

6-20-83

Vol. 48 No. 119

# federal register

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Monday  
June 20, 1983

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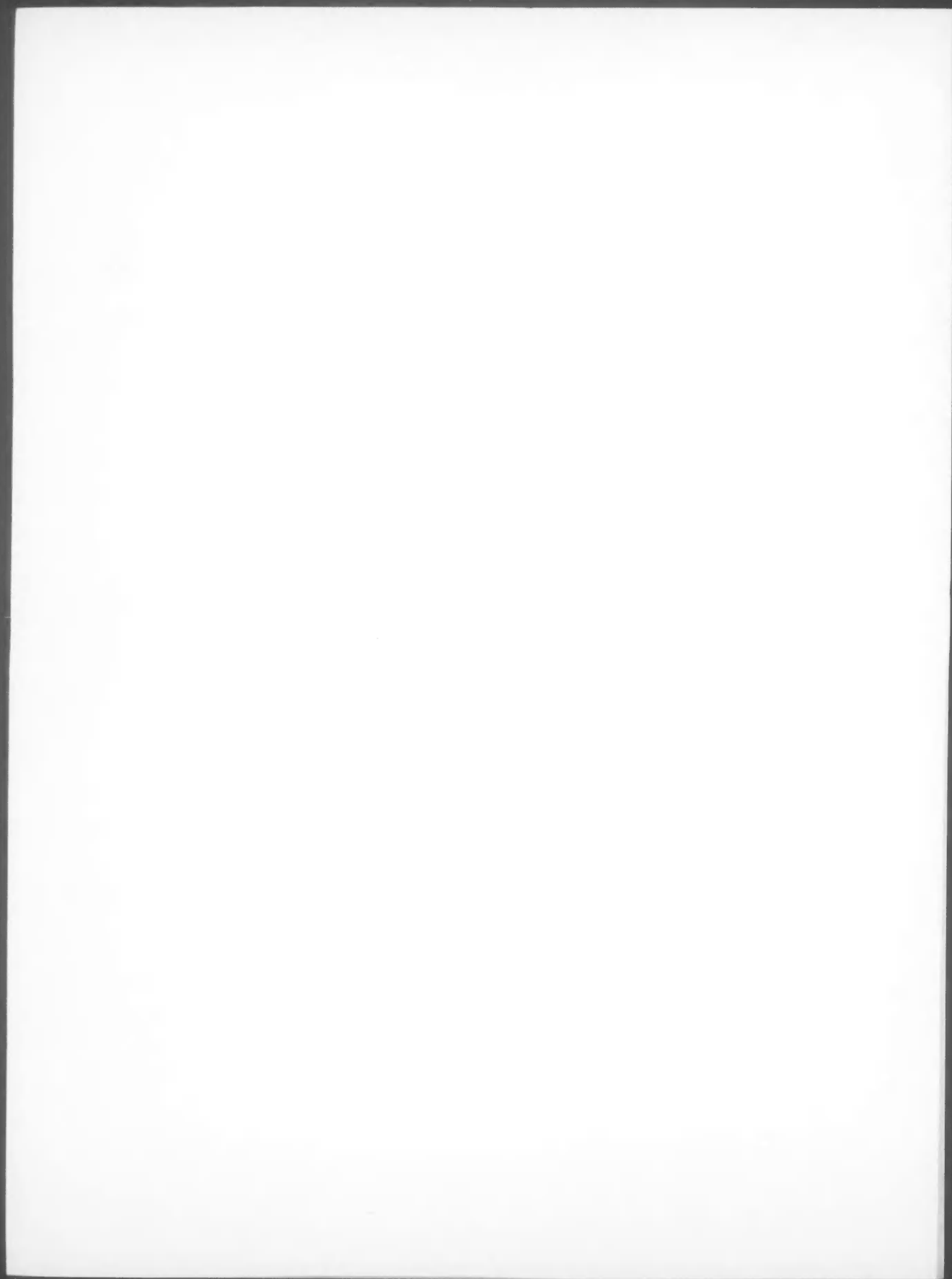
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# federal register

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- Grant Programs—Energy**  
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Postal Service
- Reporting and Recordkeeping Requirements**  
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- Securities**  
Securities and Exchange Commission
- Surface Mining**  
Surface Mining Reclamation and Enforcement Office



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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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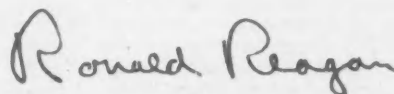
Title 3—

Executive Order 12425 of June 16, 1983

The President

International Criminal Police Organizations

By virtue of the authority vested in me as President by the Constitution and statutes of the United States, including Section 1 of the International Organizations Immunities Act (59 Stat. 669, 22 U.S.C. 288), it is hereby ordered that the International Criminal Police Organization (INTERPOL), in which the United States participates pursuant to 22 U.S.C. 263a, is hereby designated as a public international organization entitled to enjoy the privileges, exemptions and immunities conferred by the International Organizations Immunities Act; except those provided by Section 2(c), the portions of Section 2(d) and Section 3 relating to customs duties and federal internal-revenue importation taxes, Section 4, Section 5, and Section 6 of that Act. This designation is not intended to abridge in any respect the privileges, exemptions or immunities which such organization may have acquired or may acquire by international agreement or by Congressional action.



THE WHITE HOUSE,  
June 16, 1983.

[FR Doc. 83-16657

Filed 6-17-83; 11:59 am]

Billing code 3195-01-M

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. From the first settlers to the present day, the nation has evolved through various stages of development. The early years were marked by exploration and the establishment of colonies. The American Revolution led to the birth of a new nation, and the subsequent years saw the expansion of territory and the growth of industry. The Civil War was a pivotal moment in the nation's history, leading to the abolition of slavery and the strengthening of the federal government. The 20th century brought significant social and economic changes, including the rise of the industrial revolution and the emergence of the United States as a global superpower. Today, the United States continues to face new challenges and opportunities, and its history remains a source of inspiration and guidance for the future.

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# Rules and Regulations

Federal Register

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Monday, June 20, 1983

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 ENERGY

### Office of Conservation and Renewable Energy

#### 10 CFR Part 455

[Docket No. CAS-RM-80-509]

#### Grant Programs for Schools and Hospitals and for Buildings Owned by Units of Local Government and Public Care Institutions; Matching Grants

**AGENCY:** Department of Energy.

**ACTION:** Final rule and public notice.

**SUMMARY:** The Department of Energy (DOE) today issues a final rulemaking amending existing regulations for the administration of the grant programs providing schools, hospitals, units of local government and public care institutions with financial assistance for the purpose of reducing energy consumption. This revision establishes a \$30,000 minimum to be available as a matching grant to each participating State for the purpose of administering these conservation grant programs. DOE also today publishes dates relating to the fifth grant program cycle and allocations of funds for that cycle.

**DATES:** This amendment is effective July 20, 1983. State recommended applications are due to DOE Operations/Support Offices on July 1, 1983, and the fifth grant program cycle will end on September 30, 1983.

**FOR FURTHER INFORMATION CONTACT:** Frank M. Stewart, Office of Institutional Conservation Programs, Office of Conservation and Renewable Energy, Department of Energy, Mail Stop 5B-148, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2198.

Edward H. Pulliam, Office of General Counsel, Department of Energy, Mail Stop 6F-094, 1000 Independence Ave.,

SW., Washington, D.C. 20585, (202) 252-9507.

#### SUPPLEMENTARY INFORMATION:

- I. Introduction
- II. Discussion of Major Comments and Revisions
- III. State Allocations of Funds and Dates for the Fifth Grant Cycle
- IV. Regulatory Impact, Environmental, Small Entity Impact and Paperwork Reduction Act Reviews

#### I. Introduction

Parts 1 and 2 of Title III of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3238 (42 U.S.C. 6371) established cost sharing energy conservation grant programs to fund technical assistance (TA) programs for public and private nonprofit schools, hospitals, buildings owned by units of local government and public care institutions, and energy conservation measure (ECM) programs for schools and hospitals. The regulations for these programs can be found in 10 CFR Part 455.

On February 15, 1983, DOE published a proposed rulemaking (48 FR 6868) which presented a revision to §§ 455.62 and 455.83 of 10 CFR 455, and which solicited comments from interested parties. The proposal retained the limit of 5 percent of the total amount of all the grants awarded as a maximum amount of a grant for administrative expenses which a State may receive but added a minimum grant for \$30,000 for administrative expenses.

DOE received and considered written comments from ten sources. No testimony was given at the public hearing held on February 24, 1983, in Washington, D.C. Major comments received and revisions as a result of those comments are discussed below.

#### II. Discussion of Major Comments and Revisions

Overall reaction to the proposed revision was favorable, supporting establishment of a minimum administrative support level to States with relatively small allocations during a funding cycle.

Of the ten comments received, all from State governments, just one expressed disapproval of the proposed amendment. That comment indicated that the present percentage was adequate, even for the smaller States and that it would be necessary to reduce allocations to the larger States to

provide the extra amount to some of the smaller States. Applications for exceptions from the 5 percent limit submitted over the past year, however, have documented instances where States have not been able to adequately administer the program with the present limitation. Because of this documentation, and the additional instances mentioned in the comments referred to below, DOE believes this change is necessary. The amount that the larger States allocations are reduced should not significantly affect the programs in those States.

Another comment, while supporting the amendment, suggested that, in addition to establishing a \$30,000 floor for State administrative grants, the existing rate for administrative grants be changed from 5 percent of the institutional grants awarded to 8 percent. DOE's position is that the \$30,000 floor for administrative grants, when matched by a State, should allow continued participation in those States with relatively small allocations. For a State with a larger allocation, 5 percent of the institutional grants, when matched by the State, should provide sufficient administrative support to allow its continued participation in the program, and would not further reduce the funds available for actual program projects.

One comment, in addition to supporting the amendment, requested that domiciliary care institutions be included in the definition of "hospital" for eligibility in this program. However, since the definition in the regulation is the same as that in the program statute, Congress would have to amend the statute before DOE could change the regulation.

A suggestion was received concerning making the administrative funds available for use for TA/ECM grants within a State in the event that the State, for whatever reason, finds that it does not need, or cannot use, all or any part of that sum for program administration. DOE agrees with this suggestion and adopts it in the final rule.

#### III. State Allocation of Funds and Dates for the Fifth Grant Cycle

DOE today announces the allocation of funds for the grant program Cycle V for technical assistance and energy conservation measures for schools and hospitals.

Table I provides the amounts allocated to each State. These total amounts include funds appropriated for grant program Cycle V under both the original fiscal year appropriation act and the Emergency Supplemental Appropriations Act, 1983, Pub. L. 98-8 (Jobs Bill). The totals also include funds not obligated in grant program Cycle IV. Up to 15 percent of the funds allocated to each State for schools and hospitals may be used for technical analysis.

The dates when the State recommended applications are due to DOE and the grant cycle ends are indicated in the "Dates" section of this rule.

TABLE I—CYCLE V ALLOCATIONS

State	Jobs tail	Total
Alabama	716,760	1,493,490
Alaska	288,833	601,832
American Samoa	168,609	351,326
Arizona	577,297	1,202,896
Arkansas	504,998	1,052,250
California	2,635,176	5,490,835
Colorado	801,014	1,689,048
Connecticut	808,072	1,685,067
Delaware	256,453	534,363
District of Columbia	263,996	550,780
Florida	1,370,325	2,855,304
Georgia	912,949	1,902,284
Guam	181,104	377,361
Hawaii	268,586	559,645
Idaho	353,925	737,463
Illinois	2,822,785	5,465,016
Indiana	1,277,241	2,661,348
Iowa	844,449	1,759,553
Kansas	618,360	1,288,457
Kentucky	795,387	1,657,324
Louisiana	706,558	1,472,232
Maine	460,300	959,113
Maryland	901,413	1,878,248
Massachusetts	1,364,559	2,843,289
Michigan	2,250,704	4,689,722
Minnesota	1,307,977	2,725,392
Mississippi	515,627	1,074,396
Missouri	1,119,231	2,332,106
Montana	350,270	729,847
Nebraska	508,493	1,059,531
Nevada	308,870	643,584
New Hampshire	396,570	826,320
New Jersey	1,571,752	3,275,012
New Mexico	789,348	799,704
New York	3,730,548	7,773,229
North Carolina	1,026,431	2,138,742
North Dakota	345,196	719,274
Ohio	2,346,908	4,890,179
Oklahoma	657,352	1,369,704
Oregon	578,840	1,206,111
Pennsylvania	2,519,364	5,249,522
Puerto Rico	648,031	1,350,281
Rhode Island	359,446	748,967
South Carolina	587,556	1,224,273
South Dakota	325,844	678,951
Tennessee	898,354	1,868,960
Texas	2,202,999	4,590,322
Utah	469,787	978,882
Vermont	303,130	631,623
Virgin Islands	181,349	377,872
Virginia	1,037,298	2,161,386
Washington	809,487	1,855,439
West Virginia	505,731	1,053,776
Wisconsin	1,323,939	2,758,652
Wyoming	264,157	550,416

#### IV. Regulatory Impact, Environmental, Small Entity Impact and Paperwork Reduction Act Reviews

##### A. Executive Order 12291

The Department of Energy has determined that this rule is not a major

rule under Executive Order 12291 because it will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have significant adverse effects on competition, employment investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The rule was submitted to the Director of the Office of Management and Budget pursuant to Executive Order 12291. The Director has concluded his review under that Executive Order.

##### B. Regulatory Flexibility

This amendment, by providing a somewhat larger administrative grant to States with small allocations, will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (5 U.S.C. 601). Consequently, DOE certifies that this final rule would not have a significant economic impact on a substantial number of small entities.

##### C. Environmental Review

Pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321 et seq.), DOE published a Notice of Availability of an Environmental Assessment (EA) of the entire Title III of NECPA on March 12, 1979, in the *Federal Register* (44 FR 13554). Based on this EA, DOE determined that the NECPA Title III program did not constitute a major federal action significantly affecting the quality of the human environment within the meaning of NEPA and that an environmental impact statement (EIS) was not needed to support the action.

DOE has reviewed the environmental impacts of the proposed amendments. It is DOE's determination that the environmental impacts of the amendments have been adequately analyzed in the March 1979 EA and that these impacts are not significant. Thus, no additional EA or EIS is required.

##### D. Paperwork Reduction Act

This amendment does not change the information collection requirements of the program as such requirements are defined in the Paperwork Reduction Act, Pub. L. 95-511, 94 Stat. 2812 (44 U.S.C. 3501).

##### E. Catalog of Federal Domestic Assistance Program Number

The Catalog of Federal Domestic Assistance Program number and title is "81.052, Energy Conservation Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions."

##### List of Subjects in 10 CFR Part 455

Buildings, Community facilities, Energy audits, Energy conservation, Grant programs—energy, Health facilities, Hospitals, Reporting requirements, Schools, Solar energy, Technical assistance.

In consideration of the foregoing, Chapter II, Title 10, Part 455 of the Code of Federal Regulations is amended as set forth below:

Issued in Washington, D.C., May 26, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

#### PART 455—GRANT PROGRAMS FOR SCHOOLS AND HOSPITALS AND BUILDINGS OWNED BY UNITS OF LOCAL GOVERNMENT AND PUBLIC CARE INSTITUTIONS

10 CFR Part 455 is amended as follows:

1. The Authority citation for Part 455 reads as follows:

Authority: Title III, National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3238 (42 U.S.C. 6371) and Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 550 (42 U.S.C. 7101).

2. In § 455.62, paragraph (a) is revised to read as follows:

##### § 455.62 Grant applications for State administrative expenses.

(a) Each State desiring to receive grants to help defray State administrative expenses shall file an application in accordance with the provisions of this section. At any time after notice by DOE of the amounts allocated to each State for a grant program cycle, each State may apply to the Secretary for an amount for administrative expenses not exceeding \$30,000 or 2 percent of its total allocation for technical assistance and energy conservation measures, whichever is higher. In addition, each State, after it makes the submittal to DOE required under § 455.72, may apply for a further grant not exceeding 5 percent of the total of all grant awards for technical assistance and energy conservation measures within that State in that grant program cycle, less any amounts previously awarded the State for administrative expenses in the same

grant program cycle. In the event that a State cannot or decides not to use the amount available to it for an administrative grant under this section for administrative purposes, these funds may, at the discretion of the State, be used for technical assistance and energy conservation grants to eligible institutions within that State, in accordance with this Part.

3. In § 455.83, the introductory text of paragraph (a) and paragraph (a)(1) are revised to read as follows:

**§ 455.83 Grant awards for State administrative expenses.**

(a) For the purpose of defraying State expenses in the administration of technical assistance programs in accordance with Subpart C and energy conservation measures in accordance with Subpart D, the Secretary may make grant awards to a State—

(1) Immediately following public notice of the amounts allocated to a State for the grant program cycle, and upon approval of the application for administrative costs, in an amount not exceeding \$30,000 or 2 percent of the State's total allocation for a given grant cycle for technical assistance and energy conservation measures, whichever is higher. Grants for such purposes may be made for up to 50 percent of a State administrative expenses, as approved by the Secretary; and

4. In § 455.83, the present paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

**§ 455.83 Grant award for State administrative expenses.**

(b) In the event that a State cannot or decides not to use the amount available to it for an administrative grant under this section for administrative purposes, these funds may, at the discretion of the State, be used for technical assistance and energy conservation grants to eligible institutions within that State in accordance with this Part.

[FR Doc. 83-30414 Filed 6-17-83; 8:45 am]

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**FEDERAL DEPOSIT INSURANCE CORPORATION**

**12 CFR Parts 303, 304, and 347**

**Applications, Requests, Submittals, Delegations of Authority, and Notices of Acquisition of Control Forms, Instructions, and Reports, Foreign Activities of Insured State Nonmember Banks**

**AGENCY:** Federal Deposit Insurance Corporation

**ACTION:** Final rule.

**SUMMARY:** After publishing a proposed rule and evaluating the public comments on that proposed rule, the Board of Directors of the Federal Deposit Insurance Corporation (FDIC) is amending its application procedures. Changes from the original proposal are being adopted, particularly in response to comments made concerning notice to the public and public participation in the application process. The amendments to existing regulations which are being adopted pertain in the main to applications by insured State nonmember banks to establish branches and effect relocations and to applications by insured State nonmember banks and by foreign banks with insured State branches to establish remote service facilities. The procedures applicable to establishment and relocation of foreign branches will also be amended by virtue of these amendments. In most cases, only a letter application will be filed by the applicant. In addition, for most applications other than merger applications and relocations (notably, deposit insurance and branch applications), the applicant will be required to file one publication of notice of its intent. Correspondingly, any comment or request for hearing or oral presentation by a third party, in regard to most applications other than merger and relocation applications, should be filed before the FDIC has completed its processing, which will be at least 15 days after the applicant's publication of notice or 15 days after the FDIC's receipt of the application, whichever is later. Merger publication requirements will remain the same. Relocation publication requirements will remain the same with two publications of notice one week apart, but comments should be made within 21 days after FDIC's receipt of the application or within 21 days of the applicant's last publication, whichever

is later. The FDIC anticipates that processing time for applications will be shortened and that the burden on applicants will be reduced, while there will continue to exist an opportunity to third parties interested in the application to make their views known. The criteria for delegation of authority to act on branch applications and on applications in general, except merger applications, by the Board to the Director of the Division of Bank Supervision (and for subdelegations concerning branches and relocations to the regional directors) are also being amended.

**EFFECTIVE DATE:** July 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Mialovich, Assistant Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202) 369-4677.

**SUPPLEMENTARY INFORMATION:** On July 7, 1982, the FDIC published for public comment proposed rules to streamline its application procedures (47 FR 29554). That proposal specified that in most cases applicants for branches and relocations need only file a letter of application instead of a detailed form. The proposal also eliminated the requirement, except in the case of merger applications, that an applicant publish notice of its intent. (The Board specifically solicited comment on whether publication of notice should be required, and if so, in what types of applications, and also noted that it was considering a one-time publication of notice.) Where publication was required under the proposal, only a copy of the actual publication or a publisher's tear sheet was to be furnished to the FDIC.

Proposals were also made in regard to internal delegations of authority. The criteria underlying the delegation of authority to the Director of the Division of Bank Supervision and from him or her to the regional director were proposed to be amended. In addition, no authority to act on applications was, in general, to be delegated where conditions other than certain standard enumerated conditions were to be imposed. The prior approval of the state banking authority, except in the case of merger applications, was no longer to be required for delegated authority to exist.

The FDIC has undertaken to effect changes in its regulations in order to reduce the burden on banks, both in the time required to develop an application

and in the time required to receive notification from the FDIC of the FDIC's determination. The FDIC is at the same time fully cognizant of the needs of third parties, particularly of community groups concerned with community development and reinvestment. In order to try to accommodate these two diverse aims, the FDIC has undertaken a lengthy deliberation process to determine what amendments to its application procedures it should adopt as final regulations; and the FDIC believes that the regulation being adopted will accommodate these two goals and foster competition among banks. Although it has considered all comments made, the FDIC has determined that no recommendations advocating expanded burdens from those which exist in the present regulations will be adopted; consequently, those comments making such recommendations will not be discussed in any detail. Many of the changes being made incorporate specific suggestions which practically effect a general procedure. The regulations being adopted incorporate the issues considered in regard to the proposal, technical changes, or changes dealing with internal procedures.

Approximately 155 comments were received from many diverse groups.\* The bulk of the comments were from banks (including commercial banks, savings banks, bank holding companies, and bank associations) and from community groups or individuals or entities interested in community programs. Although there is some overlap with the class of commenters already noted, other comments were received from senders who may generally be designated as governmental organizations, research groups, schools or universities, individuals, law firms, a labor union, religious groups, public advocates, and Congressional representatives. The vast majority of the comments were either strongly in favor of the proposal, particularly in regard to its reduction of the information to be furnished to the FDIC and the elimination of the public notice requirement, or they were strongly opposed to the elimination of notice and to the corresponding decrease in the time allowed to protest an application. The former generally

pointed to the reduction of cost, to the fact that in their own experience they had not had comments or, at the very least, beneficial comments, and to the fact that much of the information provided in the forms requires substantial time to assemble and yet does not appear to be beneficial to or otherwise unknown to, the FDIC. The latter generally pointed to the fact that without public notice a community would not know that the applications were pending (some banks said competitors should be notified), that community groups do not have the financial resources to monitor all banks at all times, that protests are more effective when an application is pending, that significant achievements in community relations and community investment have been reached outside of the formal application process when community groups have become aware of that process through publication of notice, and that the purpose of the Community Reinvestment Act (CRA) would be gutted without allowing for notice and public participation in the application process. Some of these adverse comments also stated that they needed the information in the application in order to evaluate applications and objected to the elimination of the forms; some noted that the proposed letter application contained no statement concerning the CRA. A number of specific suggestions were made in regard to how notice and comment should be effected.

The FDIC has considered the comments in regard to publication of notice, third-party participation in the application process, and the information to be provided by an applicant. In order to try to accommodate the desire to act on the application as quickly as possible while fulfilling its responsibilities, the FDIC has determined that a one-time publication of notice by applicants for most applications other than merger applications and relocations is warranted. (Some comments advocated elimination or reduction of merger application publication. Not only does 12 U.S.C. 1828(c) mandate publication, the existing procedure is considered by the FDIC to be beneficial.) For relocations, two publications of notice, on the same day at least one week apart will be required. The additional publication is being retained because relocation of an existing facility often has a substantial effect on the community where the facility to be relocated presently exists. Thus, an additional notice and additional time for comment are warranted. The notice will inform third parties of their right to

comment and of the availability of the application file. In conjunction with the application, an applicant will send his application to the FDIC either on the date on which publication is made or subsequent to the date of publication, but within 30 days of the first, or only, publication. A person who wishes to comment and have that comment considered during the processing of the application may do so so long as the FDIC's processing has not been completed. This processing will not be completed in the case of relocations in less than 21 days of the bank's last publication or the FDIC's receipt of the application, whichever is later, and in the case of applications other than mergers and relocations, in less than 15 days of the bank's last publication or the FDIC's receipt of the application, whichever is later. In addition to the published notice, as suggested in the comments, notice will continue to be posted in the lobby of a branch or home office which is to be relocated, and it is now specified that that notice shall be posted for at least 21 days after the last newspaper publication. The provisions for an intent to protest and protests under the existing regulations will be changed to provide for immediate filing of comments and requests for hearings or oral presentations.

Thus, it is contemplated that an application will ordinarily be acted on within a fairly short period of time. The regional director may delay processing, including extending the comment period, for good cause but must report the reasons for the delay to the Board. Although some comments advocated the use of more publication and additional notice to the public and/or a longer comment period, the FDIC feels that the publications and the comment period provisions now being adopted represent a valid compromise and that they are sufficient to allow meaningful comment. Changes to accommodate these provisions are being made in § 303.14 and § 303.2. (§ 303.14(a) describes the applications affected by the procedures described.)

So far as the information to be submitted to the FDIC by the applicant, the FDIC has considered the comments that the full application is necessary and that parts of the application should be answered in some cases, particularly that CRA questions should be submitted if there is a CRA concern by a third party, and has decided that it agrees with the comments that the application form involves too much unnecessary information. The FDIC continues to believe, as stated in the proposed rule, that the letter is sufficient. To the

\* These comments include the comments received by the FDIC prior to the close of the comment period, as well as some comments received after that period. In addition, because of the extreme concern of community groups over the proposed changes, a meeting was held with representatives of those groups, and comments were submitted subsequent to that meeting. All of the above comments have been considered in the adoption of this final regulation.



information which was proposed to be included in that letter, however, after consideration of comments advocating additional information, the FDIC has added the requirement that information concerning the applicant's compliance with and plans regarding CRA and concerning the publication of notice be submitted as a part of the application (no publisher's tear sheet or clipping or further evidence of publication need be provided to the FDIC, however). Deletion of requirements that additional documents be provided with the application are made at § 304.3. In addition, in this same regard, the FDIC has determined to eliminate for FDIC use the existing preprinted application forms for branches and relocations, but it will require more information in individual cases where necessary. One comment asked for clarification on the requirement that the letter state the impact of the proposal on the environment. The FDIC has now specified that ordinarily information on compliance with local zoning laws and regulations and the effect on traffic patterns is the information required in this regard. Amendments corresponding to the changes discussed are being made at § 303.2.

As a result of the procedures being adopted, the FDIC contemplates that subsequent to a bank's publication of notice and the submission of information by the applicant, regional directors, acting under delegated authority, will be able to act very promptly on most branch and relocation applications. As in the proposed regulation, the criteria underlying the delegation of authority to act on branch applications from the Board to the Director of the Division of Bank Supervision and from him or her to the appropriate regional director are set out at § 303.12(c). Changes to the proposed criteria in regard to capital requirements have been made, and an additional criterion that bank ratings must be 3 or better has been added. The subdelegation to the regional directors for branch applications and relocations exists only if the criteria at § 303.12(c)(1)-(6) are satisfied and only if the applicant bank has compliance, composite CRA, and composite CAMEL ratings of 1 or 2, if there is no protest on CRA grounds filed by an organization other than a competing institution, and if the issues raised by any other comments have been favorably resolved by the regional director. In order to make clear the FDIC's intent in regard to processing, the criteria for this subdelegation are now incorporated into the regulation. This last provision takes account of

some of the comments made suggesting that CRA comments stop the streamlining process and also indicates that competitor comments have been found to be dilatory rather than helpful; at the same time, the provision thwarts inordinate delay.

Other miscellaneous comments are worthy of note. Some comments were that FDIC should not act before the state authority has acted and that the FDIC should issue its approval automatically upon state action. Prior action by the FDIC in no way eliminates the authority of the state to approve or disapprove an application, and the FDIC does not believe that it should delay its action where its processing has been completed, simply because the state has not yet completed its processing. The FDIC has mandates to evaluate these applications on its own and cannot rely on any other party to fulfill the FDIC's responsibilities.

As in the proposal, the same procedures for making application will generally apply to remote service facilities and relocations; and a written approval by the FDIC will be issued on all such facilities, in line with the requirements of the Federal Deposit Insurance Act (FDI Act). One comment stated that the "automatic approval procedure" after a 30-day period, which now exists for additional remote service facilities, should be applied to all types of applications. As contemplated, processing of applications will quite frequently be accomplished within less than this 30-day period. In the same vein, a change is being made at § 303.14(f) to clarify the intent of the FDIC that a foreign bank which has an insured state branch and which intends to establish a remote service facility should follow the same procedures as a domestic bank with the same intent. This clarification was, by oversight, not incorporated into the proposed regulation.

Another comment was that the regulation should be amended to provide for solicitation of public comment at the time of the CRA examination. The FDIC believes that this amendment is outside the purview of the proposed regulation, but even more importantly, that the regulation being adopted will give adequate time for CRA comments to be made.

One comment strongly urged that the FDIC adopt standards for the allowing of protests in the application process, standards which would help to eliminate dilatory protests. The FDIC believes that this comment is extremely worthwhile and worthy of consideration by the FDIC; however the FDIC further

believes that such a revision of hearing and public participation procedures is not encompassed by the proposed regulation. Similarly, one comment was that standards need to be different if litigation is going on at the time of the application process.

A comment was also made that streamlining increases the risk to the public and does not allow for adequate regulation of the banking industry by the FDIC. The FDIC strongly believes that the procedures being adopted will allow it to fulfill its statutory duties and to maintain the safety and soundness of insured State nonmember banks.

Other changes from the proposal are being made. At § 303.10(b), the language there is amended to conform to the language in § 303.14(d) in order to specify that, although the FDIC is not required to give an opportunity to a protestor to present views, it may do so. At § 303.12(a)(1), a standard condition has been added to those stated in the proposed rule. That condition deals with the approval by regional directors of contracts, leases, or agreements relating to construction or rental of permanent quarters when a new bank opens in temporary quarters. In § 347.3(a), which deals with applications to be made by domestic banks effecting the establishment of foreign branches and relocations, changes are being made in regard to information to be submitted and to publication of notice in line with the general procedures for branches in general.

In addition to the provisions of the proposed regulation being adopted without change and to the changes to that proposal discussed above and now being adopted, other technical changes or clarifications are being made.

#### Final Regulatory Flexibility Analysis

The preceding discussion has stated both the need and objective of this rule and has analyzed the public comments, FDIC's assessments of those comments, and changes made in the proposed rule as a result of the comments. As stated in the initial regulatory flexibility analysis, the economic impact of this amendment should be the same on both small and large banks. Further, the FDIC believes that there will be a substantial reduction in costs to all banks. The proposed rule represented a complete elimination of the requirement that notice be published, and although the final rule requires a one-time publication for most applications, notably for branches and deposit insurance applications and a two-time publication for relocation applications, these requirements, as stated above, are being adopted after

careful consideration of the question of whether notice should be eliminated altogether. Thus, since the publications are being required because of the FDIC's determination that publication is needed to allow third parties the opportunity to be informed and to participate, there is no feasible way to minimize any economic impact on small entities. The FDIC believes that the economic impact is minimal in light of the benefits to be achieved by the publication. As noted, the elimination of application forms for branch applications represents a substantial cost savings. In the final regulation, a limited amount of information will be added to that which should be included in the letter from that specified in the proposal; and those additions have been made after careful consideration of the comments received. The FDIC continues to believe that, as in the proposed rule, the final rule greatly lessens the economic impact on small entities.

In regard to the Paperwork Reduction Act, the reporting requirements have been greatly reduced. As discussed above, the information to be submitted by an applicant is substantially less than in the existing regulation and is the information not in its possession which the FDIC believes is necessary for the FDIC to fulfill its responsibilities. The publication of notice requirement is reduced from that in the existing rule for most applications other than for mergers and relocations (primarily branch and deposit insurance applications) and the publications are being required because they are considered necessary by the FDIC, but no copy or certification of a publication need any longer be sent to the FDIC. The Office of Management and Budget has reviewed and approved the reporting requirements of this final rule (OMB Control No. 3064-0070).

#### List of Subjects

##### 12 CFR Part 303

Administrative practice and procedure, Authority delegations, Bank deposit insurance, Banks, banking.

##### 12 CFR Part 304

Administrative practice and procedure, Bank deposit insurance, Banks, banking, Foreign banks, banking, Reporting and recordkeeping requirements.

##### 12 CFR Part 347

Banks, banking, Credit, Foreign banks, banking, Reporting and recordkeeping requirements, State nonmember banks.

For the reasons set out in the preamble, Parts 303, 304, and 347 of Chapter III of Title 12 of the Code of

Federal Regulations are amended as set forth below.

#### PART 303—APPLICATIONS, REQUESTS, SUBMITTALS, DELEGATIONS OF AUTHORITY, AND NOTICES OF ACQUISITION OF CONTROL

1. The authority citation for Part 303 reads as follows:

**Authority:** Secs. 2(5), 2(6), 2(7)(j), 2(8), 2(9) ("Seventh" and "Tenth"), 2(18), 2(19), Pub. L. No. 797, 64 Stat. 876, 881, 891, 893 as amended by Pub. L. No. 86-463, 74 Stat. 129; sec. 2, Pub. L. No. 87-827, 76 Stat. 953; Pub. L. No. 88-593, 78 Stat. 940; Pub. L. No. 89-79, 79 Stat. 244; sec. 1, Pub. L. No. 89-356, 80 Stat. 7; sec. 12(c), Pub. L. No. 89-485, 80 Stat. 242; sec. 3, Pub. L. No. 89-597, 80 Stat. 824; title II, secs. 201, 205, Pub. L. No. 89-695, 80 Stat. 1055; sec. 2(b), Pub. L. No. 90-505, 82 Stat. 856; secs. 6(c)(7), (12), (13), Pub. L. No. 95-369, 92 Stat. 616-620; title III, secs. 306, 309 and title VI, sec. 602, Pub. L. No. 95-630, 92 Stat. 3677, 3683 (12 U.S.C. 1815, 1816, 1817(j)), 1818, 1819 "Seventh" and "Tenth", 1828, 1829; title I, sec. 108, Pub. L. No. 90-321, 82 Stat. 150 as amended by title IV, sec. 403, Pub. L. No. 83-495, 88 Stat. 1517 and title VI, sec. 608, Pub. L. No. 96-221, 94 Stat. 171 (15 U.S.C. 1607).

2. By revising the section headings of 12 CFR 303.2 and 303.3 in the table of section headings to 12 CFR Part 303 to read as follows:

Sec.

303.2 Application by insured State nonmember bank to establish a branch or move its main office or branch.

303.3 [Reserved]

3. By revising 12 CFR 303.2 to read as follows:

**§ 303.2 Application by insured State nonmember bank to establish a branch or move its main office or branch.**

(a) Application by an insured State nonmember bank (except a District bank) to establish and operate a new branch (including a remote service facility) or to move its main office or branch should be filed with the regional director of the Federal Deposit Insurance Corporation region in which the bank is located. The application shall be mailed or delivered to the regional director on the date on which the notice required in § 303.14(b)(1) is published not more than 30 days subsequent to the first required publication of notice. The application shall be in letter form and shall contain the following information:

(1) The exact location of the proposed site, including street address (unless one has not been assigned to the location);

(2) Details concerning any involvement in the proposal by an insider (a director, an officer, or a shareholder who directly or indirectly

controls 5 or more percent of any class of the applicant's outstanding voting stock, or the associates and interests of any such person) of the bank, including any financial arrangements relating to fees, the acquisition of property, leasing of property, and construction contracts;

(3) The impact of the proposal on the human environment specifically, information on compliance with local zoning laws and regulations and the effect on traffic patterns;

(4) A statement as to whether or not the site is included in or is eligible for inclusion in the National Register of Historic Places, including evidence that clearance has been obtained from the State Historic Preservation Officer;

(5) Comments on any changes in services to be offered, the community to be served, or any other effect the proposal may have on the applicant's compliance with the Community Reinvestment Act; and

(6) The name and address of and the date of publication in the newspaper in which the notice required by § 303.14(b)(1) is published.

In cases in which additional information is necessary for evaluation of the application, the applicant may be required to furnish specific information on an individual basis.

(b) The regional director may delay processing, including extending the comment period, for good cause and must report any delays in processing on at least a quarterly basis to the Board of Directors, stating the reasons the delay was necessary. (Approved by the Office of Management and Budget under Control No. 3064-0070.)

4. By removing and reserving 12 CFR 303.3, which shall read as follows:

**§ 303.3 [Reserved]**

**§ 303.6 [Amended]**

5. By removing the second and third sentences of 12 CFR 303.6.

**§ 303.10 [Amended]**

6. By revising 12 CFR 303.10(b) as follows:

(b) *Opportunity to present views.* With respect to any application, the Corporation may afford the applicant or other properly interested persons, including Government agencies, an opportunity to present views orally before its designated representative or representatives, either at informal conference discussions or at informal presentations of evidence.

**§ 303.11 [Amended]**

7. By removing 12 CFR 303.11(a)(15) and by redesignating 12 CFR 303.11(a)(16) as 12 CFR 303.11(a)(15).

8. By revising 12 CFR 303.12 (a) and (c) to read as follows:

**§ 303.12 Applications where authority is not delegated.**

(a) *Circumstances precluding delegation.* Authority to act on applications listed in § 303.11 is not delegated by the Board of Directors in the following circumstances:

(1) Where, except for certain standard conditions which may be imposed in approving applications for branches, remote service facilities, and relocations, and in applications for deposit insurance by proposed or newly organized banks, a condition other than a time limitation is to be prescribed in approving the application.

As used in paragraph (a)(1), the term "standard conditions" includes, with respect to an application for deposit insurance, the following conditions: that a specific amount and a specific allocation of beginning paid-in capital be provided; that any changes in proposed management or proposed ownership to the extent do 5 or more percent of stock, including new acquisitions of or subscriptions to 5 or more percent of stock, be approved by the Corporation prior to the opening of the bank; that an accrual accounting system be adopted for maintaining the books of the bank; that Federal deposit insurance not become effective until the applicant has been established as a State bank (not a member of the Federal Reserve System), until it has authority to conduct a banking business, and until its establishment and operation as a bank have been fully approved by the State banking authority; that, where applicable, a registered or proposed bank holding company obtain approval of the Board of Governors of the Federal Reserve System to acquire voting stock control of the proposed bank prior to its opening; that, where applicable, prior to execution, any proposed contracts, leases, or agreements relating to construction or rental of permanent quarters be submitted to the regional director for review and approval; that, where applicable, full disclosure be made to all proposed directors and stockholders of the facts concerning the interest of any insider (one who is or stands to be a director, an officer, or an incorporator of the applicant or a shareholder who directly or indirectly controls 5 or more percent of any class of the applicant's outstanding voting stock, or the associates and interests of any such person) in any bank

transaction being effected or then contemplated, including the identity of the parties to the transaction and the terms and costs involved; that all necessary and final approvals have been obtained from the appropriate State authority; and that until the conditional commitment of the Corporation becomes effective, the Corporation has the right to alter, suspend, or withdraw its commitment should any interim development be deemed to warrant such action. The last two conditions are also "standard conditions" with respect to applications for branches (including remote service facilities) and relocations.

