	120.0	COLUMBIA GAS TRAN
8329691	11036	3703921135	107-TF		WILLIAM J STAFF #1 (W-104)	ATHENS (BLOOMFIELD)	4.8	COLUMBIA GAS TRAN
-ZAMA PETROLEUM INC								
8329706	18943	3705900000	107-PE		ALBERT ADDLEMAN	WASHINGTON	2.0	PEOPLES NATURAL G

[Volume 876]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: April 21, 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.
BILLING CODE 6717-01-M

NOTICE OF DETERMINATIONS
ISSUED APRIL 21, 1983

VOLUME 876

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** NEW MEXICO DEPARTMENT OF ENERGY & MINERALS *****								
***** EL PASO NATURAL GAS COMPANY *****								
8329903		3003906518	108		HAMILTON COM #1	SOUTH BLANCO - PICTUR	15.0	EL PASO NATURAL G
-FRED POOL OPERATING CO		3000561286	102-2		EASTLAND STATE #2	FOOR RANCH PRE PERMIA	0.0	TRANSWESTERN PIPE
-JEROME P MCHUGH		3003922696	108		PUPPA MANCHE #5	SOUTH BLANCO PC	105.0	EL PASO NATURAL G
-SHELL OIL CO		3002500000	108		N HOBBS (G-SA) UNIT SEC 20 #432	HOBBS (G-SA)	3.0	PHILLIPS PETROLEU
8329900		3002500000	108		N HOBBS (G-SA) UNIT SEC 25 #221	HOBBS (G-SA)	6.8	PHILLIPS PETROLEU
-TXO PRODUCTION CORP		3001524000	102-4		EMPIRE STATE COM #1	UNDERSIGNATED (MORROW	1500.0	CABOT PIPELINE CO
8329904								
***** NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION *****								
***** ARAPAHO VENTURES OF NEW YORK INC *****								
8329897	5062	3112113664	107-TF		GORDON PIERSON #1	WILDCAT	3.1	COLUMBIA GAS TRAN
8329898	5059	3112113662	107-TF		LESTER WILKIE #1	WILDCAT	9.5	COLUMBIA GAS TRAN
-MAYHARD OIL COMPANY		3102917251	D 107-TF		BOLDT #1 #02418	ORCHARD PARK	0.0	NATIONAL FUEL GAS
8329905	3904	3102916597	D 107-TF		STEFAN #1 #01695	ORCHARD PARK	0.0	NATIONAL FUEL GAS
8329906	3908							
***** OHIO DEPARTMENT OF NATURAL RESOURCES *****								
***** ACTION PETROLEUM INC *****								
8329912		3415522282	103	107-TF	CALDERWOOD #1	BRACEVILLE	65.0	
8329908		3415522272	103	107-TF	LIGHTHOUSE EVANGELICAL CHURCH #1	BRACEVILLE	50.0	
8329910		3415522279	103	107-TF	NELSON #1	SOUTHINGTON	100.0	
8329909		3415522273	103	107-TF	PRICE #1	BRACEVILLE	60.0	
8329913		3415522283	103	107-TF	RATINI #1	NEWTON	60.0	
8329907		3415522269	103	107-TF	RATINI #2	NEWTON	80.0	
8329911		3415522281	103	107-TF	TRAVERS #1	NEWTON	75.0	
8329914		3415522305	103	107-TF	UGRAN #1	BRACEVILLE	55.0	
-ATWOOD RESOURCES INC								
8329915		3407523945	107-TF		BERTLER #2	CLARK	15.0	
-BEARDMORE OIL & GAS								
8329916		3400922636	107-TF		JAY NORRIS #1	NEW ENGLAND	3.0	COLUMBIA GAS TRAN
-BIG INJUN OIL & GAS CO								
8329918		3416727311	103		CLUTTER #1 #7311	BARLOW	1.5	RIVER GAS CO
8329919		3416727401	103		DAVIS #2	BARLOW	1.0	RIVER GAS CO
8329917		3416727195	103		MARTIN #1 #7915	BARLOW	1.5	RIVER GAS CO
-BROWN PETROLEUM CORP								
8329920B		3407523800	D 107-TF		R J PATTERSON #2	PRAIRIE	15.0	COLUMBIA GAS TRAN
8329920A		3407523800	103		R J PATTERSON #2	PRAIRIE	15.0	COLUMBIA GAS TRAN
-BRUSK JOINT VENTURE								
8329922		3411921814	107-RT		FISHER #1	MALTA	1.6	COLUMBIA GAS TRAN
8329921		3411921813	107-RT		FISHER #2	MALTA	1.6	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8329923		3411921816		107-RT		FISHER #4	MALTA	1.6	COLUMBIA GAS TRAN
8329925		3411921819		107-RT		MURPHY #3	MALTA	1.6	COLUMBIA GAS TRAN
8329924		3411921818		107-RT		MURPHY #4	MALTA	1.6	COLUMBIA GAS TRAN
-CAVENDISH PETROLEUM OF OHIO INC				RECEIVED:	03/23/83	JA: OH			
8329926		3412122155		108		STIERS 2MH		17.2	EAST OHIO GAS CO
-CLINTON OIL CO				RECEIVED:	03/23/83	JA: OH			
8330033		3406720586		103	107-TF	DUANE L EDIE #3-756	MONROE	10.0	
8330035		3413323007		103	107-TF	SIMON TRICASSO #1-807	BRIMFIELD	10.0	
8330034		3408322910		108		WILLIAM WELLS #1-641		10.0	COLUMBIA GAS TRAN
-CONSOLIDATED RESOURCES OF AMERICA				RECEIVED:	03/23/83	JA: OH			
8329927		3405923250		103	107-TF	MICHAEL LASKO #1	RICHLAND	20.0	COLUMBIA GAS TRAN
-DAVID A WALDRON & ASSOC INC				RECEIVED:	03/23/83	JA: OH			
8329929		3413322970		107-TF		KAUFMAN #1	STREETSBORO	40.0	
8329928		3413322969		107-TF		KAUFMAN #2	STREETSBORO	40.0	
-DAVID SHAFER OIL PRODUCERS INC				RECEIVED:	03/23/83	JA: OH			
8329930		3415321311		103		FIRESTONE #5-F	BATH	7.5	EAST OHIO GAS CO
-DERBY OIL & GAS CORP				RECEIVED:	03/23/83	JA: OH			
8329931		3412725815		103		MCGAUGHEY UNIT #1	JACKSON	12.0	FORAKER GAS CO IN
-DOME ENERGY 82-2				RECEIVED:	03/23/83	JA: OH			
8329932		3410322871		107-TF		DONNELLY #4	HINCKLEY	9.0	COLUMBIA GAS TRAN
-DORAN & ASSOCIATES INC				RECEIVED:	03/23/83	JA: OH			
8329933		3405320769		107-DV		BOB EVANS HIDDEN VALLEY RANCH	SPRINGFIELD	12.0	COLUMBIA GAS TRAN
-ELAN ENERGY INC				RECEIVED:	03/23/83	JA: OH			
8329936		3416923371		103	107-TF	ANDY HERSHBERGER #1	PAINT	10.0	COLUMBIA G/S TRAN
8329935		3416922997		103	107-TF	E & D WEAVER #1	PAINT	10.0	COLUMBIA GAS TRAN
8329934		3416922996		103	107-TF	GORDON NUSSBAUM #2	PAINT	10.0	COLUMBIA GAS TRAN
8329937		3416923378		103	107-TF	GORDON NUSSBAUM #3	PAINT	15.0	COLUMBIA GAS TRAN
8329938		3416923442		103	107-TF	MILLER-CLINEFELTER 1	PAINT	11.0	COLUMBIA GAS TRAN
-FRANK A CSAPO JR				RECEIVED:	03/23/83	JA: OH			
8329939		3416923476		103	107-TF	MICHAEL & MARVIN MILLER #1	MILTON	18.0	COLUMBIA GAS TRAN
-FREDERICK PETROLEUM CORP				RECEIVED:	03/23/83	JA: OH			
8329940		3411122812		103		FREDERICK PETROLEUM CORP #3	BETHEL	12.0	
-GEO ENERGY INC				RECEIVED:	03/23/83	JA: OH			
8329942		3416923226		107-TF		FANKHAUSER #9-2	MILTON	20.0	COLUMBIA GAS TRAN
8329941		3409321161		107-TF		TOMES #72-1	COLUMBIA	15.0	COLUMBIA GAS TRAN
-GREENLAND 1980-1				RECEIVED:	03/23/83	JA: OH			
8329943		3411925555		107-TF		IRWIN #1	RICHHILL	7.5	COLUMBIA GAS TRAN
-GUARDIAN MANAGEMENT INC				RECEIVED:	03/23/83	JA: OH			
8329948		3403124872		103	107-TF	CATLIN DC-2A	CLARK	18.0	
8329949		3403124873		103	107-TF	FISHER DC-2A	BETHLEHEM	18.0	
8329950		3403124875		103	107-TF	HOOKER DC-1A	BETHLEHEM	18.0	
8329946		3403124674		103	107-TF	INFIELD DC-1B	BETHLEHEM	18.0	
8329945		3403124537		103	107-TF	SHEPLER DC-1A	BETHLEHEM	18.0	
8329947		3403124859		103	107-TF	SHEPLER DC-1B	BETHLEHEM	18.0	
8329944		3403124530		103	107-TF	TAYLOR DC-1A	BETHLEHEM	18.0	
-H I SMITH OIL & GAS INC				RECEIVED:	03/23/83	JA: OH			
8329954		3407522359		108		A MILLER #1		4.0	COLUMBIA GAS TRAN
8329955		3407522634		108		A MILLER #2		4.0	COLUMBIA GAS TRAN
8329963		3408323194		103		HIPP #7	JEFFERSON	12.0	EAST OHIO GAS CO
8329960		3407527740		108		J STERLING #1		4.0	COLUMBIA GAS TRAN
8329951		3407522063		108		J STERLING #2		4.0	COLUMBIA GAS TRAN
8329961		3407522937		108		J STERLING #3		4.0	COLUMBIA GAS TRAN
8329962		3407523809		103		MATHEWY #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
8329959		3407522772		108		S MILLER #1		4.0	COLUMBIA GAS TRAN
8329952		3407522086		108		S MILLER #2		4.0	COLUMBIA GAS TRAN
8329957		3407522636		108		S MILLER #3		4.0	COLUMBIA GAS TRAN
8329956		3407522635		108		S MILLER #4		4.0	COLUMBIA GAS TRAN
8329953		3407522294		108		S YODER #1		4.5	COLUMBIA GAS TRAN
8329958		3407522677		108		S YODER #2		4.5	COLUMBIA GAS TRAN
-I R D CORP				RECEIVED:	03/23/83	JA: OH			
8329966		3408924464		103		IZZARD #1	UTICA	38.0	
-INTEGRATED ENERGY INC				RECEIVED:	03/23/83	JA: OH			
8329964		3401921361		107-TF		DORNAN #2	MONROE	20.0	M B OPERATING CO
8329965		3401921362		107-TF		DORNAN #3	MONROE	20.0	M B OPERATING CO
-JACKMARK JOINT VENTURE				RECEIVED:	03/23/83	JA: OH			
8329967		3411924419		107-RT		WILLISTON OIL CORP #4	RURALDALE	14.6	COLUMBIA GAS TRAN
8329968		3411924439		107-RT		WILLISTON OIL CORP #8	RURALDALE	14.6	COLUMBIA GAS TRAN