(2) Where, in the case of applications filed pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), all necessary and final approvals have not been obtained from the appropriate State authority. In this connection, if the State authority has given its approval subject only to the approval of the Federal Deposit Insurance Corporation, such State approval is to be considered as final.

(c) *Conditions precedent to delegation to approve branch applications and relocations.* (Important: the requirements set forth in this paragraph (c) are procedural in nature only and should not be construed as standards or criteria which will be used in determining whether a specific application will be approved or denied.) Authority to approve branch applications (including initial or additional remote service facilities and foreign branches of insured State nonmember banks) pursuant to § 303.11(a)(7) is delegated only where each of the six factors set forth in section 6 of the Federal Deposit Insurance Act has been considered and favorably resolved,<sup>4</sup> and, in addition, where all the following requisites have been satisfied:

(1) The applicant is in substantial compliance with applicable laws and with the rules and regulations of the Corporation.

(2) The applicant's tangible adjusted equity capital and reserves (adjusted surplus and reserves in the case of mutual savings banks) are determined to be adequate and in no event less than 5% of adjusted assets.

(3) The applicant's income before securities gains or losses and net income minus cash dividends have been positive during the most recent calendar year for which information is available and for the year-to-date through the most recent quarter for which information is available.

(4) The applicant has a composite rating of 3 or better under the Uniform Financial Institutions Rating System (composite CAMEL), *see* 1 FED. DEPOSIT INS. CORP. LAW, REG., RELATED ACTS (FDIC) 5079; the applicant's management is rated 3 or better under that rating system; the applicant has a rating of 3 or better under the Uniform Interagency Consumer Compliance Rating System (Compliance), *see* 1 FED. DEPOSIT INS. CORP. LAW, REG., RELATED ACTS (FDIC) 5213; and the applicant has a composite rating of 3 or better for its Community Reinvestment Act (CRA) rating.

(5) Any financial arrangements which have been made in connection with the proposed branch<sup>10</sup> and which involve the applicant's directors, officers, major shareholders,<sup>11</sup> or their interests, are fair and reasonable in comparison to similar arrangements that could have been made with independent third parties.

(6) The requirements of the National Historic Preservation Act, the National Environmental Policy Act and the Community Reinvestment Act have been considered and favorably resolved, except that this requisite does not apply to applications to establish foreign branches.

(7) Any delegation of authority to approve branch and relocation applications by the Director of the Division of Bank Supervision to a regional director is valid only where, in addition to the preceding requirements of this paragraph, the applicant has a composite rating of 2 or better under the Uniform Financial Institutions Rating System (composite CAMEL), *see* 1 FED. DEPOSIT INS. CORP. LAW, REG., RELATED ACTS (FDIC) 5079; a composite rating of 2 or better for its Community Reinvestment Act (CRA) rating; a rating of 2 or better under the Uniform Interagency Consumer Compliance Rating System (Compliance), *see* 1 FED. DEPOSIT INS. CORP. LAW, REG., RELATED ACTS (FDIC) 5213; where there is no comment protesting the application on CRA grounds by an organization other than a competing institution; and where the issue raised by any other comments are favorably resolved.

9. By further revising 12 CFR 303.12 (a) and (c) by removing and reserving footnotes 3, 5, 6, and 8.

10. By amending 12 CFR 303.12(d) by removing the reference to 303.11(a)(16) and inserting, in its place, "303.11(a)(15)".

11. By revising 12 CFR 303.14(b)(1)(ii) introductory and closing text, and (C), (1-a), (2), and (3) to read as follows:

§ 303.14 Application procedures.

(b) \* \* \*  
(1) \* \* \*

(ii) In the case of all other applications described in paragraph (a) of this section, on the date the deposit insurance application form or the letter application required in section 303.2 is mailed or delivered to the regional director or not more than 30 days prior to that date, the applicant shall publish notice or begin publication of notice if more than one notice is required, of the proposed transaction. Publication of notice shall be made at least once each week on the same day for 2 consecutive weeks for relocation applications and once for other applications described in paragraph (a) and shall be in a newspaper of general circulation in the community or communities referred to below:

(C) *Applications for deposit insurance.*—In the community in which the home office is located, provided that a foreign bank making application for an insured branch need only publish such notice in the community in which the insured branch is to be located. The published notice shall include the name of the applicant, the subject matter of the application, and the location or locations at which the applicant proposes to engage in business.

(1-a) *Notice by posting.* In the case of applications to relocate home offices or branch offices, in addition to the notice by publication described in paragraph (b)(1) of this section, notice of the application shall be posted in the public lobby of the office(s) to be relocated, if such public lobby exists, for at least 21 days beginning with the date of the last published notice required by paragraph (b)(1) of this section.

(2) *Comments.* Anyone who wishes to comment on an application may do so by filing comments in writing with the regional director at any time before the FDIC has completed processing the application. Processing will be completed, for applications other than relocation applications, not less than 15 days after the publication of the notice, required by paragraph (b)(1) of this section or 15 days after the FDIC's receipt of the application, whichever is later and for relocations, not less than 21 days after the last publication or 21 days after receipt of the application, whichever is later. This time period may be extended by the regional director for good cause, and the regional director shall report the reasons for such action to the Board of Directors.

(3) *Notice of right to comment.* In order to fully apprise the public of its rights under paragraph (b)(2) of this section, the notice described in paragraph (b)(1) of this section shall include a statement describing the right to comment upon, or protest the granting of, the application. This notice shall consist of the following statement:

Any person wishing to comment on this application may file his or her comments in writing with the regional director of the Federal Deposit Insurance Corporation at its regional office (address of the regional office) before processing of the application has been completed. Processing will be completed no earlier than the [relocations—21st, other applications described in paragraph (a) of this section—15th] day following either the date of the last required publication or the date of receipt of the application by the FDIC, whichever is later. The period may be extended by the regional director for good cause. The nonconfidential portion of the application file is available for inspection within one day following the request for such file. It may be inspected in the Corporation's regional office during regular business hours. Photocopies of information in the nonconfidential portion of the application file will be made available upon request. A schedule of charges for such copies can be obtained from the regional office.

12. By revising 12 CFR 303.14(d) (1) and removing and reserving (d)(2) to read as follows:

(d) *Proceedings.*—(1) *Requests for hearing or other proceeding.* Anyone who has made a formal comment within the period specified in § 303.14(b)(2) may request a hearing at the time of making the formal comment. If a hearing or an oral presentation is requested, the request must be accompanied by a brief statement by the person requesting the hearing or presentation of his or her interest in the application and of the matters which he or she wishes to discuss. If the Corporation determines that a hearing or other form of oral presentation should be allowed, the person making the request will be advised of the date, time, and location of the oral presentation.

(2) [Reserved]

13. By further revising 12 CFR 303.14(d) by removing and reserving footnote 13.

14. By revising § 303.14(l)(2) and by removing (l)(3), to read as follows:

(l) \* \* \*

(2) *Establishing a remote service facility or system of facilities.* For purposes of this section "establishing" means owning or leasing a remote service facility either individually or jointly. An establishing bank or a

foreign bank with an insured State branch will file a letter giving full particulars of the proposal to establish either initial or additional remote service facilities, including the matters listed in § 303.2, with the appropriate regional office and will comply with the notice provisions of paragraph (b) of this section.

**PART 304—FORMS, INSTRUCTIONS, AND REPORTS**

1. The authority citation for Part 304 reads as follows:

Authority: 12 U.S.C. 1819.

§ 304.3 [Amended]

2. By removing and reserving 12 CFR 304.3 (f), (g), (h), and (j).

**PART 347—FOREIGN ACTIVITIES OF INSURED STATE NONMEMBER BANKS**

1. The authority citation for Part 347 read as follows:

Authority: Secs. 3(o), 18(d), and (18)(f) of the Federal Deposit Insurance Act, as amended by sec. 301, Pub. L. No. 95-630, 92 Stat. 3641 (12 U.S.C. 1813(o), 1828(d), 1828(f)).

§ 347.3 [Amended]

2. By revising 12 CFR 347.3(a) to read as follows:

(a) *Establishing, moving, or closing foreign branches.* A foreign branch may not be established, operated, or relocated by an insured State nonmember bank without the prior written consent of the Corporation. This consent may be obtained through the application procedures set forth under Part 303. For all foreign branches and relocations thereof, the application shall contain information on the exact location of the facility and on the involvement of insiders as such involvement is specified in § 303.2, as well as the name and address of the newspaper in which the notice required by § 303.14(b)(1) is published and the date of that publication. At the time of the closing of a foreign branch, the insured State nonmember bank shall by letter advise the regional director of the name, the location, and the date of the closing of the branch.

\* \* \* \* \*  
By Order of the Board of Directors, May 23, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 83-3589 Filed 6-17-83; 8:45 am]

BILLING CODE 6714-01-M



**12 CFR Parts 304 and 309****Disclosure of Deposit Information**

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Final rule.

**SUMMARY:** The Federal Deposit Insurance Corporation (the "FDIC") is discontinuing confidential treatment of information filed by insured banks with the FDIC on the size and number of the banks' deposit accounts. The FDIC has withheld such information from public access on the belief that the reporting bank could possibly suffer financial harm from the disclosure of such information to a competing institution. Confidential treatment is no longer needed to protect the reporting banks because the general and highly summarized data which are now reported as a result of changed filing requirements do not contain the degree of detail that a competitor could act on.

The FDIC is also making several related technical changes which do not affect the substance of the regulations.

**EFFECTIVE DATE:** June 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** William P. Carley, Planning and Program Development Specialist, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429; telephone 202/398-4141.

**SUPPLEMENTARY INFORMATION:** Section 309.4 of the FDIC's regulations (12 CFR 309.4) identifies information available to the public upon request. Paragraph (e)(2) of § 309.4 states that the Summary of Accounts and Deposits filed by insured banks will be made available at the discretion of the FDIC, except that information on the size and number of accounts is not available. The confidentiality afforded the number and size of accounts was added to the regulations at a time when the total balances and number of accounts were reported by two size breaks for six classifications of deposit accounts held by commercial banks and three classifications by mutual savings banks. The FDIC was of the opinion that the information on the size and number on these several deposit classifications was sufficiently detailed to constitute proprietary information of the reporting banks. Accordingly, the FDIC decided to withhold this information from public disclosure.

In 1982, the FDIC greatly reduced the required information pertaining to size and number of accounts by eliminating the requirement to provide such information for each of the several types

of deposit accounts. Instead, beginning in 1982, on each June 30 the banks report a single aggregate total for all deposit accounts within the banking entity with balances exceeding \$100,000 and the number of such accounts and a single aggregate total of deposit accounts with balances of less than \$100,000. By replacing the requirement for detailed information on the various deposit categories with the requirement to report highly summarized data, the reported information no longer represents proprietary financial data. Accordingly, the FDIC is changing the provision of paragraph (e)(2) of § 309.4 which states that the size and number of accounts are not available to a statement that this information is not available for dates preceding June 30, 1982.

Several technical amendments to the FDIC's regulations are also made. Detailed information on the number and size of accounts had been collected as part of the Summary of Accounts and Deposits reports filed by banks. Beginning in 1982, the information on size and number of accounts was removed from Summary of Accounts and Deposits report and replaced by a collection of the more generalized information described in the preceding paragraph as part of the June Report of Condition filed by each insured bank. In connection with this change in the way information is collected, the separate Summary of Accounts and Deposits forms that had been used to collect information from mutual banks and commercial banks were combined into a single form beginning with June 1982, at which time the form was retitled Summary of Deposits. These changes have not been reflected in the descriptive material contained in the FDIC's regulations. Accordingly, several technical changes are being made to the regulations as follows:

Paragraph (q) of § 304.3, which defines the contents of the Summary of Accounts and Deposits reporting form used by commercial banks, is changed to remove statements to the effect that the report contains information pertaining to the number and size of accounts. Also, this paragraph is changed to make it applicable to the single report that is now used by both commercial and mutual savings banks. Additionally, paragraph (r) of § 304.3, which describes the contents of the Summary of Accounts and Deposits form filed by mutual banks, is removed.

Paragraphs (e) and (e)(2) of § 309.4, which describe how to obtain information contained in the Summary of Accounts and Deposits, are changed to reflect recent organizational changes

within the FDIC and the change in title from Summary of Accounts and Deposits to Summary of Deposits.

**Regulatory Analysis**

Four comments were received in response to the publication of these amendments in proposed form in the *Federal Register* on May 4, 1983 (48 FR 20092). While agreeing that the June 30, 1982 changes have eliminated the need to keep size and number of account data confidential, two commentators opined that there is no support for removing the confidentiality of such information filed before June 1982. The FDIC agrees and accordingly has changed the amendment from the original proposal, which would have opened all previously filed data to public access, as that only information filed for June 1982 and thereafter will be available. The two other commentators stated, without factual or argumentative support, that the 1982 changes did not completely remove the potential for harm to the reporting bank from disclosure and, therefore, the size and number of account information should continue to be held confidential. The FDIC is not persuaded by these unsupported statements.

Because the following amendments to the FDIC's regulations relate to FDIC internal procedures and policy, grant a benefit in the form of public access to information, and do not impose a burden on any person or entity, the Board of Directors finds sufficient cause for the amendments to become effective immediately upon publication in the *Federal Register*.

As a result of the Board of Directors' certification that accompanied the proposed amendments published in the *Federal Register* on May 4, a final regulatory analysis under the Regulatory Flexibility Act and a small bank impact statement under the FDIC statement of policy applicable to the adoption of regulations were not prepared.

**List of Subjects****12 CFR Part 304**

Administrative practices and procedures, Bank deposit insurance, Banks, banking, Foreign banks, banking, Reporting and recordkeeping requirements.

**12 CFR Part 309**

Authority delegations, Disclosure, requirements Freedom of information, Privacy.

For the reasons stated in this preamble, the FDIC amends Chapter III, Title 12 of the Code of Federal Regulations as follows:

**PART 304—FORMS, INSTRUCTIONS, AND REPORTS**

1. The authority citation for Part 304 reads as follows:

**Authority:** 12 U.S.C. 1819.

2. Section 304.3 is amended by removing paragraph (r), redesignating paragraphs (s) through (aa) as paragraphs (r) through (z), and revising paragraph (q) to read as follows:

**§ 304.3 Forms and instructions.**

(q) *Form 8020/05: Summary of Deposits (Commercial and Mutual Savings Banks)*. Form 8020/05 is a report on the amount of deposits in various types of categories for each authorized office of an insured bank with branches; unit banks do not report. Reports as of June 30 of each year must be submitted no later than the immediately succeeding August 1. Upon written request to the Assistant Director, Division of Accounting and Corporate Services, Management Information Services Branch, the Assistant Director may extend the deadline of the reporting bank for submitting the forms to no later than the immediately succeeding September 30.

**PART 309—DISCLOSURE OF INFORMATION**

3. The authority citation for Part 309 reads as follows:

**Authority:** Section 2 [9 "Seventh" and "Tenth"], Pub. L. No. 797, 64 Stat. 881 as amended by title III, sec. 309, Pub. L. No. 95-630, 92 Stat. 3677 [12 U.S.C. 1819 "Seventh" and "Tenth"]; 5 U.S.C. 552.

4. Section 309.4 is amended by revising paragraphs (e) introductory text, (e)(2) and footnote 2 to read as follows:

**§ 309.4 Publicly available information.**

(e) At the Data Base Section, Management Information Services Branch, Division of Accounting and Corporate Services, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429:

(2) At the FDIC's discretion, Summary of Deposits filed by insured banks, except that information on the size and number of accounts filed before June 1982, is not available.<sup>2</sup>

<sup>2</sup> Summary of Deposits reports are described at 12 CFR 304.3(q).

By order of the Board of Directors, June 13, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 83-16393 Filed 6-17-83; 8:45 am]

**BILLING CODE 6714-01-M**

**SMALL BUSINESS ADMINISTRATION****13 CFR Part 133****Control Numbers Assigned by OMB Under the Paperwork Reduction Act**

**AGENCY:** Small Business Administration.

**ACTION:** Final rule.

**SUMMARY:** The Small Business Administration amends Part 133 of its rules and regulations pertaining to its reporting and recordkeeping requirements. The amendment is being made to advise the public of SBA reporting and recordkeeping requirements that have been cleared in accordance with the Paperwork Reduction Act of 1980 and the Agency official to contact regarding the Public Protection Clause of that Act. The Act requires an agency to obtain a review and approval of its information collection requirements from the Office of Management and Budget (OMB) and to give public notice of such approval.

**EFFECTIVE DATE:** June 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth M. Zaic, Chief, Paperwork Management Branch, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416. Telephone (202) 653-8538.

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1980 (44 U.S.C. 3501) seeks, in part, to minimize the Federal paperwork burden. The Act requires, that agencies obtain OMB review and clearance of certain reporting and recording requirements and give public notice of the clearance numbers and expiration dates.

OMB has reviewed and approved the reporting and recordkeeping

requirements to be included in Part 133. Because this is a nonsubstantive amendment dealing with procedural matters, it is not subject to the provisions of the Administrative Procedure Act (5 U.S.C. 551 et seq.) requiring advance notice and comment.

**List of Subjects in 13 CFR Part 133**

Reporting and recordkeeping requirements.

**PART 133—[AMENDED]**

In 13 CFR 133.1, paragraphs (a) and (b) are revised and the table in paragraph (c) is amended as follows:

**§ 133.1 Control numbers assigned by OMB under the Paperwork Reduction Act.**

(a) *Purpose.* This part collects and displays the control numbers and expiration dates assigned to the SBA reporting and recordkeeping requirements that have been approved by the Office of Management and Budget (OMB) according to the Paperwork Reduction Act. SBA intends that this part comply with the requirements of that Act and 5 CFR Part 1320 to display a current control number assigned by the Director, OMB on each approved reporting and recordkeeping requirement. This part contains current OMB control numbers, expiration dates, regulatory cross-references, and, where applicable, form numbers. Where the reporting and recordkeeping requirements exist as documents separate from SBA regulations, they will also display the current OMB approval numbers.

(b) *Public Protection.* Any member of the public who has reason to believe any SBA office or agent is in violation of the Public Protection Clause of the Paperwork Reduction Act (44 U.S.C. 3512; 5 CFR 1320.5) should notify SBA's Single Agency Official. Direct comments to the Associate Deputy Administrator for Resource Management, 1441 L Street, NW., Washington, D.C. 20416.

(c) *Index to OMB-Approved Reporting and Recordkeeping Requirements.*

Current OMB control No.	Information collection requirement	13 CFR Part or section where identified and described	Expiration date
3245-0003	SBA 745 (2-83 ed.)	125.9	4-30-85
	SBA 745A (2-83 ed.)	125.9	4-30-85
3245-0013	SBA 74	125.5	3-31-86
	SBA 74A	125.5	3-31-86
	SBA 74B	125.5	3-31-86
	SBA 183	125.5	3-31-86
3245-0018	SBA 5C	129.1	6-31-84
	SBA 739	123.9	6-31-84
	SBA 143	123.9	6-31-84

Current OMB control No.	Information collection requirement	13 CFR Part or section where identified and described	Expiration date
3245-0024	SBA 1167.....	125.10	3-31-86
	SBA 1167A.....	125.10	3-31-86
3245-0053	SBA 24.....	101.2-7	2-29-85
	SBA 1351.....	101.2-7	2-29-85
3245-0076	Non-Discriminatory Requirements.....	112.4, 113.5	4-30-85
	SBA 793.....	112, 113	4-30-85
3245-0078	Small Business Investment Company Records and Reports.....	107.1102	4-30-84
	SBA 684.....	107.1102	4-30-84
	SBA 1031.....	107.1102	4-30-84
3245-0081	Funds to License.....	107.201	6-30-84
	SBA 1022.....	106.201	6-30-84
	SBA 1022A.....	107.201	6-30-84
	C.O. 158.....	107.201	6-30-84
	C.O. 159.....	107.201	6-30-84
3245-0097	SBA 1335.....		1-31-85
3245-0098	Survey on Selected Innovating Companies to Analyze Systematic Differences Between Large and Small Firm innovations.....		12-31-83
3245-0099	Survey on Significant New Products, etc. in U.S. Mfg., 1970-82.....		3-31-84
3245-0101	SBA 355, 1340.....		3-31-85

James C. Sanders,  
Administrator.

[FR Doc. 83-16351 Filed 6-17-83; 8:45 am]  
BILLING CODE 8025-01

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 83-CE-11-AD; Amdt. 39-4668]

#### Pilatus Britten-Norman Ltd. BN-2 MK III Trislander Series Airplanes; Airworthiness Directive

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to Pilatus Britten-Norman Ltd. BN-2A MK III Trislander Series airplanes which requires a visual inspection and modification of the rudder drive lever support assembly. Shearing of the attachment rivets and cracking of the rudder drive lever support which could result in detachment of the lever pivots and loss of rudder control have been reported to the manufacturer. The visual inspection and modification will detect potential failures in this area before structural failure of the rudder drive lever support and possible loss of rudder control occur.

**EFFECTIVE DATE:** July 27, 1983;  
**Compliance:** As prescribed in the body of the AD.

**ADDRESSES:** Britten-Norman Service Bulletin (SB) No. BN-2/SB.102, Issue 1, dated May 12, 1977, and Britten-Norman Mod. NB/M/908 Leaflet dated July 6, 1977, applicable to this AD may be obtained from Britten-Norman (Bembridge) Ltd., Bembridge, Isle of Wight, England. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. L. Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone 816/374-8932.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring visual inspections and modification of the rudder drive lever support assembly on certain Pilatus Britten-Norman Ltd. BN-2A MK III Trislander Series airplanes was published in the *Federal Register* on March 21, 1983, 48 FR 11719, 11720. The proposal resulted from the receipt by the manufacturer of three reports of cracks and/or loose rivets developing in the rudder drive lever support assembly and/or attachment rivets becoming loose on Pilatus Britten-Norman Ltd. BN-2A MK III Trislander Series airplanes. As a result, Pilatus Britten-Norman Ltd. issued SB No. BN-2/SB.102, Issue 1, dated May 12, 1977, and Mod. NB/M/908 Leaflet, dated July 6, 1977, which provide instructions for visual

inspection and modification as required of the rudder drive lever support assembly to detect and prevent loose or sheared attachment rivets and cracks.

Interested persons have been afforded an opportunity to comment on the proposal. No comments or objections were received.

The United Kingdom Civil Aviation Authority (UKCAA), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in England, classified Britten-Norman SB No. BN-2/SB.102, Issue 1, dated May 12, 1977, and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes.

On airplanes operated under English registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of UKCAA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of SB No. BN-2/SB.102, Issue 1, dated May 12, 1977, and Mod. NB/M/908 Leaflet, dated July 6, 1977, and the mandatory classification of this SB by the UKCAA. It has concluded that the condition addressed by this Service Bulletin is an unsafe condition that may exist on other products of this type design certificated for operation in the United States even though no reports of structural defects in the rudder drive lever support assembly have been received by the FAA.

Since publication of the NPRM, the FAA has noted that the modification and inspection requirements of paragraph a) of the NPRM required clarification. Consequently, the AD is being adopted, as proposed, except for separation of the modification and inspection requirements of the original paragraph a) in new paragraph a) and b) without substantive change and redesignation of subsequent paragraphs.

There are approximately six BN-2A MK III and two BN-2A MK III 2 airplanes affected by the AD. The cost of complying with the AD is estimated to be \$5,200 to the private sector.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR Part 39.13) is amended by adding the following new AD.

**Pilatus Britten-Norman Ltd.:** Applies to Model BN-2A MK III Trislander Series airplanes (all serial numbers), not incorporating Britten-Norman Mod. NB/M/908, certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To prevent the structural failure of the rudder drive lever support assembly and loss of rudder control, within the next 100 hours time-in-service after the effective date of this AD, accomplish the following:

(a) Replace the rudder drive lever support assembly attachment rivets with bolts in accordance with the instructions in "Part I" of the "Rectification" section of Britten-Norman Service Bulletin No. BN-2/SB.102, Issue 1, dated May 12, 1977 (hereinafter referred to as the SB).

(b) Visually inspect the corners of the two rudder lever mounting channels for cracks in accordance with the "Inspection" section of the SB.

(1) If no evidence of cracks in the lever mounting channels is found, repeat the inspection for cracks specified in paragraph b) of this AD at intervals not exceeding 100 hours time-in-service.

(2) If cracks less than 0.25 inches in length are found, within the next 25 hours time-in-service, stop drill ends of cracks and install the modification described in "Part 2" of the "Rectification" section of the SB.

(3) If cracks greater than 0.25 inches in length are found, before further flight, stop drill end of cracks and install the modification described in "Part 2" of the "Rectification" section of the SB.

(c) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(d) The repetitive inspections required by paragraph (b) of this AD may be discontinued upon installation of the modification as described in "Part 2" of the "Rectification" section of the SB.

(e) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(f) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on July 27, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

**Note.**—The FAA has determined that this regulation only involves eight airplanes at an approximate modification cost of \$5,200 for the total fleet. Therefore, I certify that this action: (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket.

Issued in Kansas City, Missouri, on June 10, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-18374 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

### 14 CFR Part 39

[Docket No. 83-CE-54-AD; Amdt. 39-4666]

#### Airworthiness Directives; PARTENAVIA, S.p.A. Models P68, P68B, P68C, P68C-TC and P68 Observer Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to certain PARTENAVIA, S.p.A. Models P68, P68B, P68C, P68C-TC and P68 Observer airplanes which requires initial and repetitive visual inspections of the flap bellcrank attachment mounting brackets for cracks and repair if necessary. The manufacturer has received reports of cracks in these mounting brackets which may result in failure of the flap system and subsequent possible loss of control of the airplane. The inspection and repair procedure will detect the presence of these cracks and assure the structural integrity of the brackets.

**DATE:** Effective date: June 23, 1983.

Compliance: As prescribed in the body of the AD.

**ADDRESSES:** PARTENAVIA S.p.A. Service Bulletin (SB) No 56, dated October 7, 1982, applicable to this AD may be obtained from PARTENAVIA COSTRUZIONI AERONAUTICHE S.p.A., V-12040 via Cava, C.P. 2179, 80026 Casoria, Naples, Italy, Telephone No. 7596311. A copy of this information is also contained in the Rules Docket, FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and

Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, FAA, ACE-109, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6932.

**SUPPLEMENTARY INFORMATION:** Four instances of cracks in the flap bellcrank attachment mounting brackets on Models P68, P68B, P68C, P68C-TC, and P68 Observer airplanes have been received by the manufacturer.

Undetected cracks in the flap bellcrank attachment mounting brackets may result in failure of the flap system and subsequent possible loss of control of the airplane. As a result, Partenavia has issued Service Bulletin (SB) No. 56, dated October 7, 1982, which requires initial and repetitive visual inspections of the flap bellcrank attachment mounting brackets (P/N 68-1.5035-1 and 68-1.5035-2), and if a crack is found, stop drill the crack and install reinforcement kit (P/N 025), prior to further flight. The Registro Aeronautico Italiano (RAI), who has responsibility and authority to maintain the continuing airworthiness of these airplanes in Italy, has classified this Service Bulletin and the actions recommended therein by the manufacturer as mandatory by issuing RAI AD 82-205, dated December 2, 1982. On airplanes operated under Italian registration, this action is the same as an AD on airplanes certificated for operation in the United States. The FAA relies upon the certification of the RAI combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness and conformity of products of this design certificated for operation in the United States.

The FAA has examined the available information related to the issuance of PARTENAVIA Service Bulletin No. 56, dated October 7, 1982, and the issuance of RAI AD 82-205, dated December 2, 1982.

Based on the foregoing, the FAA has determined that the condition addressed by PARTENAVIA Service Bulletin No. 56, dated October 7, 1982, and RAI AD 82-205, dated December 2, 1982, is an unsafe condition that may exist on other products of the same type design certificated for operation in the United States. Therefore, an AD is being issued requiring initial and repetitive visual inspection for cracks in the flap bellcrank attachment mounting brackets, and if necessary, stop drilling and installation of reinforcement kit (P/N 025) on certain PARTENAVIA S.p.A.



Models P68, P68B, P68C, P68C-TC, and P68 Observer airplanes.

Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

**PARTENAVIA S.p.A.:** Applies to Models P68, P68B, P68C, P68C-TC, and P68 Observer (Serial Numbers 1 through 277) airplanes certificated in any category.

**Compliance:** Required as indicated, unless already accomplished.

To prevent failure of the flap bellcrank attachment mounting brackets, accomplish the following:

(a) Within the next 100 hours time-in-service from the effective date of this AD, or upon the accumulation of 500 hours time-in-service, whichever occurs later, and thereafter at intervals not to exceed 100 hours time-in-service from the last inspection, visually inspect the flap bellcrank attachment mounting brackets (P/N 68-1.5035-1 and 68-1.5035-2) on both wings as described in Partentavia Service Bulletin (SB) No. 56, dated October 7, 1982 (herein referred to as the SB). Inspect for cracks in the area surrounding the pivot bolt hole by looking through the inspection door on the inboard side of the engine nacelles and by using a mirror to look at the upper bracket.

(b) If any cracks are found, prior to further flight stop drill the crack and install reinforcement kit (P/N 025) in accordance with Drawing R-0059 of the SB.

(c) Within the next 100 hours time-in-service from the effective date of this AD or upon accumulating 1,000 hours time-in-service whichever occurs later unless already accomplished per paragraph b) of this AD, install the reinforcement kit (P/N 025) in accordance with Drawing R-0059 of the SB.

(d) The repetitive inspections of paragraph a) of this AD are no longer required when the reinforcement kit (P/N 025) is installed.

(e) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplane.

(f) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(g) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East

Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective on June 23, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 8(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

**Note.**— The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on June 8, 1983.

**Murray E. Smith,**  
Director, Central Region.

[FR Doc. 83-16240 Filed 6-17-83; 8:45 am]

**BILLING CODE 4910-13-M**

#### 14 CFR Part 39

[Docket No. 83-CE-28-AD; Amdt. 39-4665]

#### Airworthiness Directives; Short Brothers, Ltd., Model SC-7, Series 3 Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment revises Airworthiness Directive (AD) 83-07-04, Amendment 39-4604 (48 FR 14349, 14350), applicable to Short Brothers, Ltd., Model SC-7, Series 3 airplanes by incorporating the provisions of Revision 1 to Short Brothers, Ltd. Service Bulletin (SB) No. 27-66, dated March 31, 1978, in the AD. Subsequent to the issuance of AD 83-07-04, the FAA has become aware of this SB Revision which provides for discontinuance of the inspections required by the AD when an optional modification is incorporated on the affected airplanes. This revision makes the alternate means of compliance with the AD available to owners of affected airplanes operated in the United States.

**DATES:** Effective date: June 23, 1983.

**Compliance:** As prescribed in the body of the AD.

**ADDRESSES:** Short Brothers, Ltd. Service Bulletin No. 27-66, dated November 18, 1977, Revision 1 to SB No. 27-66, dated March 31, 1978, and SB No. 27-68, dated January 19, 1979, applicable to this AD may be obtained from Short Brothers, Ltd., P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland (U.K.) A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, FAA, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. A. Astorga, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Office, FAA, c/o American Embassy 1000 Brussels, Belgium, Telephone 513.38.30; or Mr. Larry Werth, Foreign FAR 23 Section, ACE-109, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; Telephone (816) 374-6932.

**SUPPLEMENTARY INFORMATION:** AD 83-07-04, Amendment 39-4604 (48 FR 14349, 14350) applicable to Short Brothers Ltd., Model SC-7, Series 3 airplanes was issued to require repetitive inspections of the flight control system to preclude loss of control during flight. Subsequent to the issuance of AD 83-07-04, the FAA has become aware that an optional modification is available whereby the repetitive inspections specified by AD 83-07-04 may be discontinued. Revision 1 to Short Brothers Service Bulletin No. 27-66 dated March 31, 1978, introduces Modification 1674 (contained in SB No. 27-68, dated January 19, 1979) which incorporates a revised secondary locking for control rod pivot pins. The FAA has determined that the AD should be revised to allow discontinuance of the repetitive inspections when Modification 1674 is incorporated on U.S. certificated airplanes. For purposes of clarity, the AD is being revised and reissued in its entirety.

This amendment provides an alternate means of compliance, has no adverse effect on safety and imposes no additional burden on any person. Therefore, notice and public procedure hereon are unnecessary and not in the public interest, and good cause exists for making this amendment effective in less than 30 days.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

### Adoption of the Amendment

Accordingly and pursuant to the authority delegated to me by the Administrator, AD 83-07-04, Amendment 39-4604 (48 FR 14349, 14350), § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is revised and reissued in its entirety to read as follows:

**Short Brothers, Ltd.: Applies to Model SC-7 Series 3 (all serial numbers) airplanes certificated in any category.**

**Compliance:** Required as indicated, unless already accomplished.

To preclude failure of the primary flight control systems, accomplish the following:

(a) Within the next 100 hours time-in-service after the effective date of this AD and at intervals not to exceed 500 hours time-in-service thereafter:

(1) Visually inspect the control system linkage connections listed in paragraph (a)(3) of this AD in accordance with Short Brothers Service Bulletin (SB) No. 27-86, dated November 18, 1977. Each connection typically consists of a clevis (control rod) and rod-end bearing joined by a pin as shown on Figure 1 of SB No. 27-86. Each end of the pin must be secured by a retaining plate bonded to the clevis and one end must have a locking rivet through the pin and clevis.

(2) If a retaining plate or locking rivet are found to be loose or detached from the clevis, prior to further flight, repair the connection in accordance with instructions in SB No. 27-86.

(3) The locations of the control system linkage connections to be inspected are as follows [refer to page 3 of SB No. 27-86]:

(i) One location in each wing on the aileron control rod.

(ii) Twenty-four locations in control rods along the upper fuselage between 96 and 410.

(b) The intervals between the repetitive inspections required by this AD may be adjusted up to 10 percent of the specified interval to allow accomplishing these inspections concurrent with other scheduled maintenance of the airplanes.

(c) The repetitive inspections required by this AD may be discontinued upon incorporation of Modification 1674 as described in Revision 1 to Short Brothers SB No. 27-86, dated March 31, 1978, and SB No. 27-88, dated January 19, 1979.

(d) Aircraft may be flown in accordance with Federal Aviation Regulation 21.197 to a location where this AD can be accomplished.

(e) An equivalent method of compliance with this AD, if used, must be approved by the Manager, Aircraft Certification Staff, AEU-100, Europe, Africa or Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium.

This amendment becomes effective June 23, 1983.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89))

**Note.**—The FAA has determined that this regulation has no adverse cost effect on any

airplane. Therefore, I certify that this action (1) is not a major rule under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979), and (3) because it has no cost effect and few airplanes involved are owned by small entities, it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on June 8, 1983.

Murray E. Smith,

Director, Central Region.

[FR Doc. 83-16243 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

### 14 CFR Part 71

[Airspace Docket No. 83-ASW-17]

#### Designation of Control Zone; New Iberia, LA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will designate a control zone at New Iberia, LA. The intended effect of the amendment is to provide controlled airspace for aircraft executing standard instrument approach procedures (SIAPs) to the Acadiana Region Airport. This amendment is necessary since the city of New Iberia proposes to commission a nonfederal Airport Traffic Control Tower (ATCT), and the airport will meet the requirements for controlled airspace to the surface.

**DATE:** Effective date: August 4, 1983.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Forth Worth, TX 76101, telephone (817) 877-2630.

#### SUPPLEMENTARY INFORMATION:

##### History

On April 4, 1983, a notice of proposed rulemaking was published in the *Federal Register* (48 FR 14388) stating that the Federal Aviation Administration proposed to designate the New Iberia, LA, control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. One commenter objected to the proposed designation.

##### Discussion of Comments

Mr. Richard C. Broussard, owner of the Sky Ranch Airstrip, located approximately 6.5 miles northwest of the

Acadiana Regional Airport, objected to the proposal because the control zone extension to the northwest would connect with Lafayette Regional Control Zone and would place undue restrictions on access to his airport. The FAA has already initiated action to alter the SIAP's to the Acadiana Regional Airport so that the minimum amount of controlled airspace would be designated. The SIAP's to Acadiana Regional Airport have been altered and all extensions have been eliminated with the exception of the required extension for the nondirectional radio beacon (NDB) Runway 16 approach. This approach will require a 1.5-mile extension to the north of the Acadiana Regional Airport; however, the extension will not connect with the Lafayette Control Zone. Therefore, the FAA has determined that the control zone, with modifications, will not place an undue burden on the public and will provide access to the Sky Ranch Airstrip.

#### List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective 0901 G.m.t., August 4, 1983, as follows:

##### New Iberia, LA New

Within a 5-mile radius of the Acadiana Regional Airport (latitude 30°02'16" N., longitude 91°53'02" W.) and within 2 miles each side of a 001° bearing of the airport extending from the 5-mile radius area to 6.5 miles north.

This control zone is effective during the specific dates and times established in advance by a Notice of Airmen. The effective dates and times will therefore be continuously published in the *Airport/Facility Directory*.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c))

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 28, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will not affect air traffic

procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on June 6, 1983.

**F. E. Whitfield,**

*Acting Director, Southwest Region.*

[FR Doc. 83-16241 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-ASW-14]

#### Alteration of Transition Area and Control Zone; Texarkana, AR

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment will alter the transition area and control zone at Texarkana, AR. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing standard instrument approach procedures (SIAP's) to the Texarkana Muni-Webb Field. This amendment is necessary since a review of the designated controlled airspace revealed the transition area required an additional area for large aircraft, and the control zone does not require the extension to the VORTAC.

**EFFECTIVE DATE:** August 4, 1983.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

#### SUPPLEMENTARY INFORMATION:

##### History

On April 14, 1983, a notice of proposed rulemaking was published in the *Federal Register* (48 FR 16068) stating that the Federal Aviation Administration proposed to alter the Texarkana, AR, transition area and control zone. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No comments were received. Except for editorial changes, this amendment is that proposed in the notice.

#### List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

#### Adoption of the Amendment

#### PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71, § 71.181 and Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, are amended, effective 0901 G.m.t. August 4, 1983, as follows:

#### Subpart F § 71.171

##### *Texarkana, AR [Revised]*

Within a 5-mile radius of the Texarkana Muni-Webb Field (latitude 33°27'13" N., longitude 93°59'27" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

##### *Texarkana, AR [Revised]*

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Texarkana Muni-Webb Field (latitude 33°27'13" N., longitude 93°59'27" W.). (Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

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

Issued in Fort Worth, TX, on June 6, 1983.

**F. E. Whitfield,**

*Acting Director, Southwest Region.*

[FR Doc. 83-16242 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 83-ASW-26]

#### Alteration of Control Zones; Alice, TX and Corpus Christi, TX

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment alters the description of the control zones at Alice, TX and Corpus Christi, TX. This

amendment will return to public use airspace no longer required for the protection of arriving/departing aircraft at the foregoing airports. This amendment is necessary due to the part-timing of the Alice, TX Flight Service Station (FSS) and the Corpus Christi, TX Airport Traffic Control Tower (ATCT). The facilities have reduced to less than a 24-hour status, and there will be no weather and/or communications available when the facilities are nonoperational. Therefore, the airports do not meet the requirements for control zone during this period.

**EFFECTIVE DATE:** June 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2630.

#### SUPPLEMENTARY INFORMATION:

##### History

Federal Aviation Regulation Part 71, Subpart F, § 71.171 as republished in Advisory Circular AC 70-3A dated January 3, 1983, contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone at Alice, TX and Corpus Christi, TX, will necessitate an amendment to this subpart. A statement at the end of each current description must be inserted in order to have the capability of part-timing the control zone by use of a Notice to Airmen (NOTAM) when the FSS or ATCT is not operational.

##### The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) amends the description of the Alice, TX and Corpus Christi, TX control zones. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary.

#### List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart F of Part 71, § 71.171, of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3A dated January 3, 1983, is amended, effective June 20, 1983,

by adding the following to each of the foregoing airports:

The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.61(c).)

**Note.**—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); and (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of this Regulatory Flexibility Act.

Issued in Fort Worth, TX, on June 6, 1983.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 83-16244 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 931

#### Removal of Conditions of Approval of the New Mexico Permanent Regulatory Program; Extension of Deadline for Satisfaction of a Condition

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

**ACTION:** Final rule.

**SUMMARY:** OSM is announcing the Secretary's approval of program amendments submitted to OSM by New Mexico. These amendments satisfy three conditions of the Secretary's approval of the New Mexico Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) and, therefore, the Secretary is removing the three conditions. The conditions pertain to the State's regulations governing (1) the State's small operator assistance program, (2) hearings on petitions to designate lands unsuitable for mining and, (3) the protection of endangered species. Additionally, in accordance with the State's request, the Secretary is

approving an extension of the deadline for the State to satisfy one of the conditions of approval of the New Mexico program which pertains to the State's bonding regulations.

**EFFECTIVE DATE:** June 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** Robert Hagen, Field Office Director, Office of Surface Mining, 219 Central Avenue, N.W., Albuquerque, New Mexico 87102, Telephone: (505) 786-1486.

**SUPPLEMENTARY INFORMATION:** On February 28, 1980, OSM received a proposed regulatory program from the State of New Mexico. On December 31, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the proposed program conditioned on the correction of 12 minor deficiencies.

Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program submission, as well as on the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the New Mexico program can be found in the December 31, 1980 Federal Register (45 FR 86459-86490).

Information pertaining to the removal of conditions and the modifications of deadlines for the State to meet certain conditions can be found in the following Federal Register notices: 47 FR 23150-23153, May 27, 1982; 46 FR 54070, October 30, 1981; 47 FR 23153, May 27, 1982.

On March 14 and 15, 1983, New Mexico submitted program modifications intended to satisfy conditions (h), (1) and (b). On March 15, 1983, the State also requested by letter an extension of the deadline for the State to satisfy condition (j), pertaining to the State's bonding regulations.

On April 12, 1983, OSM announced receipt of the amendments and the State's letter requesting an extension (48 FR 15656). The public was invited to comment for 30 days on (1) the proposal to extend the deadline for the State to satisfy condition (j) until four months following promulgation of revisions to the Federal bonding rules and (2) on the adequacy of the amendments submitted by the State in satisfying conditions (h), (1) and (b). In addition, OSM solicited the views of Federal agencies concerned with or having special expertise relevant to the program amendments submitted by New Mexico. No comments were received from the public or Federal agencies.

#### Secretary's Findings: Conditions (1), (h), (b)

The Secretary finds, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendments submitted by New Mexico on March 14 and 15, 1983, are consistent with SMCRA and 30 CFR Chapter VII as set forth below:

#### Condition (1)

Condition (1) of the Secretary's approval of the New Mexico program stipulates that the approval found in § 931.10 will terminate on March 15, 1983, unless New Mexico submits to the Secretary by that date copies of fully implemented regulations for the protection of endangered species in accordance with 30 CFR 786.19 or otherwise amends its program to accomplish the same result.

New Mexico regulation 11-19(o) as initially submitted by New Mexico for the Secretary's approval provided that the regulatory authority shall not approve a permit or a revision to a permit unless the Director finds that the activities "would not affect the continued existence of endangered or threatened species, indigenous to the State, or result in the destruction or adverse modification of their critical habitats contrary to State or Federal law." As discussed in finding 4(d)(vi) in the December 31, 1980, Federal Register notice, announcing the Secretary's conditional approval of New Mexico's program (45 FR 86468), the Secretary found that the State's use of the phrase "indigenous to the State" in conjunction with "endangered or threatened species" limited the protection to only those species that are native and not introduced. The Secretary found that New Mexico's regulation would not provide adequate protection to migratory species or species that merely pass through the State periodically, but do not necessarily establish any form of permanent resident status. Consequently, as a condition of approval, the Secretary required that New Mexico amend regulation 11-19(o) to be consistent with the Federal regulation at 30 CFR 786.19(o) which provides for the protection of migratory and other endangered or threatened species as determined under the Endangered Species Act of 1973.

On July 9, 1982, New Mexico submitted an amended version of State regulation 11-19(o) which included a reference to the Endangered Species Act of 1973 (16 U.S.C. 153 et seq.). However, the Secretary found that the manner in which the new language has been



inserted in State regulation 11-19(o) did not broaden the protection to include migratory species.

Because New Mexico submitted material to satisfy this condition on July 9, 1982, which the State, in good faith, believed to be adequate, the Secretary decided to extend the date for New Mexico to satisfy condition "1" to March 15, 1983, in order to allow the State time to draft a further revision to its program to address the deficiency noted above (47 FR 47377).

The revision of regulation 11-19(o) which New Mexico submitted on March 15, 1983, amends the July 9, 1982 version to read as follows:

*11-19 Criteria for permit approval or denial.*

(o) The Director has found that the activities would not affect the continued existence of endangered or threatened species, indigenous to the State or any other species protected under the Endangered Species Act of 1973, or result in the destruction or adverse modification of their critical habitats contrary to State or Federal law.

The Secretary finds this version of regulation 11-19(o) is consistent with 30 CFR 786.19 and believes it will ensure the protection of all species, including migratory species. Therefore, the Secretary hereby removes condition (1).

**Condition (h)**

Condition (h) of the Secretary's approval of New Mexico's program stipulates that the approval found in § 937.10 will terminate on March 15, 1983, unless New Mexico submits to the Secretary by that date copies of fully enacted regulations governing a Small Operators Assistance Program (SOAP) in accordance with 30 CFR 795, or otherwise amends its program to accomplish the same result.

New Mexico submitted on March 15, 1983, regulations amending Rule 80-1 adopted by the New Mexico Coal Surface Mining Commission which provide for a Small Operator's Assistance Program. The Secretary finds that the State's rules are consistent with the Federal SOAP rules as revised on January 18, 1983 (48 FR 2266). Accordingly, the Secretary hereby removes condition (h).

**Condition (b)**

Condition "b" of the Secretary's approval of New Mexico's program requires that the State provide copies of fully implemented procedural regulations for hearings on petitions to designate lands unsuitable for surface coal mining in accordance with 30 CFR 764.17, or otherwise amends its program to accomplish the same result.

As discussed in finding 4(k)(ii) in the December 31, 1980, Federal Register notice, announcing conditional approval of New Mexico's program (45 FR 86474), the Secretary was concerned that the State's requirement that the hearing be adjudicatory conflicted with the provisions of 30 CFR 764.17 that the hearing be legislative and fact-finding in nature, without cross-examination of witnesses. OSM acknowledged that the type of "adjudicatory" hearing which has a well-developed tradition in New Mexico regulatory agencies might be consistent with Federal requirements since any person can elect that the hearing, as it involves his or her testimony, be strictly legislative in nature and thus the procedure would not have a chilling effect on the designation petition process. However, because New Mexico's hearing process was not formalized, the Secretary found that he could not determine if the State's approach is consistent with Federal requirements.

On July 9, 1982, New Mexico submitted to OSM an amendment to regulation 4-17(a) which deleted the requirement that the hearing be adjudicatory in nature. However, the State did not add any language to clarify just how the hearing would proceed.

Because the amended regulation submitted by New Mexico on July 9, 1982, did not fully satisfy the condition, the Secretary extended the date for New Mexico to satisfy condition "b" in order to allow the State time to draft further modifications to its program. The date was extended from July 31, 1982 to March 15, 1983 (47 FR 47377, October 26, 1982).

On March 14, 1983, New Mexico submitted a copy of procedures adopted by the Mining and Minerals Division for conducting hearings to consider petitions to declare lands unsuitable for surface coal mining operations under the New Mexico program. The procedures are to be used by the Director of the Division in conducting all unsuitability petition hearings filed with the Division.

After thoroughly reviewing these procedures in conjunction with the approved program provisions under Section 4-17 of New Mexico's regulations and after thoroughly reviewing the public comment received on the material submitted by the State, the Secretary has made the determination that the New Mexico program provisions are consistent with OSM's requirements for hearings on unsuitability petitions at 30 CFR 764.17.

The hearing procedures submitted to OSM on March 14, 1983, make a distinction between technical witnesses, who are subject to cross-examination,

and opinion witnesses, who are not. These written procedures provide adequate assurance that any person who wishes to testify as an opinion witness may freely do so.

Section 4-17 of New Mexico's approved program regulations set forth other essential procedural requirements for unsuitability hearings, including the requirements pertaining to the hearing transcript and public notice.

The Secretary has determined that the hearing procedures submitted by the State on March 14, 1983, together with the State's approved program regulations at 4-17, establish standards and procedures for conducting hearings on petitions to designate lands unsuitable for mining which are consistent with the Federal requirements. Therefore, the Secretary hereby removes condition (b).

**Secretary's Finding: Extension of Deadline for State To Satisfy Condition (j)**

By letter dated March 15, 1983, New Mexico requested an extension of the deadline to satisfy condition (j) pertaining to the State's bonding regulations. The State requested an extension until four months following promulgation of revisions to the Federal bonding rules in order to allow the State time to draft modifications to its own rules and meet the notice and hearing requirements of its approved program. It is anticipated that revisions to the federal rules will have a bearing on the changes New Mexico will be required to make to satisfy condition (j). Promulgation of revisions to the Federal rules is expected to occur within the near future. In light of the impending change to the Federal bonding rules, the Secretary has decided to grant the State's request for an extension. This extension will enable the State to adopt necessary program modifications in one rulemaking which reflect any necessary or desired changes to the Federal rules.

**Additional Determinations**

1. *National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

2. *Executive Order 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action

OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

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

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

#### List of Subjects in 30 CFR Part 931

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

Accordingly, Part 931 of Title 30 is amended as set forth herein.

Dated: May 24, 1983.

Daniel N. Miller, Jr.,

Assistant Secretary for Energy and Minerals.

#### PART 931—[AMENDED]

##### § 931.11 [Amended]

1. 30 CFR 931.11 is amended by removing and reserving paragraphs (b), (l) and (h).

2. The introductory paragraph of 30 CFR 931.11(j) is revised to read as follows:

(j) The Secretary will take steps to terminate the approval found in Section 931.10 if New Mexico has not adopted and submitted to OSM the following program modifications by four months following OSM's promulgation of revisions to the Federal bonding regulations. The Secretary requires New Mexico to modify:

(Sec. 503, Pub. L. 95-87, 91 Stat. 470 [30 U.S.C. 1253])

[FR Doc. 83-10459 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-05-M

#### 30 CFR Part 946

##### Modification of the Virginia Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977

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

**ACTION:** Notice with regard to interim final rule.

**SUMMARY:** On April 21, 1983, OSM announced interim final approval of a modification of the Virginia permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA) which subjects interim program operations to the penalty and enforcement provisions of the Virginia program. By letter dated March 22, 1983, Virginia submitted this proposed program amendment consisting of amendments to the Virginia Surface Mining Control and Reclamation Act of 1979 (Virginia SMCRA). In the April 21 interim final rule this program amendment was included in § 946.10(a). On June 6, 1983, this permanent program amendment was recodified at paragraph (g) at new § 946.15 of 30 CFR (Approval of regulatory program amendments) and therefore was effective as a final rule.

OSM is publishing this notice to clarify that the program amendment was effective on April 21, 1983, as an interim final rule, and codified as a final rule on June 6, 1983.

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, Washington, D.C. 20240; Telephone: (202) 343-5351.

**SUPPLEMENTARY INFORMATION:** The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 Federal Register.

#### Background

When Virginia's permanent regulatory program was conditionally approved on December 15, 1981, it was OSM's understanding, pursuant to section 506(a) of SMCRA, that a coal mining operation did not have to meet the permanent program performance standards until a permanent program permit was obtained.

However, this delay in the applicability of the permanent program performance standards does not apply to the enforcement aspects of State programs; Section 506(a) states that after eight months from program approval or longer if the operator submitted his permit application on time

but the State has not yet processed it, no one is to mine without a permanent program permit. The purpose of the section 506(a) exemption is to prevent the termination of ongoing operations due to administrative delay. This exemption from the permanent program permit requirement should not be construed to allow the interim program enforcement mechanisms to continue. States with approved programs must have adequate staff and authority to carry out enforcement similar to sections 517 and 521 of SMCRA and sanctions which meet the requirements of section 518. State enforcement is to begin as soon as program is approved. This enforcement must include cessation orders and notices of violation and must comply with the other Federal inspection and enforcement requirements mandated by SMCRA and approved in the State program.

Section 45.1-226, Article 1, Chapter 19 of the Virginia Code states in part that the provisions of Chapter 17, Title 45.1, will continue in effect for the regulation of operations which have been permitted pursuant to Chapter 17 until the completion of the processing of their applications for permanent program permits under Chapter 19 of Title 45.1. (Chapter 19 of the Virginia Code is the permanent regulatory program; Chapter 17, the interim regulatory program.) Virginia interpreted this section to mean that all aspects of the permanent coal surface mining regulatory program in Virginia take effect on the date on which the surface mining operation receives its permanent program permit. Due to this interpretation, questions were raised concerning how the State could implement, enforce and maintain its program, as required by SMCRA.

Pursuant to an ongoing dialogue between OSM and Virginia, an agreement was reached in November 1982 whereby the State would introduce legislation in the Virginia General Assembly to amend the Virginia SMCRA to provide Virginia officials with immediate authority to issue notices of violation and cessation orders, to impose civil penalties, etc. against existing mine permits prior to repermitting those operations under the State's permanent regulatory program. Upon enactment of this legislation, OSM agreed to withdraw all of the additional Federal inspectors sent into Virginia in July 1982 to ensure adequate inspection and enforcement of mining operations in the State.

On March 22, 1983, Virginia submitted as a program amendment an act passed by the Virginia General Assembly which amends Section 45.1-234 of the Virginia

SMCRA to subject interim program operations to the penalty and enforcement provisions of §§ 45.1-245, 45.1-246, 45.1-247, 45.1-249, 45.1-250, 45.1-251 of the Virginia SMCRA and the penalty and enforcement regulations implementing those Sections (Administrative Record No. VA 463).

Also, in the March 22, 1983 letter, Virginia submitted two additional proposed revisions to the Virginia SMCRA. One of the proposed revisions amends § 45.1-240 to correct an erroneous cross-reference in the Virginia SMCRA. The other proposed revision amends §§ 45.1-249 and 45.1-251 of the Virginia SMCRA to satisfy condition (g) imposed by the Secretary in his conditional approval. These additional proposed amendments are the subject of a separate notice of rulemaking in the *Federal Register*. See 48 FR 25184, June 6, 1983.

On April 21, 1983, the Director, OSM, published a notice in the *Federal Register* to announce interim final approval of the modification and to invite public comment on the modification and on the interim action being taken (48 FR 17071). The public comment period ended May 23, 1983. On June 6, 1983, at 48 FR 25184, the program amendment was codified at paragraph (g) at new § 946.15 of 30 CFR (Approval of regulatory program amendments).

#### Findings

The Director has found, in accordance with SMCRA and 30 CFR 732.17 and 732.15, that the program amendment, which subjects interim program operations to the penalty and enforcement provisions of the Virginia SMCRA and its implementing regulations, submitted by Virginia on March 22, 1983, meets the requirements of SMCRA and the Federal regulations.

The approval of this modification was effective as of April 21, 1983, when the Director announced interim final approval.

#### Public Comment

No comments were received from the public on Virginia's amendment. Comments from Federal agencies were limited and did not identify any specific deficiencies of the amendment.

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(10)(i) of those Federal agencies invited to comment, comments were received from the following: Fish and Wildlife Service, Bureau of Mines, Bureau of Land Management, Mine Safety and Health Administration, and the Army Corps of Engineers.

Dated: June 13, 1983.

J. R. Harris,  
Director, Office of Surface Mining.  
[FR Doc. 83-16343 Filed 6-17-83; 8:45 am]  
BILLING CODE 4310-05-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration 42 CFR Part 431

#### Medicaid Program; Freedom of Choice; Waiver of and Exceptions to State Plan Requirements

##### Correction

In FR Doc. 83-13733, beginning on page 23212, in the issue of Tuesday, May 24, 1983, make the following corrections.

1. On page 23213, in the third column, in the center heading, beginning with "C.", in the second line "(TEFBA)" should read "(TEFRA)".

2. Also on page 23213, in the third column, the fourth and fifth lines from the bottom should read "comments are discussed in Section IV. *Public Comments*."

3. On page 23214, in the third column, in the fourth indented paragraph, in the third line "replace with" should read "replace it with".

4. On page 23216, in the third column, in the first paragraph, in the sixth line "generally" should read "generally"; in the second paragraph, in the second line "preclude" should read "preclude"; in the first and second lines from the bottom of the page "That provide services to non-hospital patients" should read "that provide services to non-hospital patients".

5. On page 23220, in the first column, in fifth paragraph, in the fifth line, "cost-efficient" should read "cost-effective".

BILLING CODE 1505-01-M

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1626

#### Restrictions on Legal Assistance to Aliens

AGENCY: Legal Services Corporation.  
ACTION: Final rule.

**SUMMARY:** The Continuing Resolution under which the Legal Services Corporation is presently operating restricts categories of aliens who may receive legal assistance financed with fiscal year 1983 funds. This final rule adds a new Part 1626 to implement these restrictions. It clarifies and interprets

them, sets forth procedures for verification of eligibility, requirements for recordkeeping and protection of confidential information, and guidelines for withdrawal from representation when an alien client is found to be ineligible.

**EFFECTIVE DATE:** July 20, 1983.

**FOR FURTHER INFORMATION CONTACT:** John Meyer, Deputy General Counsel, (202) 272-4016.

**SUPPLEMENTARY INFORMATION:** The Legal Services Corporation published a proposed rule to implement restrictions on the categories of aliens who may receive legal assistance supported by funds authorized by Pub. L. 97-377 on May 2, 1983. (48 FR 19750). Interested parties were given 30 days, until June 1, 1983, to submit comments on the proposed rule. All comments received by the Corporation with respect to the proposed rule were given full consideration, and the following issues were taken into account in adopting the final regulation.

As noted, this new rule is intended to implement certain restrictions on categories of aliens which can be provided legal assistance with FY 1983 funds appropriated by Pub. L. 97-377. Several commentators argued that the Corporation should not adopt a final rule at this time because it had not given adequate consideration to all of the issues involved. It should be noted that the Corporation published a proposed rule on May 2, although the restrictions on representation were attached to funds made available to recipients beginning on January 1, 1983. The Corporation began the process of implementing the restrictions immediately, but it delayed issuing a proposed rule for public comment until it was satisfied that the proposed rule addressed the intent of Congress in enacting the restrictions as well as the practical problems of implementing the restrictions in light of the complexity of immigration and nationality law. Moreover, the Corporation fully complied with the requirements of Section 1008(e) of the Legal Services Corporation Act which requires the Corporation to afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations or guidelines. Finally, the Corporation notes that this rule will become effective less than three months prior to the expiration of the appropriation authorized by Pub. L. 97-377 and less than six months prior to the expiration of the Corporation's 1983 grants. To delay promulgation of a rule

any longer could negate the purpose of the legislation.

#### Definition of "Rejected" Application

Proposed § 1626.2(c) defined a rejected application for adjustment of status as one that has been denied by the Immigration and Naturalization Service (INS) and is not subject to further administrative appeal. A number of comments criticized this standard because it would not allow programs to continue representing persons whose applications had been denied by INS but were on appeal to a court with jurisdiction to review INS actions, and thus would have the effect of allowing INS to determine which persons are eligible for legal services. The Corporation considered alternative language that would define a rejected application as an application which has been denied by the court of last resort. The Corporation decided not to adopt this language because it would render the restriction meaningless. Consequently, this section is adopted as proposed.

#### Interpretation of "for or on behalf of"

A substantial number of comments addressed the definition of "on behalf of" contained in proposed § 1626.3(c). The comments suggested that the proposed definition was too restrictive in that it could be interpreted to preclude representation to an eligible client because such representation also benefited an ineligible client. In addition to questions of clarity, a number of comments specifically objected to proposed § 1626.3(c)(2) which would have prohibited the provision of legal assistance to an eligible client in immigration matters where the eligible client is assisted in order to aid or facilitate the immigration or adjustment of the status of a family member or relative.

In response to these comments, the Corporation has redrafted § 1626.3(c) to make it clear that only legal assistance which directly benefits an ineligible alien and does not benefit the eligible client is prohibited. Thus, proposed § 1626.3(c)(2) is omitted since the final rule permits representation of eligible clients seeking to adjust the immigration status of relatives. This change is consistent with one of the expressed policies of the Immigration and Nationality Act, that is, to promote the unification of families. Furthermore, in the absence of clear legislative history or legal authority to the contrary, the Corporation believes that the definition of "on behalf of" in the final rule is fully consistent with one of the possible interpretations of that language, namely,

that Congress intended a prophylactic rule to prevent the filing of suits by eligible clients in which only ineligible aliens have a real interest.

The Corporation considered and rejected proposals to define "on behalf of" by the same tests that are used to determine standing to sue because it believes that such a standard would be more difficult to apply than the one contained in the final rule.

#### Verification of Citizenship and Alien Status

Proposed § 1626.5(a) requires United States citizens seeking legal assistance to attest to their citizenship in writing. Many commentators opposed this requirement because they believed it would be burdensome, would interfere with the development of trust in attorney-client relationships, would be impossible to follow in rural areas or where intake is done by telephone, and would prevent non-literate persons from receiving services. The Corporation considered these comments carefully and decided to retain the written attestation provision as it is less burdensome than requiring documentation of citizenship in every case and intrudes minimally into the attorney-client relationship. In order to assist programs in carrying out this provision, the amended regulation states that the written attestation shall be in a form approved by the Corporation. In response to the comments concerning emergency situations and rural and telephone intake systems, the Corporation has added new § 1626.5 (e) and (f), as discussed below. Finally, nothing in this provision should be construed to prevent recipients from accepting an appropriately witnessed and executed symbol as written attestation from non-literate persons.

Numerous comments criticized the standard of "good cause to conclude that a person may not be a United States citizen" as too loose a standard for requirement of verification of citizenship. The Corporation carefully considered this matter and does not agree. A strong program of verification is essential to the realization of the intent of Congress in enacting these restrictions on service to ineligible clients. The combination of self-declaration by citizens with verification if a recipient is unsure of a person's citizenship is the least burdensome way of achieving this objective. The Corporation considered the alternative language "substantial reason to doubt that a person is a citizen" and concluded that it would discourage recipients from requiring verification. Consequently, the Corporation chose the less strict

standard of "reason to doubt." As stated in the preamble to the proposed rule, such factors as a person's appearance, race or national origin, or limited ability to speak English may not be considered, as recipients are required by law to provide legal services in a nondiscriminatory manner. Rather, a recipient must base a decision to require documentation of citizenship only on other circumstances arising either at the outset of or during representation of an individual which indicate that he or she may not be a citizen.

A number of commentators stated that many United States citizens, if required to document their citizenship, could not do so because they are not required by law to carry such identification and may not possess any of the documents listed in proposed § 1626.5(a). In response, the Corporation has amended the list of documents to include as evidence of citizenship a baptismal certificate issued shortly after birth showing that a person was born in the United States. The Corporation has also retained the proposed provision allowing third party verification of a person's citizenship which is a method used by INS, despite some commentators' statements that this method of verification is impractical. This provision allows derivative citizens, as well as other citizens who may have no other documentation, to qualify for services. To assure that third party statements are used in good faith, the Corporation has amended the proposed regulation to require that such statements not be signed by employees of recipients. Finally, the Corporation has clarified the language of this section to provide that the documents shall be considered evidence, rather than proof, of United States citizenship.

Proposed § 1626.5(b) set forth the documentation requirement for persons claiming to be eligible aliens. Some commentators felt that self-certification as to eligibility should be allowed, rather than requiring all aliens to verify their eligibility. The Corporation considered and rejected this suggestion, since allowing self-verification would not give full effect to Congress' intent to restrict legal services to aliens who fall within a limited number of categories. Moreover, requiring aliens to verify their eligibility is reasonable since all aliens present in the United States are required by law to possess papers documenting their immigration status, and normally do have these papers on their person or readily available.

Many commentators pointed out that proposed § 1626.5(b)(2), when read together with proposed § 1626.4(b)(2),



restricted the types of applicants for adjustment who would be eligible for legal services. In response, the Corporation has redrafted § 1626.5(b)(2) to expand the list of documents which would establish eligibility under § 1626.4(a)(2). This section, as amended, now permits a recipient to provide services to all aliens who can show that they have applied to adjust their status and who can establish the requisite relationship with a United States citizen. Specifically, this section now recognizes that relatives of citizens who have filed an INS Form I-485, applied for suspension of deportation, filed for registry, or applied for an immigrant visa through a U.S. consulate, are eligible for assistance regardless of whether their applications are based on their relationship with a United States citizen.

A number of commentators pointed out that the requirements for documentary verification of citizenship or alien status contained in proposed § 1626.5(a)-(d) did not take into account situations where it is necessary to provide legal assistance on an emergency basis. They noted that requiring prior written documentation would be an undue hardship on eligible clients in these cases.

In response to these comments, the Corporation has added a new paragraph (e) to proposed § 1626.5 which provides for alternative methods of verification in emergency situations. The verification procedures set out in § 1626.5(e) apply only to cases which are determined to be emergencies according to the criteria used by a recipient in its general determination of priorities. Where it is not feasible for a citizen or an alien to go to a recipient's office or otherwise physically provide documentation to the recipient before commencement of representation, a recipient may obtain required information orally, record it and obtain the written documentation as soon as possible thereafter. If an alien is physically present in the office, but cannot produce required documentation, the recipient shall obtain a written statement indicating under which category listed in § 1626.4(a) he or she claims eligibility and the documents to be produced to verify that status. The recipient shall obtain that documentation as soon as possible thereafter. Recipients are to inform clients accepted under this emergency procedure that they can provide only limited emergency legal assistance pending receipt of the necessary documentation, and that, absent such documentation, they will be compelled to seek to withdraw from

representation, consistent with their professional responsibilities, when the emergency ceases to exist.

A number of recipients serving rural areas or other areas of dispersed client population noted that they frequently provide brief advice and consultation by telephone. They questioned the feasibility of applying the verification procedures in proposed § 1626.5 in these instances. The Corporation has therefore added a new paragraph (f) to the final rule which provides that no verification is required when the only service provided is brief advice and consultation by telephone. However, in the event the recipient provides ongoing representation in the matter, the verification procedures provided in the final rule must be followed. In such cases, there normally will be adequate opportunity to acquire the documentation required by the regulation.

#### Disposition of Ongoing Cases

Most commentators were seriously concerned over the ethical problems of discontinuing representation of clients whose representation was properly commenced prior to the receipt of funds governed by the Continuing Resolution and who are now ineligible. The Corporation shares that concern. However, pending authoritative clarification by Congress, the Corporation has concluded after much consideration that it has no alternative but to construe the language of the Continuing Resolution as it is written. That language reads:

Provided, That none of the funds appropriated in this Act for the Legal Services Corporation shall be expended to provide legal assistance for or on behalf of any [ineligible] alien \* \* \*

This is an absolute prohibition against such expenditures. The Corporation is aware that such prohibitions have in the past been construed to allow completion of pending cases with funds governed by such prohibitions; however, the Corporation intends to construe such explicit prohibitions more strictly henceforth, absent further Congressional guidance.

The Corporation has considered the argument that it may be in violation of § 1006(b)(3) of the Legal Services Corporation Act, prohibiting interference with any attorney in carrying out his professional responsibilities, and has concluded that the Continuing Resolution, as the more recently enacted and more specific legislation, governs in the event of any conflict with this provision of the Act. Furthermore, this regulation does not

prohibit attorneys or recipients from completing these cases, but merely effectuates the Continuing Resolution's prohibition of use of Continuing Resolution funds to do so.

The alternatives discussed in the regulation will, in fact, cover the great majority of cases that are still pending and that cannot be discontinued through referral or withdrawal. It is to be noted that such options as a special fund-raising drive or an appeal to the local legal community for *pro bono* assistance are available, in addition to use of outside funds or carryover funds already available.

Finally, funds recovered from excess recipient fund balances from previous years will be available for some additional grants to recipients. As these limited funds are not governed by the Continuing Resolution, the Board has indicated that one priority for their use should be to consider grants to assist recipients who have exhausted all other possibilities to complete ethically required representation of ineligible aliens.

Several comments addressed the requirement for immediate discontinuance of representation in matters where representation of an ineligible alien was commenced due to false information provided by the alien to the recipient and noted that immediate discontinuance could cause an attorney to violate the Code of Professional Responsibility. However, the regulation requires only that immediate "steps to discontinue" be taken as provided in Section 1626.6 and the Corporation believes that these procedures will mitigate any danger of ethical violations. Moreover, a client's providing false information to an attorney could reasonably justify the attorney's seeking immediate withdrawal from representation.

#### Recordkeeping and Confidentiality

A number of comments received indicated that the recordkeeping requirements in the proposed rule were unduly burdensome and noted that, in many situations, it will be impossible to obtain copies of documents establishing eligibility, either because no copying facilities are available (such as in migrant labor camps) or because it is illegal to copy some pertinent documents. For example, some states prohibit the photocopying of birth certificates.

The Corporation has maintained a record-keeping requirement because it believes that such a requirement is necessary for it to exercise its responsibility for oversight of

Corporation funds. However, in response to the comments, it has rewritten this section to provide that records of citizenship or alien status need not be kept if the application for legal assistance is rejected for reasons other than ineligible alien status, such as income. In addition, the final rule does not require maintenance of eligibility documents in instances where it is impossible or illegal to copy such documents. (In this regard, the Corporation notes that photocopying official documents issued by the U.S. Immigration and Naturalization Service is prohibited only if done with unlawful intent; attorneys are permitted to copy such documents for their files.)

Several commentators noted that the provision in the proposed rule requiring that all records pertaining to the determination of the eligibility of an alien for legal assistance be made available to the Corporation (with deletion of names and personal identification) was a departure from past Corporation practice and voiced concern that such requirement would compromise client confidentiality. Commentators also expressed concern that the provision in the proposed rule authorizing release of requested information to Congress could breach client confidentiality.

The Corporation believes that access to client eligibility records in a form that protects client confidentiality is essential to its oversight responsibility. Consequently, it has made no change in that portion of the proposed rule. However, owing to legitimate concerns for confidentiality, it has added clarifying language which provides that the regulation does not authorize release to Congress of any information which the Corporation determines to be prejudicial to the interests of a client.

#### List of Subjects in 45 CFR Part 1626

Privacy, Aliens, Legal services, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, 45 CFR Chapter XVI is amended by adding Part 1626 to read as follows:

#### PART 1626—RESTRICTIONS ON LEGAL ASSISTANCE TO ALIENS

##### Sec.

- 1626.1 Purpose.
- 1626.2 Definitions.
- 1626.3 Prohibition of legal assistance "for or on behalf of" an ineligible alien.
- 1626.4 Alien status and eligibility.
- 1626.5 Verification of citizenship and eligible alien status.

##### Sec.

- 1626.6 Disposition of cases involving ongoing representation of ineligible aliens.
  - 1626.7 Change in circumstances.
  - 1626.8 Records.
  - 1626.9 Use and confidentiality of records pertaining to determination of eligible alien status.
  - 1626.10 Special eligibility questions.
- Authority: Section 1008(e) Pub. L. 93-355, 88 Stat. 370 (42 U.S.C. 2996g(e)); Pub. L. 97-377, 96 Stat. 1874.

##### § 1626.1 Purpose.

This part is designed to assist recipients in determining the eligibility and immigration status of persons who seek legal assistance, to provide guidelines for referral of ineligible persons, and to protect the confidentiality of information obtained from clients and prospective clients. This part does not apply to any case or matter in which assistance is not being provided with funds appropriated under Pub. L. 97-377.

##### § 1626.2 Definitions.

As used in this part the term—

- (a) "Eligible alien" means an alien who meets the requirements of § 1626.4(a).
- (b) "Ineligible alien" means an alien who does not meet the requirements of § 1626.4(a) and who is consequently determined not to be eligible to receive legal assistance under Pub. L. 97-377.

(c) "Rejected" refers to an application for adjustment of status that has been denied by the Immigration and Naturalization Service (INS) and is not subject to further administrative appeal.

##### § 1626.3 Prohibition of legal assistance "for or on behalf of" an ineligible alien.

(a) *General.* No funds made available to a recipient by the Corporation under the authority of Pub. L. 97-377 shall be used to provide legal services for or on behalf of any person unless that person is a citizen of the United States or an eligible alien, except as authorized in this part.

(b) *Prohibited Legal Assistance "for" an Ineligible Alien.* (1) To provide legal assistance "for" an ineligible alien is equivalent to furnishing legal assistance to a client and it shall be deemed to be coextensive with accepting an ineligible alien as a client. Consequently, all recipients are prohibited from using fiscal year 1983 Corporation funds to pay any costs connected with furnishing legal assistance to clients who are ineligible aliens.

(2) Normal intake procedures and referral of ineligible alien clients by the same procedures used to refer other classes of ineligible clients are excepted from this prohibition. If a referral is not

possible, an ineligible alien client may not be represented if any fiscal year 1983 funds are used in such representation. If such an ineligible alien client is referred, a recipient may not participate further in the case (using fiscal year 1983 funds).

(3) The provisions of Section 1010(c) of the Legal Services Corporation Act do not apply to the expenditure of funds to represent ineligible aliens. Such aliens may be represented if all costs of such representation, including staff time, are funded from non-Corporation sources.

(c) *Prohibited Legal Assistance "on Behalf of" an Ineligible Alien.* To provide legal assistance "on behalf of" an ineligible alien is to render legal assistance to an eligible client which directly benefits an ineligible alien and does not benefit the eligible client.

##### § 1626.4 Alien status and eligibility.

(a) Subject to all other eligibility requirements of the Act, an alien who is a resident of the United States and who is within one of the following categories shall be eligible for legal services:

(1) An alien lawfully admitted for permanent residence as an immigrant as defined by section 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a) (15) and (20));

(2) An alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(3) An alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157 relating to refugee admissions) or who has been granted asylum by the Attorney General under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), or who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity; or

(4) An alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

(b) An alien who is not within one of the eligibility categories defined in § 1626.4(a) shall not be eligible for legal services. Categories of ineligible aliens include but are not limited to:

(1) Aliens present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5) relating to parolee admissions); or

(2) Aliens admitted into the United States as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including:

(i) Ambassadors and other diplomatic officers and employees, embassy attendants and servants, and their immediate families;

(ii) Tourists and temporary business visitors;

(iii) Aliens in transit through the United States or going to and from the United Nations;

(iv) Alien crewmen from foreign vessels and aircraft who enter the United States temporarily and intend to depart on their vessels or aircraft;

(v) Alien traders and investors present in the U.S. pursuant to treaties of commerce and navigation, and their immediate families;

(vi) Foreign students who enter the United States to study at academic institutions, and their spouses and minor children;

(vii) Officials, employees, and representatives of international organizations, and their immediate families;

(viii) Temporary workers, trainees, and persons of distinguished ability and their spouses and minor children;

(ix) Members of the foreign press, radio, film, and other media, and their spouses and children;

(x) Participants in State Department-sponsored exchange programs, and their spouses and minor children;

(xi) Fiances and fiancées of United States citizens who enter the United States solely to conclude valid marriage, and their minor children;

(xii) Employees of United States corporations or businesses based in another country who enter the United States to work for the same employers, and their spouses and minor children;

(xiii) Foreign students who enter the United States to study at vocational or nonacademic institutions, and their spouses and minor children.

**§ 1626.5 Verification of citizenship and eligible alien status.**

(a) A citizen seeking representation shall attest in writing in a form approved by the Corporation to the fact of his or her United States citizenship. Verification of citizenship shall not be required unless a recipient has reason to doubt that a person is a United States citizen. A recipient shall accept the original or a certified copy of any of the following documents as evidence of citizenship:

- (1) United States passport
- (2) Birth certificate
- (3) Naturalization certificate
- (4) United States Citizenship Identification Card (INS Form I-197)
- (5) Commuter Status Card (INS Form I-178)

(6) Baptismal certificate showing place of birth within the United States and a date of baptism within two months after birth.

If a person is unable to produce any of the above documents, he or she may submit a notarized statement signed by a third party, who shall not be an employee of the recipient and who can produce proof of that party's own United States citizenship, that the person seeking legal assistance is a United States citizen.

(b) An alien seeking representation shall submit appropriate documents to verify eligibility. A recipient shall accept originals of any of the following documents as proof of eligibility:

(1) An alien in the category specified in § 1626.4(a)(1) shall present an Alien Registration Receipt Card (INS Forms I-151, I-551, or AR-3a), Temporary Evidence of Lawful Admission for Permanent Residence (INS Form I-181B), or a valid passport and immigrant visa.

(2) An alien in the category specified in § 1626.4(a)(2) shall present the following documents:

(i) the fee receipt issued to the alien by the Immigration and Naturalization Service (INS) at the time that the Application for Status as Permanent Resident (INS Form I-485) was filed; a copy of the Application for Status as Permanent Resident accompanied by a notarized statement, signed by the alien that such form was filed with INS; a copy of the Application for Immigrant Visa & Alien Registration (Department of State Form FS-510) accompanied by a notarized statement, signed by the alien that such form was filed with a consulate office; or a copy of the Application for Suspension of Deportation (INS Form I-256A) accompanied by a notarized statement, signed by the alien that such form was filed with INS; and

(ii) a copy of the alien's marriage certificate accompanied by proof of the spouse's U.S. citizenship; a copy of the United States birth certificate, baptismal certificate, adoption decree or other documents demonstrating that the alien is the parent of a United States citizen under the age of 21; a copy of the alien's birth certificate, baptismal certificate, adoption decree, or other documents demonstrating that the alien is a child under the age of 21, accompanied by proof that the alien's parent is a United States citizen; or in lieu of the above, a copy of the Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa (INS Form I-130) containing information that demonstrates that the alien is related to such a United States citizen spouse, parent, or child, accompanied by a notarized statement that such form was filed with INS.