8329969		3411924441		107-RT		WILLISTON OIL CORP #9	RURALDALE	14.6	COLUMBIA GAS TRAN
8329970		3411924471		107-RT		WILLISTON OIL CORPORATION #17	RURALDALE	14.6	COLUMBIA GAS TRAN
-JAMES R BERNHARDT				RECEIVED:	03/23/83	JA: OH			
8329971		3410323189		103	107-TF	BUCKOW #1	GRANGER	15.0	COLUMBIA GAS TRAN
-KENOIL				RECEIVED:	03/23/83	JA: OH			
8329972		3416923304		107-TF		KENNETH BROWN #1-S	CANAAN	6.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	03/23/83	JA: OH			
8329985		3412725809		103		WILCOX/THOMPSON #2	JACKSON	10.0	
-LAKE REGION OIL INC				RECEIVED:	03/23/83	JA: OH			
8329973		3402920937		103	107-TF	C A LEHWALD #1	BUTLER	15.0	COLUMBIA GAS TRAN
8329974		3403124719		103	107-TF	JOHN & MAYNARD CONKLE #2	CLARK	10.0	COLUMBIA GAS TRAN
-LANDPROVEST INC				RECEIVED:	03/23/83	JA: OH			
8329975		3405923259		103	107-TF	B NEILLEY #1	INDIAN CAMP	20.0	
8329976		3405923430		107-TF		BERRY-TURRILL #2A-82	KNOX	25.0	
-LEADER EQUITIES INC				RECEIVED:	03/23/83	JA: OH			
8329978		3411926521		103	107-TF	ORWIG #1	CASS	12.0	
8329977		3403123917		103	107-TF	TYSON-HAMPTON UNIT #1	LAFAYETTE	14.0	
8329979		3411926548		103	107-TF	WHARTON #1	MONROE	13.0	
-LESLIE OIL AND GAS CO INC				RECEIVED:	03/23/83	JA: OH			
8329983		3415723342		107-RT		BOWERS WELL #1	PERRY	20.0	EAST OHIO GAS CO
8329980		3415723064		107-RT		LEONA LINDON (HALMAN LIMESTONE #1)	PERRY	20.0	EAST OHIO GAS CO
8329981		3415723224		107-RT		REIDMAN #1	PERRY	20.0	EAST OHIO GAS CO
8329982		3415723341		107-RT		T CONWELL #1	WASHINGTON	0.0	EAST OHIO GAS CO
-LIBERTY OIL & GAS CORP				RECEIVED:	03/23/83	JA: OH			
8329984		3410521824		103		OLEN & JOSEPHINE YOUNG #1	OLIVE	18.0	COLUMBIA GAS TRAN
-NEW FRONTIER EXPLORATION INC				RECEIVED:	03/23/83	JA: OH			
8329989		3412122631		103	107-TF	KOMINAR-HAWLEY UNIT #1	NOBLE	22.0	COLUMBIA GAS TRAN
8329987		3407322715		103		NEIL GRAF #1	FALLS	18.0	COLUMBIA GAS TRAN
8329988		3407322716		103		NEIL GRAF #3	FALLS	18.0	COLUMBIA GAS TRAN
8329986		3402920911		103	107-TF	WHITELEATHER-GEISELMAN UNIT #2	WEST	20.0	COLUMBIA GAS TRAN
-OHIO NATURAL FUEL CO				RECEIVED:	03/23/83	JA: OH			
8329990		3403124249		107-TF		OLINGER #1	JACKSON	30.0	COLUMBIA GAS TRAN
8329991		3407523342		107-TF		TRESSELL #1	PAINT	0.0	COLUMBIA GAS TRAN
-OHIO OIL & GAS CO				RECEIVED:	03/23/83	JA: OH			
8329992		3415522218		107-TF		CONSUMER 9	FOULER	20.0	COLUMBIA GAS TRAN
8329993		3415522224		107-TF		DUGAN #1	KINSMAN	20.0	COLUMBIA GAS TRAN
8329994		3415522240		107-TF		HEWITT #2	FOULER	20.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ONEAL PETROLEUM INC						RECEIVED: 03/23/83 JA: OH			
8329995		3411523083		107-TF		BARNETT UNIT #4	MEIGSVILLE	31.0	COLUMBIA GAS TRAN
-ORWIG OIL COMPANY						RECEIVED: 03/23/83 JA: OH			
8329996		3407322712		103		AARON AND JOHN COAKLEY #2	GREEN	1.0	PARAMOUNT TRANS C
-OXFORD OIL CO						RECEIVED: 03/23/83 JA: OH			
8330038		3412725286		103		JOHN BEITER #6	HOPEWELL	11.0	
8330037		3407523905		103		ROGER NELSON #1	MONROE	18.0	
-PATCO INC						RECEIVED: 03/23/83 JA: OH			
8329997		3416922155	D	107-RT		BOYAS #1	CONGRESS	20.0	COLUMBIA GAS TRAN
-PETROLEUM ENERGY PRODUCING CORP						RECEIVED: 03/23/83 JA: OH			
8329998		3400720823	D	108		D SNYDER #2B	BUSHNELL	1.5	EAST OHIO GAS CO
-POMSTONE CORP						RECEIVED: 03/23/83 JA: OH			
8330000		3403124119		108		C STAHL #3		5.0	
8329999		3403123548		108		ZINKON #1-A		3.0	
-QUAKER STATE OIL REFINING CORP						RECEIVED: 03/23/83 JA: OH			
8330008		3415123402		103	107-TF	BEABER #1	WASHINGTON	36.5	EAST OHIO GAS CO
8330005		3415123392		103	107-TF	E J CASSIDY #2	WASHINGTON	16.4	EAST OHIO GAS CO
8330010		3415123572		103	107-TF	F & B ROSENBERGER #1	WASHINGTON	21.9	EAST OHIO GAS CO
8330007		3415123396		103	107-TF	F & W ROSENBERGER #1	WASHINGTON	27.4	EAST OHIO GAS CO
8330004		3415123390		103	107-TF	HENNING UNIT #1	PRAIRIE	18.3	EAST OHIO GAS CO
8330006		3415123393		103	107-TF	HENNING UNIT #2	PARIS	18.3	EAST OHIO GAS CO
8330009		3415123552		103	107-TF	HENNING UNIT #3	PARIS	18.3	EAST OHIO GAS CO
8330012		3415123822		103	107-TF	SCHNEIDER UNIT #1	PARIS	7.3	EAST OHIO GAS CO
8330001		3400922631		103	107-TF	SUNDAY CREEK COAL #52	TRIMBLE	36.5	COLUMBIA GAS TRAN
8330002		3407322748		103	107-TF	SUNDAY CREEK COAL CO #67	WARD	7.3	COLUMBIA GAS TRAN
8330003		3407322749		103	107-TF	SUNDAY CREEK COAL CO #70	WARD	7.3	COLUMBIA GAS TRAN
8330011		3415123820		103	107-TF	VINCENT UNIT #1	PARIS	7.3	EAST OHIO GAS CO
-REDSTONE CORP						RECEIVED: 03/23/83 JA: OH			
8330013		3403123138		108		W THOMAS #1		5.0	
-SEAGULL DEVELOPMENT CORP						RECEIVED: 03/23/83 JA: OH			
8330015		3415123832		103		BOWERS UNIT #1	OSNABURG/EAST CANTON	15.0	EAST OHIO GAS CO
-SHONGUM OIL & GAS INC						RECEIVED: 03/23/83 JA: OH			
8330016		3407523362		107-TF		ADAM S MILLER #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
8330018		3411926088		107-TF		BRYCE LAPP #2A	SALEM	12.0	COLUMBIA GAS TRAN
8330017		3407523738		107-TF		JAMES FEIKERT #1	SALT CREEK	12.0	COLUMBIA GAS TRAN
-STOCKERASITLER INC						RECEIVED: 03/23/83 JA: OH			
8330024		3415723147		107-TF		DUMMERMUTH LEASE #1	AUBURN	40.0	EAST OHIO GAS CO
8330020		3405922586		107-TF		EMERY UNIT #2	WASHINGTON	10.0	EAST OHIO GAS CO
8330023		3415722490		107-TF		MURRAY ETAL UNIT #2	DOVER	16.0	EAST OHIO GAS CO
8330019		3405922585		107-TF		PERDUE UNIT #2	WASHINGTON	35.0	EAST OHIO GAS CO
8330027		3415723362		107-TF		RENNER ETAL UNIT #1	DOVER	28.0	EAST OHIO GAS CO
8330021		3406720356		107-TF		SAYRE LEASE #1	FREEPORT	15.0	EAST OHIO GAS CO
8330025		3415723152		107-TF		SPROUL UNIT #1	RUSH	8.0	EAST OHIO GAS CO
8330026		3415723153		107-TF		SPROUL UNIT #2	RUSH	12.0	EAST OHIO GAS CO
8330022		3406720358		107-TF		WELLS UNIT #1	FREEPORT	9.0	EAST OHIO GAS CO
-THE BENATTY CORPORATION						RECEIVED: 03/23/83 JA: OH			
8330032		3411925526		103	107-TF	A MASON #1	HARRISON	15.0	COLUMBIA GAS TRAN
8330031		3411925482		103	107-TF	B SWINGLE #1	HARRISON	30.0	COLUMBIA GAS TRAN
8330028		3411925461		103	107-TF	B SWINGLE #2	HARRISON	30.0	COLUMBIA GAS TRAN
8330030		3411925471		103	107-TF	FRAUNFELTER-BUCY #1	HARRISON	20.0	COLUMBIA GAS TRAN
8330029		3411925463		103	107-TF	W DEARTN #1	HARRISON	20.0	NATIONAL GAS CORP
-THE GOODYEAR TIRE & RUBBER COMPANY						RECEIVED: 03/23/83 JA: OH			
8330036		3415321103		107-TF		C P HALL-EXCELSIOR-GOODYEAR #7	STOW	35.0	EAST OHIO GAS CO
-THOMAS ROSE M						RECEIVED: 03/23/83 JA: OH			
8330014		3412723394		107-TF		ROSE THOMAS #2	BEARFIELD	100.0	COLUMBIA GAS TRAN
-UNITED PETROLEUM CORP						RECEIVED: 03/23/83 JA: OH			
8330041		3409920567		108		CUA #1	ELLSWORTH	20.0	YANKEE RESOURCES
8330040		3409920566		108		SCHESLER #1		28.0	YANKEE RESOURCES
8330042		3409920857		107-RT		WESTFALL #1	GOSHEN	3.6	YANKEE RESOURCES
8330043		3409920978		108		WILT #2	CANFIELD	28.0	YANKEE RESOURCES
8330044		3409921007		108		WILT #3	CANFIELD	28.0	YANKEE RESOURCES
8330039		3409920267		108		WOODFORD #1	CANFIELD	1.5	YANKEE RESOURCES
-VICTOR MCKENZIE						RECEIVED: 03/23/83 JA: OH			
8330045		3412725782		103		CHARLES HENDERSON #2	HOPEWELL	10.0	NATIONAL GAS & OI
-W E SHRIDER CO						RECEIVED: 03/23/83 JA: OH			
8330047		3407322717		103		DALE SMITH #3	MARION	3.0	PARAMOUNT TRANSMI
-W K FROST INC						RECEIVED: 03/23/83 JA: OH			
8330049		3411926511		107-TF		MARTHA MCNAUGHT #1	JACKSON	10.0	NATIONAL GAS & OI
-WENNER PETROLEUM CORPORATION						RECEIVED: 03/23/83 JA: OH			
8330046		3416923404		107-TF		R GASSER #3	MILTON-WAYNE POOL	18.3	COLUMBIA GAS TRAN
-WITCO CHEMICAL CORP						RECEIVED: 03/23/83 JA: OH			
8330048		3408923147		108		WILLIAM GIFFEN #4-A		1.5	NATIONAL GAS & OI

OKLAHOMA CORPORATION COMMISSION									

-C & T RESOURCES						RECEIVED: 03/29/83 JA: OK			
8329885		3510120953		103		BORUM 4-A	BELAND	38.0	TRANSOK PIPE LINE
-KAISER-FRANCIS OIL COMPANY						RECEIVED: 03/29/83 JA: OK			
8329881		3504520937		103		KEENE #2	PACKSADDLE	419.0	PANHANDLE EASTERN
8329883		3501721112		103		SCHUMACHER #1A	N E GEARY	492.0	OKLAHOMA GAS & EL
-LUBELL OIL CO						RECEIVED: 03/29/83 JA: OK			
8329882		3506321639		103		SHERRY #1-26	YEAGER	100.0	OKLAHOMA NATURAL
-MACK OIL CO						RECEIVED: 03/29/83 JA: OK			
8329879		3501722319		103		HANDY #4	W RICHLAND	140.0	OKLAHOMA GAS & EL
-OKIE OIL INC						RECEIVED: 03/29/83 JA: OK			
8329884		3511920610		108		MOHLER #5	GEORGIA	4.0	SUN OIL CO
-SITCO INC						RECEIVED: 03/29/83 JA: OK			
8329878		20433		103		HARWELL #1-27	CRESCENT	150.0	CONOCO INC
-SUN EXPLORATION & PRODUCTION CO						RECEIVED: 03/29/83 JA: OK			
8329877		20126		108		BAXTER #1	MOCANE-LAVERNE	15.0	PANHANDLE EASTERN
-TRIGG DRILLING COMPANY INC						RECEIVED: 03/29/83 JA: OK			
8329866		07527		102-4		WALTERS #1-24	ELK CITY	0.0	PANHANDLE EASTERN
-UNION TEXAS PETROLEUM						RECEIVED: 03/29/83 JA: OK			
8329874		20715		108		ATHERTON L M #1	HODGE II	29.3	PANHANDLE EASTERN
8329871		20722		108		ATHERTON L M #3	HODGE II	28.6	PANHANDLE EASTERN
8329868		20712		108		EIFERT WALTER F #1	HODGE II	32.7	PANHANDLE EASTERN
8329875		20714		108		FRANK HALL #2	HODGE I	28.7	PANHANDLE EASTERN
8329869		20725		108		HERTZLER 'E' #1	HODGE I	15.2	PANHANDLE EASTERN
8329870		20723		108		JANTZ PETER #2	HODGE I	33.1	PANHANDLE EASTERN
8329867		20711		108		KOEHN 'B' #1	HODGE I	10.5	PANHANDLE EASTERN
8329873		20746		108		LEIRER J E #1	HODGE I	30.0	PANHANDLE EASTERN
8329876		20713		108		MALY E A #1	HODGE I	35.1	PANHANDLE EASTERN
8329884		20710		108		MOODY INEZ #1	HODGE I	13.8	PANHANDLE EASTERN
8329872		20721		108		WEBB R A #1	HODGE I	25.2	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WHITMAR EXPLORATION CO					RECEIVED: 03/29/83 JA: OK			
8329880	20554	3512120953	102-4		STIPE #1-17	SAVANNA	0.0	ARKANSAS LOUISIAN
***** WEST VIRGINIA DEPARTMENT OF MINES *****								
-OPENHEIMER OIL & GAS					RECEIVED: 03/29/83 JA: WV			
8329894		4708503831	108		GUS BEE #594	UNION	9.0	CONSOLIDATED GAS
-PEMCO GAS INC					RECEIVED: 03/29/83 JA: WV			
8329895		4701501850	108		SWARTZ #13	UNION DISTRICT	9.0	CONSOLIDATED GAS
8329896		4701501851	108		SWARTZ #14	UNION DISTRICT	9.0	CONSOLIDATED GAS
***** ** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA *****								
-MARATHON OIL COMPANY					RECEIVED: 03/28/83 JA: LA 3			
8329895	G2-2696	1771040880	102-5		EUGENE ISLAND BLOCK 349 #B-4A	EUGENE ISLAND	50.0	TEXAS EASTERN TRA
***** ** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, WASHINGTON, DC *****								
-MARATHON OIL COMPANY					RECEIVED: 03/28/83 JA: AK 7			
8329892		5013320006	102-4		BEAVER CREEK #1-A	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329889		5013320021	102-4		BEAVER CREEK #2	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329890		5013320124	102-4		BEAVER CREEK #3	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329891		5013320346	103		BEAVER CREEK #6	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329887		5013320346	102-4		BEAVER CREEK #6	BEAVER CREEK	2920.0	ALASKA PIPELINE C
8329888		5013320284	102-4		BEAVER CREEK #7	BEAVER CREEK	2920.0	ALASKA PIPELINE C

[FR Doc. 83-11092 Filed 4-26-83; 8:45 am]

BILLING CODE 6717-01-C

Federal Register

**Wednesday
April 27, 1983**

Part III

**Department of
Defense**

Office of the Secretary

**Banking Offices on DoD Installations and
Procedures; Final Rules**

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 231

[DoD Directive 1000.11]

Banking Offices on DoD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This rule revises Part 231, which covers banking offices operating on DoD installations. The revision transfers some procedural and operating rules to a new Part 230, published herein. The revision also expands the rules to include savings and loan associations in the definition of banking institutions and strengthens policy on financial responsibility of DoD personnel.

EFFECTIVE DATE: This rule was approved and signed by the Deputy Secretary of Defense on September 27, 1982, and is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. John Barber, Directorate for Banking, Office of the Assistant Secretary of Defense (Comptroller), Washington, D.C. 20301; telephone 202/697-8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-33742 appearing in the *Federal Register* on November 23, 1977 (43 FR 59972), the Office of the Secretary of Defense (OSD) published a reissuance of this part and amended it in FR Doc. 79-30324 appearing in the *Federal Register* on October 1, 1979 (44 FR 56328).

In FR Doc. 82-7270 appearing in the *Federal Register* on March 18, 1982 (47 FR 11717), the OSD published a proposed rule to revise this part. Public comments were to be submitted by April 20, 1982. Comments received from the public were screened by a panel of OSD and Military Department officials. All comments were reviewed carefully. Those considered to have merit were incorporated into the final revision of this part. In addition, minor technical changes were made to clarify the language of the rule.

List of Subjects in 32 CFR Part 231

Banking, DoD installations, DoD military and civilian personnel.

Accordingly, 32 CFR is amended by revising Part 231, reading as follows:

PART 231—BANKING OFFICES ON DOD INSTALLATIONS

Sec.

231.1 Reissuance and purpose.

231.2 Applicability.

Sec.

231.3 Policy.

231.4 Responsibilities.

231.5 Definitions.

Authority: 10 U.S.C. 136.

§ 231.1 Reissuance and purpose.

This part is revised to update policy for banking offices on DoD installations worldwide. Specific procedures are contained in Part 230 of this title.

§ 231.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

§ 231.3 Policy.

(a) It is the policy of the Department of Defense to provide properly constituted, convenient banking offices for the prudent administration of public monies and the efficient management of private funds of DoD personnel. Military disbursing officers and custodians of nonappropriated funds and other DoD installation activities shall use servicing banking offices to the maximum extent feasible and consistent with good cash management practices.

(b) Banking offices shall be established on DoD installations only with prior approval of the appropriate regulating agency and the DoD Component concerned.

(c) The establishment of banking facilities on DoD installations shall be requested only when a demonstrated and justified need cannot be satisfied by other means. Normally, banking facilities may be used in overseas locations and in states that prohibit branch banking; however, in times of mobilization, it may become necessary to designate other domestic banking facilities as an emergency measure. Upon recommendation of a DoD Component, banking facilities are designated by the Treasury Department under authority contained in 12 U.S.C. 265.

(d) DoD personnel who tender uncollectible checks or who overdraw accounts damage their credit reputation and affect the public image of all DoD personnel. Furthermore, losses sustained by banking offices on DoD installations as a result of these actions reduce their viability and, in certain cases, increase the cost incurred by the government in providing banking services. Military financial counselors or legal advisors shall recommend a workable plan for repayment to avoid endangering the individual's credit standing and career. Counselors shall ensure that individuals

are aware of the stigma associated with bankruptcy and shall recommend its use only as a last resort when no alternative is available to alleviate the situation.

(e) In order to provide banking services at a minimum cost to the Department of Defense and to DoD personnel, banking offices authorized to locate on DoD installations may be furnished such real estate, utilities, and other logistical support as are authorized under Part 230 of this title, DoD 4270.1-M, and DoD Directive 4000.6.