(3) An alien in the category specified in § 1626.4(a)(3) shall present an Arrival-Departure Record (INS Form I-94) marked "section 207" or "Refugee" (if claiming refugee status), "section 208" or "Asylum" (if claiming asylee status), or "section 203(a)(7)" or "Conditional entry" (if claiming conditional entrant status).

(4) An alien in the category specified in § 1626.4(a)(4) shall present an Arrival-Departure Record (INS Form I-94) marked "section 243(h)," or a court order or letter signed by an immigration judge stating that the Attorney General is withholding deportation of the alien.

(c) The following documents shall not be considered evidence of eligible alien status:

- (1) Nonimmigrant Visa
  - (2) Arrival-Departure Record (INS Form I-94) marked with any code from "A" through "M" for nonimmigrants, or marked "section 212(d)(5)" for parolees
  - (3) Crewman's Landing Permit (INS Form I-95A)
  - (4) Mexican Border Visitors Permit (INS Form I-144)
  - (5) Nonresident Alien Canadian Border Crossing Card (INS Form I-185)
  - (6) Nonresident Alien Mexican Border Crossing Card (INS Form I-186)
  - (7) Nonresident Alien Canadian Border Crossing Identification Card (unnumbered).
- (d) A recipient shall upon request furnish each person seeking legal assistance with a list of the documents described in this Section. Persons applying for legal assistance are responsible for producing the appropriate documents to verify eligibility.

(e) In an emergency, legal services may be provided prior to compliance

with all the requirements of § 1626.5(a)-(d).

(1) If it is not feasible for a citizen or an alien to come to the recipient's office or otherwise physically transmit documentation to the recipient before commencement of representation, such required information as can be obtained orally shall be recorded by the recipient and written documentation shall be submitted as soon as possible.

(2) If an alien is physically present, but cannot produce required documentation, he or she shall make a written statement identifying the category listed in § 1626.4(a) under which he or she claims eligibility and the documents that will be produced to verify that status; this documentation shall be submitted as soon as possible.

(3) Recipients shall adhere strictly to the same criteria for emergency assistance used in their general determination of priorities and shall use the procedures of § 1626.5(e) only in cases meeting these criteria.

(4) Recipients shall inform clients accepted under these procedures that only limited, emergency legal assistance may be provided them without satisfactory documentation and that failure or inability to produce satisfactory documentation will compel the recipient to discontinue representation consistent with the recipient's professional responsibilities as soon as the emergency no longer exists.

(f) No verification is required when the only service provided is brief advice and consultation by telephone.

**§ 1626.6 Disposition of cases involving ongoing representation of ineligible aliens.**

(a) A recipient may not use funds available to it under the authority of Pub. L. 97-377 to provide legal assistance to ineligible aliens; other alternatives must be used to dispose of pending cases in which the client is an ineligible alien. Generally, three alternatives are available:

(1) Referral to alternative counsel who can provide adequate representation;

(2) Withdrawal from pending judicial or administrative proceedings where permission to withdraw can be obtained under the rules of procedure of the tribunal; or

(3) Continuation of representation supported by funds available to the recipient either from non-Corporation sources or from unexpended carryover balances of prior year Corporation funds. As such other funds will normally be limited, referral or discontinuance of representation should be chosen wherever not inconsistent with an attorney's professional responsibilities.

(b) (1) Where referral or discontinuance of representation are not possible and no other funds are available, the recipient may permit a staff attorney to complete the case (or bring it to a stage where referral or discontinuance is possible) on an uncompensated basis. In such instances, the attorney may use the necessary minimum of recipient overhead support, but direct expenditures of Pub. L. 97-377 funds will not be permitted.

(2) In any such circumstances, a recipient shall maintain documentation clearly differentiating the time the attorney used on an uncompensated basis from his or her paid time and establishing the approximate amount of any overhead services allocable to completion of the case.

**§ 1626.7 Change in circumstances.**

(a) A recipient shall not use funds made available to it under the authority of Pub. L. 97-377 to provide legal assistance for or on behalf of an alien if:

(1) The alien becomes an ineligible alien due to a change in circumstances after representation has commenced;

(2) Representation of an ineligible alien was commenced due to an erroneous eligibility determination made by the recipient; or

(3) Representation of an ineligible alien was commenced due to false information provided by the alien to the recipient.

(b) A recipient shall discontinue representation supported by funds authorized by Pub. L. 97-377 under the circumstances described in § 1626.7(a) provided discontinuance is not inconsistent with the attorney's professional responsibilities. In discontinuing representation, a recipient shall follow the procedures set out in § 1626.6. In the event of discovery of false information relating to eligibility as set forth in § 1626.7(a)(3), steps to discontinue representation shall be taken immediately.

**§ 1626.8 Records.**

Programs shall keep records of whether a client or prospective client claims to be a citizen or an alien, unless that person was found to be ineligible for services for reasons other than ineligible alien status. For all individuals seeking legal assistance, recipients shall keep copies of all documents given to them to establish eligibility, except in instances in which copying said documents is impossible or illegal. Such records shall be kept whether the individual was found to be a citizen, an eligible alien, or an ineligible alien. If an alien is found ineligible, or if records cannot be copied, a record of

documentation (or lack thereof) may be kept in lieu of copies of said documentation.

**§ 1626.9 Use and confidentiality of records pertaining to determination of eligible alien status.**

(a) All records pertaining to determination of the eligibility of an alien for legal assistance shall be available (with deletion of names and personal identification) for review by the Corporation of recipient's actions and procedures in determining the eligibility of the alien for legal services. Such records shall not be released by the Corporation or by any recipient to any third party except in statistical form, nor may they be used for any other purpose than that stated in this subsection. This subsection shall not prevent release to Congress of information specifically requested by Congress which the Corporation determines is not prejudicial to the interests of the client.

(b) Release of any such record by a recipient, except to the Corporation or under court order, shall subject the recipient to appropriate sanctions by the Corporation.

(c) Such records shall be retained for a minimum of three years or until resolution of all audit questions pertaining thereto, whichever period is longer. Recipients shall keep a statistical record of the number of aliens found eligible and ineligible and the number of persons found eligible who subsequently were discovered to have been ineligible.

**§ 1626.10 Special eligibility questions.**

(a) *Micronesia.* The residents of the Trust Territory of the Pacific Islands (Micronesia) currently receive legal assistance under the Legal Services Corporation Act. As Congress has expressed no intention to exclude them, the Corporation deems all citizens and permanent residents of Micronesia eligible to receive legal assistance, provided they are otherwise eligible under the Act.

(b) *Cross-Border Indian Tribes.* (1) All Canadian-born American Indians at least 50% Indian by blood are eligible to receive legal assistance provided they are otherwise eligible under the Act.

(2) Members of the Texas Band of Kickapoo are eligible to receive legal assistance provided they are otherwise eligible under the Act.

Dated: June 15, 1983.

Alan E. Swendiman,  
General Counsel.

[FR Doc. 83-16461 Filed 6-17-83; 8:45 am]  
BILLING CODE 6830-36-M



## DEPARTMENT OF TRANSPORTATION

Research and Special Programs  
Administration49 CFR Parts 171, 172, 173, 176, 177,  
and 178

[Docket No. HM-166N; Amdt. Nos. 171-73,  
172-81, 173-165, 176-16, 177-59, and 178-  
76]

Shipment of Hazardous Materials;  
Miscellaneous Amendments

**AGENCY:** Materials Transportation  
Bureau, Research and Special Programs  
Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on rulemaking petitions from industry and on proposals from within the Department. This action is necessary to update the regulations, eliminate the need for filing of reports with MTB and to reduce MTB's backlog of rulemaking petitions.

**EFFECTIVE DATE:** August 4, 1983.  
However, compliance with the regulations as amended herein, is authorized immediately.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of August 4, 1983.

**FOR FURTHER INFORMATION CONTACT:**  
Darrell L. Raines, Chief, Exemptions and  
Regulations Termination Branch, Office  
of Hazardous Materials Regulation,  
Materials Transportation Bureau,  
Washington, D.C. 20590; (202-472-2726).

**SUPPLEMENTARY INFORMATION:** On August 2, 1982, the MTB published a Notice of Proposed Rulemaking, Docket No. HM-166N; Notice No. 82-7 (47 FR 33288), which proposed a number of miscellaneous amendments to the Hazardous Materials Regulations. Notice No. 82-7 included a brief statement regarding each proposal and invited public comment prior to the closing date of October 1, 1982. Based on comments received on the notice, the proposals are being incorporated with some editorial changes as amendments to the Hazardous Materials Regulations.

The proposed change to update the reference to the 1981 issue of the Association of American Railroads Specification for Tank Cars in § 171.(d)(2) has been corrected to read 1982. Reference to certain ASTM Standards listed in § 173.115 (d) and (e) have been updated and included in § 171.7(d)(5).

The definition of "Overpack" in § 171.8 has been added and revised to clarify that an overpack does not include a freight container nor may it be used for the overpacking of a single packaging to make a package.

In § 171.12, paragraph (f) has been added to provide for carriage by vessel between points in a State or between States. "State" as defined in 49 U.S.C. 1802 means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam. These words are necessary to remove the application of this section to solely import/export shipments when all or a portion of a shipment is by vessel.

A new paragraph (c)(12) has been added to § 172.101 to authorize the use of a tentative shipping name for a material for which the hazard class is to be determined by testing or a material that is a hazardous waste. Proposed paragraph (e) of § 172.202 has been reworded and includes a reference to § 171.11 which should preclude confusion. The notice also proposed to add a paragraph (f) to § 172.202 to prohibit a shipper from offering for transportation as a hazardous material a material that does not meet the definition of a hazardous material or is otherwise authorized by 49 CFR Parts 100-177 to be shipped as a hazardous material. However, in view of the comments received and upon further consideration the proposed wording has been revised and placed in § 172.101(c)(12).

The proposed changes to Uranium hexafluoride, fissile and Uranium hexafluoride, low specific activity have been withdrawn because of recent changes published under Docket No. HM-169 (48 FR 10218). Also, the RQ figures for the entries "Phosphorus pentasulfide" and "Resorcinol" have been corrected. A new entry "Samples" has been added to the § 172.101 Table and cross references the § 172.101(c)(12) change.

The proposal to require both the Oxidizer and Corrosive label for Nitrating acid, mixtures has been changed by making two entries as listed in the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO) which are based on the United Nations Recommendations for the Transport of Dangerous Goods. One Nitrating acid, mixture entry is for mixtures containing no more than 50 percent nitric acid and requires only the Corrosive label; the entry for Nitrating acid, mixtures

containing more than 50 percent nitric acid requires both Corrosive and Oxidizer labels.

Paragraphs § 172.101 (b)(2) and (b)(3) have been revised to be consistent with § 172.200(b). Prior to this revision, § 172.101 (b)(2) and (b)(3) did not authorize the transportation of certain materials classed as ORM-A, B or C by a mode of transport other than by aircraft or vessel. Therefore, the material could not be transported to or from a port or air terminal. Paragraph 172.101(c)(12) has been added as a provision for shipping wastes that may not meet the definition of a hazardous material, and for shipping a sample of a material to determine its hazard class.

In § 172.204, paragraph (a) and the Note therein are revised to authorize use of the certifications required by ICAO and the International Maritime Dangerous Goods Code (IMDG Code) by authorizing the use of the language contained in the certification (declaration) in Section 13.6.4 of the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (UN Recommendations, 1981 Edition). MTB believes that by authorizing use of the language contained in the UN Recommendations shippers can preprint shipping documents and indicate all modes of transport that they may use, then delete any mode of transport not used for a specific shipment. This should permit MTB to remove from the regulations the alternative certification contained in § 172.204(c)(1) in a future rulemaking. The MTB recognizes that the IMDG Code specifies the word "packaged" in place of the word "packed" in the certification statement in paragraph (a)(2) of this section. In this case, MTB will not consider the substitution of the word "packaged" in this certification to constitute a violation of the provisions of these regulations.

In § 172.400(b)(3), a sentence has been added to require at least one label on each unitized or palletized break bulk package of military ammunition and explosive offered for transportation by cargo vessel under certain conditions.

In § 173.5, the words "Formulated liquid and solid pesticides" has been changed to read "Formulated agricultural chemicals" in order to describe the products that are involved in less-than-case-Kit quantities. The use of the words "disconnect valves" in paragraph (b) has been changed to read "disconnect device(s)" because dry disconnect couplings are now available and they effectively provide the same protection as dry disconnect valves.

Proposed paragraph (a)(5) has been withdrawn because of a recent change to § 177.841(e) in Docket No. HM-139E. Also, proposed § 173.9 has been changed to § 173.5 because of Docket HM-169.

A new paragraph (d) had been added to § 173.23 to eliminate the need for mandatory remarking until the next scheduled retest, of those spherical steel pressure vessels manufactured and marked DOT-E 16616.

Proposed § 173.25 has been changed: (1) By requiring each overpack to be marked with the identification number, when required, (2) to include the use of the orientation marking "This End Up" or "This Side Up," and (3) to revise paragraph (4) to authorize optional use of the ICAO approved certification statement so as to require only a single certification to be used for air and surface shipments.

The proposed addition of paragraph (5) in § 173.32(a) remains unchanged although two commenters stated that they would prefer to see the Specification 51 portable tank added to each appropriate commodity listing instead of in § 173.32. Consideration was given to the amendment of each appropriate commodity listing during the preparation of the notice of proposed rulemaking. However, that approach was discarded in favor of a single entry in order to eliminate as much repetition and duplication as possible.

An editorial change has been made in § 173.33(b)(2) to clearly indicate that the use of MC-307 type of pressure relief devices and fusible devices on MC-304 cargo tanks is optional, not mandatory.

Section 173.115(b)(2) is amended to specify that an aqueous solution containing 24 percent or less alcohol by volume and 50 percent or more of water is not subject to the regulations even when transported in bulk packagings.

Because of the deletion of the word "oil" and the addition of the word "casing" for the two entries "Charged well casing jet perforating gun," §§ 173.53, 173.80, and 173.110 have been revised accordingly.

One commenter stated that § 173.245(b) and § 173.245b, both in its present form and as proposed in the notice, is unclear concerning its application to a material which is corrosive only to steel, which meets the definition of either an ORM-A, or ORM-B and which is neither a hazardous substance nor a hazardous waste according to § 171.8. Also, the commenter stated that a similar problem exists with a material which is corrosive only to steel, which meets the Combustible liquid definition and which is neither a hazardous substance nor a

hazardous waste according to § 171.8. The MTB agrees with the commenter and has revised § 173.245(b) and § 173.245b, accordingly.

Two commenters objected to the immediate regulation of Hypochlorite solution containing more than 7% available chlorine by weight (RQ-100/45.4), in tank motor vehicles, without providing a "grandfather" provision to authorize the continued use of those nonspecification tanks which were being used prior to these amendments. The MTB agrees that to prohibit the use of those nonspecification tanks which are now in service would create a severe hardship. Therefore, MTB has "grandfathered" the use of those tanks that were being used prior to January 1, 1983. Also, the proposed revision of paragraph (g) has been removed because it has been determined to be inconsistent with the finding that hypochlorite solution is corrosive and fully regulated when transported by cargo tank regardless of whether it is transported in a reportable quantity as a hazardous substance.

The amendment adding "Blasting agents" to the Table in § 174.25 was accomplished under Docket No. HM-56 (47 FR 43062) on September 30, 1982.

In § 178.51-19, paragraph (c)(5) has been added. Prior to Docket No. HM-139-D (46 FR 58693) the same wording was in paragraph (c)(3) but was inadvertently omitted during the rewrite of § 178.51-19.

In addition to the proposed change to delete the requirement for makers of certain fiberboard boxes to send a copy of the "special tests report" to the Associate Director for HMR, the MTB has also eliminated the need for manufacturers to keep a copy of the report on file for one year.

The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Based on limited information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this amendment will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

## List of Subjects

### 49 CFR Part 171

Hazardous materials transportation, Incorporation by reference.

### 49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

### 49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

### 49 CFR Part 176

Hazardous materials transportation, Maritime carriers.

### 49 CFR Part 177

Hazardous materials transportation, Motor carriers.

### 49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, 49 CFR Parts 171, 172, 173, 176, 177, and 178 are amended as follows:

## PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.7, paragraph (d)(2) is revised and paragraph (d)(5) is amended by adding subparagraphs (xiii) through (xviii) to read as follows:

### § 171.7 Matter incorporated by reference.

\* \* \* \* \*

(d) \* \* \*

(2) AAR Specifications for Tank Cars means the 1982 edition of the "Association of American Railroads Specifications for Tank Cars, Specification M-1002."

\* \* \* \* \*

(5) \* \* \*

(xiii) ASTM D56-79 is titled "Standard Method of Test for Flash Point by Tag Closed Tester," 1979 edition.

(xiv) ASTM D3278-78 is titled "Standard Methods of Test for Flash Point of Liquids by Setaflash Closed Tester," 1978 edition.

(xv) ASTM D93-80 is titled "Standard Method of Test for Flash Point by Pensky-Martens Closed Tester," 1980 edition.

(xvi) ASTM 88-56 is titled "Standard Method of Test for Saybolt Viscosity," 1956 edition (reapproved 1968).

(xvii) ASTM D2161-79 is titled "Standard Method for Conversion of Kinematic Viscosity to Saybolt Universal Viscosity or to Saybolt Furoil Viscosity," 1979 edition.

(xviii) ASTM D445-79 is titled "Standard Test Method for Kinematic Viscosity of Transparent and Opaque

Liquids (and the Calculation of Dynamic Viscosity," 1979 edition.

2. In § 171.8 the definition of overpack is revised to read as follows:

§ 171.8 Definitions and abbreviations.

"Overpack" except when referenced to a packaging specified in Part 178 of this subchapter, means an enclosure that is used by a single consignor to provide protection or convenience in handling of a package or to consolidate two or more packages. "Overpack" does not include a freight container.

3. In § 171.12, paragraph (f) is added to read as follows:

§ 171.12 Import and export shipments.

(f) The provisions of paragraphs (b) and (d) of this section also apply to transportation, a portion of which

includes transportation by vessel, between points in a State or between States.

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

4. In § 172.101, preceding the table, the introductory text of paragraphs (b)(2) and (b)(3) are revised and paragraph (c)(12) is added to read as follows:

§ 172.101 Purpose and use of the hazardous materials table.

(b) \* \* \*  
(2) A letter "A" restricts the application of this subchapter to materials offered or intended for transportation by aircraft unless—

(3) A letter "W" restricts the application of this subchapter to

materials offered or intended for transportation by vessel unless—

(c) \* \* \*

(12) A material for which the hazard class is to be determined by testing or a material that is a hazardous waste may be assigned a tentative shipping name, hazard class and identification number, based on the shipper's tentative determination according to—

(i) Defining criteria in this subchapter;  
(ii) The hazard precedence prescribed in § 173.2 of this subchapter; and

(iii) The shipper's knowledge of the material.

This paragraph does not apply to a material subject to or prohibited by §§ 173.21, 173.51, 173.86(d), 178.86(e)(1), and 173.114a(g)(2) of this subchapter.

5. In § 172.101, the Hazardous Materials Table is amended as follows:

§ 172.101 Hazardous Materials Table

+ / E / A / W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific require-ments	Passenger carrying aircraft of raifcer	Cargo only aircraft	Cargo ves-sel	Pas-senger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	DELETED										
EAW	Ammonium hydroxide (containing less than 12% ammonia) (RQ5000/2270).	ORM-A	NA2672	None	173.505	173.510	10 gallons	55 gallons	1	1	
	1-Bromo-2-nitrobenzene (unstable at 58° C).	Forbidden									
	Charged oil well jet perforating gun (total explosive contents in guns 20 pounds or more per motor vehicle).	Class A explosive		Explosive A	None	173.53 173.80	Forbidden	Forbidden			Forbidden.
	Charged oil well jet perforating gun (total explosive contents in guns will exceed 20 pounds per motor vehicle or special attachers down hole tool pallet).	Class C explosive		Explosive C	None	173.53 173.110	Forbidden	Forbidden	1,2	5	Forbidden.
	Ethyl phosphorous dichloride, anhydrous.	Corrosive material	NA2845	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
	Methyl phosphorous dichloride.	Corrosive material	NA2845	Corrosive	173.244	173.245 173.245a	1 quart	1 quart	1	4	
E	Nitrating acid (RQ-1000/454).	Oxidizer	NA1796	Oxidizer	None	173.267	Forbidden	1 quart	1	5	Segregation same as for corrosive materials.
E	Phosphorus pentasulfide (RQ-1000/45.4).	Flammable solid	UN1340	Flammable solid and Dangerous when wet	None	173.225	Forbidden	11 pounds	1,2	1,2	Separate from oxidizing materials.
E	Phosphorus trichloride (RQ-5000/2270).	Corrosive material	UN1809	Corrosive	None	§ 173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E	Resorcinol (RQ-5000/2270).	ORM-E	UN2876	None	None	173.510	No limit	No limit	1,2	1,2	
E	Sodium methylate, dry (RQ-1000/454).	Flammable solid	UN1431	Flammable solid	173.153	173.154	25 pounds	100 pounds	1,2	1	

+ /E/ A/W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft of railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	ADD										
EAW	Ammonium hydroxide (containing less than 12% ammonia) (RQ-1000/454). Benzoinethiol. See Phenyl mercaptan.	ORM-A	NA2672	None	173.505	173.510	10 gallons	55 gallons	1	1	
	1-Bromo-3-nitrobenzene (unstable at 55° C).	Forbidden									
	Charged well casing jet perforating gun (total explosive contents in guns 20 pounds or more per motor vehicle).	Class A explosive		Explosive A	None	173.53 173.80	Forbidden	Forbidden			Forbidden.
	Charged well casing jet perforating gun (total explosive contents in guns not exceeding 20 pounds per motor vehicle or special offshore down hole tool pallet).	Class C explosive		Explosive C	None	173.53 173.110	Forbidden	Forbidden	1,2	5	
	Chloropicrin in mixture, flammable (pressure not exceeding 14.7 psia; flash point below 100° F).	Poison B	NA2929	Poison and Flammable liquid.	None	173.357	Forbidden	Forbidden	1	5	Keep cool
	Ethanol. See Ethyl alcohol.										
	Ethyl phosphorous dichloride. See Pyrochloric liquid, n.o.s.										
	Methyl phosphonic dichloride.	Corrosive	NA9206	Corrosive and Poison.	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
	Methyl phosphorous dichloride. See Pyrochloric liquid, n.o.s.										
E	Nitrating acid, mixture (with not more than 50% nitric acid) (RQ-1000/454).	Corrosive	UN1796	Corrosive	None	173.267	Forbidden	1 quart	1	5	Stow away from fluorides.
E	Nitrating acid, mixture (with more than 50% nitric acid) (RQ-1000/454).	Oxidizer	UN1796	Oxidizer and Corrosive.	None	173.267	Forbidden	1 quart	1	5	Segregation same as for corrosive material. Stow away from fluorides.
	Petroleum oil, n.o.s. See Oil.										
	Phenyl mercaptan	Poison B	UN2337	Poison	173.345	173.346	Forbidden	10 gallons	1,2	1	
E	Phosphorus pentasulfide (RQ-100/45.4).	Flammable solid	UN1340	Flammable solid and Dangerous when wet.	None	173.225	Forbidden	11 pounds	1,2	1,2	Separate from oxidizing material.
E	Phosphorus trichloride (RQ-5000/2270).	Corrosive material	UN1809	Corrosive	None	173.271	Forbidden	1 quart	1	1	Keep dry. Glass carboys not permitted on passenger vessels.
E	Resorcinol (RQ-1000/454).	ORM-E	UN2876	Toxic	None	173.510	No limit	No limit	1,2	1,2	
	Rocket ammunition with empty, inert, or acid loaded projectile.	Class A explosive		Explosive A	None	173.57	Forbidden	Forbidden	6	5	
	Samples. See 172.101(c)(12).										
E	Sodium methylete, dry (RQ-1000/454).	Flammable solid	UN1431	Flammable solid and Dangerous when wet.	173.153	173.154	25 pounds	100 pounds	1,2	1	

6. In § 172.202, paragraph (e) is added to read as follows:

§ 172.202 Description of hazardous materials on shipping papers.

(e) Except as provided in §§ 171.11 and 171.12 of this subchapter, a material that is not a hazardous material according to this subchapter may not be described by a basic description on a shipping paper indicating it is a hazardous material.

7. In § 172.203, paragraphs (b) and (c)(2) are revised to read as follows:

§ 172.203 Additional description requirements.

(b) *Limited quantities.* The description for a material offered for transportation as "limited quantity," as authorized by this subchapter, must include the words "Limited Quantity" or "Ltd Qty" following the basic description.

(c) \* \* \*  
(2) The letters "RQ" shall be entered on the shipping paper either before or after the basic description required by § 172.202 for each hazardous substance

(see definition in § 171.8). For example: "RQ, Cresol, Corrosive material, UN2076; or Adipic acid, ORM-E, NA9077 RQ".

8. In § 172.204, paragraph (a) is revised to read as follows:

§ 172.204 Shipper's certification.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this



subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section.

(1) "This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation."

Note.—In line one of the certification the words "herein-named" may be substituted for the words "above-named".

(2) "I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled, and are in all respects in proper condition for transport by [\*] according to applicable international and national governmental regulations."

\*Additional language indicating the modes of transportation to be used may be inserted at this point in the certification. All modes of transportation may be indicated provided that any mode not applicable to a specific shipment is deleted (lined out).

9. In § 172.332, paragraph (c)(4) is revised to read as follows:

**§ 172.332 Identification number markings.**

(c) \* \* \*

(4) For a COMBUSTIBLE placard used to display an identification number, the entire background below the white background for the identification number must be white during transportation by rail and may be white during transportation by highway.

10. In § 172.400, paragraph (b)(3) is revised to read as follows:

**§ 172.400 General labeling requirements.**

(b) \* \* \*

(3) Package or unit of military explosives (including ammunition) shipped by or on behalf of the DOD when in (i) freight containerload, carload or truckload shipments, if loaded and unloaded by the shipper or DOD or (ii) unitized or palletized break bulk shipments by cargo vessel under charter to DOD if at least one required label is displayed on each unitized or palletized load.

11. In § 172.504, Table 2, footnotes 4 and 6 are revised to read as follows:

**§ 172.504 General placarding requirements.**

**Table 2**

\* A FLAMMABLE placard may be used on a cargo tank or portable tank during transportation by highway, rail or water, and on a compartmented tank car containing materials classed as Flammable liquid and Combustible liquid. However, no EMPTY placard may be displayed on an "empty" Combustible liquid tank car.

\* See § 173.245(b) of this subchapter for authorized exceptions.

**PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENT AND PACKAGINGS**

12. A new § 173.5 is added to read as follows:

**§ 173.5 Agricultural operations:**

(a) Formulated agricultural chemicals which are offered for transportation in less-than-case-lot quantities, or when repackaged, are not subject to Subpart D of Part 172 of this subchapter and the outside specification packaging requirements of Part 173 of this subchapter if all of the following conditions are met:

(1) Inside packagings are enclosed in strong outside packagings. Inside liquid packagings are cushioned, if necessary, to prevent breakage and leakage;

(2) Each inside packaging does not exceed 1-gallon capacity for liquids nor 25 pounds for dry materials;

(3) Gross weight of less-than-case or repackaged lots is not over 100 pounds in each vehicle;

(4) Transportation is authorized only by private motor vehicle between a final distribution point and the ultimate point of application, if that distance does not exceed one hundred miles.

(b) Formulated liquid agricultural chemicals in specification packagings of 55 gallons capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard an aircraft for aerial application.

(c) See § 173.315(m) pertaining to nurse tanks.

13. In § 173.23, paragraph (d) is added to read as follows:

**§ 173.23 Previously authorized packaging.**

(d) Cylinders (spheres) manufactured and marked DOT-E 6616 prior to January 1, 1983, may be continued in use

if marked before or at the time of the next retest with the specification identification "4BA" near the exemption marking.

14. In § 173.25, the title and the entire text are revised to read as follows:

**§ 173.25 Authorized packages and overpacks.**

(a) Except as provided in paragraph (b) of this section, authorized packages containing hazardous materials may be offered for transportation when tightly packed in a strong overpack, if all of the following conditions are met:

(1) The package meets the requirements of §§ 173.21 and 173.24 of this subchapter.

(2) The overpack is marked with the proper shipping name and identification number, and labeled as required by this subchapter for each hazardous material contained therein unless markings and labels representative of each hazardous material in the overpack are visible.

(3) Each package subject to the orientation marking requirements of § 172.312 of this subchapter is packed in the overpack with its filling holes up and the overpack is marked "THIS END UP" or "THIS SIDE UP" (as appropriate) to indicate the upward position of closures.

(4) The overpack is marked with a statement indicating that the inside (inner) packages comply with prescribed specifications when specification packagings are required, unless specification markings on the inside packages are visible.

(b) In addition to the requirements of paragraph (a) of this section, authorized packages containing corrosive liquids must meet the following conditions:

(1) Packages containing nitric acid (over 40% concentration), perchloric acid, hydrogen peroxide solution (over 52% strength by weight), nitrohydrochloric or nitrohydrochloric acid diluted are not overpacked; and

(2) Other corrosive liquids are not to be overpacked with any other hazardous material, except as follows—

(i) As provided in §§ 173.242, 173.257, 173.258, 173.259, 173.260, 173.261, and 173.286 of this subchapter; and

(ii) Acid or alkaline battery fluid in packages prescribed by §§ 173.257 and 173.258 of this subchapter may be included in overpacks with storage batteries when packed to prevent movement within the overpack.

15. In § 173.32, paragraph (a)(5) is added and paragraph (l)(1) is revised to read as follows:

**§ 173.32 Qualification maintenance and use of portable tanks other than specification IM portable tanks.**

(a) \* \* \*

(5) Where IM-101 and IM-102 portable tanks are prescribed, Specification 51 portable tanks otherwise conforming to the special commodity requirements of the IM Tank Table may be used.

(1) Pipe joints shall be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than (Schedule 80) weight. Nonmalleable metals must not be used in the construction of valves or fittings. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material may not be lower than 1000°F. The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

16. In § 173.33, paragraphs (b)(2) and (f)(1) are revised to read as follows:

**§ 173.33 Qualification, maintenance, and use of cargo tanks.**

(2) Continued use of existing cargo tanks constructed to Specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, or MC 311 is authorized but new construction may not have commenced after September 1, 1967. Cargo tanks constructed to Specification MC 304 and modified to comply with § 178.342-4 and § 178.342-5 are also authorized.

(1) Pipe joints shall be threaded, welded or flanged. If threaded pipe is used, the pipe and pipe fittings must not be lighter than Schedule 80 weight. Nonmalleable metals must not be used in the construction of valves or fittings. Where copper tubing is permitted, joints must be brazed or be of equally strong metal union type. The melting point of brazing material must not be lower than 1000°F. The method of joining tubing must not decrease the strength of the tubing such as by the cutting of threads.

17. In § 173.53, paragraph (u) is revised to read as follows:

**§ 173.53 Definition of class A explosives.**

(u) *Charged well casing jet perforating guns.* Charged well casing jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. Shaped charges must be of a type

described in paragraph (h)(1) of this section, except that each shaped charge installed in the steel tube or metallic strip shall contain not over 4 ounces of high explosive. Charged well casing jet perforating guns must not be transported with blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns.

18. In § 173.74, the first sentence of paragraph (b) is revised to read as follows:

**§ 173.74 Lead styphnate.**

(b) Lead styphnate (lead trinitroresorcinate) must be packed wet with not less than 20 percent by weight of water in Specification 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, Spec. 17H (§ 178.118 of this subchapter) metal drum (single-trip), with an inside bag made of rubber or rubberized cloth.

19. In § 173.80, the heading and the entire text is revised to read as follows:

**§ 173.80 Charged well casing jet perforating guns.**

(a) Charged well casing jet perforating guns may be transported only by highway and only by private carriers engaged in well operations. These guns may be transported as Class C explosives if the total weight of the explosive contents of the shaped charges assembled to the guns does not exceed 20 pounds. See § 173.110.

(b) Charged well casing jet perforating guns of the steel tube type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specifically constructed bodies of motor vehicles operated by private carriers engaged in well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the steel tubes must be of the type described in § 173.53(h)(1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(c) Charged well casing jet perforating guns of the metallic strip or tubular

framework type must be packed without blasting caps, electric blasting caps, or other firing devices affixed to or installed in the guns and transported in specially constructed bodies of motor vehicles operated by private carriers engaged in well operations whose motor vehicles transporting such guns must have specially built racks or carrying cases designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. Shaped charges assembled in the metallic strips or tubular framework must be of the type described in § 173.53(h)(1), except that each shaped charge shall contain not over 4 ounces of high explosive and each shaped charge if not completely enclosed in glass or metal must be fully protected by a metal cover after installation in the gun.

(d) The charged well casing jet perforating guns described in paragraphs (b) and (c) of this section and the bodies of motor vehicles transporting such guns must be so designed and constructed so that the guns are held securely in place during transportation and are not subject to damage by contact, one to the other or other articles or materials carried on the vehicle. The assembled gun or guns packed as required by paragraphs (b) or (c) of this section must not extend beyond the body of the vehicle and must be secured in the body of the motor vehicle in a fixed position so as to prevent movement relative to each other or in the body of the motor vehicle.

(e) Blasting caps, electric blasting caps, or other firing devices transported on any motor vehicle operated by private carriers engaged in well operations transporting charged well casing jet perforating guns shall be segregated; each kind from every other kind, and from jet perforating guns, tools or other supplies. Blasting caps, electric blasting caps, or other firing devices shall be carried in a container having individual pockets for each such device or in a fully enclosed steel container lined with nonsparking material. No more than two blasting caps, electric blasting caps, or other firing devices per gun shall be transported on the same motor vehicle transporting well casing jet perforating guns.

20. In § 173.110, the heading, paragraphs (a) and (b), and the introductory text of paragraph (c) are revised to read as follows:

§ 173.110 **Charged well casing jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.**

(a) Charged well casing jet perforating guns transported by motor vehicles operated by private carriers engaged in well operations in which the total weight of the explosive contents of shaped charges assembled to guns being transported does not exceed 20 pounds per such vehicle must be packed as prescribed in § 173.80(b), (c), (d) and (e).

(b) Charged well casing jet perforating guns may be offered for transportation and transported only by private carrier by highway.

(c) Charged well casing jet perforating guns may be offered for transportation and transported by private offshore well supply vessels only when carried in special motor vehicles as prescribed in § 173.80 or on offshore down hole tool pallets provided that:

21. In § 173.115 paragraphs (b)(2), (d)(1) and (e) are revised to read as follows:

§ 173.115 **Flammable, combustible, and pyrophoric liquids; definitions.**

(b) *Combustible liquid.*

(2) For the purposes of this subchapter—

(i) An aqueous solution containing 24 percent or less alcohol by volume is considered to have a flash point of no less than 100° F. (37.8° C) if the remainder of the solution is not subject to this subchapter, and

(ii) An aqueous solution containing 24 percent or less alcohol by volume is not subject to the requirements of this subchapter if it contains no less than 50 percent water and no material (other than the alcohol) which is subject to this subchapter.

(d) *Flash point.* (1) "Flash point" means the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with air near the surface of the liquid and shall be determined as follows:

(i) For a homogeneous, single-phase, liquid having a viscosity less than 45 S.U.S. at 100° F. (37.8° C) that does not form a surface film while under test, one of the following test procedures shall be used:

(A) Standard Method of Test for Flash Point by Tag Closed Tester, (ASTM D56-79); or

(B) Standard Methods of Test for Flash Point of Liquids by Setaflash Closed Tester, (ASTM D3278-78).

(ii) For a liquid other than one meeting all of the criteria of paragraph (d)(1)(i) of this section, one of the following test procedures shall be used:

(A) Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, (ASTM D93-80). For cutback asphalt, use Method B of ASTM 93-80. (Alternate tests authorized in this standard may be used); or

(B) Standard Methods of Test for Flash Point of Liquids by Setaflash Closed Tester, (ASTM D3278-78).

(e) "S.U.S." means Saybalt Universal Seconds as determined by the Standard Method of Test for Saybalt Viscosity (ASTM D88-56) (reapproved 1968) and may be determined by use of the S.U.S. conversion tables specified in the Standard Method for Conversion of Kinematic Viscosity to Saybalt Universal Viscosity or to Saybalt Furol Viscosity ASTM D2161-79 following determination of viscosity in accordance with the Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity) (ASTM D445-79).

22. In § 173.134, the first sentence of paragraph (a)(1)(iii) is revised to read as follows:

§ 173.134 **Pyrophoric liquids, n.o.s.**

(a) \* \* \*

(1) \* \* \*

(iii) Overpacked in a Specification 12A or 12B (§§ 178.210, 178.205 of this subchapter) fiberboard box or Specification 33A (§ 178.150 of this subchapter) polystyrene case. \* \* \*

23. In § 173.244, paragraphs (a)(3) and (a)(4) are redesignated paragraphs (a)(4) and (a)(5) respectively and a new paragraph (a)(3) is added to read as follows:

§ 173.244 **Limited quantities of corrosive materials.**

(a) \* \* \*

(3) Corrosive liquids in glass containers having a rated capacity not over 8 fluid ounces by volume in strong outside packaging and cushioned with sufficient absorbent material to completely absorb the liquid contents in the event of breakage, and which will not react chemically with the corrosive material.

24. In § 173.245, paragraph (b) is amended by adding a sentence at the end to read as follows:

§ 173.245 **Corrosive liquids not specifically provided for.**

\* \* \*

(b) \* \* \* For hazardous wastes and hazardous substances that would otherwise be subject to this paragraph, only the requirements of Parts 171 and 172 of this subchapter apply.

25. In § 173.245b, paragraph (a)(6) is revised to read as follows:

§ 173.245b **Corrosive solids not specifically provided for.**

(6) Open head plastic drum or pail not exceeding 95 pounds net weight and not over 7-gallon capacity or closed head plastic drum not exceeding 550 pounds net weight and not over 55-gallon capacity.

26. In § 173.271, the title and the introductory text of paragraph (a) are revised to read as follows:

§ 173.271 **Methyl phosphonic dichloride, phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.**

(a) Methyl phosphonic dichloride, phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be placed in specification containers as follows:

27. In § 173.277, paragraph (a)(9) is revised, paragraph (a)(10) is added and paragraph (g) is removed to read as follows:

§ 173.277 **Hypochlorite solutions.**

(a) \* \* \*

(9) Specification MC 310, MC 311 or MC 312 (§ 178.243 of this subchapter). Tank motor vehicles. Tanks must be lined with rubber or other materials resistant to the lading. Continued use of nonspecification cargo tanks used to transport hypochlorite solutions prior to January 1, 1983, is authorized.

(10) Specification IM 101 portable tanks (§§ 178.270, 178.271 of this subchapter) are authorized under conditions specified in the IM Tank Table.