(f) The termination of a banking office's tenure on a domestic DoD installation shall be initiated by a DoD Component only under one of the following conditions:

(1) The mission of the installation has changed, or is scheduled to be changed, and there is no requirement for banking services.

(2) Active military operations preclude continuation of banking services for DoD personnel.

(3) The performance of the banking office in providing banking services is not satisfactory according to standards ordinarily associated with the banking industry. Termination actions initiated on the basis of inadequate performance shall be substantiated by sufficient evidence and concurred in by the appropriate regulating agency.

§ 231.4 Responsibilities.

(a) The *Assistant Secretary of Defense (Comptroller) (ASD(C))* shall:

(1) Develop and monitor policies and procedures governing the establishment, operation, and termination of banking offices on DoD installations.

(2) Take final action on requests for exceptions to this part.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall:

(1) Develop and monitor policies and procedures governing logistical support furnished to banking offices on DoD installations, including the use of DoD real property and equipment.

(2) Advise the ASD(C) on all aspects of military banking relating to the morale and welfare of DoD personnel.

(c) The *Heads of DoD Components* shall:

(1) Supervise and encourage the use of banking offices on DoD installations as a means of:

(i) Assisting DoD personnel to manage their personal finances, including check-to-financial organization programs and regular savings plans. However, use by DoD personnel of such services shall be on a voluntary basis and should not be

urged in preference to (or to the exclusion of) other financial institutions.

(ii) Providing convenient, safe custody of appropriated and nonappropriated funds.

(iii) Facilitating effective cash management by disbursing officers and nonappropriated fund instrumentalities.

(2) Encourage regularly established financial institutions to provide full-service banking on DoD installations where there is a demonstrated need for such services.

§ 231.5 Definitions.

(a) *Automated Teller Machine (ATM)*. An electronic machine that dispenses cash, accepts deposits, and transfers funds between a customer's various accounts. Equipment generally is activated by a plastic debit card in combination with pushbuttons. Also known as a customer-bank communication terminal. Shared access to ATMs or a network of ATMs refers to the customer's ability to use the ATMs of more than one cooperating institution.

(b) *Banking Facility*. A banking office located on a DoD installation and operated by a banking institution that, under its designation as a depository and financial agent of the U.S. Government, has been specifically authorized by the Treasury Department to provide certain banking services at the installation. Such offices may be either self-sustaining or nonself-sustaining. Also known as a military banking facility.

(c) *Banking Institution*. The organization that operates a banking office on a DoD installation. At domestic DoD installations, the organization shall be a bank insured by the Federal Deposit Insurance Corporation or a savings and loan association or other institution insured by the Federal Savings and Loan Insurance Corporation.

(d) *Banking Liaison Officer*. A commissioned officer or DoD civilian employee of equivalent grade appointed by an installation (military community) commander to work with officials of the servicing banking office and its clients. A noncommissioned officer may be appointed if he or she is the senior financial management official at the installation.

(e) *Banking Office*. An outlet operated by a banking institution on a DoD installation.

(f) *Branch Bank*. A separate unit chartered to operate at an onbase location geographically remote from its parent organization.

(g) *DoD Personnel*. All military personnel; civil service employees; other civilian employees, including special

government employees of all offices, agencies, and departments performing functions on a DoD installation (including nonappropriated fund instrumentalities); and their dependents. On domestic DoD installations, retired U.S. military personnel and their dependents are included.

(h) *Domestic DoD Installation*. A military installation located within a state of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(i) *Fair Market Rental*. A reasonable charge for onbase land, buildings, or building space. Rental is determined by a government appraisal, based on comparable properties in the local civilian economy, in which the appraiser considers that onbase land may not always be comparable to similar land in the local commercial geographic area recognizing, for example, limitation of usage and access to the bank by persons other than those on the installation, proximity to the community center or installation business district, the government's right to take title to improvements constructed at bank expense, the government's right to terminate lease, and the limited consumer environment of a DoD installation.

(j) *Full Financial Services*. Those services commonly associated with banking institutions in the United States, such as checking and savings accounts, fund transfers, sales of money orders and traveler's checks, loan service, safe deposit boxes, trust services, sale and redemption of U.S. savings bonds, and acceptance of utility payments.

(k) *Full-time Banking Facility*. A banking facility that operates 5 or more days a week.

(l) *Independent Bank*. A bank chartered specifically to operate on a DoD installation. Directors and officers of such institutions usually come from the local business and professional community, thus differentiating this operation from a statewide or countywide branch system, which consists of a head office and one or more geographically separate branch offices.

(m) *National Bank*. An association approved and chartered by the Comptroller of the Currency to operate a banking business.

(n) *Overseas DoD Installation*. Military installations (communities) located outside the states of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) *Part-time Banking Facility*. A banking facility that operates less than 5 days a week, exclusive of additional payday service. When only payday

service is provided, the banking facility may be termed a "payday service facility."

(p) *Regulating Agency*. Includes the Office of the Comptroller of the Currency; the Federal Deposit Insurance Corporation; the several Federal Reserve Banks and the Board of Governors of the Federal Reserve System; the Federal Home Loan Bank Board; the various state regulating agencies and commissions; and, for banking facilities, the Fiscal Assistant Secretary of the Treasury.

(q) *Savings and Loan Association*. A state or federally chartered financial institution that is insured by the Federal Savings and Loan Insurance Corporation and that is capable of providing full financial services.

(r) *State Bank*. An association that operates under the laws of a state and is chartered by the state in which it is located to operate a banking business.

M. S. Healy,

OSD Federal Register Liaison Officer,
Department of Defense.

April 18, 1983:

[FR Doc. 83-11277 Filed 4-20-83; 8:45 am]

BILLING CODE 3810-01-M

32 CFR Part 230

[DoD Instruction 1000.12]

Procedures Governing Banking Offices on DoD Installations

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This final rule establishes Part 230 which will provide operating procedures for banking offices on DoD installations. This rule transfers some procedural and operating rules from Part 231 of this title; redefines the role of the Department of the Treasury in designating military banking facilities; expands DoD policy on use of automated teller machines; sets forth guidelines for determining appropriate levels of logistical support for onbase banking offices; modifies leasing policy; and prescribes procedures under the overall DoD policy provided in Part 231 of this title.

EFFECTIVE DATE: The Assistant Secretary of Defense (Comptroller) approved and signed this rule on September 27, 1982, and it is effective as of that date.

FOR FURTHER INFORMATION CONTACT: Mr. John Barber, Directorate for Banking, Office of the Assistant Secretary of Defense (Comptroller),

Washington, D.C. 20301, Telephone 202-697-8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-7271 appearing in the Federal Register on March 18, 1982 (47 FR 11708), the Office of the Secretary of Defense (OSD) published a proposed rule under this Part. Public comments were to be submitted by April 20, 1982. Comments received from the public were screened by a panel of OSD and the Military Department officials. One comment recommended deletion of that part of § 230.5, paragraph (a)(2), that permits only one banking institution to operate on a military installation. The panel deferred action on the comment pending completion of a separate review of the background and circumstances associated with this longstanding DoD rule. All other comments were carefully reviewed. Those considered to have merit were incorporated into the final rule. In addition, minor technical changes were made to clarify the language of this Part.

Executive Order 12291. The Department of Defense has determined that this proposed rule is not a major rule, because it is not likely to result in an annual effect on the economy of \$100 million or more.

Paperwork Reduction Act. This rule imposes no obligatory information requirements beyond internal DoD use.

Regulatory Flexibility Act of 1980. The Assistant Secretary of Defense (Comptroller) certifies that this rule, if promulgated, shall be exempt from the requirements under 5 U.S.C. 601-612. In addition, this rule does not have a significant economic impact on small entities as defined in the Act.

List of Subjects in 32 CFR Part 230

Banking, DoD installations, DoD military and civilian personnel.

Accordingly, 32 CFR is being amended by adding Part 230 reading as follows:

PART 230—PROCEDURES GOVERNING BANKING OFFICES ON DOD INSTALLATIONS

- | | |
|---|---|
| <p>Sec.
230.1 Purpose.
230.2 Applicability and scope.
230.3 Definitions.
230.4 Responsibilities.
230.5 General operating policies and procedures.
230.6 Procedures for the establishment, operation, and termination of domestic banking offices.
230.7 Procedures for the establishment, operation, and termination of overseas banking offices.
230.8 Guidelines for application of the Privacy Act to military banking operations.</p> | <p>Authority: Title 10 U.S.C. 136.</p> <p>§ 230.1 Purpose.
This Part supplements Part 231 of this title and updates operating policies and procedures for banking offices operating on DoD installations.</p> <p>§ 230.2 Applicability and scope.
(a) This Part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").
(b) Its provisions also pertain to all banking institutions operating banking offices on DoD installations.</p> <p>§ 230.3 Definitions.
The terms which are defined in § 231.5 of this chapter shall also apply to this rule.</p> <p>§ 230.4 Responsibilities.
(a) The Assistant Secretary of Defense (Comptroller) (ASD(C)) or designee, the Deputy Assistant Secretary of Defense (Management Systems) (DASD(MS)), shall:
(1) Initiate plans and conduct special studies on military banking arrangements, cost-benefit relationships, and management of military banking operations in coordination with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), other DoD Components, and participating banking institutions and associations.
(2) Coordinate with the Fiscal Assistant Secretary of the Treasury, as necessary, DoD Components' requests for designation of domestic banking facilities as depositories and financial agents of the U.S. Government.
(3) For overseas DoD installations:
(i) Recommend to the Fiscal Assistant Secretary of the Treasury the designation of overseas banking facilities as depositories and financial agents of the U.S. Government.
(ii) Provide a technical representative to the procuring contracting officer and administrative contracting officer (ACO) responsible under the Defense Acquisition Regulation for acquiring banking services at overseas DoD installations where a justified need for such services exists.
(iii) Serve as the principal liaison with banking institutions operating banking offices on overseas DoD installations. In this capacity, the ASD(C) shall monitor the managerial and operational policies, procedures, and operating results of banking facilities, and shall take action as appropriate.</p> |
|---|---|

(iv) Negotiate government-to-government agreements, as necessary, for the provision of banking services on DoD installations in accordance with DoD Instruction 2050.1.

(v) In conjunction with the Secretaries of the Military Departments, determine cost-benefit relationships related to establishment, termination, expansion, or reduction of banking services on DoD installations; authorize the specific types of banking services that will be provided by overseas banking facilities; and specify the charges or fees, or the basis for charges or fees, to be levied on users of overseas banking facility services. (See paragraph 230.7 of this title.)

(b) The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) shall carry out responsibilities outlined in paragraph 231.4(b) of this title.

(c) The Heads of DoD Components shall:

(1) Supervise the use of banking offices on DoD installations under their jurisdiction within the guidelines provided in this Part and Part 231 of this title.

(2) Refer matters requiring policy decisions or changes under this Part and Part 231 of this title to the ASD(C).

(3) Evaluate the services provided by banking offices to ensure that they fulfill the requirements upon which establishment and retention of those offices are justified.

(4) Examine practices and procedures of banking institutions to ensure that the welfare and interests of DoD personnel as consumers are protected, as set forth in Part 43 of this title.

(5) Ensure that the recommendations of the Unified Command concerned are considered before processing requests for overseas banking offices and acting on matters of policy that originate in DoD Component commands.

(6) Review and approve the selection of banking institutions' proposals to establish banking offices on DoD installations and inform the selected institutions and their regulating agencies of the approvals so that operating authority may be given.

(7) Determine whether an existing banking facility may be converted to an independent or branch bank in accordance with paragraph 230.6(a)(2) of this part.

(8) Serve as principal liaison with banking institutions operating banking offices on domestic DoD installations under their jurisdiction.

(9) Determine the level of logistical support to be provided banking institutions submitting reports reflecting

nonself-sustaining status (paragraph 230.6(b)(3)).

(d) The *Commanders of Unified and Specified Commands*, or designees, shall:

(1) Ensure the appropriate coordination of requests to establish or terminate banking offices as they originate in DoD Component commands.

(i) Requests for establishment of banking offices in countries not presently served by such offices shall include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission and that the country involved will permit the operation.

(ii) Requests for elimination of all banking offices in a country shall include a statement that the U.S. Chief of Diplomatic Mission has been informed and that appropriate arrangements for coordination of local termination announcements and procedures have been effected with the U.S. Embassy.

(2) Monitor and coordinate military banking operations within the command area. Personnel assigned to overseas security assistance positions will not be used to monitor, coordinate, or assist in military banking operations without the prior approval of the Director, Defense Security Assistance Agency.

§ 230.5 General operating policies and procedures.

(a) *Establishment of Banking Offices.*

(1) Banking offices shall be established on DoD installations only with the prior approval of the DoD Component concerned and the appropriate regulating agency. Procedures for requesting establishment of banking offices and additional approvals required are specified below.

(2) Only one banking institution shall be permitted to operate on a DoD installation, except under the most unusual circumstances. If local conditions at a particular DoD installation indicate a demonstrated requirement for additional banking services, the banking institution operating on that installation shall be given the opportunity to provide such services before other banking institutions are considered. Thereafter, when conditions warrant consideration of a second banking institution on the installation, a request including full details and rationale shall be forwarded through channels to the DoD Component headquarters concerned for evaluation and appropriate action. The senior official responsible for financial management policy in each Military Department, or the Defense Agency Comptroller concerned, may approve

such requests after coordination with the ASD(C).

(3) Heads of DoD Components shall prescribe procedures for soliciting banking institutions to establish banking offices on DoD installations. Such procedures shall prohibit DoD personnel from subjecting banking institutions to any form of coercion either while banking arrangements are under consideration or after the banking office is in operation. No commitment may be made to any banking institution regarding the proposed establishment and operation of a banking office until a selection is announced by competent authority designated under DoD Component regulations.

(4) Normally, banking facilities may be established only in overseas locations and in states that prohibit branch banking; however, in times of mobilization, it may become necessary to request the designation of other domestic banking facilities as an emergency measure. Establishment is subject to designation by the Treasury Department.

(5) At those DoD installations where a banking office offering full financial services is not feasible due to lack of interest by the banking community, lack of available space on the installation, or other operational situations that restrict the introduction of banking offices, the DoD Component concerned may seek proposals from the financial community for the installation of automated teller machines (ATMs). Action taken in response to such proposals shall be exempt from the limitation in paragraph 203.5(a)(2) above. The availability of such ATMs will not preclude the establishment of a banking office at a later time if the need therefor is demonstrated.

(6) Only banking institutions insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC) shall operate on domestic DoD installations. Official and nonappropriated fund deposits at banking offices on DoD installations shall be insured or collateralized under procedures established by the Fiscal Assistant Secretary of the Treasury.

(7) DoD Components shall select and approve banking institutions' proposals to establish banking offices on DoD installations, giving notice of approvals to the selected institutions and their regulating agencies. Selected banking institutions shall apply for and obtain operating authority from their regulating agencies before opening offices.

(i) In the case of state-chartered institutions that are members of the Federal Reserve System, approval also

shall be obtained from the Federal Reserve Bank in whose district the proposed banking office is located.

(ii) In the case of state-chartered savings and loan associations, state supervisory authorities shall make this determination. In the case of federally chartered savings and loan associations, the determination shall be made by the Federal Home Loan Bank Board or the principal supervisory agent in the Federal Home Loan Bank Board district where the association does business.

(8) Provision of banking services by means other than duly established banking offices or ATMs is subject to prior review by the ASD(C).

(b) *Active Duty Personnel Serving as Directors of Banking Institutions.* (1) A service member on active duty may not serve as a director of a banking institution operating a banking office on a DoD installation unless the head of the DoD Component concerned approves the appointment as upon a justified requirement for direct liaison between the banking institution and the installation commander. Under such circumstances, not more than one individual on active duty may be permitted to serve as a director at any one time and then only if such services are rendered without compensation.

(2) A reservist called to active duty who has been serving as a director of banking institution that operates a banking office on DoD installation will not be required to resign the directorship because of active duty status.

(c) *Financial Education Seminars.* Officials of banking offices on DoD installations shall be invited to participate in seminars conducted to educate DoD personnel on personal financial management and on services offered by financial institutions. Such officials shall submit advance texts of their briefing materials for approval by the installation commander to ensure that the occasion is not used to promote the services of a particular banking institution.

(d) *Uniformity of Service.* To the maximum extent feasible, financial services provided on DoD installation shall be uniform for all DoD personnel. Such services shall be provided at overseas DoD installations under uniform service charges and fee schedules, to the maximum extent feasible. Operating agreements between banking institutions and the DoD installations they serve that are not consistent with this Part or Part 231 of this title shall be modified accordingly.

§230.6 Procedures for the establishment, operation, and termination of domestic banking offices.

(a) Establishment of Domestic

Banking Offices. (1) Banking Facilities.

In implementing this Instruction, each DoD Component headquarters shall develop internal instructions governing the submission of requests justifying the need for banking facilities proposed for establishment on DoD installations under its jurisdiction. Normally, a banking facility may be established only in states that prohibit branch banking; however, in times of mobilization or under other emergency conditions, it may become necessary to authorize additional banking facilities. When approved, such requests shall be submitted to the Fiscal Assistant Secretary of the Treasury for appropriate action. The following information shall be included in requests to the DoD Component headquarters for establishment of banking facilities:

(i) The approximate number of DoD personnel at the installation and any other persons who may be authorized to use the banking facility.

(ii) The name or names of the banking institution or institutions presently cashing payroll checks of assigned personnel and the approximate number and dollar value cashed by each institution, if such data are obtainable.

(iii) The distance between the installation and the banking institutions in the area, the names of these institutions, and the cities in which they are located.

(iv) Available official and public transportation between the installation and the vicinity of the nearest banking institution.

(v) The approximate loss of duty time as a result of DoD personnel leaving the installation to obtain banking services.

(vi) The number of DoD personnel in duty assignment confining them to the installation or who lack transportation (such as trainees, hospital patients, and foreign military personnel).

(vii) Source or sources from which the military disbursing officer presently obtains operating and payroll cash, the frequency of these cash acquisitions, and the approximate dollar value obtained monthly.

(viii) The name and location of the depository now being used by the military disbursing officer to make official deposits for credits to the account of the U.S. Treasury.

(ix) The estimated savings to the military disbursing officer if a banking facility is established on the installation.

(x) A list of organizational and nonappropriated fund accounts, the

name and location of the banking institution or institutions where presently carried, and the average daily activity and balance of each account.

(xi) A written description and photographs or drawings of the space proposed for banking facility use. The extent and approximate cost of required alterations, including the construction of counters and teller cages, shall be included.

(xii) a statement detailing the requirements of the proposed banking facility for safes, a vault, or both; appropriate alarm systems; and camera surveillance equipment when deemed necessary. The statement shall include the costs of such equipment and the manner in which it will be acquired.

(xiii) the justification for use of space when such space is controlled by the General Services Administration (GSA). All space assigned by the GSA, whether leased space or federal office building space, is reimbursable to the GSA as a standard level user charge under Public Law 92-313. As such, the space occupied by a banking facility to serve military requirements shall be assigned and charged by the GSA to the DoD Component concerned.

(xiv) Any other information justifying the establishment of a banking facility as opposed to a different type of banking office.

(2) Conversions of Banking Facilities to Independent or Branch Banks.

Proposals from a banking institution to convert an existing banking facility to an independent or branch bank shall be forwarded to the DoD Component headquarters concerned for approval. DoD Components may solicit banking institutions operating banking facilities to convert them to independent or branch banks, if consistent with state law.

(3) Independent Banks, Branch Banks, and Savings and Loan Associations.

(i) Proposals for establishment of an independent bank, a branch bank, or a savings and loan association office received by installation commanders shall be forwarded through channels to the DoD Component headquarters concerned, together with recommendations for acceptance or rejection. Such proposals shall contain the same information required for banking facilities in paragraph 230.6(a)(1)(i) through (xiii) above.

(ii) the DoD Component headquarters concerned shall evaluate each proposal for the establishment of such offices.

(A) If there is no existing banking office on the DoD installation and it is determined that a banking office is needed, the DoD Component concerned shall solicit proposals from other nearby

banking institutions before making a determination.

(B) If a banking office other than a military banking facility is already in operation on the DoD installation, the provisions of § 230.5(a)(2) of this part.

(C) If the proposal offers to replace an existing banking facility, the DoD Component concerned shall offer the banking institution currently operating the facility an opportunity to submit a proposal to convert its facility.

(D) with respect to a proposed branch bank or independent bank, preference shall be given to the banking institution that has operated the banking facility, provided that prior banking service has been satisfactory and that the institution's proposals are deemed adequate.

(4) Automated Teller Machine Service.

(i) If approved by the appropriate regulating agency, ATMs may be used to augment service provided by a banking office on a DoD installation.

(ii) A banking institution that proposes to install an ATM in its existing banking office on a DoD installation shall:

(A) Provide for access through debit transaction card rather than limiting access solely to holders of a financial institution's credit card.

(B) Provided that the cost of ATM installation, maintenance, and operation shall be borne by the financial institution or institutions involved.

(C) Coordinate its ATM proposal with the installation commander.