28. In § 173.308, the introductory text of paragraph (a) is revised to read as follows:

§ 173.308 **Cigarette lighter or other similar device charged with fuel.**

(a) In addition to the requirements of § 173.21(e), a cigarette lighter or other similar device charged with a flammable gas must be shipped as follows:

29. In § 173.357, paragraph (b)(3) is revised to read as follows:

**§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.**

(b) \* \* \* \* \*

(3) Specification 17C or 17E (§§ 176.115, 178.116 of this subchapter). Metal drums (single-trip) with openings not over 2.3 inches in diameter. Capacity not to exceed 30 gallons for Specification 17E. Authorized only for mixtures of chloropicrin and technical grade dichloropropene containing not more than 15 percent chloropicrin by weight.

30. In § 173.505, paragraph (b) is revised to read as follows:

**§ 173.505 Exceptions for Other Regulated Material (ORM).**

(b) Strong outside packaging as specified in § 173.1200 and marking requirements specified in § 172.316 of this subchapter are not required for materials classed as ORM-D when unitized in cages, carts, or similar overpacks and when shipped by a private or contract motor carrier from a distribution center to a retail outlet.

**PART 176—CARRIAGE BY VESSEL**

31. In § 176.11, paragraph (a) is revised to read as follows:

**§ 176.11 Exceptions.**

(a) A hazardous material may be offered and accepted for transportation by vessel when in conformance with the requirements of the IMDG Code in place of the corresponding requirements of this subchapter pertaining to packaging, marking, labeling, classification, description, certification and placarding. All hazardous materials must otherwise be stowed and carried in accordance with this subchapter.

32. In § 176.30, paragraph (a)(3) is revised to read as follows:

**§ 176.30 Dangerous cargo manifest.**

(a) \* \* \* \* \*

(3) Shipping name and identification number of each hazardous material on board as listed in § 172.101 or § 172.102 of this subchapter or as listed in the IMDG Code.

33. In § 176.415, paragraph (b)(2) is revised to read as follows:

**§ 176.415 Permit requirements for blasting agents, ammonium nitrates, and certain ammonium nitrate mixtures.**

(b) \* \* \*

(2) Ammonium nitrate fertilizer (containing no more than 0.2 percent carbon) if the nearest District Commander, U.S. Coast Guard or Captain of the Port is notified at least 24 hours in advance of any loading or unloading in excess of 1,000 pounds in any one vessel (See footnote 1 to § 173.182).

**PART 177—CARRIAGE BY PUBLIC HIGHWAY**

34. In § 177.824, paragraph (h) is revised to read as follows:

**§ 177.824 Retesting and inspection of cargo tanks.**

(h) *Test and inspection date markings.* The month and year of the last test or visual inspection, as appropriate, must be durably and legibly marked on the tank in letters not less than 1¼ inches high. These markings must be near the metal certification plate.

35. In § 177.835, the first sentence of paragraph (b)(1) is revised to read as follows:

**§ 177.835 Explosives.**

(b) \* \* \* \* \*

(1) Whenever tarpaulins are used for covering explosives, they shall be secured by means of rope, wire, or other equally efficient tie downs. \* \* \*

**PART 178—SHIPPING CONTAINER SPECIFICATIONS**

36. In § 178.51, § 178.51-19 paragraph (c) is amended by adding subparagraph (5) to read as follows:

**§ 178.51-19 Marking.**

(c) \* \* \* \* \*

(5) On neck, valve boss, valve protection sleeve, or similar part permanently attached to the top end of the cylinder.

37. In § 178.209, § 178.209-14 paragraph (a) is revised to read as follows:

**§ 178.209 Specification 12H; fiberboard boxes.**

**§ 178.209-14 Special test.**

(a) *By whom and when.* By or for each plant making the boxes, at the beginning of manufacture and at six-month intervals thereafter, on the largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction.

38. In § 178.214, § 178.214-18 paragraph (a) is revised to read as follows:

**§ 178.214 Specification 23F; fiberboard boxes.**

**§ 178.214-18 Special test.**

(a) *By whom and when.* By or for each plant making the boxes, at the beginning of manufacture and at six-month intervals thereafter, on the largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction.

39. In § 178.218, § 178.218-11, paragraph (a) is revised to read as follows:

**§ 178.218 Specification 23G; special cylindrical fiberboard box for high explosives.**

**§ 178.218-11 Special test.**

(a) *By whom and when.* By or for each plant making the boxes, at the beginning of manufacture and at six-month intervals thereafter, on the largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction.

40. In § 178.219, § 178.219-14 paragraph (a) is revised to read as follows:

**§ 178.219 Specification 23H; fiberboard boxes.**

**§ 178.219-14 Special tests.**

(a) *By whom and when.* By or for each plant making the boxes, at the beginning of manufacture and at six-month intervals thereafter, on the largest size, by weight. Smaller sizes need not be tested if they have the same or equivalent construction.

41. In § 178.245, § 178.245-7 paragraph (a) is revised to read as follows:

**§ 178.245 Specification 51; steel portable tanks.**

**§ 178.245-7 Report.**

(a) A copy of the manufacturer's data report required by the Code (See § 178.245-1(a)) under which the tank is fabricated shall be furnished to the owner for each new tank.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1)

Issued in Washington, D.C. on May 31, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-13198 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-60-M



## Proposed Rules

Federal Register

Vol. 48, No. 119

Monday, June 20, 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 TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 81-NW-81-AD]

#### British Aerospace Corporation 1-11 Model 200 and 400 Series Airplanes; Airworthiness Directive

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to adopt an airworthiness directive (AD) that would require the installation of dual safety lights into each door structure and improve the flight deck warning system on British Aerospace Model BAC 1-11 200 and 400 series airplanes. The proposed AD is prompted by reports of the forward passenger and service doors opening during flight. In those instances, the warning light in the cockpit failed to indicate that the doors were not closed and locked correctly.

**DATES:** Comments must be received no later than August 8, 1983.

**ADDRESSES:** The applicable service information may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, D.C. 20041 or may also be examined at the address shown below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Harold N. Wantiez, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-88966, Seattle, Washington 98168.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such

written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified below. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

#### Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 81-NW-81-AD, 17900 Pacific Highway South, C-88966, Seattle, Washington, 98168.

#### Discussion

The United Kingdom Civil Aviation Authority (CAA) has, in accordance with existing provisions of a bilateral agreement, notified the FAA of an unsafe condition which may exist on model BAC 1-11 airplanes. There have been reports that the door status warning system failed to indicate the correct status of unlocked forward passenger and service doors. The doors subsequently opened during flight.

Since these conditions are likely to exist or develop on airplanes of this model registered in the United States, an AD is proposed that would require the installation of a warning system which includes dual safety lights in each door structure and improve the flight deck warning system on British Aerospace Model BAC 1-11 200 and 400 series airplanes.

It is estimated that 63 U.S. registered airplanes will be affected by this AD, that it will take approximately 60 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$35 per manhour. Repair parts are estimated at \$17,600 per airplane. Based on these figures, the total cost impact of this AD to the U.S.

operators is estimate to be \$1,241,100. For these reasons, the proposed rule is not considered to be a major rule under the criteria of Executive Order 12291. Few small entities within the meaning of the Regulatory Flexibility Act would be affected.

#### List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

#### The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

**British Aerospace:** Applies to all Model BAC 1-11 200 and 400 series airplanes certificated in all categories. Compliance is required as indicated. To detect improperly closed doors and prevent the forward passenger or forward service door from opening during flight, accomplish the following unless already accomplished:

(1) Within the next 9 months after the effective date of this AD, install an auxiliary forward passenger and forward service door status warning system in accordance with paragraph (2). "Accomplishment Instructions," of British Aerospace, Service Bulletin 52-PM3029 Part 2, Revision No. 2, dated November 12, 1980.

(2) Alternate means of compliance with this AD may be used if approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

(3) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; Sec. 6(c)), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85).

**Note.**—For the reasons discussed earlier in the preamble, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation has been prepared and has been placed in the public docket.

Issued in Seattle, Washington on June 8, 1983.

**Charles R. Foster,**  
Director, Northwest Mountain Region.

[FR Doc. 83-18247 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 61

[Docket No. 23672; Notice No. 83-6]

#### Proposed Minimum Aeronautical Experience Requirements; Instrument Rating

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes to amend the rules for the issuance of an original or additional instrument rating added to an airman certificate. The proposed amendment would modify the present minimum flight-time requirements for the issuance of an instrument rating and thus encourage earlier training in, and development of, instrument flying skills. This proposal responds to recognized current training technology and supports the concept of training to prescribed standards.

**DATE:** Comments must be received on or before September 19, 1983.

**ADDRESSES:** Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 23672, 800 Independence Avenue, SW., Washington, D.C. 20591. Comments may be delivered in duplicate to: Rules Docket, Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m.

**FOR FURTHER INFORMATION CONTACT:** Lauren D. Basham, Certification Branch (AFO-840), General Aviation and Commercial Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8196.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address listed above.

All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 23672." The postcard will be dated, time stamped, and returned to the commenter. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date of the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

##### Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### Background

Part 61 of the Federal Aviation Regulations was revised by Amendment 61-60, effective November 1, 1973. The purpose of that amendment was to upgrade pilot training requirements to reflect the increased complexity of the modern aircraft and its operating environment.

In revised Part 61, the requirements were significantly upgraded to ensure that applicants for pilot certificates or for the addition of a rating to a pilot certificate receive training under the supervision of an authorized flight instructor in the "total operational training concept." Under this training concept, training in the aeronautical knowledge and flight skills necessary to qualify the applicant for all phases of pilot operations authorized by the certificate or rating sought is required.

Amendment 61-60 retained, without significant change, the flight experience requirements for the instrument rating.

More recently, Amendment 61-70, issued on January 4, 1982 (47 FR 3486; January 25, 1982), deleted the requirement that cross-country experience be gained in a specific category of aircraft and thus permits cross-country experience gained in any powered aircraft to be applied toward the experience requirements for an instrument rating. The FAA does not believe the above amendment diminishes the current requirements for an instrument rating. However, because of the relatively high involvement rate of low-time, noninstrument-rated pilots in weather-related accidents, there is a growing concern about the adequacy of current instrument rating requirements.

The FAA is aware that many noninstrument-rate private pilots delay commencing instrument training until they have accumulated some 150 to 160 hours of flight time. An unfortunate consequence of this practice is that many of these pilots do not pursue the instrument rating prior to the 150-hour level. The instrument flying skills necessary to operate a complex aircraft within the variety of meteorological conditions that many of them encounter while operating in the National Airspace System are often not required.

Over the years, revision of minimum aeronautical experience requirements for the issuance of an instrument rating has been considered. Draft Release No. 63-6, issued February 19, 1963 (28 FR 1881; February 18, 1963), proposed a reduction in the total flight time for the private pilot applicant for an instrument rating. This proved to be a controversial issue with strong arguments on each side.

Proponents of the proposed amendment contended that the acquisition of additional flight hours of miscellaneous flying time beyond private pilot certification would give no assurance that the pilot would have any better judgment or be better qualified to operate under instrument flight rules than would be the case if the pilot were permitted to qualify for an instrument rating without regard to the total flight time required. They also contended that: (1) By making it easier to secure an instrument rating, private pilots would be encouraged to secure additional instrument training and an instrument rating and, in so doing, become better and safer pilots and gain increased use of their aircraft; (2) pilot experience is a poor measure of airman competency; and (3) a pilot is often more receptive to instrument training soon after having qualified for a private pilot certificate than after having reached the 200-hour

total time point with a considerable amount of unsupervised flying.

The principal objections to the reduction of the experience requirements for the issuance of an instrument rating were based on the belief that a person with less than the total flight time required for a commercial pilot certificate would not have the "seasoning" and maturity of judgment believed vital in modern instrument flight rule operation and, consequently, that the total flight-time requirements then in force provided an overall background of experience which should not be reduced.

After careful consideration of all issues involved, the FAA concluded that adoption of the proposed change would be inappropriate and the proposed change was dropped.

For more than 40 years, a number of both fatal and nonfatal weather-related accidents have involved pilots with fewer than 200 hours of total flight time and little or no instrument training. National Transportation Safety Board reports covering various time periods for the last several years clearly reveal the negative role of adverse weather in aircraft accidents.

The FAA is unable to establish overall the extent to which pilots involved in weather-related accidents were not qualified for flight operations under instrument flight rules since the data needed are not available. However, it is clear that today's general aviation pilots operate a variety of sophisticated aircraft in a wide range of environmental weather conditions, with resulting increased demands on the pilot.

The FAA recently contracted with a major aeronautical university to conduct a training experiment utilizing specific groups of students in an effort to examine the relationship of pilot experience, as defined by total flight time, to the acquisition of instrument flight skills as demonstrated by performance on the instrument certification flight test. Further objectives of this experiment were to: (1) Identify and assess specific differences in the performance of instrument maneuvers by student pilots whose total flight times ranged between 100 and 200 hours; and (2) determine whether differences in total flight times affect the general process by which beginning or advanced instrument flight skills are learned.

The conclusions reached from this experiment, completed early in 1982, were, in general, that: (1) Within the ranges of preinstrument flight experience examined in connection with the experiment, the amount of prior flight time had no effect on the

acquisition and demonstration of instrument flight skills; and (2) consideration should be given to reducing the present 200-hour flight experience requirement for the issuance of an instrument rating to a more realistic experience requirement which would encourage the earlier acquisition of instrument flying skills.

#### Discussion of Proposed Rule

The FAA has determined that it would be appropriate to consider reducing the present 200-hour flight experience requirement for the issuance of an instrument rating.

These proposed amendments would recognize current training technology and support the concept of training to prescribed standards in which the overall ability to perform a function, embracing knowledge, proficiency, and judgment, meets the desired level of competency. Additionally, the proposed amendment would upgrade the competency of pilots who seek the addition of an instrument rating to their pilot certificate and provide greater flexibility to pilots in the 100-hour experience level without degrading safety of air commerce.

Today, general aviation pilots have access to a variety of aircraft, many of which offer speed and performance capabilities that equal or exceed those being used in commercial air carrier operations. In fact, many of the new aircraft currently employed in general aviation compare favorably with some of the modern transport-type aircraft, particularly with regard to the complexity of sophisticated systems and subsystems, such as avionics and flight director systems installations. In using these aircraft, the modern private pilot acquires a depth of experience that may equal that of the corporate or executive pilot. In view of this, and due to the fact that the national average minimum flight time required for pilots to acquire a private pilot certificate now exceeds 66 hours due to the complexity of requirements, it is unnecessary to have 200 hours total flight time, including 100 hours as pilot in command, to qualify for an instrument rating.

The development and implementation of explicit flight proficiency standards in pilot operations, procedures, and maneuvers relevant to the flight test required for the instrument rating is inherent in the concept of training to prescribed standards. This process is followed to ensure that applicants for an instrument rating are sufficiently skilled to operate an aircraft safely and efficiently under instrument flight rules and conditions in the national airspace system before the instrument rating is

issued. Thus flight-hour requirements alone are no longer believed to be a primary safety consideration. Therefore, it is proposed to revise § 61.65(e)(1) to require that an applicant for an instrument rating must have 100 hours of pilot flight time, including 75 hours as pilot in command, in lieu of the present requirement of 200 hours and 100 hours, respectively. It is also proposed to revise § 61.65(a)(1) to clarify the requirement that an applicant for an instrument rating need only hold a private pilot certificate. No substantive change is proposed in the remainder of § 61.65. Since applicants for an instrument rating will still be required to pass a practical test in instrument flying skills, the FAA will be able to ensure that the applicant has the minimum level of instrument flying skills necessary for safe operation before an instrument rating is issued.

#### Economic Evaluation

The FAA has determined that this proposed regulation involves no additional costs and relieves an economic burden. The total dollar extent of the cost savings benefit depends on the number of original instrument ratings obtained per year by private pilots and the class of aircraft used to meet the flight experience requirements. For the class of aircraft typically used to meet such training requirements for flight time as a pilot, the operating cost per flight hour may range from \$30 to \$100 for fixed-wing airplanes and \$100 to \$225 for helicopters. Those costs multiplied by 100 hours, because of the reduction in total flight time required of individuals seeking an instrument rating, could result in an immediate delay in cost to individuals of \$3,000 to \$10,000 and \$10,000 to \$22,500 for a rating appropriate to fixed-wing and rotary-wing aircraft, respectively. These costs, however, would likely be incurred after the instrument rating has been obtained because of the pilot's newly gained flexibility. In fact, while aircraft time that might have been acquired to expedite eligibility for the instrument rating would be avoided, the increased usefulness of the airman's pilot certificate may induce him or her to acquire more hours in a given period of time after obtaining the rating. Thus, while initial cost savings can accrue to any private pilot applicant for an instrument rating, the net savings cannot be said to be significant.

Savings could also accrue to any size small business or not-for-profit organization underwriting such an application. However, the obtaining of a private pilot's certificate and the

acquisition of advanced flying skills are normally accomplished through the sole initiative of an individual undertaking the training. It is reasonable to expect that the number of such entities who would pay for private pilot training for their employees would not be substantial. Public comment is invited on this assumption.

As a result, the FAA finds that the proposed rule change would not have a significant savings or cost impact on a substantial number of small entities; therefore, an initial regulatory flexibility analysis is not required by the Regulatory Flexibility Act of 1980.

A copy of the draft regulatory reevaluation of this proposed rule is contained in the docket. The FAA invites specific comments concerning the extent and magnitude of the cost savings or other benefits that can accrue to individuals seeking an instrument rating under the proposed rule change.

#### List of Subjects in 14 CFR Part 61

Airmen, Balloons, Aircraft pilots, Pilots, Students, Foreign persons, Transportation, International agreements, Air safety, Safety, Aviation safety, Air transportation, Aircraft, Airplanes, Helicopters, Rotorcraft, Compensation Education, Teachers.

#### Proposed Amendment

Accordingly, the FAA proposes to amend § 61.65 of the Federal Aviation Regulations (14 CFR 61.65) as follows:

#### PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. By revising § 61.65 (a) (1) to read as follows:

##### § 61.65 Instrument rating requirements.

(a) \* \* \*

(1) Hold at least a current private pilot certificate with an aircraft rating appropriate to the instrument rating sought.

(e) \* \* \*

(1) A total of 100 hours of pilot flight time, including 75 hours as pilot in command, of which 50 hours are cross-country in a powered aircraft.

(Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 142, and 1422); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.45)

**Note.**—Since this proposal would merely reduce the number of hours of flight experience an airman must have and, therefore, would not impose any cost or other economic burden on the applicant, the FAA has determined that this document involves a proposed regulation which is not major under

Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Because of small entities expected to pay for private pilot training for their employees would not be substantial, it is certified that, under the criteria of the Regulatory Flexibility Act, this proposed regulation will not have a significant economic impact on a substantial number of small entities. A copy of the draft regulatory evaluation for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on May 25, 1983.

**Kenneth S. Hunt,**

*Director of Flight Operations.*

[FR Doc. 83-16246 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 73

[Airspace Docket No. 83-ASO-18]

#### Proposed Alteration of Restricted Area R-6001

##### Correction

In FR Doc. 83-14218, beginning on page 23661 in the issue of Thursday, May 26, 1983, the ninth line of the first boundary description in the third column of page 23661 should read, "34°01'00" N., long. 80°45'55" W.; to lat."

BILLING CODE 1505-01-M

#### 14 CFR Part 91

[Docket No. 22050; Notice No. 83-7]

#### Special Federal Aviation Regulation No. 44-4; Air Traffic Control System; Interim Operations Plan

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This notice proposes alternative methods for the final disposition of slots formerly used by Braniff Airways and temporarily allocated to other airlines under SFAR 44-4. This proposal, in part, responds to a letter dated May 19, 1983, from Braniff making a formal request for slots and to a petition for rulemaking submitted by Continental Airlines.

**DATE:** Comments must be received on or before June 24, 1983.

**ADDRESSES:** Mail comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22050, 800

Independence Avenue, S.W., Washington, D.C. 20591.

Or deliver them to: Room 915G, 800 Independence Avenue, S.W., Washington, D.C.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** J. E. Murdock III, Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone (202) 426-3773.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22050." The postcard will be dated, time-stamped, and returned to the commenter.

##### Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of



Advisory Circular 11-2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

#### Background

On Wednesday, May 12, 1982, Braniff Airways, Inc. (Braniff), suspended its operations and filed bankruptcy papers under Chapter 11 of the Federal Bankruptcy Code. Braniff had been using a significant number of arrival slots at various airports within the contiguous United States. Those slots had been allocated to Braniff under the FAA's Interim Operations Plan, consistent with a number of Special Federal Aviation Regulations (SFAR), including SFAR 44-3 (47 FR 7816; February 22, 1982). Braniff had been allocated approximately 400 arrival slots, of which about 150 were at Dallas/Fort Worth Regional Airport (DFW). Immediately after Braniff suspended operations, approximately 25 percent of the slots used by Braniff were allocated to other carriers on an emergency basis to minimize the impact on the traveling public of Braniff's suspension of operations.

In order to allocate the remainder of the slots previously utilized by Braniff, the FAA on May 20, 1982, issued SFAR 44-4 (47 FR 22492; May 24, 1982). Under this SFAR, a random draw was held on May 27, 1982, to determine the order in which the slots used by Braniff would be allocated. The preamble to the SFAR included the following language:

Braniff slots, either under this SFAR or on an emergency basis, are allocated on a temporary basis only. The slots are for up to a 60-day period. During that time, Braniff's Chapter 11 proceedings will be closely monitored. If Braniff does again operate, then the slots necessary for continued Braniff operations will be returned to Braniff. The carriers should be able to use these slots for 60 days, but all parties are put on notice that the award of these slots may be revoked upon 24-hour notice. Carriers should not apply for these slots unless they will be in a position to operate under these conditions. At no later than the end of that 60-day period, this temporary approval may be extended or a longer term allocation procedure for the particular slots may be promulgated.

The slots so allocated were designated "DS" on FAA records and retain that designation today.

On December 23, 1982, Braniff filed an application for approval of a proposed agreement between Braniff and Pacific Southwest Airlines (PSA). On December 30, 1982, Braniff filed with the Bankruptcy Court a "Memorandum of Understanding" as a basis for a proposed settlement and compromise of all claims, counter-claims, and potential litigations by and among Braniff, certain

unsecured creditors, and certain secured creditors. The "Memorandum" contained a proposed arrangement between Braniff and PSA in which PSA would obtain a number of Braniff's aircraft, airport leases and other equipment, and Braniff's landing slots would be transferred to PSA.

On January 26, 1983, the Administrator advised Braniff that the proposed agreement between Braniff and PSA did not satisfy the conditions for the return of the slots set forth in SFAR 44-4; therefore, the slots were not returned to Braniff. The Administrator also stated that it was his intention to take action to permanently allocate these slots.

On March 2, 1983, the United States Court of Appeals for the Fifth Circuit reversed the lower court orders approving the agreement and transfer of slots (In Re Braniff Airways, Inc., 700 F.2d 935 (1983)). The Court of Appeals held that, even under the broad terms of Section 105 of the Bankruptcy Act, slots were not property and that, therefore, the District Court did not have jurisdiction to order the FAA to return landing slots to Braniff or a "successor" of Braniff. Even if the slots rose to "some limited proprietary interest," the Fifth Circuit held that the FAA still had sole authority to approve the transfer contemplated.

On December 30, 1981, Continental Air Lines, Inc., filed a petition for rulemaking requesting the agency to institute proceedings for the adoption of rules to govern the long-term allocation of airport landing slots formerly assigned to Braniff. In support of its petition, Continental stated that the allocation of the slots formerly used by Braniff was originally intended to be for a temporary 60-day period to permit the FAA to monitor Braniff's bankruptcy proceedings. Continental further stated that the agency seems to have contemplated that slots necessary for continued operations would be returned to Braniff if Braniff resumed operations in the near term; otherwise, incumbents would be allowed to continue to use the slots, or some new long-term allocation procedure would be adopted.

By letter (copy is in docket) dated May 19, 1983, Howard Putnam, President of Braniff, formally requested authority to use 188 of the slots previously utilized by Braniff. Mr. Putnam stated that the planned start-up date is October 1, 1983.

Assuming that Braniff is able to obtain the necessary approvals to commence operation, it will need slots to begin operation. Because of the number of slots needed, Braniff will not be able to obtain a sufficient number of slots in the regularly scheduled slot

selection session where FAA allocates new capacity as it becomes available. Even if Braniff were granted new entrant status at the next selection session, which will allocate slots for the September-December period, it would not have ample opportunity to obtain the slots it is seeking.

There are three basic alternative approaches that would be responsive to Braniff's request. These alternatives are:

1. Recall the necessary slots from those allocated in accordance with SFAR 44-4; or

2. Allocate to Braniff those slots announced as being available for allocation in the June slot selection session for the September-December period.

3. A combination of Alternatives 1 and 2.

Alternative 1 would not be simple to implement. Braniff does not need all the slots it formerly used; some would remain in the hands of the carriers now using them. But the agency cannot merely recall all the "DS" slots. SFAR 44-4 was designed to address the emergency caused by Braniff's sudden cessation of operations. At the time, the FAA anticipated that Braniff might have resumed all its operations soon after the shutdown. The SFAR thus did not provide for a regulatory means of recalling slots, or for a means of deciding which slots should be recalled, should Braniff or a corporate successor not require all the slots.

Braniff is now requesting 188 slots, considerably fewer than the approximately 350 reallocated. It appears that even fewer may be needed because of reductions in systemwide slot requirements. Nevertheless, a decision to adopt Alternative 1 would require additional procedures to determine which carriers must give up "DS" slots at which hours. The FAA could, for example, accomplish this through random ranking (or the SFAR 44-4 ranking) of carriers. Under this approach, each carrier would be given an opportunity in turn to relinquish a given number of slots corresponding to the hours and airports requested by Braniff. Details of this procedure could vary. Commenters that support Alternative 1 should also address methods of reallocation.

The FAA notes that the passage of time means that implementation of Alternative 1 could be disruptive. The agency recognizes that slots allocated to carriers in accordance with SFAR 44-4 have become, in some cases, an integral part of a carrier's scheduling base, and have been relied upon in carrier equipment, marketing and personnel



decisions. Impacts will vary, however, from carrier to carrier, and may not be too severe in light of the continuing reduction in slot restrictions systemwide. Commenters should address this aspect of Alternative 1.

Alternative 2 is to allow Braniff to select a sufficient number of slots to begin operation from those slots that would be made available in the normal allocation process (if a sufficient number is available).

If this alternative is selected, it will no longer be necessary or appropriate to place any special conditions or restrictions on former Braniff slots. Therefore, the FAA is soliciting comments on a proposal to eliminate the condition that "Braniff" slots may be recalled from carriers currently holding them "if Braniff does again operate (so that) the slots necessary for continued Braniff operations (can) be returned to Braniff." If the agency adopts such a final rule, SFAR 44-4 would be rescinded and the former "Braniff" slots would be treated as though they had been allocated under SFAR 44-5. Thus, the conditions contained in SFAR 44-5 would apply to all slots allocated under SFAR 44.

Although Braniff has requested 118 slots, since slot restrictions are being lifted at many air route traffic control centers and certain pacing airports, our preliminary analysis indicates that Braniff will need, at the most, 125 slots. If the proposed Braniff start-up date is delayed past October 30, it will need significantly fewer slots. Of course, if operations are delayed beyond that date, the number of slots needed would be minimal.

If Braniff is prepared to begin its proposed operation on October 1, the primary impact on the system would occur in the Houston and Fort Worth Centers. In order to accommodate a Braniff start-up, most if not all announced new capacity in both centers would have to go to Braniff. In the other centers the impact would be less severe. Slot allocations at pacing airports would only be affected at Los Angeles and O'Hare Airports. At these airports, it would be necessary to provide Braniff a number of slots during the busiest hours, although a significant number would be available to other carriers at each airport during the remainder of the day. If Alternative 2 is adopted, it is proposed that Braniff would not be given a position in the normal slot allocation sequence until the scheduling period beginning January 1, 1984.

The agency recognizes that it is unlikely that Braniff will obtain the requisite legal approvals for the proposed Agreement with Hyatt before

the June slot selection session. The Agency does not believe that it would be advisable, however, to postpone the session until Braniff has obtained those approvals. In fact, the Braniff proposal may never be approved. On the other hand, if these slots are allocated without giving Braniff any consideration, it would be impossible for them to operate this year without taking back former Braniff slots that have been allocated to other carriers. Therefore, one additional alternative would be to allow Braniff to select the slots necessary for its operation while allowing other carriers to select the same slots in the event that Braniff's proposed operation is delayed or disapproved. To accomplish this, the FAA would designate which slots, at the June slot selection session, have been selected by Braniff. Those slots would be designated by the letter "B." Braniff would be required to advise the FAA prior to August 1, 1983, whether it had obtained all necessary approvals for its proposed reorganization and a list of those slots which it will operate on October 1. (In addition to such notice on August 1, if start-up is to be later than October 1, 1983, Braniff should give such advice no later than 60 days prior to the expected operation date.) If Braniff does not provide that information, then the other carriers selecting the "B" slots would be entitled to use those slots and those slots would become part of their base.

The FAA recognizes that some commenters might state that this proposal will deprive them of an opportunity to operate at the centers or airports at which Braniff has selected slots. While the agency understands that reducing the number of available slots may negatively affect individual carriers, that impact should be minimal since slot restrictions will, in most cases, be eliminated shortly after October 1. Thus, a carrier which is prevented by this proposal from obtaining a slot at the Houston Center on October 1 could operate in the Houston Center without a slot after November 1, 1983.

Finally, any difficulties presented by either alternative could be alleviated by a delay in Braniff's proposed start-up date, or a phased start-up over a period of several months. While Braniff is expected to keep the FAA advised of any changes in its schedule, which in turn would be reflected in this rulemaking, commenters should also address the possibility of an FAA-imposed start-up schedule.

While proposing alternative methods of providing slots to a reorganized Braniff, the FAA has not yet determined whether the current Braniff proposal is

consistent with SFAR 44-4. While it presently appears that it is, a final determination cannot be made until Braniff and Hyatt have submitted a final agreement to the Bankruptcy Court.

#### List of Subjects in 14 CFR Part 91

Air traffic control.

#### PART 91—GENERAL OPERATING AND FLIGHT RULES

Accordingly, the FAA proposes to rescind Special Federal Aviation Regulation No. 44-4, in Part 91. In addition, the FAA proposes to amend the Appendix to Part 91 of Special Federal Aviation Regulation No. 44-5, as follows:

##### SFAR 44-5

1. The following paragraph is added to paragraph 1.

(c) Slots allocated in accordance with SFAR 44-4 shall be considered to have been allocated under this Appendix.

2. The following paragraph is added to paragraph 2.

(h) At the slot selection session held in June 1983, for the period September 1, 1983, through December 31, 1983, the FAA shall designate a number of slots as "B" slots to be utilized by Braniff International Airways. Other carriers may select "B" slots at the June session in the event they are not utilized by Braniff in accordance with this Appendix.

If Braniff notifies the FAA, in writing, prior to August 1, 1983, that it has obtained the necessary legal approvals to begin operations by October 1, 1983, then Braniff may utilize the "B" slots. If Braniff does not provide that notice by August 1, or if they are not able to utilize all slots, the FAA will notify, in writing, any carrier that has selected the particular "B" slot that the slot(s) is in its base.

**Note.**—The FAA has determined that this proposal, if adopted, would not affect the number of carriers holding slots nor would it affect the number of slots in the air traffic control system. There are no apparent direct or indirect (non-industry) costs associated with the proposal. Therefore, the preparation of a full regulatory evaluation at this time is unnecessary.

Based on the above, it has been determined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the proposal rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this proposed amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 28, 1979).

Issued in Washington, D.C., on June 16, 1983.

Donald R. Segner,

Associate Administrator for Policy and International Aviation.

[FR Doc. 83-16609 Filed 6-16-83; 4:18 pm]

BILLING CODE 4910-13-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

[Release No. 34-19861; File No. S7-980]

#### Prompt Transfer of Securities

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Securities and Exchange Commission is publishing for comment amendments to regulations for registered transfer agents that are designed to enhance confidence in, and increase the efficiency of, the National System for the Clearance and Settlement of Securities Transactions (the "National System"). The proposed amendments would establish minimum performance standards applicable to exempt transfer agents for transferring securities certificates that are eligible for deposit at registered securities depositories. In addition, the proposed amendments would require registered transfer agents to respond to written inquiries from securityholders respecting dividend and interest payment claims.

**DATE:** Comments must be received on or before September 1, 1983.

**ADDRESS:** Persons wishing to submit written views, data and comments should file three copies with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. All comments should refer to File No. S7-980 and will be available for public inspection and copying at the Commission's Public Reference Room.

**FOR FURTHER INFORMATION CONTACT:** Any of the following attorneys in the Office of Securities Processing Regulations: Dan W. Schneider, Jonathan Kallman, Ester Saverson, Jr., Heidi Steinberg Coppola or Sandra A. Sciole at (202) 272-2775, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** On October 15, 1982, the Commission issued a release (the "October Release") 47 FR 47269 (October 25, 1982) soliciting comment on proposed regulations

designed to assure the prompt and accurate creation and maintenance of issuer securityholder records by registered transfer agents and the safeguarding by those transfer agents of funds and securities used in their transfer agent operations. In addition, the Commission solicited comment on the adequacy of existing minimum performance standards relating to the turnaround and processing of securities transfers. Most commenters indicated that those standards provide a necessary and effective framework for the performance of those transfer agent functions. Although registered transfer agents indicated that they experienced few problems in day-to-day compliance with those standards, several commenters suggested that it might be appropriate for the Commission to establish a specific minimum performance standard for certain exempt transfer agents' relating to the turnaround of securities certificates presented for transfer. In addition, commenters suggested that it might be appropriate to promote, through regulations, uniformly prompt resolution of securityholder claims for dividend and interest payments. Accordingly, the Commission is proposing amendments to Rules 17Ad-2 and 17Ad-5, addressing these concerns.

#### Proposed Amendments to Rule 17Ad-2

Section 17A(d)(1) of the Securities Exchange Act of 1934 (the "Act") provides, among other things, that no registered transfer agent shall engage in any activity in contravention of any rules and regulations that the Commission may promulgate "as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of [the Act]." Pursuant to that grant of authority, the Commission, on June 18, 1977, adopted the Turnaround Rules, the first substantive rules regulating registered transfer agents.<sup>1</sup> The Turnaround Rules establish minimum performance standards for registered transfer agents in connection with the timely cancellation and issuance of securities certificates. More specifically, Rule 17Ad-2(a) requires

<sup>1</sup> An "exempt transfer agent" is a registered transfer agent that is exempt under Rule 17Ad-4(b) (17 CFR 240.17Ad-4(b)) from several of the Commission's performance and recordkeeping requirements in Rules 17Ad-1 through 17Ad-7 (17 CFR 240.17Ad-1 through 17Ad-7) (the "Turnaround Rules"). To qualify as an exempt transfer agent, a registered transfer agent must receive fewer than 500 items for transfer and fewer than 500 items for processing during each six consecutive month period.

<sup>2</sup> See Securities Exchange Act Release No. 13636 (June 16, 1977), 42 FR 32404 (June 28, 1977).

registered transfer agents (except when acting in the capacity of an "outside registrar") to "turnaround" within three business days of "receipt" at least 90 percent of all "routine" "items" received for "transfer" within a month.<sup>2</sup> Remaining routine items must be turned around "promptly" pursuant to Rule 17Ad-2(e).<sup>3</sup>

Exempt transfer agents, however, under Rule 17Ad-4(b) need not comply with the minimum turnaround performance standard of Rule 17Ad-2(a). In accordance with Rule 17A-2(e), these exempt transfer agents must turnaround all routine items presented for transfer "promptly," although "promptly" is not specifically defined in the Commission's rules.

In response to questions posed in the October Release, several commenters noted that the absence of a specific definition of "prompt" in Rule 17Ad-2(e) has resulted at times in significant delays in obtaining transfer of securities certificates from exempt transfer agents. Such delays, of course, result in significant financing costs for registered broker-dealers, market risks for securityholders,<sup>4</sup> and, if the delays extend beyond a dividend or interest record date, significant costs and delays for securityholders or their nominees pursuing claims for those dividend or interest payments.<sup>5</sup>

To reduce such securityholder risks and limit associated financing and processing costs, the Commission is proposing to amend Rule 17Ad-2(e). Under the proposed amendment, exempt transfer agents that perform transfer agent functions with respect to any depository-eligible securities issue (for which that transfer agent has received notices of depository eligibility) would be required to turnaround within five business days of receipt of 90 percent of all routine items.<sup>6</sup>

<sup>3</sup> The terms "outside registrar," "turnaround," "receipt," "routine," "item," and "transfer" are defined in Rule 17Ad-1. See Rule 17Ad-1 (b), (e), (g), (i), (a), and (d), respectively.

<sup>4</sup> The Commission, in Securities Exchange Act Release No. 13636 (June 16, 1977), 42 FR 32404 (June 24, 1977), stated that, "in the case of transfer items, under usual circumstances, 'promptly' would be within one additional business day \* \* \*." The Division of Market Regulation restated this interpretation in Securities Exchange Act Release No. 17111 (September 2, 1980), 45 FR 59840 (September 11, 1980), at question 56.

<sup>5</sup> See File No. S7-948, letters from Merrill Lynch, Pierce, Fenner and Smith and The Depository Trust Company.

<sup>6</sup> Securityholders and their nominees also incur costs associated with confirming the status of items awaiting transfer.

<sup>7</sup> The Commission is amending Rule 17Ad-1 to define the term "depository-eligible securities issues." See Rule 17Ad-1(f) as proposed, *infra*.

The proposed turnaround performance standard was drafted in a manner to reduce potential operational confusion at exempt transfer agents. First, the proposal is almost identical in structure to the longstanding minimum turnaround performance standard for non-exempt registered transfer agents, a standard with which exempt transfer agents are familiar. In essence, the proposal would apply the existing standards to exempt transfer agents, but would add two business days to the existing three business day time frame. The ninety percent requirement in the proposal is identical to that contained in the existing standard for non-exempt transfer agents. Second, exempt transfer agents already should have the ability to monitor easily their turnaround performance. Under the current Turnaround Rules, exempt transfer agents must create and maintain for two years, the first year in an easily accessible place, a record showing when each item is received for transfer and when each item is made available to the presenter.<sup>8</sup> Also, under the current regulatory scheme, exempt transfer agents must monitor their transfer volume on a monthly basis to determine whether they can retain their exempt status under Rule 17Ad-4(b).

The Commission is proposing the 90 percent/five-business day turnaround performance standard with respect to depository-eligible securities issues because those securities issues constitute the most actively-traded issues, and transactions in these issues, by definition, commonly are compared, cleared and settled through the registered clearing agencies that comprise the National System. Since delayed transfer agent turnaround performance with respect to those issues may result in exposure to those clearing agencies, their participants and public investors, the Commission believes that a designated minimum performance standard for completion of transfer by exempt transfer agents will increase confidence in, and enhance the efficiency of, the National System.