(iii) A banking institution that proposes to install an ATM at a location on a DoD installation that is remote from its existing banking office shall submit a request through the installation commander to the DoD Component concerned for approval and recommendation to the appropriate regulating agency. As a minimum, the proposal shall reflect a willingness to comply with § 230.6(a)(4)(ii)(A) and (B), above. In transmitting a proposal that requires the use of a location not under command jurisdiction, such as a post exchange building, the installation commander shall ensure that the proposal has been fully coordinated. Upon approval, appropriate leases shall be negotiated in accordance with this Part.

(iv) If efforts to introduce a banking office on the DoD installation are unsuccessful or inappropriate, the financial community may be requested to submit proposals for "ATM-only" service. In acquiring such service, preference shall be given to proposals offering shared-access ATMs. The

provisions of § 230.6(a)(4)(iii), above, shall apply to banking services provided under this paragraph; however, such service is not subject to the limitation in § 230.5(a)(2) of this Part.

(b) *Logistical Support.* (1) *Categories of Domestic Banking Offices.* For the purposes of authorizing logistical support, domestic banking offices are categorized as either self-sustaining or nonself-sustaining. Existing military banking facilities that previously have been determined to be nonself-sustaining and, consequently, entitled to support from the Treasury, a DoD Component, or both, shall continue to provide reports as in the past until modified procedures are announced jointly by the Departments of Treasury and Defense.

(2) *Determination of Category.* (i) A domestic banking office is considered to be self-sustaining until, based upon financial data provided by the banking institution, the DoD Component concerned determines it to be nonself-sustaining. Reimbursement for rent and utilities shall be required from self-sustaining banking offices. Nonself-sustaining banking offices may be granted free rent and utilities under procedures prescribed by the DoD Component concerned.

(ii) Normally, a banking office shall be in a nonself-sustaining status for at least 4 consecutive calendar quarters before qualifying for logistic support. Conversely, a nonself-sustaining banking office would not be designated as self-sustaining until it had experienced 4 consecutive quarters of profitable operation.

(3) *Support Authorized for Nonself-sustaining Banking Offices.* When a banking office is determined by a DoD Component to be nonself-sustaining under § 230.6(b)(2), above, it may be furnished logistical support, including the use of government-owned property and services, without charge.

(i) Generally, space in government-owned buildings shall be furnished in support of a nonself-sustaining banking office under a no-cost license for a period of 5 years, subject to cancellation upon determination that the office has become self-sustaining. At that time, a lease shall be negotiated in accordance with § 230.6(b)(4)(iii), below.

(ii) In those exceptional instances where a nonself-sustaining banking office is authorized to construct its own building on government-owned land, no ground rent may be charged until it is determined to be self-sustaining or until expiration of the term of lease, whichever occurs sooner. When either of these events occurs, a fair market rental, as determined by appraisal in

accordance with § 230.6(b)(4)(i), below, shall be charged.

(iii) Adequate space shall be made available—including steel bars; grillwork; security doors; a vault, safes, or both; burglar alarm system; other security features normally used by banking institutions; construction of counters and teller cages; and other necessary modifications and alterations in existing buildings as limited by DoD Directive 4270.24.

(A) In determining the adequacy of space, it is important that the banking office be housed in a building that is accessible to the majority of DoD personnel on the installation and is so located as to permit maximum security.

(B) The size and arrangement of customer and work areas shall permit efficient financial operations. The area of the space assigned may not exceed that prescribed by DoD 4270.1-M, which limits gross floor space in accordance with the following table:

Personnel strength ¹	Area square feet
Up to 1,000.....	1,500
1,001 to 2,000.....	2,375
2,001 to 3,000.....	3,250
3,001 to 4,000.....	3,625
4,001 to 5,000.....	4,000
5,001 to 6,000.....	4,375
6,001 to 7,000.....	4,750
7,001 to 9,000.....	5,560
9,001 to 11,000.....	6,375
11,001 to 13,000.....	7,190
13,001 to 15,000.....	8,000
15,001 to 17,000.....	10,000
17,001 to 20,000.....	13,000
Over 20,000.....	(¹)

¹ Active duty military personnel assigned to a DoD installation and stationed within a commuting area not served by another banking office and civilian employees of the installation.

² Determined by Engineer Study.

(iv) All maintenance, repair, rehabilitation, alterations, or construction for banking offices shall be accomplished in accordance with DoD Directive 4165.2.

(v) Typewriters, adding machines, and other office equipment and office furniture may be loaned to a nonself-sustaining banking office on memorandum receipt if available from local stocks.

(vi) Air-conditioning is considered a normal utility for those banking offices located at DoD installations that qualify for air-conditioning under applicable DoD Component regulations. Banking space is classified as administrative space at DoD installations.

(vii) Other logistical support to be furnished includes:

(A) Adequate utilities and custodial and janitorial services.

(B) Intrastation telephone service.

(4) *Self-sustaining Banking Offices.*

(i) *Lease of Land.* A lease of land for construction of a building to house a self-sustaining banking office shall be at appraised fair market rental value as defined in Part 231 of this title. The term of the lease may not exceed 25 years. Once determined, the charges shall be applicable for the term of the lease.

(A) The right shall be reserved to terminate the lease in event of national emergency; base closure, deactivation, or substantial realignment; default by the lessee; or in the interest of national defense.

(B) Maintenance and the cost of utilities and services furnished shall be the responsibility of the lessee. Rates shall be established in conformance with DoD Directive 4000.6 and shall be confirmed by a written agreement between the DoD installation and the banking institution.

(C) The lessee shall provide written notice 90 days before it intends to voluntarily terminate the lease.

(D) Whenever such a lease is terminated or when the term expires, the option shall be with the government either to cause title in all improvements to be vested in the United States or to require the lessee to remove the improvements and restore the land.

(E) When, under the terms of a lease, title to improvements passes to the United States, the lessee shall be given first choice to continue occupying the building under a lease that provides for fair market rental only for the land associated therewith. The lessee shall continue to maintain the premises and reimburse the cost of utilities and services furnished.

(ii) *Lease of Land in a Shopping Mall Complex.* When a banking institution participates in the construction of a complex, it shall be provided a lease at fair market rental value for a period not to exceed 25 years. The lease shall cover underlying land upon which the specific space to be exclusively occupied by the banking office is physically located.

(iii) *Lease of Government-owned Building.* A lease of an existing government structure to house a self-sustaining banking office shall be at appraised fair market rental value and shall consider the following factors:

(A) The term of the lease shall be for 5 years, subject to renewal by mutual agreement and subject also to the right of the head of the DoD Component concerned to terminate the lease in accordance with the cancellation provisions prescribed in § 230.6(b)(4)(i)(A), above. If space occupied is under assignment from the GSA, the banking institution shall reimburse the DoD Component

concerned at the standard level user charge rate for that space and other special services furnished through the GSA.

(B) When a banking institution uses its own funds to modify or renovate existing government space, a lease may be negotiated for a period not to exceed 25 years. Duration of the lease shall be commensurate with the extent of the improvements as determined by the DoD Component concerned.

(C) The lessee shall perform interior alteration and maintenance, and reimbursement shall be made by the lessee for utilities, custodial, janitorial, and other services furnished.

(iv) *Construction of Building.* A banking institution authorized to operate a banking office on a DoD installation may construct, at its own expense, a building to house its activities, subject to the following provisions:

(A) The building shall be confined to the needs of the banking institution. The building may not be constructed to provide for other commercial enterprises or government instrumentalities.

(B) Proposals for construction of structures on DoD installations at a banking institution's expenses shall be reviewed and reported under DoD Instruction 7700.18.

(v) *Existing Leases.* Leases executed before the issuance of this Instruction may not be disturbed unless a lessee (banking institution) specifically requests that a lease be renegotiated under this paragraph. No lease contract may be negotiated or renegotiated, nor may any rights thereunder be waived or surrendered, without compensation to the government, except as provided in § 230.6(b)(2), above. Compensation to the government, may consist of added value to the property, added banking services, or both.

(5) *Duration of Leases.* When the term of the lease exceeds 5 years, 10 U.S.C. 2667(b)(1) requires that the Military Department Secretary, or his designee for such purposes, determine that a term in excess of 5 years will promote the national defense or be in the public interest.

(6) *Other Support.* Banking offices on DoD installations shall receive the following support on a nonreimbursable basis:

(i) Military or civilian guards (the latter to be used within the installation only), military police, or other protective services for necessary periods of time on paydays, to accompany shipments of money from the parent banking institution or other source when such monies are for the primary use of the military disbursing officer, or at other

times involving unusual circumstances when required to avoid undue risks or costs of insurance on the part of the banking office. In this regard, overall security precautions normally present shall be considered.

(ii) Military locator services in accordance with enclosure 4 to this Instruction.

(iii) Use of the unofficial section of the installation daily bulletin, provided space is available, to inform personnel of seminars, consumer information programs, or other matters of broad general interest. Announcements of free financial counseling services are encouraged. The daily bulletin may not be used for competitive or comparative advertising, such as specific interest rates on savings or on loans.

(iv) Use of bulletin boards for posting promotional material of a broad general nature that complements the DoD installation's financial counseling programs to promote financial responsibility and thrift on the part of DoD personnel. Message center services may be used to distribute reasonable numbers of such announcements to units for display on bulletin boards as long as such distribution does not impose an unreasonable workload on the system.

(c) *Domestic Military Banking Operation.* (1) *General Conditions of Banking Office Operation.* (i) Before banking office operations begin, a written agreement shall be executed between the installation commander and officials of the banking institution that is to operate the banking office on the DoD installation. As a minimum, the agreement shall address the following:

(A) A general statement of services to be rendered and the conditions therefor. To the extent feasible, full financial services shall be provided; however, agreements entered into under this provision may not restrict the banking institutions's right to adjust services and fees as required.

(B) The banking institution shall comply with this Part, Part 231 of this title, and applicable DoD Component regulations.

(C) The banking institution shall indemnify and hold harmless the government from (and against) any loss, expense, claim, or demand to which the government may be subjected as a result of death, loss, destruction, or damage in connection with the use and occupancy of premises of the DoD Component occasioned in whole or in part by agents or employees of the banking institution.

(D) Neither the DoD Component concerned nor its representatives will be responsible or liable for the financial operation of a banking office or for any loss (including criminal losses), expense,

or claim for damages arising from this operation.

(ii) Active duty military personnel or civilian employees of the DoD Component concerned may not be detailed to duty or employment with a banking office located on a DoD installation; however, off-duty DoD personnel may be employed by a banking office, subject to the approval of the installation commander, provided such employment will not interfere with the full performance of the individual's military or civilian duties.