The Commission requests comment on the relative merits of the proposed 90 percent/five-business day turnaround performance standard. This proposed standard is designed to permit exempt transfer agents some flexibility in scheduling transfer agent activities and to limit to a reasonable degree the

increased costs that may well attend a uniformly strict performance standard. At the same time, the Commission believes that some uniform and reasonably prompt minimum turnaround performance standard is important to the financial institutions that depend in efficiency in the National System. Indeed, the Commission remains concerned that the proposed turnaround performance standard, given the time necessary to transport certificates to and from exempt transfer agents, may not coincide with the customary five-business day time frame for settlement of regular-way secondary market trades (and thus, may often result in financing costs to brokers-dealers and other securityholders). The Commission also believes, however, that the proposed minimum turnaround performance standard should reduce the current significant financial exposure of registered broker-dealers and registered securities depositories while at the same time providing some flexibility to exempt transfer agents.

In addition, to assure that exempt transfer agents reasonably can know when securities issues have been made eligible for deposit at any of the registered securities depositories, the Commission has drafted the provision to require notice to the exempt transfer agent of depository eligibility as a predicate to the operation of the 90 percent/five-day turnaround performance standard. The Commission believes that it would be inappropriate to require exempt transfer agents to monitor continuously the eligibility determinations of each of the various registered securities depositories.<sup>9</sup> In contrast, the Commission believes that because the securities depositories have a compelling interest in assuring prompt transfer agent performance, those depositories can be expected to include affected exempt transfer agents in their securities eligibility notice distribution programs or to include such notice the first time they present to the transfer agent securities for transfer into the depository's nominee name.

#### Proposed Amendments to Rule 17Ad-5

Rule 17Ab-5 generally requires registered transfer agents to respond, within five business days of receipt, to security-holder or broker-dealer inquiries regarding the status of items

presented for transfer or processing.<sup>10</sup> That section was intended to assure securityholders, registered broker-dealers and their nominees that they would receive from registered transfer agents prompt confirmation that items presented for transfer or processing had been received by the registered transfer agent, and that they would obtain a prompt response to written inquiries concerning securities certificates recently transferred or processed. In addition, Rule 17Ab-5 was intended to complement Rule 15c3-3,<sup>11</sup> which requires registered broker-dealers, in computing their customer reserve requirement, to include certain items delayed in transfer or processing. Thus, Rule 17Ad-5 appears to recognize both the critical role of registered transfer agents in handling securities transactions and the dependence of registered broker-dealers and securityholders on timely and efficient transfer agent performance.

Transfer of securities certificates, however, is only one of several crucial activities performed by registered transfer agents. In recognition of the importance of these activities to the nation's securities markets, the Commission today has adopted regulations concerning several of these functions.<sup>12</sup> Other crucial activities that transfer agents perform relate to the disbursement of dividends and the payment of interest. Registered transfer agents often act on behalf of issuers as dividend disbursement agents or interest paying agents. Because Rule 17Ad-5 does not currently specify a time frame within which a registered transfer agent, acting in one of these capacities, must respond to written inquiries respecting dividend and interest claims made by the inquirer against the transfer agent, the Commission believes that limited additional rulemaking may be appropriate with respect to transfer agents' claim response and resolution activities.

Recent steps taken by the various self-regulatory organizations to increase the use of registered securities depositories, although rooted in efforts to eliminate obstacles to efficient high volume trade settlement, are likely to increase reliance by registered broker-dealers, banks, institutional investors and the investing public on registered transfer agents for the prompt payment of dividends and interest. To facilitate efficient centralized depository

<sup>8</sup> The proposed 90 percent/five-business day performance standard would apply to all issues for which the exempt transfer agent performs the transfer function, even when only one of the transfer agent's issues is depository eligible.

<sup>9</sup> See Rules 17Ad-6(a)(1) and 17Ad-7(a) (17 CFR 240.17Ad-6(a)(1) and 17Ad-7(a)).

<sup>10</sup> Currently four active securities depositories are registered with the Commission as clearing agencies: Depository Trust Company; Midwest Securities Trust Company; Pacific Securities Depository Trust Company; and Philadelphia Depository Trust Company.

<sup>11</sup> See Rule 17Ad-1(f) (17 CFR 240.17Ad-1(f)) for a definition of "process."

<sup>12</sup> 17 CFR 240.15c3-3 (1982).

<sup>13</sup> See Securities Exchange Act Release No. 19400 (June 10, 1983).

processing, certificates held by the registered securities depositories on behalf of participants are routinely transferred by registered transfer agents into the nominee name of those securities depositories. Registered securities depositories rely on registered transfer agents in their capacity as dividend disbursing or interest paying agents promptly and accurately to provide funds relating to depositories' nominee securities positions.<sup>13</sup> Participants and their customers, in turn, depend on registered securities depositories, working effectively with registered transfer agents, to complete the transfer process and to credit dividends and interest proceeds to their accounts promptly and accurately.<sup>14</sup>

The inability of registered securities depositories to credit participants with correct dividend and interest payments can reduce participant and investor confidence in the National System. Moreover, to the extent that dividend claims remain unresolved for any significant period of time, significant resources must be dedicated by the securities industry to researching those claims. As a result, routine securities processing can suffer.<sup>15</sup>

For these reasons, the Commission is proposing to amend Rule 17Ad-5 to require registered transfer agents to respond to written inquiries from securityholders, including nominee holders, regarding the status of unresolved dividend and interest claims within five business days of receipt, provided the inquiry includes reasonably sufficient detail concerning the dividend or interest claim. Although the proposed amendment would not require payment within five business days of receipt of an inquiry concerning a dividend or interest payment claim,

<sup>13</sup> Depository participants depend on prompt and accurate payment by depositories to enable participants to pay their customers on time and in full. The Commission understands that many participants in registered securities depositories credit their customers' accounts on the date specified by the issuer for payment of the dividend or interest, even if participants have not received all of the appropriate funds from the depositories.

<sup>14</sup> The registered securities depositories generally attempt to obtain from dividend disbursing or interest paying agents immediately available funds on payable date or on the next business day. See, e.g., File Nos. SR-MSTC-82-8; and SR-Philadep-82-8. Moreover, as limited purpose trust companies and regulated financial institutions, the registered securities depositories may be unable responsibly to credit participants' accounts with funds reflecting appropriate dividend and interest payments prior to receipt of a substantial percentage of the relevant funds.

<sup>15</sup> Delays in and disputes concerning payment, of course, also affect public securityholders that register their securities in their own names and receive dividend or interest payments directly from the paying agent.

the proposed amendment would require transfer agents to indicate whether further research is required and, if so, to provide a reasonable estimation of how long that research will take. If no further research is required, the transfer agent would be required to indicate when that claim will be paid. Finally, if the registered transfer agent receives an inquiry from a securityholder regarding a dividend or interest payment and that transfer agent is not the dividend disbursing or interest paying agent for the relevant issue, the transfer agent, within five business days of receipt of the inquiry, must provide the inquirer with the name and address of the current dividend disbursing or interest paying agent.

#### Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis (the "Analysis"), in accordance with 5 U.S.C. 603 as amended by the Regulatory Flexibility Act (the "RFA") regarding the proposed amendments to Rules 17Ad-2(e) and 17Ad-5.

The Analysis notes that the amendments to these Rules are being proposed as part of the Commission's review of the Turnaround Rules. The Analysis also notes that the amendments to Rule 17Ad-2 would affect approximately 700 small transfer agents<sup>16</sup> that cancel and issue securities certificates on behalf of issuers whose securities are eligible for deposit at any of the registered securities depositories. Furthermore, the Analysis notes that the proposed amendment to Rule 17Ad-5 would affect all registered transfer agents that perform dividend disbursing or interest payment activities on behalf of issuers, including approximately 1,400 small transfer agents.

The Analysis notes that because the proposed amendments to Rules 17Ad-2 concern only the speed with which transfers of record ownership must be performed, the types of costs incurred by registered transfer agents that could be affected by the proposed amendments to Rule 17Ad-2 are limited to increased expenses for personnel. The Analysis also notes that the types of registered transfer agent costs that could be affected by the proposed amendments to Rule 17Ad-5 also are limited to expenses for personnel because those proposed amendments concern only the speed with which registered transfer agents must respond

to securityholder inquiries respecting dividend and interest claims. The Analysis also notes the Commission's belief that a majority of the 700 small transfer agents affected by the proposed amendments to Rule 17Ad-2 and a majority of the 1,400 small transfer agents affected by the proposed amendments to Rule 17Ad-5 will not incur significant additional compliance costs because many of these registered transfer agents currently comply with the proposed amendments.

The Commission recognizes its obligation to formulate compliance and reporting requirements that take into account the economic impact on small transfer agents. The RFA directs the Commission to consider significant alternatives to the proposed amendments that would accomplish the stated objectives of applicable statutes and minimize any significant economic impact on small transfer agents. As discussed in the Analysis, the Commission has considered the alternatives set forth in the RFA in developing the proposed amendments. The amendments to Rules 17Ad-2 and 17Ad-5 do not impose reporting or recordkeeping requirements, and they establish merely minimum performance, rather than particular design, standards. Moreover, the proposed amendments to Rule 17Ad-2, in particular, continue to afford small transfer agents greater flexibility than other transfer agents in scheduling their various activities with respect to the transfer of record ownership. Finally, consistent with the alternatives set forth in the RFA, the Commission has determined not to modify the significant existing exemptions contained in Rule 17Ad-4(b) for small transfer agents from the recordkeeping or reporting requirements of the Turnaround Rules.

Accordingly, the Commission preliminarily believes that any costs that would be incurred by small transfer agents because of the proposal would be far outweighed by the benefits that would accrue to the securities industry from the more efficient and effective operation of the National System.

A copy of the Analysis may be obtained by contacting Jonathan Kallman, Esq., Division of Market Regulation, U.S. Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549, at (202) 272-2775.

#### Statutory Basis

Pursuant to the Securities Exchange Act of 1934 and particularly Sections 3, 17A, and 23(a) thereof, 15 U.S.C. 78c, 78c-1 and 78w(a), the Commission

<sup>16</sup> See 17 CFR 240.0-10(h) (1982) (definition of small entity with respect to a registered transfer agent).



proposes to amend §§ 240.17Ad-1, 17Ad-2 and 17Ad-5 in Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below.

#### List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

#### Text of the Amendments

#### PART 240—[AMENDED]

17 CFR Part 240 is proposed to be amended as follows:

1. By adding new paragraph (j) to § 240.17 Ad-1 as follows:

#### § 240.17Ad-1. Definitions.

(j) The term "depository-eligible securities issue" means an issue of securities that is eligible for deposit at any securities depository that is registered with the Commission under the Securities Exchange Act of 1934 as a clearing agency.

2. By revising paragraph (e) of § 240-17Ad-2 as follows:

#### § 240.17Ad-2. Turnaround, processing and forwarding of items.

(e)(1) Except as provided in paragraph (e)(2) of this section, all routine items not turned around within three business days of receipt as required by paragraph (a) of this section and all items not processed within the periods required by paragraph (b) of this section shall be turned around promptly, and all non-routine items shall receive diligent and continuous attention and shall be turned around as soon as possible.

(2) With respect to a depository-eligible securities issue for which an exempt transfer agent for that issue has received notice of depository eligibility, ninety percent of all routine items received during a month shall be turned around within five business days of receipt. The remaining ten percent of routine items shall receive diligent and continuous attention and shall be turned around as soon as possible.

3. By redesignating paragraph (e) of § 240.17Ad-5 to be paragraph (f) and by adding new paragraph (e) as follows:

#### § 240.17Ad-5. Written inquiries and requests.

(e) When any person makes a written inquiry or request to a registered transfer agent concerning that person's claim to a dividend or interest payment, the registered transfer agent within five business days of receipt of the inquiry, shall indicate in a written response to the inquirer that the inquiry has been received, shall state whether the claim

requires further research and, if so, shall provide a reasonable estimation regarding how long that research may take. If no further research is required, the registered transfer agent shall indicate when that claim will be paid. In the event that the receiving transfer agent is not the dividend disbursing or interest paying agent for that issue, the transfer agent shall, within five business days of receipt of the inquiry, provide in writing to the inquirer the name and address of the current dividend disbursing or interest paying agent.

(f) When any person makes a written inquiry or request which would qualify under paragraph (a), (b), (c), (d) or (e) of this section except that it fails to provide all of the information specified in those paragraphs, or requests information which refers to a time earlier than the time periods specified in those paragraphs, a registered transfer agent shall confirm promptly receipt of the inquiry or request and shall respond to it as soon as possible.

By the Commission.

Dated: June 10, 1983.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-16457 Filed 6-17-83; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

#### High-Cost Gas Produced From Tight Formations, Colorado

[Docket No. RM79-76-203; Colorado-27 Addition]

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of Proposed Rulemaking.

**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 determines 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

Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Colorado that the Mancos "B" Formation be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on August 1, 1983.

**Public Hearing:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 30, 1983.

**ADDRESS:** Comments and requests for hearing must be filed with the office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

#### SUPPLEMENTARY INFORMATION:

In the matter of: High-Cost Gas Produced from Tight Formations; Docket No. RM79-76-203 (Colorado-27 Addition).

Issued: June 15, 1983.

#### I. Background

On May 23, 1983, the State of Colorado Oil and Gas Conservation Commission (Colorado) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Mancos "B" Formation located in the northern Douglas Creek Arch area of Rio Blanco County, Colorado, be designated as a tight formation. The Commission previously adopted a recommendation that portions of the Mancos "B" Formation in the northern Douglas Creek Arch area in Rio Blanco County, Colorado, be designated as a tight formation (Order No. 268, issued November 22, 1982, in Docket No. RM79-76-126 (Colorado-27)). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Colorado's recommendation that an additional area of the Mancos "B" Formation be designated a tight formation should be adopted. Colorado's recommendation and supporting data are on file with the Commission and are available for public inspection.

#### II. Description of Recommendation

The recommended acreage is located in Rio Blanco County, Colorado, along the western flank and northern end of the Douglas Creek Arch in Township 2 South, Range 102 West, N ½ of Section 8 and N ½ and SE ¼ of Section 9. Almost all of the recommended 800 acres are federally owned. The average depth to



the top of the Mancos "B" Formation is 3,000 feet. The Mancos "B" Formation ranges in thickness from 150 to 325 feet.

### III. Discussion of Recommendation

Colorado claims in its submission that evidence gathered through information and testimony presented at a public hearing in Cause No. NG-31 convened by Colorado on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Colorado further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Colorado that an additional area of the Mancos "B" Formation, as described and delineated in Colorado's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

### IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 1, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-203 (Colorado-27 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room

1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views data, or otherwise participate at a public hearing should notify the Commission in writing of the desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 30, 1983.

### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Colorado's recommendation is adopted.

**Kenneth A. Williams,**

*Director, Office of Pipeline and Producer Regulation.*

### PART 271—[AMENDED]

Section 271.703 is amended by revising paragraph (d)(112) to read as follows:

#### § 271.703 Tight formations.

\* \* \* \* \*

(d) *Designated tight formations.*

\* \* \* \* \*

(112) *Mancos "B" Formation in Colorado.* RM79-76-126 (Colorado-27).

(i) *Delineation of formation.* The Mancos "B" Formation is located in the Douglas Creek Arch area of western Colorado, in Rio Blanco County. The Mancos "B" Formation underlies Township 1 North, Range 101 West, Sections 17 through 20 and 29 through 32; Township 1 North, Range 102 West, Sections 7 through 9 and 13 through 36; Townships 1 North and South, Range 103 West, All Sections; Townships 1 North and South, Range 104 West, Sections 1 through 3, 10 through 15, 22 through 27, and 34 through 36; Township 1 South Range 102 West, Sections 1 through 10, 16 through 21, and 28 through 33; Township 2 South, Range 102 West, Sections 4 through 6, N ½ of Section 8, N ½, SE ¼ of Section 9; Township 2 South, Range 103 West, Sections 1 through 6, 17, 18, 20, 29, 32, and 33; and Township 2 South Range 104 West, Sections 1 through 3 and 10 through 15.

(ii) *Depth.* The Mancos "B" Formation ranges in thickness from 150 to 325 feet.

The average depth to the top of the Mancos "B" Formation is 3,000 feet.

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BILLING CODE 6717-01-M

### 18 CFR Part 271

[Docket No. RM79-76-204; New Mexico-25]

### High-Cost Gas Produced From Tight Formations; New Mexico

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Proposed Rulemaking.

**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 determines 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 Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of New Mexico that the Pictured Cliffs Formation be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on August 1, 1983.

**Public Hearing:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 30, 1983.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8618.

#### SUPPLEMENTARY INFORMATION:

In the matter of: High-Cost Gas Produced from Tight Formations; Docket No. RM79-76-204 (New Mexico-25).

Issued June 15, 1983.

#### I. Background

On May 20, 1983, the State of New Mexico Energy and Minerals Department, Oil Conservation Division (New Mexico) submitted to the Commission a recommendation, in accordance with § 271.703 of the

Commission's regulations (45 FR 56034, August 22, 1980), that the Pictured Cliffs Formation located in Rio Arriba and Sandoval Counties, New Mexico, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether New Mexico's recommendation that the Pictured Cliffs Formation be designated a tight formation should be adopted. The United States Department of the Interior, Bureau of Land Management (BLM), concurs in part with New Mexico's recommendation, recommending that certain areas be included and other areas be deleted. New Mexico's recommendation and supporting data are on file with the Commission and are available for public inspection.

## II. Description of Recommendation

The recommended area is located in the southeastern portion of the San Juan Basin in Rio Arriba and Sandoval Counties, New Mexico. The recommended formation underlies approximately 234,240 acres and is approximately 95 feet in thickness. The average depth to the top of the Pictured Cliffs Formation is 2,685 feet.

## III. Discussion of Recommendation

New Mexico claims in its submission that evidence gathered through information and testimony presented at a public hearing in Case No. 7746 convened by New Mexico on this matter demonstrates that:

- (1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;
- (2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and
- (3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

New Mexico further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

BLM claims that the recommended formation underlying Township 24 North, Range 3 West, Sections 26 through 35 and the S/2 of Section 36, adjacent to the northeastern boundary

of New Mexico's proposed area, is within the geologic boundaries of the formation and should be included in the recommended area.

BLM further recommends that the portion of the Pictured Cliffs Formation underlying Township 22 North, Range 5 West, All Sections; Township 22 North, Range 4 West, Sections 13 through 36; Township 22 North, Range 3 West, Sections 19 through 36, located in the southwest corner of New Mexico's proposed area should be excluded from tight formation designation. BLM asserts that this area is not part of the same producing trend as the rest of the recommended formation and has not been adequately tested, described, or characterized by the applicant's data to warrant inclusion in the recommended area.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by New Mexico that the Pictured Cliffs Formation, as described and delineated in New Mexico's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

## IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 1, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-204 (New Mexico-25), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of the

desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 30, 1983.

## List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event New Mexico's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

## PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(193) to read as follows:

### § 271.703 Tight formations.

\* \* \* \* \*

(d) Designated tight formations.

\* \* \* \* \*

(135) through (192) [RESERVED]  
(193) Pictured Cliffs Formation in New Mexico. RM79-76-204 (New Mexico-25).

(i) Delineation of formation. The Pictured Cliffs Formation is located in Rio Arriba and Sandoval Counties, New Mexico, in Township 22 North, Ranges 2, 3, 4, and 5 West, All Sections; Township 23 North, Range 2 West, Sections 5 through 9, 16 through 21, and 25 through 36; Township 23 North, Ranges 3, 4, and 5 West, All Sections; Township 24 North, Range 3 West, Section 19, 20, 26 through 35, and S/2 of 36; Township 24 North, Range 4 West, Sections 3 through 10 and 13 through 36; Township 24 North, Range 5 West, All Sections; Township 25 North, Range 4 West, Sections S/2 of 30, 31, and 32; Township 25 North, Range 5 West, Sections 15 through 23, S/2 of 24, and 25 through 36, NMPM.

(ii) Depth. The Pictured Cliffs Formation is defined as that interval at a depth of approximately 3,046 feet to 3,141 feet on the Induction Electric Log from the John E. Schalk, Cinco Diablos Well No. 6. The average depth to the top of the Pictured Cliffs Formation is 2,685 feet.

[FR Doc. 83-16439 Filed 6-17-83; #45 am]

BILLING CODE 6717-01-M

**18 CFR Part 271**

[Docket No. RM79-76-200; Texas—2 Addition]

**High-Cost Gas Produced from Tight Formations; Texas**

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of Proposed Rulemaking.

**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 determines 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 Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Canyon Sandstone in the KWB (Canyon) Field located in Tom Green County, Texas be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on August 1, 1983.

**Public Hearing:** No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on June 30, 1983.

**ADDRESS:** Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

**SUPPLEMENTARY INFORMATION:**

In the matter of: High-Cost Gas Produced from Tight Formations; Docket No. RM79-76-200 (Texas—2 Addition).

Issued June 15, 1983.

**I. Background**

On April 25, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Canyon Sandstone Formation in the KWB (Canyon) Field located in Tom Green County, Texas, be designated as a tight formation. The Commission

previously adopted a recommendation that the Canyon Sandstone Formation in Crockett, Edwards, Schleicher, Sutton, Terrell and Val Verde Counties, Texas be designated as a tight formation [Order No. 117, issued December 17, 1980, in Docket No. RM79-76 (Texas—2)]. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Canyon Sandstone Formation in the KWB (Canyon) Field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

**II. Description of Recommendation**

Texas recommends the Canyon Sandstone Formation in the KWB (Canyon) Field located in Tom Green County, Texas, Railroad Commission District 7C, be designated as a tight formation. The recommended area is located 2.5 miles south of the town of Carlsbad and consists of approximately 18,000 acres.

The Canyon Sandstone Formation interval recommended by Texas is identified on the log of the Mitchell Energy Corporation, McWhorter 218 No. 2 well as that interval occurring between the measured depths of 5,100 and 6,000 feet.

**III. Discussion of Recommendation**

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on September 22, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by

Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Canyon Sandstone Formation in the KWB (Canyon) Field, as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

**IV. Public Comment Procedures**

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 1, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-200 (Texas—2 Addition) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than June 30, 1983.

**List of Subjects in 18 CFR Part 271**

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, *Code of Federal Regulations*, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,  
Director, Office of Pipeline and Producer Regulation.

**PART 271—[AMENDED]**

Section 271.703 is amended by revising paragraph (d)(10) to read as follows:

## § 271.703 Tight formations.

## (d) Designated tight formations.

(10) Canyon Sandstone Formation in Texas. RM79-76 (Texas-2).

(i) The Canyon Sandstone Formation in Crockett, Edwards, Schleicher, Sutton, Terrell and Val Verde Counties, Texas.

(A) *Delineation of formation.* The Canyon Sandstone Formation is found in portions of Crockett, Edwards, Schleicher, Sutton, Terrell and Val Verde Counties, Texas.

(B) *Depth.* In the east, the top of the Upper Canyon (Sonora) of the Canyon Sandstone Formation is encountered at a depth of approximately 4,775 feet and the base of the Lower Canyon extends to 8,953 feet, for a total thickness of 4,178 feet. In the west, the top of the Upper Canyon (Ozona), the only section of the Canyon Sandstone Formation to occur in the west, is encountered at an approximate depth of 2,675 feet in the south and 6,100 feet in the north. The base of the Upper Canyon (Ozona) appears at an approximate depth of 3,915 feet in the south, and 7,278 feet in the north, and its thickness ranges from approximately 1,240 feet in the north to 1,178 feet in the south.

(ii) The Canyon Sandstone Formation in the KWB (Canyon) Field, Tom Green County, Texas.

(A) *Delineation of formation.* The designated area of the Canyon Sandstone Formation in the KWB (Canyon) Field is located 2.5 miles south of the town of Carlsbad in Tom Green County, Texas, and consists of the following surveys: TTRR Co. 1113 and 1135; TCRR Co. 1137 and 1139; H & TC RR Co. 37; J. S. Turner 1132; W. Turner 1114, 1136, 1138, and 1140; Mason-Perry Co. (Subdivision #1 of Collins Ranch) 48, 49, 52 thru 58 and 214 A&B thru 295; Mason-Perry Co. (subdivision #2 of Collins Ranch) 29.

(B) *Depth.* The top of the Canyon Sandstone Formation within the designated area ranges from approximately 3,200 to 3,800 feet subsea and is identified on the log of the Mitchell Energy Corporation McWhorter 218 No. 2 well as a 900 foot thick interval occurring between the measured depths of 5,100 and 6,000 feet.

[FR Doc. 83-16440 Filed 6-17-83; 8:45 am]

BILLING CODE 6717-01-M

## POSTAL SERVICE

## 39 CFR Part 111

## Mail Forwarding Period for First-Class Mail and Express Mail

AGENCY: Postal Service.

ACTION: Proposed Rule.

**SUMMARY:** The Postal Service proposes to amend its mail forwarding regulations to provide for retention of change of address information for eighteen months. In conjunction with this change, the forwarding period for First-Class Mail and Express Mail would be extended from twelve to eighteen months for a limited, three-year period in order to provide senders of those classes of mail an opportunity to improve the quality and the accuracy of their address lists.

**DATE:** Comments must be submitted on or before July 20, 1983.

**ADDRESS:** Comments should be addressed to the General Manager, Address Information Systems Division, Delivery Services Department, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, D.C. 20260-7233.

Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in the Address Information Systems Division, Room 7431, 475 L'Enfant Plaza, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Tolson, (202) 245-5784.

**SUPPLEMENTARY INFORMATION:** On October 29, 1981, the Postal Service published a notice in the *Federal Register*, 46 FR 53458, soliciting comments in advance of proposed rulemaking on changes in handling of undeliverable-as-addressed mail. The Postal Service anticipates that the proposed rule published here is but the first of a series of proposed rules to be published as the comments received in that 1981 solicitation and other materials continue to be analyzed and reviewed.

Currently, the Postal Service retains change of address information submitted by a customer on Form 3575, *Change of Address Order*, for a period of twelve months following the effective date of the order. The Postal Service also provides forwarding of that customer's Express Mail and First-Class Mail to the new address for this basic forwarding period of twelve months.

The Postal Service proposes to amend § 159.213 of the Domestic Mail Manual to provide for retention of change of address information for a period of eighteen months. Currently, Express

Mail and First-Class Mail are forwarded for the entire twelve months that change of address information is retained. This does not provide any opportunity, unless address correction service is specifically requested, for the Postal Service to provide the correct address to the sender. The proposed change will give the Postal Service the ability to provide address correction information to senders of mail during the period thirteen through eighteen months after the effective date of the change of address order.

It is the goal of the Postal Service to provide current address information to mailers in order to facilitate the correction of mailing lists. We believe this process will result in a general improvement in the quality and accuracy of mailing lists and a corresponding reduction in the volume of mail which must be forwarded or returned. Therefore, the Postal Service plans to retain the basic twelve month forwarding period and make use of the additional six months of change of address information retention to return mail to the sender with the new address of the recipient.

However, at the request of a number of mailers who are currently having substantial problems with mailing lists that contain address information more than a year out of date, the Postal Service also proposes to provide eighteen months of forwarding for Express Mail and First-Class Mail for a limited, three-year period. The purpose of this "grace period" is to provide extended forwarding for a reasonable time while giving mailers an opportunity to improve their methods of developing mailing lists that contain accurate and current address information. Such mailer improvements will also facilitate our efforts to promote correct mailing addresses when the mail piece enters the system and decrease the volume of undeliverable-as-addressed mail.

This three-year period permitting eighteen months of forwarding is proposed strictly as a temporary adjustment to provide delivery assistance to mailers while they take the necessary steps to improve the techniques through which they acquire or develop mailing lists. No permanent change is intended in the basic mail forwarding period of twelve months provided by the Postal Service. At the end of this three-year grace period, forwarding of Express Mail and First-Class Mail would automatically revert to the twelve-month basic period.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C.



553(b)(c) regarding proposed rulemaking under 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

#### List of Subjects in 39 CFR Part 111

Postal Service.

#### PART 159—UNDELIVERABLE MAIL

1. Revise 159.213 to read as follows:  
159.213 Time Limit of Change of Address Order.

a. *Time Limit Specified by Addressee (may not exceed 18 months.)* Customers must state beginning and ending dates in the change of address order. Customers should cancel the change of address order when they return to their old address or move to another permanent address within the specified period.

b. *Time Limit Not Specified by Addressee.* Records of permanent change of address orders (other than those subject to 159.213d) are kept by post offices for 18 months for forwarding and for address correction purposes from the end of the month in which the change becomes effective.

*Exception:* When a boxholder has notified the post office of a permanent change in mailing address, or the Postal Service has administratively changed a customer's mailing address, the postmaster may extend the forwarding period for one additional year if mail is being regularly received addressed to the old address. To qualify, the addressee must demonstrate that an economic or financial hardship will ensue if extended forwarding is not granted and that reasonable effort is being made to notify correspondents of the new mailing address.

c. *Retention of Change of Address Orders.* All post offices must retain change of address orders for a period of 18 months from the end of the month in which the change becomes effective for administrative purposes, providing mailing list service (see 945) and releasing address change information to the public under provisions of the Freedom of Information Act (see 352 of the Administrative Support Manual).

d. *Change From General Delivery at City Delivery Office.* A record of change of address orders to a permanent local address without time limit is kept 6 months. A record of change of address orders to other than a permanent local address without time limit is kept 30 days.

#### PART 291—FORWARDING

2. Revise 291 to read as follows:  
291 Forwarding. Express Mail is forwarded for a period of one year when the new address is known. Pieces forwarded are handled and transported as Express Mail. No additional postage is collected for forwarding.

*Exception:* For the period beginning [effective date of rule] and ending [three years after effective date], the Postal Service will provide forwarding of Express Mail for eighteen months as an aid to mailer efforts to improve the quality and accuracy of their address lists.

#### PART 391—FORWARDING

3. Revise 391 to read as follows:  
391 Forwarding

391.1 Pieces Weighing 12 Ounces or Less. Pieces mailed at the regular single piece rate, card rate, or presort rate are forwarded free for a period of one year when the new address is known.

391.2 Pieces Weighing Over 12 Ounces. Pieces mailed at the First Class zone rated (Priority) rates are forwarded for a period of one year when the new address is known and charged additional postage at the zoned (Priority) rates based on the distance between the forwarding and destination post offices. The additional postage is collected on delivery.

391.3 Exception to Forwarding Period. For the period beginning [effective date of rule] and ending [three years after effective date], the Postal Service will provide forwarding of First-Class Mail for eighteen months as an aid to mailer efforts to improve the quality and accuracy of address lists.

An appropriate amendment to 39 U.S.C. 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(a), 403)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-16412 Filed 6-17-83; 8:45 am]

BILLING CODE 7710-12-M

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Land Management

##### 43 CFR Part 3130

#### Oil and Gas Leasing—National Petroleum Reserve—Alaska; Withdrawal of Proposed Rulemaking

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of withdrawal of proposed rulemaking

**SUMMARY:** This notice withdraws the proposed rulemaking which would have amended the regulations concerning oil and gas leasing in the National Petroleum Reserve—Alaska that was published in the Federal Register on February 18, 1983 (48 FR 7213). The proposed rulemaking was intended, among other things, to separate the anti-trust review requirements from those relating to bid adequacy and sale procedures within the Department of the Interior. The amendment would have given bidders the opportunity, in certain cases, to make a separate determination on their compliance with the Department of Justice's anti-trust review information requirements without the risk of losing their one-fifth bid deposit.

The proposed rulemaking in its published form unintentionally created a situation that provided a bidder with the opportunity to refuse to submit the required information to the Department of Justice after lease sale if the bidder's evaluation of its bid in view of other bids made it appear that the submitted bid was inappropriate. This would allow a bidder who determined that a submitted bid was inappropriate to withdraw that bid without loss of the one-fifth bid deposit by simply refusing to comply with the Department of Justice anti-trust information requirements.

To permit the withdrawal of bids, by whatever means, is inconsistent with other portions of the regulations governing leasing in the National Petroleum Reserve—Alaska and logically such a provision cannot be incorporated in the regulations.

The proposed rulemaking is hereby withdrawn and the requirements covering the Attorney-General anti-trust review information currently contained in 43 CFR Part 3130 remain unchanged. The specific anti-trust requirements for the next sale in the National Petroleum Reserve—Alaska will appear in the Detailed Statement of Sale to be published on or before June 20, 1983.

**ADDRESS:** Any suggestions or inquiries should be sent to: Director (620), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Lois E. Mason (202) 343-7753.

Garrey E. Carruthers,  
Assistant Secretary of the Interior  
June 16, 1983.

[FR Doc. 83-16506 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-04-M



**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Parts 120, 121, and 135 and SFAR 38**

(Docket No. 22480; Ref. Notice No. 82-13)

**Air Transportation Regulation; Withdrawal**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

**SUMMARY:** This notice withdraws Notice 82-13, published in the *Federal Register* on September 20, 1982 (47 FR 41486), which proposed to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120, in order to implement a new concept in aviation safety regulations entitled "Regulation by Objective" (RBO). Notice 82-13 has thus far elicited voluminous and detailed public comments, many of which reflect considerable confusion and misunderstanding of this complex proposal. Based on this, the extensive time that would be required to review and analyze the proposal in light of the comments, and the agency's belief that amendments to Parts 121 and 135 are required in the near term, Notice 82-13 is being withdrawn at this time.

**FOR FURTHER INFORMATION CONTACT:** Dan Beaudette, Assistant Manager, Air Transportation Division (AFO-201), Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8167.

**SUPPLEMENTARY INFORMATION:****Background**

In an effort to relieve the burden imposed on operators by requiring them to adhere to the strict "how to" regulations in Parts 121 and 135, on July 19, 1982, the FAA issued Notice 82-13 (47 FR 41486; September 20, 1982). In the notice, the FAA proposed a significant change in its method of establishing air transportation safety regulations. Under a new concept entitled "regulation by objective" (RBO), the FAA would substitute broadly stated safety objectives for many of the detailed "how to" regulations.

Regulation by objective was developed to have three major goals:

1. To continue the high level of safety that has made U.S. aviation regulatory standards a model for almost every aviation regulatory body in the world.

2. To provide regulatory flexibility so that the aviation industry would not be impeded in developing innovative methods for achieving the level of safety thus far maintained under Federally established safety objectives.

3. To comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 for reviewing existing regulations.

**Reasons for the Withdrawal**

A review of early comments on proposed Part 120 indicates that expedient final rulemaking action is not probable. A number of commenters find merit in the concept and in the desired outcomes of the proposal. Many of the commenters express opinions that do not support the proposal. Reasons for these contrary views are widely varied. Some commenters question the ability of the agency to properly implement or enforce Part 120. Others state that the cost of implementation would exceed the benefits derived. Yet others believe the proposal to be contrary to the mandate of the agency. Additionally, and perhaps most importantly, the language in a number of comments indicates that the complexity of the proposal has caused widespread confusion and misunderstanding among various segments of the public.

Based on the volume, the varied nature, and the complexity of the comments received to date, it is apparent that lengthy and detailed analysis would be required before further rulemaking action could take place. This would be an extremely time- and resource-consuming process. Accordingly, the FAA is withdrawing the proposal at this time. Although the agency intends to continue to seek superior regulatory alternatives, such as that intended with proposed Part 120, the agency plans to proceed with a review of current Parts 121 and 135.

Because substantial FAA resources were dedicated to the Part 120 project, several Part 121 and 135 regulatory initiatives were deferred. Those initiatives are being reestablished, beginning with Part 121 regulatory projects such as training and checking requirements to include the use of aircraft simulators; weather facility, forecasting, and reporting requirements; and dispatch and flight release requirements. As resources permit, the agency expects to review and upgrade portions of Part 135.

The agency also will pursue revisions to the rulemaking and exemption processes as currently described in Part

11. The agency intends to improve those processes by providing FAA assistance, when requested, through access to information in the automated data system now being developed. The agency also plans to enhance quality control during the FAA review and generally streamline the rulemaking and exemption process through the use of the automated data system currently under development. These improvements, coupled with revised Part 11 requirements for petitioners to verify the equivalence of the level of safety in complex rulemaking and exemption proposals, should result in a responsive system yielding greater assurance of safety.

Any future regulatory alternatives would be based on the proven regulatory pillars of Parts 121 and 135. Therefore, in view of the need to respond to the ever-changing aviation environment, the agency must immediately devote all of the available resources toward reviewing and upgrading those existing regulations. This will have a significant impact on the agency's ability to process petitions for exemptions and rulemaking although every effort will be made to minimize such disruption to the extent possible.

As we continue our rulemaking efforts, we will solicit views and suggestions from all interested persons. This is consistent with the FAA's record of public participation in rulemaking and illustrates our commitment to continuance of that record.

**The Decision and Withdrawal**

Accordingly, I conclude that the FAA should not proceed with rulemaking based on the proposals contained in the notice of proposed rulemaking now pending. Therefore, Notice No. 82-13 (47 FR 41486; September 20, 1982) is withdrawn. This action does not preclude the FAA from considering similar proposals in the future or commit it to any further or future course of action on this subject matter.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on June 16, 1983.

Kenneth S. Hunt,

Director of Flight Operations.

[FR Doc. 83-1783 Filed 6-17-83; 831 am]

BILLING CODE 4910-13-M

## Notices

Federal Register

Vol. 48, No. 119

Monday, June 20, 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 COMMERCE

#### International Trade Administration

##### Applications for Duty-Free Entry of Scientific Instruments; Harvard University, et. al.

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with Subsection 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, Room 1523, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 83-208. Applicant: Harvard University, Purchasing Department, 1350 Massachusetts Avenue, Cambridge, MA 02138. Instrument: He Dilution Refrigerator System, Model 200 and Accessories. Manufacturer: Oxford Instruments, United Kingdom. Intended use of instrument: The instrument is intended to be used to study the electrical properties of superconducting Josephson

junctions, and of two-dimensional arrays of superconducting junctions. It will also be used to search for novel electrical coherence effects in normal metals akin to superconductivity, and to study the effects of structural disorder on electronic conduction in ultra-thin normal metal wires. Application received by Commissioner of Customs: May 25, 1983.

Docket No. 83-210. Applicant: Harvard University, Purchasing Department, 1350 Massachusetts Avenue, Cambridge, MA 02138. Instrument: Diamond Testing Apparatus (identified as Hydraulische Pomp plus Vijzel). Manufacturer: University of Amsterdam, The Netherlands. Intended use of instrument: The instrument is intended to be used to investigate means of selection and shaping of diamonds to withstand higher pressures. This information will be used in design of diamond anvil cells. In addition, the instrument will be used in the courses Physics 383, 384—Low Temperature Physics of Quantum Fluids & Solids in which graduate students will learn to perform independent research. Application received by Commissioner of Customs: May 27, 1983.

Docket No. 83-211. Applicant: University of North Carolina, Department of Chemistry, 17-21 Venable Hall 045A, Chapel Hill, NC 27514. Instrument: Single Photon Counter System. Manufacturer: Photochemical Research Associates, Canada. Intended use of instrument: The instrument is intended to be used to provide an actual fluorescence decay curve together with a profile of the exciting lamp. This makes possible a direct comparison of the lamp and the fluorescence profile which can be easily analyzed by computing techniques available to determine precisely the species or number of species decaying by the fluorescence path. It is particularly important to be able to directly observe the fluorescence decay since, in the studies, a variety of different systems will be used, many of which exhibit very complicated—not simple single exponential—decay profiles. Application received by Commissioner of Customs: May 26, 1983.

Docket No. 83-214. Applicant: Washington State University, WSU Purchasing, Pullman, WA 99164-1020. Instrument: Gas Chromatograph-Mass Spectrometer, 7070EHF-11/250 and

Accessories. Manufacturer: VG Instruments, United Kingdom. Intended use of instrument: The instrument is intended to be used primarily by 10 research faculty in Chemistry for conducting the following research programs:

- (1) Selective Detector Research.
- (2) Determination of Reactive Air Pollutants.
- (3) Homogeneous Catalysis.
- (4) Coal Liquefaction Research.
- (5) Conjugate Addition Reactions.
- (6) Trace Metal Speciation.
- (7) Redox and Acid-Base Reactions on Oxide Surfaces.
- (8) Chiral Synthesis Based on Boronic Ester Chemistry.
- (9) Hydroperoxide Rearrangements for the Synthesis of Oxa-bridged Furanoid Sequiterpenes.
- (10) Secondary Deuterium Isotope Effect Determinations and Organic and Bio-Organic Mechanism Studies.
- (11) Numerical Enhancement of Resolution.
- (12) Research in the College of Pharmacy.

The instrument will be used for the graduate research educational mission of the Chemistry Department. Application received by Commissioner of Customs: May 26, 1983.

Docket No. 83-215. Applicant: The University of Toledo, Department of Physics & Astronomy, 2801 West Bancroft Street, Toledo, OH 43606. Instrument: Heavy Ion Accelerator. Manufacturer: Danfysik Corporation, Denmark. Intended use of instrument: The instrument is intended to be used to study the structural and spectroscopic properties of neutral, singly and multiply charged atoms and molecules. The objectives of the investigations are to infer spectroscopic and structural properties of the projectile and target species such as the energy levels, lifetimes of the excited states and fine and hyperfine structure. In addition, the article will be used to teach students atomic physics and train them in the use of high technological instrumentation such as the accelerator, laser and vacuum instruments. Application received by Commissioner of Customs: May 27, 1983.

Docket No. 83-217. Applicant: Walter Reed Army Institute of Research, Bldg. 40, 14th & Dahlia Streets, N.W., Washington, DC 20307. Instrument: Electron Microscope, EM 109, and

Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for examination of the ultrastructural characteristics of a variety of biological and mechanical agents. The goal of this research is to produce vaccines, chemotherapeutic agents, and determine preventive measures for military related diseases and hazards. Educational uses of the instrument will include training pathology residents (doctorate level), electron microscope technicians and doctorate level staff researchers in electron microscopy and tissue evaluation techniques on an individual basis by direct expert supervision. Application received by Commissioner of Customs: June 1, 1983.

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

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83-18395 Filed 6-17-83; 8:55 am]

BILLING CODE 3510-25-M

## SECURITIES AND EXCHANGE COMMISSION

[File No. 22-12536]

### Citicorp; Application and Opportunity for Hearing

June 13, 1983.

Notice is hereby given that Citicorp (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York (the "Trust Company") under four existing indentures and a Pooling and Servicing Agreement dated as of April 1, 1983 under which certificates evidencing interests in a pool of mortgage loans have been issued, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trust Company from acting as Trustee under either of such indentures or the Agreement.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to

have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) The Trust Company currently is acting as Trustee under four indentures in which Applicant is the obligor. The Indenture, dated as of February 15, 1972 involved the issuance of Floating Rate Notes due 1989, the Indenture dated as of March 15, 1977 involved the issuance of various series of unsecured and unsubordinated Notes, the Indenture dated as of August 25, 1977 involved the issuance of Rising-Rate Notes, Series A and the Indenture dated as of April 21, 1980 involved the issuance of various series of unsecured and unsubordinated Notes. Said Indentures were filed as, respectively, Exhibits 4(a), 2(b), 2(b) and 2(a) to Applicants respective Registration Statements Nos. 2-42915, 2-58355, 2-59396 and 2-64062 filed under the Securities Act of 1933, and have been qualified under the Trust Indenture Act of 1939. Said four Indentures are hereinafter called the Indentures and the securities issued pursuant to the Indentures are hereinafter called the Notes.

(2) The Applicant is not in default in any respect under the Indentures or under any other existing indenture.

(3) On April 29, 1983, the Trust Company entered into a Pooling and Servicing Agreement dated as of April 1, 1983 (the "1983 Agreement") with Citibank, N.A., Originator and Servicer, and Citicorp Homeowners, Inc., under which there were issued on April 29, 1983 Mortgage Pass-Through Certificates, Series 1983-C, 12.40% Pass-Through Rate (the "Series 1983-C Certificates"), which evidence fractional undivided interests in a pool of conventional one-to-four-family mortgage loans (the "1983 Mortgage Pool") originated and serviced by Citibank, N.A. and having adjusted principal balances aggregating \$21,399,815 at the close of business on April 1, 1983, which mortgage loans

were assigned to the Trust Company as Trustee simultaneously with the issuance of the Series 1983-C Certificates. On April 29, 1983, Applicant, the parent of Citibank, N.A., entered into a Guaranty of even date (the "1983 Guaranty") pursuant to which Applicant agreed, for the benefit of the holders of the Series 1983-C Certificates, to be liable for 8% of the initial aggregate principal balance of the 1983 Mortgage Pool and for lesser amounts in later years pursuant to the provisions of the 1983 Guaranty. The 1983 Guaranty states that Applicant's obligations thereunder rank *pari passu* with all unsecured and unsubordinated indebtedness of Applicant, and accordingly, if enforced against Applicant, the 1983 Guaranty would rank on a parity with the obligations evidenced by the Notes. The Series 1983-C Certificates were registered under the Securities Act of 1933 (Registration Statement on Form S-11 and S-3, File No. 2-80415) as part of a delayed or continuous offering of \$150,000,000 aggregate amount of Mortgage Pass-Through Certificates pursuant to Rule 415 under the Act. The Series 1983-C Certificates were offered by a Prospectus Supplement dated April 29, 1983, supplemental to a Prospectus dated November 15, 1982. The 1983 Agreement has not been qualified under the Trust Indenture Act of 1939.

(4) The obligations of Applicant under the Indentures and the 1983 Guaranty are wholly unsecured, are unsubordinated and rank *pari passu*. Any difference that exist between the provisions of the Indentures and the 1983 Guaranty are unlikely to cause any conflict of interest among the trusteeships of the Trust Company under the Indentures and the 1983 Agreement.

(5) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than July 5, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

**George A. Fitzsimmons,**  
Secretary.

[FR Doc. 83-16455 Filed 6-17-83; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF COMMERCE

### National Technical Information Service

#### Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

**George Kudravetz**

*Program Manager, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.*

#### Department of Agriculture

SN 6-202,396 (4,382,813) Encapsulation by Entrapment within Starch Adduct Matrix

SN 6-245,461 (4,382,950) Insect Repellants

SN 6-300,784 (4,383,390) Method and Apparatus for Hot-Calling Craft Unions

SN 6-385,204 (4,384,866) Process for Producing Durable Press Fabrics through Phosphorylation.

#### Environmental Protection Agency

SN 6-149,541 (4,384,843) Combustion Method and Apparatus With Catalytic Tubes.

#### Department of Health and Human Services

SN 6-468,776 Drill Guide for Bone Plate Fixation

SN 6-491,789 Antineoplastic 1-Hydroxy-4-(Substituted Aminoalkyl-Amino) Anthraquinones

SN 6-495,725 Monoclonal Antibodies Against Non Small Cell Lung Cancer.

#### National Security Agency

SN 6-180,075 (4,383,261) Method for Laser Recording Utilizing Dynamic Preheating.

[FR Doc. 83-16400 Filed 6-17-83; 8:55 am]

BILLING CODE 3510-04-M

## Office of the Secretary

[Department Organization Order 10-3, Amdt. 5]

### Department Organization Order; Watch Quotas

Effective date: May 17, 1983.

Subject: This order effective May 17, 1983 further amends the materials appearing at 47 FR 57555 of Under Secretary for International Trade, December 27, 1982, 47 FR 57558 of December 27, 1983, and 48 FR 19435 of April 28, 1983.

Department Organization Order 10-3, dated February 16, 1982 is hereby further amended as shown below. The purpose of this amendment is to delegate the Secretary's authorities under the U.S. Tariff Schedules to allocate watch quotas, as revised by Pub. L. 97-446.

*Section 4. Delegation of Authority.* Subparagraph .01s. is revised to read as follows:

"s. Headnote 6 of schedule 7, part 2, subpart E of the Tariff Schedules of the United States (19 U.S.C. 1202), pertaining to the allocation of quotas for duty-free importation into the customs territory of the United States of watches and watch movements."

**Arlene Triplett,**

*Assistant Secretary for Administration.*

[FR Doc. 83-16395 Filed 6-17-83; 8:45 am]

BILLING CODE 3510-DK-M

## CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 83-C0002]

### Gerico, Inc., a Corporation; Provisional Acceptance of a Consent Order Agreement

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Provisional acceptance of a Consent Order Agreement under the Consumer Product Safety Act.

**SUMMARY:** Under requirements of 16 CFR 1118.20, the Commission must publish in the *Federal Register* consent agreements which it provisionally accepts under the Consumer Product Safety Act. Published below is a provisionally-accepted Consent Order Agreement with Gerico, Inc., a corporation.

**DATE:** Any interested person may ask the Commission not to accept this agreement by filing a written request with the Office of the Secretary by July 5, 1983.

**ADDRESS:** Persons wishing to comment on this Consent Order Agreement should send written comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

**FOR FURTHER INFORMATION CONTACT:** Eric L. Stone, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6626.

### SUPPLEMENTARY INFORMATION:

#### Consent Order Agreement

In the matter of GERICO, Inc., a corporation. Consent Order Agreement.

1. This agreement is made by and between Gerico, Inc., a corporation ("Gerico" or "Respondent"), and the staff of the Consumer Product Safety Commission ("the staff"). This Consent Order Agreement resolves the allegations set forth in the attached Complaint without a hearing or determination of issues of law and fact by the Commission.

#### The Parties

2. Respondent Gerico, Inc. is a Delaware Corporation with its principal place of business at 12520 Grant Drive, Denver, Colorado. Gerico, Inc. is a wholly owned subsidiary of Huff Corporation, 7701 Byers Rd., Miamisburg, Ohio.

3. Respondent is a manufacturer, as that term is defined in section 3(a)(4) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2052(a)(4), of certain consumer products known as Baby Carriers or Gerry Carriers (private labeled as Pak-a-poose by Sears, Roebuck and Co.) which it has distributed in commerce.

4. The "staff" is the staff of the Consumer Product Safety Commission, an independent regulatory commission



established by Congress pursuant to section 4 of the CPSA, 15 U.S.C. 2053.

#### Positions of the Parties

5. The staff has alleged in the attached Complaint (incorporated herein by reference) that the hinge of the Gerry Carriers was defectively designed and that such design allowed babies' fingers to be crushed between the hinge and the baby carrier's stand during normal and reasonably foreseeable use.

6. The staff has further alleged in the attached Complaint that Respondent was aware of the design defect and potential risk of injury as early as August 1980 but failed to report to the Commission pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064 (b), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4). (Complaint paragraphs 14-30.) The staff alleged that this failure to report was committed knowingly and should subject Respondent to liability for a civil penalty of up to \$150,000.

7. Gerico disputes the staff's allegations that the product contains a defect which could create a substantial risk of injury to the public. Gerico believes that the incidents were caused by consumer misuse rather a defect in design.

8. Gerico disputes the staff's allegations that the incidents in question created a basis for a section 15(b) report to the Commission, and that Gerico's report of December 8, 1981 was not made in a timely manner. Gerico believes that this product does not contain a defect which could create a substantial product hazard pursuant to section 15(b) and that, in any event, its report in this matter was made in a timely fashion.

Dated: June 14, 1983.

Sadye E. Dunn,  
Secretary.

#### Agreement of the Parties

9. The parties agree that the Commission has jurisdiction over the subject matter and parties to this proceeding for purposes of entry and enforcement of this Consent Order Agreement.

10. Without admitting the staff's allegations, Respondent agrees to pay a civil penalty of \$75,000 to resolve the allegations in the Complaint. Such penalty shall be paid within 30 days following the Commission's final acceptance of the Consent Order Agreement and entry of the attached order. This agreement shall not constitute evidence or an admission with respect to any allegation of the Complaint or any facts and conclusions of law with respect to any matter alleged in or arising out of the

complaint, or of any wrongdoing, misconduct, or violation of any statute or rule on the part of Gerico.

11. Respondent knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to seek judicial review or otherwise challenge or contest the validity of the Commission's Order; (3) to a determination by the Commission that a violation has occurred; and (4) to a statement of findings of fact and conclusions of law by the Commission.

12. Upon execution of this Agreement by respondent and Commission staff and provisional acceptance by the Commission, this agreement will be placed on the public record in the Commission's public calendar and in the Federal Register pursuant to 16 C.F.R. 1118.20(e). If the Commission does not receive any written request not to accept the agreement within 15 days, the agreement will be deemed finally accepted on the 16th day after the date it was published in the Federal Register 16 C.F.R. 1118.20(f).

13. Upon final Commission acceptance of this Consent Order Agreement, the Commission shall enter the incorporated Order and make the Consent Order Agreement available for public scrutiny at the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, N.W., Washington, D.C. This Consent Order Agreement becomes effective only upon such final acceptance by the Commission and service upon Respondent.

14. Respondent acknowledges that the Commission may disclose the terms of this settlement agreement to the public.

15. The parties further agree that the incorporated Order be issued under the CPSA, 15 U.S.C. 2051 *et seq.*, and that a violation of the Order will subject Respondent to appropriate legal action.

16. The allegations of the Complaint which accompanies this Consent Order Agreement pertaining to a failure by Respondent to report pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b), in violation of section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), shall be resolved as to the Respondent upon final acceptance by the Commission of this Consent Order Agreement and compliance with its terms.

17. No agreement, understanding, representation or interpretation not contained in this Consent Order Agreement may be used to vary or to contradict its terms.

18. Each provision of this Consent Order Agreement is separable. In the event of litigation involving compliance with the terms of the Order, the issues

will be restricted to those raised by the interested parties; the resolution of those issues will affect only the pertinent parts of the Order; the Consent Order Agreement and Complaint accompanying said agreement may be used to interpret the terms of the Order; and the parties will be obliged by the judicially construed parts of the Consent Order Agreement as if they were part of the original Consent Order Agreement.

#### Order

Upon consideration of the Consent Agreement of the parties it is hereby

Ordered that the Respondent shall pay the sum of \$75,000 to the U.S. Treasury within 30 days of final acceptance of this final Consent Order Agreement and entry of this Order

Consented to by:

Eric L. Stone,  
Staff Attorney

Gerico, Inc.

By:

Charles S. Wilke,  
President.

[FR Doc. 83-16357 Filed 6-17-83; 8:45 am]

BILLING CODE 6355-01-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 (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: Wednesday, July 6, 1983.

Time: 0830-1700 hours (closed).

Place: The Pentagon, Washington, D.C.

#### Agenda.

The Army Science Board 1983 Summer Study on Future Development Goal will have a meeting of its Equipping the Army Subpanel for classified briefings and discussions to help the subpanel determine how to equip the Army innovatively in the future by examining new research, development and acquisition strategies. 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 Acting Administrative Officer, Maria P. Winters,

may be contacted for further information at (202) 695-3039 or 697-9703.

**Maria P. Winters,**

*Acting Administrative Officer.*

[FR Doc. 83-16361 Filed 6-17-83; 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 (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Thursday and Friday, July 7 and 8, 1983.

Times: 0830-1700 hours (closed)—both days.

Place: The Pentagon, Washington, D.C.

#### **Agenda**

The Army Science Board Ad Hoc Subgroup on Army Utilization of Space Assets will meet for classified briefings and discussions on the capabilities of currently available and future space assets to enhance the Army's ability to carry out its mission. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, 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 Acting Administrative Officer, Maria P. Winters, may be contacted for further information at (202) 695-3039 or 697-9703.

**Maria P. Winters,**

*Acting Administrative Officer.*

[FR Doc. 83-16362 Filed 6-17-83; 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 (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Date of meeting: Wednesday, July 13, 1983.

Time: 0830-1700 hours (Closed).

Place: The Pentagon, Washington, D.C.

#### **Agenda**

The Army Science Board 1983 Summer Study on Future Development Goal will have a meeting of its How to Fight Subpanel for classified briefings and discussions to help the subpanel determine how the Army can fight innovatively in the future by using new technologies to the fullest extent possible. 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 Acting Administrative

Officer, Maria P. Winters, may be contacted for further information at (202) 695-3039 or 697-9703.

**Maria P. Winters,**

*Acting Administrative Officer.*

[FR Doc. 83-16363 Filed 6-17-83; 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 (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Thursday and Friday, July 14 and 15, 1983.

Time: 0830-1700 hours (closed)—both days.

Place: The Pentagon, Washington, D.C.

#### **Agenda**

The entire Army Science Board 1983 Summer Study group on Future Development Goal will meet for classified briefings and discussions on the following: (1) Review of Equipping, Fighting, and Manning Subpanel findings; (2) input and comments on study objectives from senior military leadership and educators, and (3) preparatory planning of the final writing session in August. 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, nonclassified, and proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Acting Administrative Officer, Maria P. Winters, may be contacted for further information at (202) 695-3039 or 697-9703.

**Maria P. Winters,**

*Acting Administrative Officer.*

[FR Doc. 83-16364 Filed 6-17-83; 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 (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the committee: Army Science Board (ASB).

Dates of meeting: Wednesday and

Thursday, July 20 and 21, 1983.

Times: 0830-1700 hours (closed)—both days.

Place: The Pentagon, Washington, D.C.

#### **Agenda**

The Army Science Board Ad Hoc Subgroup on the Army Decontamination Program will meet for classified briefings and discussions on doctrine (given by U.S. Army Training and Doctrine Command) and for intelligence briefings. The majority of the meeting will be an executive report writing session. 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 Acting Administrative Officer, Maria P. Winters, may be contacted for further information at (202) 695-3039 or 697-9703.

**Maria P. Winters,**

*Acting Administrative Officer.*

[FR Doc. 83-16365 Filed 6-17-83; 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 (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Date of Meeting: Wednesday, 6 July 1983.

Time: 0830-1700 hours (Closed).

Place: U.S. Army Computer Systems Command, Fort Belvoir, VA.

Agenda: The Army Science Board 1983 Summer Study group on Acquiring Army Software will meet for classified briefings and discussions of contractually sensitive information concerning this study effort. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically subparagraphs (1 and 4) thereof, and Title 5, U.S.C. App. 1, subsection 10(d). The classified, nonclassified, and proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Acting Administrative Officer, Maria P. Winters, may be contacted for further information at (202) 695-3039 or 697-9703.

**Maria P. Winters,**

*Acting Administrative Officer.*

[FR Doc. 83-16366 Filed 6-17-83; 8:45 am]

**BILLING CODE 3710-08-M**

## **DEPARTMENT OF ENERGY**

### **Economic Regulatory Administration**

#### **National Hydrocarbons Group, Inc., and National Hydrocarbons Resources Corp.; Proposed Remedial Order**

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to National Hydrocarbons Group, Inc. (formerly National Hydrocarbons, Inc.) at 601 Jefferson Street, Houston, Texas 77002 and at P.O. Box 18414-96, Las Vegas, Nevada 89114, and to

National Hydrocarbons Resources Corporation at 8307 Silver Shadow, Spring, Texas 77379 and at 811 Dallas Avenue, Houston, Texas 77002. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186, 210.62, 205.202, and 212.183. The principal amount of the alleged violations is \$15,325,679.15 for the violation of 10 CFR 212.186, 210.62, and 205.202 and \$2,665,744.27 for the violation of 10 CFR 212.183 for the period July 1979 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. DEPARTMENT OF ENERGY, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas on the 1st day of June, 1983.

Sandra K. Webb,

Director, Houston Office, Economic Regulatory Administration.

[FR Doc. 83-39420 Filed 6-17-83; 8:45 am]

BILLING CODE 6450-01-M

## Energy Information Administration

### Publication of Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Public Law 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate costs of gas to the industrial facility should not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA, Section 204(e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and the high cost gas incremental pricing threshold which are to be effective July 1, 1983. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, 1000 Independence Avenue, SW., Room BE-034, Washington, D.C. 20585, Telephone: (202) 252-6077.

### Section I

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

State	Dollars per million BTU's
Alabama	3.85
Arizona <sup>1</sup>	3.80
Arkansas <sup>1</sup>	3.69
California	3.77
Colorado <sup>2</sup>	3.78
Connecticut	3.98
Delaware <sup>1</sup>	3.93
Florida	3.73
Georgia <sup>1</sup>	3.86
Idaho <sup>2</sup>	3.78
Illinois <sup>1</sup>	3.57
Indiana	3.49
Iowa <sup>1</sup>	3.91
Kansas <sup>1</sup>	3.91
Kentucky <sup>1</sup>	3.57
Louisiana <sup>1</sup>	3.69
Maine <sup>1</sup>	3.99
Maryland <sup>1</sup>	3.93
Massachusetts	3.86
Michigan <sup>1</sup>	3.57
Minnesota	3.88
Mississippi <sup>1</sup>	3.86
Missouri	3.86
Montana <sup>2</sup>	3.78
Nebraska <sup>1</sup>	3.91
Nevada <sup>1</sup>	3.80
New Hampshire <sup>1</sup>	3.99
New Jersey	3.83
New Mexico	3.30
New York	3.92
North Carolina <sup>1</sup>	3.86
North Dakota <sup>1</sup>	3.91
Ohio	3.39
Oklahoma <sup>1</sup>	3.69
Oregon <sup>1</sup>	3.80
Pennsylvania <sup>1</sup>	3.93
Rhode Island <sup>1</sup>	3.99
South Carolina <sup>1</sup>	3.86
South Dakota <sup>1</sup>	3.91
Tennessee <sup>1</sup>	3.86
Texas <sup>1</sup>	3.69
Utah <sup>2</sup>	3.78
Vermont <sup>1</sup>	3.99
Virginia <sup>1</sup>	3.86
Washington <sup>1</sup>	3.80
West Virginia <sup>1</sup>	3.57

State	Dollars per million BTU's
Wisconsin <sup>1</sup>	3.57
Wyoming <sup>2</sup>	3.79

<sup>1</sup> Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM-79-21.

<sup>2</sup> Region based price computed as the weighted average price of Regions E, F, and H.

### Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during April 1983 was \$33.64 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203(a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective July 1, 1983, is \$7.54 per million BTU's.

### Section III. Method Used To Compute Price Ceilings

The FERC, by Order No. 50, issued on September 29, 1979, in Docket No. RM79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 167, issued in Docket No. RM81-27 on July 24, 1981, made permanent the rule that established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings. In addition, the FERC, by Order No. 181, issued on October 6, 1981, in Docket No. RM81-28, established that price ceilings should be published for only the 48 contiguous States on a permanent basis.

#### A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of February 1983, March 1983, and April 1983.<sup>3</sup> All reports of volume sold and price were identified by the State into which the oil was sold.

<sup>3</sup> Large Industrial User—A person/firm purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State, or Local), and the military are excluded.

### B. Method Used To Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective July 1, 1983, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 45 contiguous States, for each of the 3 months, February 1983, March 1983, and April 1983. Reported prices for sales in February 1983 were adjusted by the percent change in the nationwide volume-weighted average price from February 1983 to April 1983. Prices for March 1983 were similarly adjusted by the percent change in the nationwide volume-weighted average price from March 1983 to April 1983. The volume-weighted 3-month average of the adjusted February 1983 and March 1983, and the reported April 1983 prices were then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C.). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B.(1) above) for each State was adjusted downward by two times this standard deviation for the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Price.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B.(1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B.(2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling based for the multistate region in which the State

is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

There were no sales reported in Region G for the months of February, March, and April 1983. The alternative fuel price ceilings for the States in Region G were determined by calculating the volume weighted average price ceilings for Region E, Region F, and Region H.

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending June 14, 1983, and dividing that price by the corresponding weighted average price computed from prices published by Platt's for the month of April 1983. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined; and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

#### Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

<b>Region A</b>	
Connecticut	New Hampshire
Maine	Rhode Island
Massachusetts	Vermont
<b>Region B</b>	
Delaware	New York
Maryland	Pennsylvania
New Jersey	

<b>Region C</b>	
Alabama	North Carolina
Florida	South Carolina
Georgia	Tennessee
Mississippi	Virginia

<b>Region D</b>	
Illinois	Ohio
Indiana	West Virginia
Kentucky	Wisconsin
Michigan	

<b>Region E</b>	
Iowa	Nebraska
Kansas	North Dakota
Missouri	South Dakota
Minnesota	

<b>Region F</b>	
Arkansas	Oklahoma
Louisiana	Texas
New Mexico	

<b>Region G</b>	
Colorado	Utah
Idaho	Wyoming
Montana	

<b>Region H</b>	
Arizona	Oregon
California	Washington
Nevada	

Issued in Washington, D.C., June 17, 1983.

J. Erich Evered,  
Administrator, Energy Information  
Administration.

[FR Doc. 83-16837 Filed 6-17-83; 10:06 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Docket No. TA83-1-34-000]

#### Florida Gas Transmission Co.; Notice of Filing of Report

June 14, 1983.

Take notice that on May 31, 1983, Florida Gas Transmission Company (FGT) filed a report. The report is in compliance with a statement in its October, 1982 purchase gas adjustment (PGA) filing that it would submit a report to the Commission.

FGT's biannual PGA, filed in August 31, 1982, included a surcharge pursuant to the Commission's Order Nos. 93 and 93-A.<sup>1</sup> On November 24, 1982, the Commission issued an order which, *inter alia*, directed FGT to file a report conforming to the requirements set forth in a Tennessee Gas Pipeline Company proceeding.<sup>2</sup> FGT states it filed the required information on May 6, 1983.

<sup>1</sup> See Final Rules for Part 270, Subpart B, Sections 270.201, 270.202 and 270.204, Order Denying Rehearing And Clarifying Order No. 93, Order No. 93-A, issued April 24, 1981.

<sup>2</sup> Docket Nos. TA82-2-0-000, RP81-54-000, RP82-12-001, and TA82-1-0-001, issued October 1, 1982.



In conformance with FGT's earlier representation to the Commission, FGT files the instant report to show by month:

"... 1) the amount of retroactive payments made by FGT, 2) the amount of the retroactive payments allocated to each jurisdictional class of service, 3) the amounts collected pursuant to the Order 93 surcharge, 4) the calculation of the carrying charges, and 5) the balance of the separate subaccounts at March 31, 1983, transferred to FGT's regular Account 191."

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[PR Doc. 83-10370 Filed 6-17-83; 8:05 am]  
BILLING CODE 6717-01-M

[Docket No. EL83-16-000]

**Louisiana Power & Light Co.; Order Noting Interventions, Issuing Declaratory Order, and Denying Request for a Hearing**

Issued June 14, 1983.

On March 29, 1983, Louisiana Power & Light Company (LP&L) filed documents with this Commission which, in effect, seek a declaratory order that LP&L's proposed method of refunding to its five affected firm wholesale customers<sup>1</sup> monies received as a result of a settlement between LP&L and Texaco, Inc., a supplier of natural gas, is in the public interest. LP&L proposes that refunds to these customers be distributed in a manner similar to that approved by the Louisiana Public Service Commission (LPSC) on March 21, 1983, with respect to LP&L's retail customers. Two of the affected wholesale customers, Cajun and the Town of Winnfield, oppose this Commission's acceptance of LP&L's

refund method claiming that they are entitled to a larger refund than LP&L proposes to give them. However, both Cajun and Winnfield request that while this matter is undergoing investigation as to the question of further refunds, LP&L be ordered to refund to each of them the monies to which LP&L contends that they are entitled. For the reasons discussed below, we shall grant LP&L's request for a declaratory order.

**Background**

LP&L had a number of contracts with Texaco for a supply of natural gas as fuel for three different LP&L generating plants. These agreements covered various time periods from 1959 to 1993.<sup>2</sup> During 1977, and again during 1979-1982, Texaco failed to deliver a substantial amount of gas which it was obligated to deliver under these contracts. This caused LP&L to expend considerably more for fuel than it otherwise would have. Because the cost of these substitute fuel purchases was passed on to LP&L's customers through fuel adjustment clauses, LP&L's customers paid considerably higher rates as a result of Texaco's underdeliveries. Further, in May, 1980, Texaco completed a reevaluation of its reserves and advised LP&L that it would be unable to meet its contractual commitments for the delivery of gas during the near future.

After lengthy negotiations between LP&L and Texaco to resolve the breach of contract question arising from the underdeliveries as well as the question of Texaco's future gas deliveries to LP&L, a settlement was reached. This settlement provided that Texaco would make three cash payments to LP&L as follows:

June 4, 1982—\$587,068,550  
January 3, 1983—250,000,000  
January 2, 1984—250,000,000

Texaco also agreed (1) to furnish 50 percent of the gas it was obligated to provide under the contracts through 1985, (2) to furnish 100 percent of the gas it was obligated to provide after 1985, and (3) to make gas available to LP&L until 1996 through its intrastate pipeline system (or its subsidiaries) at savings to LP&L calculated on the basis of a comparison with prices LP&L would obtain on the open market.

LP&L submitted the proposed settlement to the LPSC which initially questioned whether it was in the public interest. The LPSC retained outside

<sup>2</sup>The agreement for Ninemile Point Units 1-4 is from January 1, 1971, to January 3, 1991; for Ninemile Point Unit No. 5 from May 22, 1970, to January 1, 1993; and for Little Gypsy Units 1-3 from June 17, 1958, to January 1, 1990.

consultants who were instrumental in obtaining an addendum which provided that Texaco would make a further \$585,000,000 cash payment to LP&L in the event that actual fuel savings are not realized by LP&L as a result of the delivery of additional gas through 1996.<sup>3</sup>

On June 4, 1982, the LPSC found the settlement agreement and addendum thereto to be in the public interest. After execution by LP&L and Texaco, the settlement documents were filed with the LPSC which then ordered that a hearing be held to determine the appropriate ratemaking action for the refund monies. Following that hearing, the LPSC issued an order on January 17, 1983. However, before the refunds were made in compliance with that order, the LPSC, on March 21, 1983, modified its prior order. In particular, the March 21, 1983 order provides as follows with respect to LP&L's pass-through of the settlement revenues as refunds to its retail customers:

(1) LP&L will make refunds of the entire amount paid to it by Texaco on June 4, 1982, with interest from that date to the date on which refunds are made;

(2) the refund of the June 4, 1982 amount will be apportioned on the ratio of each retail customer's kwh usage of electricity to the total kwh's electricity generated in the years of underdeliveries;

(3) refund of the June 4, 1982 payments must be made by July 28, 1983;

(4) the \$250,000,000 payments made by Texaco to LP&L on January 3, 1983, will be refunded in ten equal installments on an annual basis, based on kwh usage during the calendar year, with the first payment to be made within 60 days of December 31, 1983; and

(5) the \$250,000,000 payment to be made by Texaco to LP&L on January 2, 1984, will be refunded in nine equal installments on an annual basis, based on kwh usage during the calendar year, with the first payment to be made within 60 days of December 31, 1984.

**The Present Filing**

On March 29, 1983, LP&L submitted a letter to this Commission outlining the procedural history of this matter along with a statement that, on July 28, 1983, LP&L is prepared to refund to its five affected wholesale customers monies in the identical manner that the LPSC prescribed for refunds to LP&L's retail customers. Specifically, LP&L states that on July 28, 1983, it is required to refund \$636,862,155 to all of its customers, with subsequent payments to be deferred

<sup>3</sup>These payments would be reduced to the extent that actual fuel savings are realized by LP&L.

<sup>1</sup>Those customers are Cajun Electric Power Cooperative (Cajun) and the Towns of Winnfield, Vidalia, Jonesville, and Minden, Louisiana.

over the next ten years. Allocating the first payment on relative kwh usage as explained above, LP&L concludes that its five former and present wholesale customers are due an initial refund of \$9,582,730. LP&L, however, does not break this down by customer.

#### Notice of Filing and Responses

Notice of LP&L's submittal was published in the Federal Register,<sup>4</sup> with comments, protests, or motions to intervene due on or before April 28, 1983.

Winnfield filed a timely protest and motion to intervene in which it asserts that the refund methodology proposed by LP&L may be unjust and unreasonable. Winnfield specifically objects to certain non-cash settlement considerations as arbitrary and believes that the allocation of refunds between past and future customers is inequitable. In this regard, Winnfield asserts that, since its wholesale service schedule provides for service only until 1986, it will be deprived of some of the deferred benefits under the plan proposed by LP&L. In conclusion, Winnfield requests that (1) it receive as soon as possible such sums as LP&L has agreed to refund in the instant filing, (2) it be permitted to intervene as a party in this proceeding, (3) this matter be set for hearing or other appropriate proceedings, and (4) the Commission retain the authority to order additional refunds if found to be appropriate after further proceedings.

Cajun also filed a timely motion to intervene, protest, request for initiation of a hearing, and motion for summary disposition requiring LP&L to immediately pay a partial refund. Cajun objects to the proposed refund methodology and cites several problem areas that it believes will result in a substantial understatement of the refunds to which Cajun is entitled. First, Cajun objects to the fact that the past customers of LP&L will not be made whole for past damages (*i.e.*, the immediate payment of \$636,862,155 falls below the \$844,113,929 that LP&L states is the actual excess charge incurred as a result of Texaco's underdeliveries). Cajun also objects to the deferred payment of refunds as ordered by the LPSC, since Cajun is no longer an LP&L customer and would, therefore, not be entitled to future refunds<sup>5</sup> or other

benefits accruing to LP&L and its customers including such items as access to additional gas supplies and access to Texaco's pipeline. Therefore, Cajun concludes that it should receive a full refund of past overcharges plus appropriate interest. Cajun also objects to LP&L proposed refund methodology which allocates both principal and interest on ratios developed from shortfalls of principal alone. Cajun asserts that this method creates obvious mismatches by failing to take into account the time value of money and the resulting greater economic loss to parties for overcharges paid in earlier years. Cajun also objects to LP&L's use of a ten percent interest rate on monies owed rather than interest calculated in accordance with section 35.19a of the Commission's regulation. Cajun asserts that use of this Commission's interest rate would result in an additional refund of \$433,617 through June, 1983.

Furthermore, Cajun stated that, while it had thus far accepted the terms and conditions of the Texaco-LP&L settlement, it believed that this Commission must also review the terms of the settlement to determine if it is reasonable with respect to LP&L's wholesale customers. Cajun submitted that approval of the settlement and refund plan by the LPSC had no effect on this Commission's responsibilities under the Federal Power Act to regulate LP&L wholesale rates. Cajun also expressed the position that this Commission must consider the additional problem not faced by the LPSC, *i.e.*, that several of the affected wholesale customers are no longer served by LP&L and thus will not receive any of the future refunds or benefits which LP&L receives from Texaco. Finally, Cajun moved that the Commission summarily order LP&L to immediately refund to Cajun the portion of the July 4, 1982 payment to which LP&L submits that Cajun is entitled.

On May 16, 1983, Cajun filed an amendment to its April 28, 1983 pleading in which it withdrew all assertions concerning the underlying LP&L-Texaco settlement agreement and its request that this separate matter be set for hearing.

On May 13, 1983, LP&L responded to the pleadings of Cajun and Winnfield. Although LP&L does not object to the motions to intervene, the company does urge dismissal of the protests on several grounds. LP&L contends that this Commission has no jurisdiction over the proposed refund methodology because it has been approved by the LPSC. LP&L further asserts that the intervenors are asking this commission to act beyond

our jurisdiction by ruling on whether the decision of the LPSC is just and reasonable. LP&L argues the merits of its refund methodology and finally contends that even if this Commission is not bound by the the LPSC decision it should, as a matter of comity, and because the methodology approved by the LPSC covered 98 percent of all refunds, allow LP&L to utilize the same refund methodology for wholesale customers.

On May 20, 1983, Cajun filed a response to LP&L's May 13, 1983 filing along with a motion for leave to file that response. The response was directed to LP&L's arguments that this Commission does not have jurisdiction over the distribution of refunds to the wholesale customers.

#### Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214), the timely motions to intervene serve to make Winnfield and Cajun parties to this proceeding. Furthermore, Cajun's motion for leave to file a response to LP&L's response will be granted.

Initially, we reject LP&L's contention that we have no jurisdiction to review the proposed refund methodology. Even if we do not have jurisdiction over the gas contracts, we have jurisdiction over the refund methodology since that question directly relates to the wholesale sale of electric power. Further, the fact that the LPSC has approved the refund methodology in the retail context does not foreclose our jurisdiction over these matters as they relate to LP&L's wholesale customers. While we conclude that approval of the refund methodology by the LPSC is relevant and should be given considerable weight, we are not bound by the LPSC decision; we must independently decide whether this matter passes muster under the Federal Power Act. Accordingly, all of LP&L's assertions that we lack jurisdiction to consider the matters raised by the intervenors must be rejected.<sup>6</sup>

In determining whether to issue the requested declaratory order we are mindful of the fact that refunds are not mandatory; we have discretion to decide whether a refund is warranted in light of the interest of the customers and the utility and how refunds should be

<sup>6</sup> While LP&L has expressed the view that this Commission cannot or should not review the merits of the underlying settlement with Texaco, we need not address this matter in detail since Cajun has withdrawn its potential challenges to the agreement and we have no independent reason to question its reasonableness.

<sup>4</sup> 48 Fed. Reg. 16326 (April 15, 1983).

<sup>5</sup> Cajun's objection focuses on the fact that the refunds which LP&L proposes to make with respect to the \$250,000,000 payments it receives from Texaco on January 4, 1983, and January 2, 1984, are to be made over a ten year period based on the kwh usage of the customers in those calendar years. Thus, Cajun, who is no longer served by LP&L (it left the LP&L system in May, 1980) is totally deprived of the benefits of these cash payments.

computed. *Second Taxing District of the City of Norwalk v. FERC*, 683 F.2d 447, 490 (D.C. Cir. 1982); *Belco Petroleum Corp. v. FERC*, 589 F.2d 680, 686, (D.C. Cir. 1978). In the present situation we are faced with a request to approve a refund methodology that has been the subject of a full evidentiary hearing before the LPSC and that has been set out and modified in several orders of that body. We must recognize that there are no hard and fast rules that can be applied here to distribute the refunds LP&L has received. The nature of the refund, which includes both cash and non-cash compensation, is such that considerable judgement must be exercised in apportioning the refund amounts.

An independent review by us of the LPSC decisions as well as of the submissions by LP&L and the intervenors leads us to believe that the declaratory order which LP&L seeks should be granted. Although the intervenors argue that several parts of the refund methodology approved by the LPSC and adopted by LP&L are unfair to them, we do not believe the objections that are raised are substantial enough to warrant rejection of LP&L's proposal. Given the fact that the intervenors' assertions relate to some close judgment calls made by the LPSC and that very substantial refunds will be made to the intervenors under the proposed methodology, we find it appropriate to adopt the LPSC's refund method.