(iii) Each commander having an installation banking office shall appoint a banking liaison officer. The banking liaison officer's name and duty telephone number shall be displayed in the lobby of each banking office located on a DoD installation. In accordance with DoD Directive 1000.10, anyone who serves as a credit union board member or in any other official credit union capacity may not serve as a banking liaison officer. This officer shall maintain contact with the banking office manager to:

(A) Evaluate banking office performance.

(B) Recommend improvements in the quality of banking office services.

(C) Assist in resolving customer complaints relating to banking services.

(iv) During the hours that a banking office is open for business, traveler's checks and money orders may not be sold by other organizations located on the DoD installation. Postal units and credit unions are exempt from this restriction.

(v) As prescribed by paragraph 230.8 of this Part and Part 43a of this title, DoD Components shall cooperate with banking offices located on DoD installations in locating and effecting restitution from individuals who pass dishonored checks, overdraw accounts, or default on loans. If the amount of funds in question is not recouped by the banking office within 48 hours, the banking office manager may contact the local commander or the banking liaison officer for aid in effecting restitution of the amount due.

(vi) DoD Components shall prescribe clearance procedures for personnel leaving a DoD installation that will provide the onbase banking institution with adequate advance notification of the impending departure of its customers. The general purpose of a clearance is to report a change of address, reaffirm allotments or any outstanding debts, and receive counseling if desired or appropriate. Clearance may not be denied to facilitate the collection of debts or the

resolution of disputes between departing customers and banking office management.

(2) *Services Rendered.* (i) *To Individuals and Nonappropriated Fund Instrumentalities.* Normally, banking offices shall provide the same services on DoD installations as are provided in the local community. Service charges or fees levied for such services may not exceed those customary for the banking institution that operates the banking office, with the following exceptions:

(A) *Cashing of Treasury Checks.* There will be no encashment charge to accountholders. A fee not to exceed one dollar per Treasury check cashed is authorized for nonaccountholders.

(B) *Cashing of Personal Checks.* A reasonable charge may be made for cashing personal checks; however, checks drawn on the banking institution operating the banking office shall be cashed without charge.

(ii) *To Disbursing Officers.* Banking offices are expected to provide cash, including payroll requirements, to military disbursing officers with out charge to the disbursing officer concerned and to accept deposits for credit to the Treasury of the United States when so authorized.

(3) *Banking Office Construction Proposals.* Proposals by officials of banking institutions for construction of structures on DoD installations at banking institution expense shall be reviewed and reported in accordance with DoD Instruction 7700.18. The following information shall be provided in support of each construction proposal:

(i) Approximate number of DoD personnel at the DoD installation, plus any other persons who may be authorized to use the banking office.

(ii) Square footage of the proposed building.

(iii) Size of land area to be leased to the banking institution.

(iv) Length of the term of lease.

(v) Estimated cost of the proposed construction.

(vi) Estimated fair market value of the land to be leased.

(vii) A brief description of the extent to which the banking institution will be responsible for utility connections and other utility and maintenance costs.

(viii) A statement that the proposed building will be used for banking purposes only.

(ix) Justification for a waiver of space criteria if building size exceeds that specified in DoD 4270.1-M.

(d) *Termination of Domestic Banking Offices.* (1) *Banking Facilities.* (i) The installation commander immediately shall notify the DoD Component headquarters concerned if a banking

facility has been placed in an inactive status or if personnel reductions at the DoD installation have reduced banking facility operations below a justifiable level. The DoD Component immediately shall advise the Fiscal Assistant Secretary of the Treasury so that appropriate action to terminate the banking institution's authority to operate the banking facility may be taken.

(ii) In general, a banking facility may be terminated by the parent banking institution provided that notice in writing is furnished to the Treasury Department and the installation commander not less than 90 days before the closing date. In such cases, the Treasury Department will terminate the banking institution's authority to operate the banking facility, and the cognizant DoD Component shall determine the feasibility of requesting another banking institution to provide banking service at the installation.

(2) *Other Banking Offices.* (i) Requests for termination for cause [see § 231.3(f) of this title] shall be forwarded through channels to the departmental official responsible for financial management policy, or to the Defense Agency comptroller concerned, for coordination with the ASD(C) and approval before submission to the appropriate regulating agency for final disposition.

(ii) Banking offices other than banking facilities may be terminated by the parent banking institution provided written notice is furnished to the installation commander not less than 90 days before the closing date.

§ 230.7 Procedures for the establishment, operation, and termination of Overseas Banking Offices.

(a) *Provision of Banking Services Overseas.* The Department of Defense provides banking services overseas to authorized individuals and organizations using one of the following means:

(1) Contracts negotiated with U.S. banking institutions under the Defense Acquisition Regulation. (Parts 1 through 39 of this title).

(2) Direct negotiation with U.S. banking institutions for operation of nonreimbursable banking facilities.

(3) Direct negotiation with foreign banks where host countries do not permit the use of U.S. banking institutions.

(b) *Establishment of Overseas Banking Offices.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* In implementing this Instruction, each DoD Component headquarters shall develop internal instructions governing the submission of requests justifying the

need for banking facilities proposed for establishment on overseas DoD installations under its jurisdiction. Upon favorable review by the DoD Component headquarters, such requests shall be submitted to the Director for Banking, Office of the ASD(C), (OASD(C)), with a recommendation for inclusion in the current contract, subject to the conditions set forth below.

(i) The data used to justify establishment of overseas banking facilities shall parallel that required for domestic banking facilities (paragraph 230.6(a)(1)). In addition, in countries where no U.S.-operated banking facilities presently exist, the justification shall include a statement that the requirement has been coordinated with the U.S. Chief of Diplomatic Mission and that the country involved will permit banking facilities operated by U.S. banking institutions.

(ii) As a general rule, banking facilities may be proposed when the population to be served meets the following criteria:

(A) *Full-Time Banking Facility.* Except in unusual circumstances, a full-time banking facility shall serve at least 1,000 DoD personnel.

(B) *Part-Time Banking Facility.* Except in unusual circumstances, a part-time banking facility shall serve at least 250 DoD personnel.

(iii) If the population at certain remote areas is not sufficient to qualify under the criteria for establishing a full- or part-time banking facility, the installation (community) commander shall explore all other alternatives for acquiring limited banking services (such as check-cashing and accommodation exchange service by disbursing officers and their agents) before requesting the establishment of a banking facility as an exception to the provisions of Paragraph 230.7(b)(1)(ii), above.

(iv) Establishment of an overseas banking facility is predicated upon:

(A) Designation of the facility contractor as a depository and financial agent of the U.S. Government by the Fiscal Assistant Secretary of the Treasury under 12 U.S.C. 265.

(B) The availability of proposed banking contractors able and willing to bid for the operation of the facility and the reasonableness of such proposals.

(C) The availability of appropriated funds to pay for such banking services.

(2) *Other Overseas Banking Offices.* The banking and currency control laws of certain host countries, such as Italy, do not permit the operation of banking facilities on DoD installations by U.S. banking institutions.

(i) In such cases, installation (community) commanders shall forward requests for banking service or proposals voluntarily submitted by local banks through their Major Commanders. Requests shall be documented in accordance with Paragraph 230.7(b)(1), above.

(ii) Major Commanders shall coordinate with the Unified Command Commander, or his designee for banking matters, to ensure full consideration of alternatives with the appropriate U.S. Chief of Diplomatic Mission, and commonality, to the extent practicable, in banking services provided to all DoD personnel stationed in that country.

(iii) Major Commanders shall forward coordinated requests and proposals to the DoD Component headquarters concerned. If the DoD Component approves the request, it shall coordinate such approval with the DASD(MS) and shall obtain designation as a depository and financial agent of the U.S. Government from the Fiscal Assistant Secretary of the Treasury before authorization of the banking office.

(iv) Banking offices proposed under this subsection shall be approved only after designation of the foreign banking institution as a depository and financial agent of the U.S. Government and an indication of the institution's willingness and ability to provide collateral backing for official and nonappropriated fund U.S. dollar deposits in a form acceptable to the DASD(MS) and the Fiscal Assistant Secretary of the Treasury.

(c) *Logistical Support.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* (i) DoD Components shall furnish support without charge to banking facilities operated by U.S. banking contractors as enumerated in Paragraphs 230.6(b)(3) and 230.6(b)(6) of this title.

(ii) Major Commanders shall provide these banking facilities with additional logistical support as enumerated in the contracts. Such support normally will include but will not be limited to:

(A) AUTOVON and AUTODIN (as separately approved).

(B) Certificates of nonavailability, when items of office furniture or equipment are unavailable for loan on memorandum receipt, as required by the designated property administrator.

(C) Vehicle registration and purchase of gasoline from government-owned facilities for bank-operated vehicles if not in conflict with host government agreements. Vehicle registration shall be subject to normal fees.

(D) Public quarters under DoD Instruction 4165.44 to key banking facility personnel who cannot obtain suitable, reasonably priced housing in

the vicinity of the DoD installation. Charges for rent shall be in accordance with DoD Instruction 4165.42.

(E) U.S. Military Postal Service (MPS) under DoD Directive 4525.6 when used for requirements arising from operations of such facilities. All such mail entered into the MPS shall bear appropriate postage.

(iii) Suggestions for changes to the contracts under which this logistical support is authorized may be forwarded through channels to the Director for Banking, OASD(C).

(2) *Other Overseas Banking Offices.*

(i) Logistical support provided to such offices shall be negotiated with the banking institution and shall be incorporated into the written agreement covering the operation. (See paragraph 231.7(d)(1)(i), below).

(ii) Usually, logistical support provided under this paragraph should be no more favorable than that provided to domestic banking offices. (see paragraphs 230.6(b)(3), 230.6(b)(4), and 230.6(b)(6) of this title. Whenever possible, such institutions shall reimburse the DoD Component concerned for logistical support provided.

(d) *Overseas Military Banking Operations.* (1) *General Conditions of Banking Office Operation.* (i) Before banking office operations begin, a written agreement shall be effected by the installation (community) commander and representatives of the banking contractor or other financial institution concerned. A copy of agreements executed with institutions other than U.S. contractors shall be forwarded to the Director for Banking, OASD(C), through DoD channels.

(A) For banking facilities operated by U.S. banking contractors, the agreement shall include necessary operating details not specifically set forth in the contract. Although the contract limits the number of operating hours per week, it encourages local commanders and banking facility managers to agree on the specific days and hours of operation to meet local needs.

1 Operating days may include Saturdays and operating hours may include evening hours when necessary to complement or parallel other retail services available to DoD personnel, provided the contractor agrees to provide such service at no additional cost to the government.

2 When cost implications are involved, the installation (community) commander shall forward his request for expanded or modified days or hours of operation, with an explanation of the need therefor, through channels to the Director for Banking, OASD(C), who will

recommend appropriate action to the ACO.

(B) For other banking offices, an effort shall be made to include in the agreement those provisions specified in paragraph 230.6(c)(1)(i) of this title. Every effort shall be made to protect the interests of the U.S. Government; however, submission of operating statements to installation (community) commanders will not be required. In the absence of overriding considerations, the agreement shall specify that the bank will give 90 days advance written notice of its intent to terminate operations. Before the agreement is executed, it shall be coordinated with the Unified Command Commander, or his designee, and shall be forwarded to the DoD Component concerned for coordination with the DASD(MS) and for approval.

(iii) The provisions of § 230.6(c)(1)(ii) through 230.6(c)(1)(vi) of this title apply to the operation of banking offices on overseas DoD installations.

(2) *Banking Facilities Operated by U.S. Banking Contractors.*

(i) *Authorized Customers.* Banking contracts specify personnel authorized to receive service. Additionally, Major Commanders may approve banking services for other individuals and organizations that qualify for individual logistic support under the regulations of the DoD Component concerned, provided that use of banking services is not precluded by status of forces or similar intergovernmental agreements or local law.

(ii) *Services Rendered.* Services to be rendered and the charges therefor are specified in the contracts. Suggestions for expansion or modification of authorized services or charges may be forwarded through channels to the Director for Banking, OASD(C), for consideration.

(iii) *Conditions of Overseas Banking Facility Operations*

(A) part-time or payday service banking facilities generally shall provide a range of services equivalent to that required of full-time banking facilities. Since part-time banking facilities operate out of other nearby banking facilities, DoD Components shall provide and bear the cost for transportation and guards required for their operation.

(B) The installation (community) commander, or his designee, shall:

(1) Review monthly income, expense, and activity statements provided by the full-time banking facility.

(2) Report any deficiency in the delivery of banking services under current contracts to the manager of the

banking facility within 7 calendar days of the identification of such deficiency. If the deficiency has not been remedied within 30 calendar days after its identification, the commander shall report the deficiency expeditiously through DoD channels to the Director for Banking OASD(C), for transmittal to the ACO.

(C) Both the banking facility contractor and DoD disbursing officers shall ensure that cash management practices are established that will minimize the cash required to meet joint needs on a continuing basis.

(D) Commanders shall cooperate with banking facility contractors in the development and regular update of plans for provision of banking services in the event of hostilities or other emergencies.

(3) *Other Overseas Banking Offices.*

(i) *Authorized Customers.* Major Commanders may approve banking services for individuals and organizations that qualify for individual logistic support under the regulations of the DoD Component concerned, provided that use of banking services is not precluded by status of forces or similar intergovernmental agreements or local law.

(ii) *Services Rendered.* Services to be rendered and charges therefor shall parallel, to the extent feasible, services and charges offered to authorized customers by banking facilities operated by U.S. banking contractors. Specific services will be a matter to be negotiated and included in the agreement with the banking institution involved. (See paragraph 230.7(d)(1)(i), above.)

(iii) *Conditions of Operation.* Normally, a banking institution shall provide equipment (except that furnished by the DoD installation), supplies, and trained bank personnel necessary for the operation of a banking office.

(e) *Termination of Overseas Banking Offices.* (1) *Banking Facilities Operated by U.S. Banking Contractors.* The installation (community) commander shall through DoD Component channels, immediately notify the Director for Banking, OASD(C), when personnel reductions or other situations at the DoD installation (military community) have reduced banking facility operations below a level that justifies retention.

(i) Such notification shall indicate whether a part-time facility should be established and the number of days per week such an operation is necessary.

(ii) The Director for Banking, OASD(C), shall recommend appropriate action to the ACO.

(2) *Other Overseas Banking Offices.*

Terminations shall be effected under termination clauses of respective operating agreements. Notice of intent to terminate, including the closing date, shall be forwarded by the Major Commander to the Military Department concerned. The Military Department shall advise the Fiscal Assistant Secretary of the Treasury so that the banking institution's authority as a depository and financial agent of the U.S. Government may be revoked. A copy shall be provided to the Director of Banking, OASD(C).

(f) *Notification to Overseas Banking Facilities.* Each U.S. banking contractor authorized to operate a banking facility at an overseas DoD installation shall be provided a copy of this Part by the Director for Banking, OASD(C). The DoD Components similarly shall provide copies of their implementing regulations.

§ 230.8 Guidelines for application of the Privacy Act to military banking operations.

The following Treasury-Defense guidelines govern the application of the Privacy Act (Part 286a of this title) to the banking institutions that operate under Part 231 of this title and this Part.

(a) Banking offices operating on DoD installations do not fall within the purview of the Privacy Act. Such financial institutions do not fit the definition of "agency" to which the Act applies: ". . . any executive department, military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or an independent regulatory agency" (5 U.S.C. 552(e), 552a(a)(1)). Nor are they ". . . to accomplish an agency function." According to the Office of Management and Budget Guidelines for Privacy Act implementation, the provision relating to government contractors applies only to systems of records ". . . actually taking the place of a Federal system which, but for the contract, would have been performed by an agency and covered by the Privacy Act" (40 FR 28976, July 9, 1975). Clearly, the subject institutions do not meet these criteria. Since the Act does not apply to them, such institutions are not required to comply with 5 U.S.C. 552a(e)(3) in obtaining and making use of personal information in their relationships with personnel authorized to use such facilities. Thus, such institutions are not required to inform individuals from whom information is requested of (1) the authority for its solicitation, (2) the principal purpose for which it is intended to be used, (3) the routine uses that may be made of it, or

(4) the effects of not providing the information. There also is no requirement to post information of this nature at banking institutions on DoD installations.

(b) The banking institutions concerned hold the same position and relationship to their customers and to the government as they did before enactment of the Privacy Act. Within their usual business relationships, they still are responsible for safeguarding the information provided by their clients and for obtaining only such information as is reasonable and necessary to conduct business. This includes credit information and proper identification, such as social security number, as a precondition for the cashing of checks.

(c) Banking offices may incorporate the following conditions of disclosure of personal information in all contracts, including loan agreements, savings and transaction accounts signature cards, certificates of deposit agreements, and any other agreements signed by their customers:

I hereby authorize the Department of Defense to verify my social security number or other identifier and disclose my home address to authorized (name of financial institution) officials so that they may contact me in connection with my financial business with (name of financial institution). All information furnished will be used solely in connection with my financial relationship with (name of financial institution).

When the financial institution presents such signed authorizations, the DoD installations shall provide the appropriate information.

(d) Even though the agreement described in § 230.8(c), above, has not been obtained, the Department of Defense may provide banking offices with salary information and, if pertinent, the length or type of civilian or military appointment consistent with the Privacy Act and Freedom of Information Act (Part 286 of this title). Examples of personal information pertaining to DoD personnel that normally can be released without the creation of an unwarranted invasion of personal privacy are name, rank, date or rank, salary, present and past duty assignments, future assignments that have been finalized, office phone number, source of commission, and promotion sequence number.

(e) If a DoD member or employee with a financial obligation is reassigned, and fails to inform a banking institution or individual of his or her whereabouts, locator assistance of the individual's last known commander or supervisor at the official position or duty station within that DoD Component shall be

sought. That commander or supervisor either shall furnish the individual's new official duty location address to the requestor or shall forward, through official channels, any correspondence received pertaining thereto to the individual's new commander or supervisor for appropriate assistance and response. Correspondence addressed to the individual concerned at his or her last official place of business or duty station is forwarded as provided by postal regulations to the new location, but the individual may choose not to respond. However, once

an individual's affiliation with the Department of Defense is terminated through separation or retirement, the locator assistance the Department may render in the disclosure of home address is severely curtailed unless the public interest dictates disclosure of the last known home address. The Department may at its discretion forward correspondence to the individual's last known home address. The individual may choose not to respond, and the Department of Defense will not act as an intermediary for private matters

concerning former DoD personnel who are no longer affiliated therewith.

(f) Questions concerning this guidance shall be forwarded through channels to the Director for Banking, Office of the Assistant Secretary of Defense (Comptroller), The Pentagon, Washington, D.C. 20301.

April 22, 1983.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Department of Defense.*

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Last Listing April 22, 1983

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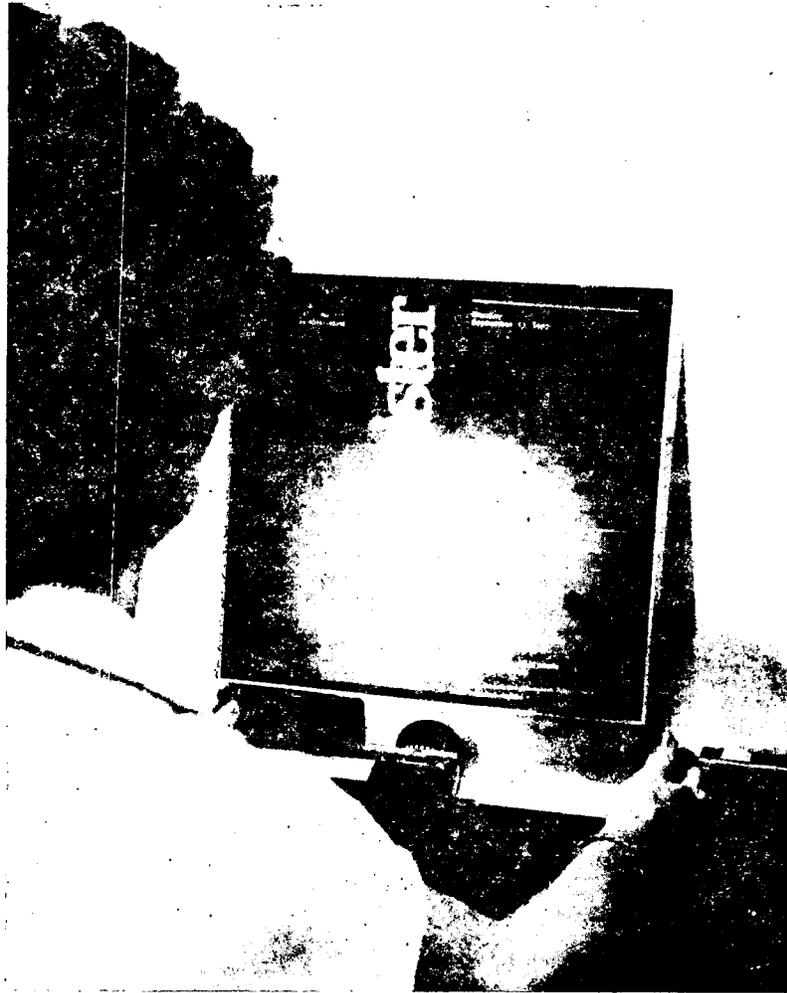
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