Attempting to "fine tune" amounts allocated under an overall settlement which includes both cash and non-cash benefits for both past and future damages would simply constitute an exercise of substituting our judgements for those of the LPSC. We find no reason to do that here. We think it most important that all of the LP&L's wholesale customers receive their allocated share of the refunds now. Although arguments could always be made in these circumstances that one wholesale customer deserves somewhat more refunds than another, or that the wholesale class deserves a larger share of the refunds, we find that, overall, the LPSC method of apportioning the refund benefits is reasonable and fair.

Accordingly, we shall exercise our discretion with regard to the ordering of refunds and grant LP&L's request for a declaratory order approving the LP&L's refund method for purposes of making refunds to the wholesale customers.

Additionally, we reject Cajun's argument that the amounts refunded should include interest calculated under section 35.19 of the Commission's Regulations (18 C.F.R. § 35.19a) from the

time LP&L received the monies from Texaco. The filing before us in this docket in distinguishable from the situation where section 35.19a would apply. The specific section of that regulation deals with rate suspensions and refunds subject thereto after a preliminary finding by the Commission that these rates might be unjust and unreasonable. Here we have an instance where the underlying rates are not in dispute but a refund mechanism is instituted where LP&L serves as a conduit for settlement funds paid by a supplier to a regulated utility. This settlement was made with the initial approval of the state commission and we approve the method proposed by LP&L which implements refunds for the wholesale customers in the same manner as that already done for the retail customers. The interest received on the refunds to the wholesale customers should be the same interest as the received by retail Customers.

*The Commission orders:*

(A) The motion of LP&L requesting that the Commission declare that the proposed refund methodology is in the public interest is granted.

(B) Cajun's May 20, 1983 motion of leave to respond to LP&L's May 13, 1983 pleading is hereby granted.

(C) The requests of Cajun and Winnfield to initiate a hearing on LP&L's proposed refund methodology are denied.

(D) Docket No. EL83-16-000 is hereby terminated.

(E) The Secretary shall promptly publish this order in the *Federal Register*.

By The Commission  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-11830 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-353-000]

**National Fuel Gas Supply Corp.; Notice of Application**

June 15, 1983.

Take notice that on May 27, 1983, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-353-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas on behalf of National Fuel Gas Distribution Corporation (distribution), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport, on an interruptible basis, up to 4,000 Mcf of natural gas per day on behalf of Distribution, for ultimate delivery to Hammermill Paper Company (Hammermill). It is indicated that the gas to be transported is Hammermill's self-help gas which it has acquired from intrastate suppliers in Erie County, Pennsylvania, and which is less expensive than the gas supplies which Hammermill currently buys from Distribution. Applicant proposes to receive the gas at existing interconnections in Waterford, Le Boeuf and Union Townships in Erie County, Pennsylvania, and to transport the gas for delivery to Distribution at Meter Station 723 in Millcreek Township, Erie County, Pennsylvania. Applicant states that Distribution would then deliver the gas to Hammermill's manufacturing plant and that no facilities would be constructed to effect this transportation.

Applicant states that it would render the transportation service pursuant to its FERC Gas Tariff, Original Volume No. 1, Rate Schedule T-1 and that the current Rate Schedule T-1 charge is 29.14¢ per Mcf, subject to Applicant's rate proceeding at docket No. RP 83-63-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 24, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10) All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy 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 therein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the



Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-16371 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER83-533-000]

**Central Hudson Gas & Electric Corp.; Filing**

June 15, 1983.

The filing company submits the following:

Take notice that Central Hudson Gas & Electric Corporation (Central Hudson), on May 31, 1983, tendered for filing as a rate schedule an executed agreement dated April 19, 1983 between Central Hudson and New York State Electric and Gas Corporation (NYSEG). The proposed rate schedule provides for the sale of generating capacity and associated energy by Central Hudson as available and as scheduled from day to day.

Central Hudson states that the rate schedule provides for a capacity charge of \$3.00 per megawatt per hour scheduled which includes the use of Central Hudson's transmission facilities. For associated energy, NYSEG shall pay Central Hudson its incremental fuel and maintenance costs, estimated incremental out of pocket costs, and estimated incremental costs of transmission losses and applicable taxes.

Central Hudson submits that it is not required to construct any new facilities or to modify any existing facilities to provide the service rendered under this agreement.

Central Hudson requests an effective date of March 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served on NYSEG and the Public Service Commission of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed in or before June 28, 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. 83-16422 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER83-544-000]

**Cleveland Electric Illuminating Co.; Filing**

June 15, 1983

The filing Company submits the following.

Take notice that on June 6, 1983, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for transmission by CEI of approximately 20 MW of power from the 345 kV interconnection point on CEI's Juniper-Canton Line with the Ohio Power Company to the City of Cleveland, Ohio (City) in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on June 1, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before June 30, 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. 83-16423 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA83-2-13-002]

**Gas Gathering Corp. Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision**

June 15, 1983.

Take notice that on June 7, 1983, Gas Gathering Corporation (GGC) tendered for filing proposed changes in its FERC Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corporation (Transco), its sole jurisdictional customer, under GGC's PGA clause. The proposed changes would increase the rate charged Transco by 4.11322 cents per MMBtu from those rates presently in effect. The proposed changes are proposed to be made effective July 1, 1983. GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to reduce the balance of its Unrecovered Purchased Gas Cost as of March 31, 1983, through a six-month surcharge.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-16424 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER83-543-000]

**Idaho Power Co.; Filing**

June 15, 1983.

The filing Company submits the following.

Take notice that on June 6, 1983, the Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during April, 1983, along with cost



justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company—Supplement 18  
 Montana Power Company—Supplement 16  
 Sierra Pacific Power Company—Supplement 16  
 Washington Water Power Company—Supplement 10

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 30, 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. 83-16425 Filed 6-17-83; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. ES83-48-000]**

**Interstate Power Co.; Application**

June 15, 1983.

Take notice that on June 6, 1983, an application was filed with the Federal Energy Regulatory Commission pursuant to Section 204(a) of the Federal Power Act by Interstate Power Company (Applicant), seeking an order authorizing the issuance and sale of 250,000 shares of additional Common Stock, par value of \$3.50 per share, pursuant to its Tax Credit Employee Stock Ownership Plan ("ESOP").

Any person desiring to be heard or to protest said application should file a petition to protest or intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 6, 1983 in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-16426 Filed 6-17-83; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. ES83-49-000]**

**Interstate Power Co.; Application**

June 15, 1983.

Take notice that on June 3, 1983, Interstate Power Company (Applicant) filed application with this Commission seeking an order pursuant to Section 204(a) of the Federal Power Act to issue promissory notes and/or commercial paper, not to exceed an aggregate of \$50 million outstanding at any one time, on or before December 31, 1984 and to mature not later than December 31, 1985.

Any person desiring to be heard or to protest said application should file a petition to protest or intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before July 1, 1983 in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-16427 Filed 6-17-83; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. ER83-537-000]**

**Kansas City Power & Light Co.; Filing**

June 15, 1983.

The filing Company submits the following:

Take notice that on June 3, 1983, the Kansas City Power & Light Company (KCPL) tendered for filing a Wholesale Firm Power Contract dated April 12, 1983, between KCPL and the City of Slater, Missouri (City). KCPL states that the Contract provides for rates and charges for Wholesale Firm Power Service by KCPL to the City of Slater after the expiration of the present contract on May 31, 1985.

KCPL further states that the rates included in the above-mentioned Contract are KCPL's rates and charges for similar service under schedules previously accepted for filing by the Commission pursuant to Rate Schedule FERC No. 97.

KCPL requests an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 29, 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. 83-16428 Filed 6-17-83; 8:45 am]  
 BILLING CODE 6717-01-M

**[Docket No. ER83-538-000]**

**Kansas Power & Light Co.; Filing**

June 15, 1983.

The filing Company submits the following:

Take notice that the Kansas Power and Light Company and Missouri Public Service Company on June 3, 1983 tendered for filing proposed changes in its Federal Energy Regulatory Commission Electric Service Tariff No. 84 pursuant to CFR, § 35.13(b).

Supplement No. 6 to Participation Power Service Schedule H provides for the purchase of up to 100 megawatts Participation Power by Missouri Public Service Company for the period June 1, 1983 through September 30, 1983.

Copies of the filing were served upon the Kansas Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 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 June 29, 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. 83-16429 Filed 6-17-83; 8:45 am]  
 BILLING CODE 6717-01-M

[Docket No. ER83-539-000]

**Kansas City Power & Light Co.; Filing**

June 15, 1983.

Take notice that on June 3, 1983, The Kansas Power & Light Company (KCPL) tendered for filing a new Wholesale Firm Power Contract to provide wholesale firm power after the May 31, 1983, expiration date of KCPL Rate schedule FERC No. 97.

The City has requested that KCPL provide transmission and subtransmission service for delivery of power and energy from the City of Marshall, Missouri, to the City of Slater, Missouri.

KCPL further states that the rates included in the above-mentioned Transmission Service Agreement are KCPL's rates and charges for similar service under schedules previously accepted for filing by the Commission.

KCPL request an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 30, 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. 83-15400 Filed 6-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-97-000]

**Northern Natural Gas Co.; Filing of Revised Rate Schedule**

June 15, 1983.

Take notice that on June 6, 1983, Northern Natural Gas Company (Northern) tendered for filing Substitute First Revised Sheet No. 732 to become a part of its FERC Gas Tariff, Original Volume No. 2, effective October 1, 1982.

This revised tariff sheet amends Rate Schedule X-52, which consists of a gas purchase agreement dated January 13, 1976, under which Panhandle Eastern Pipe Line Company purchases gas which Northern has available from three

specific gas purchase contracts at the Vessels Processing Plant in Weld County, Colorado.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-15431 Filed 6-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-540-000]

**Portland General Electric Co.; Filing**

June 15, 1983.

The filing Company submits the following:

Take notice that on June 6, 1983, Portland General Electric Company (PGE) tendered for filing the written report regarding Average System Cost (ASC) prepared by the Bonneville Power Administration (BPA), the BPA's Average System Cost determination and the three PGE ASC filings on which BPA's report is based. In accordance with the provisions of 18 CFR 35.13a(d)(5)(i), these documents are required to be filed with FERC within 15 working days of BPA's ASC determination. This determination was made on May 13, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 30, 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. 83-16432 Filed 6-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-541-000]

**Puget Sound Power & Light Co.; Filing**

June 15, 1983.

The filing Company submits the following:

Take notice that on June 6, 1983, Puget Sound Power & Light Company (Puget) tendered for filing Appendix 1 to Residential Purchase and Sale Agreement Contract No. DEMS 79-81BP90604, between Puget and Bonneville Power Administration (BPA), reflecting the 1983 Schedule 82 Research and Development Rate Adjustment, effective January 13, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 30, 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. 83-15400 Filed 6-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-531-000]

**San Diego Gas & Electric Co.; filing**

June 15, 1983.

Take notice that on May 31, 1983, San Diego Gas & Electric Company, submitted for filing as initial rate schedules pursuant to section 35.12 of the Commission's regulations, agreements between San Diego Gas & Electric Company and Southern California Edison Company (Edison), and SDG&E and Imperial Irrigation District (IID), respectively. The agreements provide for periodic acceptance of small amounts of electricity by SDG&E from Edison and

IID to agreed upon locations. The agreements also provide for the redelivery of electricity by SDG&E to a small number of retail customers, designated by Edison and IID, who are located on the boundaries of SDG&E's service area. As part of the same agreement between San Diego Gas and IID, SDG&E will also transfer its distribution line and related facilities to IID, such that IID will be responsible for electric service to those customers. Each agreement provides only for the acceptance and redelivery of electricity on a per kwh basis, in kind, and that any differences between the amounts of energy accepted and redelivered shall be regularly adjusted.

Pursuant to § 35.11 of FERC regulations, San Deigo Gas requests waiver of the notice requirements in Section 35.3 to facilitate the formalization of these agreements. San Diego requests that the Agreement with Edison become effective June 1, 1983, and that the Agreement with IID become effective immediately.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 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. 83-19636 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. TA83-2-6-001]

**Sea Robin Pipeline Company,  
Vermilion Block 22 System; Filing of  
Revised Tariff Sheets**

June 15, 1983.

Take notice that on May 31, 1983, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, Eighteenth Revised Sheet Nos. 127-D and 135-C to become effective July 1, 1983. These revised tariff sheets are being filed pursuant to Sections 4 and 5 of Sea Robin's Tariff and reflect Sea Robin's cost of gas delivered at Pecan

Island, Louisiana, for the six month period beginning July 1, 1983.

Sea Robin states copies of the revised tariff sheets and supporting data are being mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed in or before June 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a 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. 83-19636 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP82-32-003]

**Sea Robin Pipeline Co.; Filing**

June 15, 1983.

Take notice that on May 6, 1983, Sea Robin Pipeline Company (Sea Robin) tendered for filing the revised tariff sheets listed below, to be effective April 1, 1983:

*Original Volume No. 1*  
Thirty-fourth Revised Sheet No. 4  
Fourteenth Revised Sheet No. 4-A

*Original Volume No. 2*  
Seventeenth Revised Sheet No. 127-D  
Seventeenth Revised Sheet No. 135-C

The revised tariff sheets are filed in order to comply with the Commission order issued April 15, 1983, which accepted Sea Robin's rates as in compliance with the Stipulation and Agreement approved by the Commission's letter order issued November 19, 1982.

The rates on Thirty-fourth Revised Sheet No. 4, Seventeenth Revised Sheet No. 127-D and Seventeenth Revised Sheet No. 135-C reflect Sea Robin's gas cost and surcharge adjustment effective January 1, 1983, as adjusted in accordance with the PGA clauses to Sea Robin's FERC Gas Tariff.

Sea Robin states that a copy of the filing will be mailed to Sea Robin's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed in or before June 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-19436 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP82-96-004]

**Southwest Gas Corp.; Filing**

June 15, 1983.

Take notice that on June 3, 1983, Southwest Gas Corporation (Southwest) tendered for filing the following revised tariff sheets as part of its FERC Gas Tariff, Original Volume No. 1:

Twentieth Revised Sheet No. 10  
Substitute Nineteenth Revised Sheet No. 10  
Substitute Eighteenth Revised Sheet No. 10  
Second Substitute Seventeenth Revised Sheet No. 10  
Second Substitute Sixteenth Revised Sheet No. 10  
Fourth Revised Sheet No. 27  
Fourth Revised Sheet No. 31  
Third Revised Sheet No. 32

The revised tariff sheets are filed in compliance with a letter order dated May 17, 1983, in which the Commission approved the Stipulation and Agreement as to Rates and Related Matters (Settlement Agreement) in the above-referenced docket.

Southwest states that effective May 1, 1983, it began charging its FERC jurisdictional customers at the settlement rates tendered in the filing. During the period December 1, 1982 through April 30, 1983, Southwest was authorized to collect on an interim basis, subject to refund, revenues at tariff rates reflecting a reduction to the previously-suspended rates in this proceeding. Southwest states that it will submit its refund report to the Commission and in compliance with the Commission's aforementioned letter order, Southwest will make a one time refund with interest computed in accordance with

the Commission's Rules and Regulations.

Southwest states copies of the filing are being posted in accordance with § 154.16 of the Commission's Rules and Regulations.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-16437 Filed 6-17-83; 8:45 am]  
BILLING CODE 6717-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Pacific Fishery Management Council's Salmon Plan Development Team; Public Meeting

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**SUMMARY:** The Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), has established a Salmon Plan Development Team, which will meet to discuss the Framework Salmon Plan Amendment and review changes proposed for the next draft of the Framework Amendment. Members of the public will be permitted to submit oral or written statements regarding these matters. Time is scheduled for public comment at 5 p.m., on June 29.

**DATE:** June 29, 1983 (10 a.m. to 6 p.m.); June 30, 1983 (8 a.m. to noon)

**ADDRESS:** The public meetings will take place at the Oregon Department of Fish and Wildlife, Beaver Room, 520 S.W. Mill Street, Portland, Oregon.

**FURTHER INFORMATION:** Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201 Telephone: (503-221-6352).

Dated: June 15, 1983.

Ann D. Terbush,

Acting Chief, Operations Coordination Group,  
National Marine Fisheries Service.

[FR Doc. 83-16458 Filed 6-17-83; 8:45 am]  
BILLING CODE 3510-35-M

## DEPARTMENT OF ENERGY

### Office of Assistant Secretary for International Affairs

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement, European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above-mentioned agreement involve approval of the following sales:

Contract Number S-EU-772, to the Euratom Supply Agency, for use as standard reference material at the Joint Research Center, Karlsruhe, the Federal Republic of Germany, 5 grams of plutonium-239, and 259.935 grams of normal uranium.

Contract Number S-EU-773, to the Euratom Supply Agency, for use as standard reference material at the Joint Research center, Karlsruhe, the Federal Republic of Germany, 6 grams of uranium, enriched to an average of 43.8% in U-235.

In accordance with section 131 of the Atomic Energy act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 15, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-16415 Filed 6-17-83; 8:45 am]  
BILLING CODE 6450-01-M

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement, Switzerland

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a

proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for supply of the following material:

Contract Number WC-SD-15, with the Swiss Institute for Nuclear Research, Villigen, Switzerland, for approximately 20 grams of tritium gas (194,000 curies) over a two year period, for use in experiments to investigate the physic and reaction kinetics of muon induced processes in deuterium/tritium mixtures. Tritium remaining at the conclusion of the experiments is to be returned to the U.S.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: June 15, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-16416 Filed 6-17-83; 8:45 am]  
BILLING CODE 6450-01-M

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement, Canada

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Canada Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following sale:

Contract Number S-CA-337, to Westinghouse Canada Inc., Port Hope, Ontario, 21.2 grams of normal uranium oxide for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.



This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.  
Dated: June 15, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for  
International Affairs.

[FR Doc. 83-16417 Filed 6-17-83; 8:45 am]  
BILLING CODE 6450-01-M

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement, Republic of Niger

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" pursuant to General License for the export of source material under CFR Part 110.23.

The subsequent arrangement to be carried out under the above mentioned CFR involves approval of the following sale:

Contract Number S-IA-122, to the Compagnie Miniere D'Akoto, Niamey, Republic of Niger, 260 grams of normal uranium for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.  
Dated: June 15, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for  
International Affairs.

[FR Doc. 83-16418 Filed 6-17-83; 8:45 am]  
BILLING CODE 6450-01-M

#### International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned

agreement involves approval of the following sale:

Contract Number S-EU-774, to the Central Bureau for Nuclear Measurements, Geel, Belgium, 5 grams of plutonium -240 for use as reference material for non-destructive analysis.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.  
Dated: June 15, 1983.

George J. Bradley, Jr.,  
Principal Deputy Assistant Secretary for  
International Affairs.

[FR Doc. 83-16419 Filed 6-17-83; 8:45 am]  
BILLING CODE 6450-01-M

#### Western Area Power Administration

##### Collbran Project Proposed Power Rate Adjustment

**AGENCY:** Western Area Power Administration, Department of Energy.

**ACTION:** Notice of Proposed Power Rate Adjustment—Collbran Project, Colorado.

**SUMMARY:** The Western Area Power Administration (Western) is proposing a rate increase for power from the Collbran Project (Collbran). The rate increase is required to cover increased annual operating expenses and to repay the Federal investment in the project. The proposed rate for all project power is 21.55 mills per kWh. The present rate is 10.6 mills per kWh for firm energy and 2 mills per kWh for nonfirm energy. A brochure, which will explain the need for a rate increase and outline the methodology used in developing the current proposed rate, will be distributed to the single Collbran power customer and other interested parties. Since the proposed Collbran rate adjustment is a "minor" rate adjustment as defined by the current official procedures for public participation in general rate adjustments, a public information and comment forum is not required. However, an informal public meeting will be held. (A "minor" rate adjustment in this case "is for a power system which has either annual sales normally less than 100 million kilowatt hours or an installed capacity of less than 20,000 kilowatts," both of which apply to Collbran.) After public discussions and review of public

comments, Western will decide on a final proposed rate.

**DATES:** The consultation and comment period will begin with publication of this notice in the *Federal Register* and will end not less than 30 days thereafter or 15 days after the close of the public meeting. The proposed rate will go into effect about October 1983.

A public meeting, at which Western will outline the reasons for the rate increase, will be held at the Salt Lake City Area Office, 438 East 200 South, Salt Lake City, Utah, beginning at 10 a.m. on July 12, 1983. Western will answer questions and accept comments at this meeting. Written comments should be received by the end of the consultation and comment period to be assured of consideration. Written comments may be submitted at the public meeting or sent to the address below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84147, (801) 524-5493.

**SUPPLEMENTARY INFORMATION:** Power rates for Collbran are established pursuant to the Department of Energy Organization Act of August 4, 1977 (42 U.S.C. 7101, et seq.); the Reclamation Act of 1902 (43 U.S.C. 372, et seq.), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)); and the acts specifically applicable to the project or system involved.

The Secretary of Energy delegated to the Assistant Secretary for Resource Applications, by Delegation Order No. 0204-33 (43 FR 60636, December 28, 1978), the authority to develop, acting by and through the Administrator of Western, and to confirm, approve, and place in effect on an interim basis power and transmission rates for Western. The delegation order also gave the Federal Energy Regulatory Commission the authority to make a final decision either confirming and approving, or disapproving, or remanding such rates. On March 19, 1981, Delegation Order No. 0204-33 was amended by substituting the "Assistant Secretary for Conservation and Renewable Energy" for the "Assistant Secretary for Resource Applications" (46 FR 25426, May 7, 1981).

Procedures for public participation in rate adjustments for power marketed by Western were published in the *Federal Register* (45 FR 86983, December 31, 1980). Corrections and amendments

thereto were published in the **Federal Register** (46 FR 6864, January 2, 1981, and 46 FR 25426, May 7, 1981).

#### Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, et seq.) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, the rate adjustment for Collbran relates to nonregulatory services provided by Western at a particular rate. Under 5 U.S.C. 601(2), rates or services of particular applicability are not considered "rules" within the meaning of the act. Since the rate for Collbran power is of limited applicability and is being set in accordance with specific regulations and legislation under particular circumstances, Western believes that no flexibility analysis is required.

#### Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 and Department of Energy regulations, Western will compare the proposed power rate increase to the rate of inflation in the period since the existing power rate was placed in effect. If the proposed power rate increase exceeds the rate of inflation, an Environmental Assessment will be prepared and copies will be sent to interested persons upon request. If the proposed power rate increase does not exceed the rate of inflation, no further documentation is necessary, and a memorandum to this effect will be prepared and copies will be sent to interested persons upon request.

Issued at Golden, Colorado, June 10, 1983.  
William H. Clagett,  
Deputy Administrator.

[FR Doc. 83-16421 Filed 6-17-83; 8:45 am]  
BILLING CODE 6450-01-M

#### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### Agency Forms Submitted to OMB for Review

**AGENCY:** Equal Employment Opportunity Commission.

**ACTION:** Request for Comments.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C.

Chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. The proposed report form under review is listed below.

**DATE:** Comments must be received on or before August 4, 1983. If you anticipate commenting on a report form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Clearance Officer of your intent as early as possible.

**ADDRESS:** Copies of the proposed report form, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the item listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

#### FOR FURTHER INFORMATION CONTACT:

**EEOC Agency Clearance Officer:**  
Thomas P. Goggin, Information Resource Management Division, Room 3230, 2401 E Street, NW., Washington, DC 20506; Telephone (202) 634-6983.

**OMB Reviewer:** Joseph Lackey, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; Telephone (202) 395-6880.

#### Type of Request—Extension (No Change)

**Title:** Recordkeeping Requirements of Uniform Guidelines on Employee Selection Procedures.

**Form No.:** None.

**Frequency of Report:** On Occasion.

**Type of Respondent:** Businesses/other institutions, State or local governments, farms.

**Standard Industrial Classification (SIC) Code:** Multiple.

**Description of Affected Public:** Any employer, labor organization, employment agency, covered by Federal equal employment opportunity laws.

**Responses:** 666,000.

**Reporting Hours:** 1,910,000.

**Applicable under Section 3504(h) of Public Law 96-511:** Not applicable.

**Number of Forms:** None.

**Abstract—Needs/Uses:** Data used by the EEOC and the co-signatories in investigating, conciliating, and litigating charges of employment discrimination,

by complainants in establishing violations of Federal equal employment laws, and by respondents in defending against allegations of employment discrimination.

Dated: June 9, 1983.

For the Commission.

**Clarence Thomas,**  
Chairman, Equal Employment Opportunity Commission.

[FR Doc. 83-16408 Filed 6-17-83; 8:45 am]  
BILLING CODE 6570-06-M

#### FEDERAL MARITIME COMMISSION

[Agreement No. 2744-50]

##### Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 2744-50 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and that preparation of an environmental impact statement is not required. Agreement No. 2744-50; between Compania Sud-Americana de Vapores, Delta Steamship Lines, Inc., Flota Mercante Grancolombiana, S.A., Compania Peruana de Vapores, Transportes Navieros Equatorianos and Lykes Bros. Steamship Co., Inc., known as the Atlantic and Gulf/West Coast of South America Conference, would authorize the parties to establish intermodal rates from ports and inland and coastal points in the United States via United States Atlantic and Gulf Coastal ports to ports and points on the West Coast of South America in Colombia, Peru and Chile.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless as a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI is available from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C., telephone (202) 523-5723.

Francis C. Hurney,  
Secretary.

[FR Doc. 83-16413 Filed 6-17-83; 8:45 am]  
BILLING CODE 6730-01-M

## FEDERAL TRADE COMMISSION

**Hart-Scott-Rodino Antitrust Improvement Act; Notification and Report Form Information Collection Requirements**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of application to OMB under the Paperwork Reduction Act (44 U.S.C. § 3501 *et seq.*) for review and approval of an extension of an information collection requirement and form.

**SUMMARY:** The Commission is seeking OMB clearance for an extension for one year of the information collection. requests made pursuant to provisions of the Hart-Scott-Rodino Antitrust Improvements Act, Title II (15 U.S.C. § 18a), the approval for which was scheduled to expire July 31, 1983.

Section 7A of the Clayton Act provides that certain persons proposing to make acquisitions or engage in mergers shall file with the Federal Trade Commission and the Attorney General a premerger notification report in a form prescribed by the Federal Trade Commission, with the concurrence of the Assistant Attorney General in charge of the Antitrust Division. The Commission has made and is continuing to make substantial efforts to reduce the reporting burden connected with the filing of such reports. In this regard, the Federal Trade Commission is applying for a one year extension for the use of its existing report form. During the extension the Commission will continue its review of the burden imposed by the report form. No changes to the existing form are being made at this time.

**DATE:** Comments on this clearance application must be submitted on or before July 20, 1983.

**ADDRESS:** Send comments to Ms. Nell Minow, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503. Copies of the application may be obtained from Public Reference Branch, Room 103, Federal Trade Commission, Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:** John M. Sipple, Jr., Attorney, Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3404.

Emily H. Rock,  
Secretary.

[FR Doc. 83-18359 Filed 6-17-83; 8:43 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**Realty Action: Noncompetitive Sale of Public Lands in Socorro and Valencia Counties, New Mexico**

June 9, 1983.

The following lands have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713), at current market value to the purchasers shown.

Legal Description, Middle Rio Grande Conservancy District Map Description, Approximate Acreage, Purchaser, Serial Number, New Mexico Principal Meridian, New Mexico.

## T. 1 S., R. 1 W., NMPM

Section 36, Lot 5; MRGCD Tract Number not identified; containing 9.56 acres; The Atchison, Topeka and Santa Fe Railway Company, 900 Polk Street, Amarillo, Texas 79171; NM 54570.

## T. 2 S., R. 1 W., NMPM

Section 1, Lot 33; also known as Tract 142, MRGCD Map 153; containing 0.31 acres; Manuel Arturo Cordova, General Delivery, Lemitar, New Mexico 87823; NM 54565.

## T. 2 S., R. 1 W., NMPM

Section 2, Tract 44 and Lot 64; also known as portions of Tracts 115 and 119, MRGCD Map 153; containing 0.57 acres; Benito A. Chavez, Star Route 1, Box 28, Lemitar, New Mexico 87823; NM 54571.

## T. 2 S., R. 1 W., NMPM

Section 11, Lot 46; also known as portion of Tract 92, MRGCD Map 154, containing 3.12 acres; Wilma R. and James B. Kelly, Jr.; P.O. Box C, Socorro, New Mexico 87801; NM 54590.

## T. 2 S., R. 1 W., NMPM

Section 11, Lot 44; also known as Portion of Tract 92, MRGCD Map 154, containing 0.57 acre; Frank C. Jaramillo, Box 312, Socorro, New Mexico 87801; NM 54588.

## T. 2 S., R. 1 W., NMPM

Section 11, Lot 45; also known as Portion of Tract 92, MRGCD Map 154, containing 1.19 acres; John W. and Ona I. Couch, Route 1, Box 54, Socorro, New Mexico 87801; NM 54586.

## T. 2 S., R. 1 W., NMPM

Section 13, Lot 51; also known as Portions of Tracts 45 and 46, MRGCD Map 156; containing 2.88 acres; Hubert R. Hardern, P.O. Box E, Socorro, New Mexico 87801; NM 54560.

## T. 2S., R. 1 W., NMPM

Section 25, Lot 18; MRGCD Tract has not been identified; containing 0.26 acre; Middle Rio Grande Conservancy District, 1930 Second Street SW, Albuquerque, New Mexico 87102; NM 54581.

## T. 2S., R. 1 W., NMPM

Section 25, Lot 22; also known as Portion of Tracts 50, 51, 56 and 57a MRGCD Map 158; containing 0.50 acre; Teresita B.

Crespin, P.O. Box 122, Socorro, New Mexico 87801; NM 54578.

## T. 2 S., R. 1 W., NMPM

Section 25, Lot 23; also known as Portion of Tracts 49, 50, 51 and 57a, MRGCD Map 158; containing 0.52 acre; and Section 13, Lot 63; MRGCD Tract not identified; containing 0.08 acre; Middle Rio Grande Conservancy District, 1930 Second Street SW, Albuquerque, NM 54587.

## T. 3 S., R. 1 E., NMPM

Section Section 31, Lot 54 MRGCD Tract not identified; containing 4.01 acres; Canda Aguilar, P.O. Box 591, Socorro, New Mexico 87801; NM 54569.

## T. 3 S., R. 1 E., NMPM

Section 31, Lots 46 and 53; MRGCD Tracts not identified; containing 1.20 acres; David M. Gonzales, P.O. Box 129, Socorro, New Mexico 87801; NM 54568.

## T. 7 N., R. 3 E., NMPM

Section 30, Lot 17; MRGCD Tract not identified; containing 1.08 acre; Arthur G. and Mary Montoya, 448 Los Lentos Road NE, Los Lunas, New Mexico 87031; NM 54582.

## T. 2 S., R. 1 E., NMPM

Section 19, Lot 34; MRGCD Tract not identified; containing 0.92 acres; G. A. and Yvonne Chumbley, 3109 Heritage, Abilene, Texas 79606; NM 54580.

The above described lands are being offered as direct non-competitive sales to the purchasers, who are the current occupants of the lands.

The sales are consistent with the Bureau's land use planning. The public interest will best be served by granting patents to current occupants of the lands. The current use is the highest and best use for the lands. The lands will not be offered for sale for at least 60 days after the date of this notice.

Patents, when issued, will be subject to existing access road rights-of-way and easements and to the following:

The patents will be issued recognizing that they lie within a floodplain, and as such, the patentees or their successors will be limited by Section 3(d) of Executive Order 11988 of May 24, 1977 from seeking compensation from the United States or its agencies in the event existing or future facilities on the patents are damaged by floods.

Reservations to the United States will be made in the patents as follows:

1. A right-of-way thereon for ditches or canals constructed by authority of the United States.

2. All the geothermal steam and associated geothermal resources as to land so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits, upon compliance with the conditions and subject to the provisions and limitations of the Act of December 24, 1970 (94 Stat. 1566).

3. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law.

Detailed information concerning the sales is available for review at the Bureau of Land Management, Socorro Resource Area Office, 198 Neel Avenue, Socorro, New Mexico.

For a period of 45 days, interested parties may submit comments to the Acting Area Manager, Socorro Resource Area. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior. The required payment, at fair market value, shall then be requested of the purchasers. The payment is in accordance with 43 CFR 1822.1-2.

Edward C. Roberts,  
Acting Area Manager.

[FR Doc. 83-16380 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-84-M

**National Petroleum Reserve in Alaska, Oil and Gas Lease Sale No. 831; Notice of Sale**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of sale.

**SUMMARY:** The purpose of this notice is to announce that Oil and Gas Competitive Lease Sale No. 831 within the National Petroleum Reserve in Alaska will be held on July 20, 1983. This notice of sale is being published in the *Federal Register* at least 30 days prior to the date of the sale pursuant to 43 CFR 3131.4-1.

**FOR FURTHER INFORMATION CONTACT:**  
Donna M. Webb, Anchorage, Alaska (907) 271-3788  
Lois Mason, Washington, D.C. (202) 343-7753

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that at 10:00 a.m., July 20, 1983, certain lands within the National Petroleum Reserve in Alaska as described below and in the Detailed Statement of Sale will be offered for competitive oil and gas lease sale by sealed bid to the qualified bidder submitting the highest bonus bid in accordance with the provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981 (42 U.S.C. 6508) and the regulations issued thereunder (43 CFR Subpart 3130). All bids received shall be deemed submitted for an entire numbered tract. There will be a minimum bid of \$25 per acre, but no bid will be accepted for less than fair market value of the lands offered.

Where and When To Submit Bids: The sealed bids will be open, beginning at 10:00 a.m., July 20, 1983, in the Howard

Rock Ballroom B of the Sheraton Anchorage Hotel, 401 East 6th Avenue, Anchorage, Alaska.

Sealed bids may be mailed to the BLM Alaska State Office, 701 C Street, Box 70, Anchorage, Alaska 99513, or delivered in person to the Public Room, 1st floor of the Federal Building, Anchorage, Alaska. They must be received by 3:45 p.m., July 19, 1983.

Sealed bids will also be accepted between the hours of 8:00 a.m. and 9:00 a.m. at the place of sale on July 20, 1983.

Bids received after the dates and times specified will not be considered.

A lease issued as a result of this offering is for a primary term of 10 years and will provide for payment of an annual rental of \$3 per acre or fraction thereof and a royalty of 16 2/3 percent (1/6) to be paid on production saved, removed or sold.

Tracts 3, 4 and 5 containing approximately 76,373 acres are deleted from this sale. The North Slope Borough will receive the subsurface rights to all minerals within the Barrow gas field which encompasses these tracts.

Those interested in bidding on tracts 6 through 16 are informed that pending legislation before the Congress would transfer control of the hydrocarbons on the lands immediately north and west of these tracts to the North Slope Borough.

Lands Offered: The 84 tracts offered, containing approximately 2,195,845 acres, are described as follows:

BILLING CODE 4310-84-M



Tract No.	Township/Range (Unat. Meridian, Alaska, (Unsurveyed))	Approximate Acres			Approximate
831-001	T. 20 N., R. 16 W., all.	34,074	-015	T. 17 N., R. 19 W., all.	22,991
-002	T. 19 N., R. 16 W., Secs. 1 to 18, inclusive.		-016	T. 17 N., R. 18 W., all.	22,991
-006	T. 20 N., R. 15 W., all.	28,314	-017	T. 18 N., R. 13 W., all.	22,890
-007	T. 19 N., R. 15 W., Secs. 4 to 9, inclusive, Secs. 16 to 18, inclusive.		-018	T. 18 N., R. 12 W., all.	22,890
-008	T. 18 N., R. 21 W., all, excluding any lands within Alaska Maritime National Wildlife Refuge.	22,151	-019	T. 17 N., R. 12 W., all.	22,991
-009	T. 18 N., R. 21 W., all, excluding any lands within Alaska Maritime National Wildlife Refuge.	35,227	-020	T. 16 N., R. 13 W., all.	22,698
-010	T. 18 N., R. 20 W., all.		-021	T. 16 N., R. 12 W., all.	22,698
-011	T. 18 N., R. 19 W., all.		-022	T. 16 N., R. 11 W., all.	22,698
-012	T. 18 N., R. 18 W., all.		-023	T. 15 N., R. 12 W., all.	22,795
-013	T. 17 N., R. 23 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.	22,890	-024	T. 15 N., R. 11 W., all.	22,795
-014	T. 17 N., R. 23 W., Secs. 8 to 17, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.	22,889	-025	T. 15 N., R. 10 W., all.	22,795
	T. 17 N., R. 23 W., Secs. 19 to 36, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.	18,768	-026	T. 15 N., R. 9 W., all.	22,795
	T. 17 N., R. 22 W., all.		-027	T. 14 N., R. 12 W., all.	22,895
	T. 17 N., R. 21 W., all.		-028	T. 14 N., R. 11 W., all.	22,895
	T. 17 N., R. 20 W., all.		-029	T. 14 N., R. 10 W., all.	22,895
	T. 17 N., R. 19 W., all.		-030	T. 14 N., R. 9 W., all.	22,895
	T. 17 N., R. 18 W., all.		-031	T. 13 N., R. 11 W., all.	22,992
	T. 17 N., R. 17 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-032	T. 13 N., R. 10 W., all.	22,992
	T. 17 N., R. 16 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-033	T. 13 N., R. 9 W., all.	22,992
	T. 17 N., R. 15 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-034	T. 13 N., R. 8 W., all.	22,992
	T. 17 N., R. 14 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-035	T. 13 N., R. 7 W., all.	22,992
	T. 17 N., R. 13 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-036	T. 13 N., R. 6 W., all.	17,232
	T. 17 N., R. 12 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-037	T. 12 N., R. 4 W., all.	22,704
	T. 17 N., R. 11 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-038	T. 11 N., R. 6 W., all.	22,800
	T. 17 N., R. 10 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-039	T. 11 N., R. 5 W., all.	22,800
	T. 17 N., R. 9 W., Secs. 1 to 4, inclusive, excluding any lands within Alaska Maritime National Wildlife Refuge.		-040	T. 11 N., R. 4 W., all.	22,800

-041	17,172	T. 11 N., R. 1 E., Secs. 1 to 3, inclusive, Secs. 10 to 15, inclusive, Secs. 19 to 36, inclusive.	-061	22,716	T. 4 N., R. 1 W., all.
-042	34,212	T. 11 N., R. 2 E., all.	-062	28,346	T. 3 N., R. 4 W., Secs. 1 to 18, inclusive, Secs. 22 to 27, inclusive, Secs. 34 to 36, inclusive.
-043	22,896	T. 11 N., R. 3 E., Secs. 19 to 36, inclusive.	-063	22,808	T. 3 N., R. 5 W., inclusive Secs. 1 to 18, inclusive
-044	22,896	T. 10 N., R. 6 W., all.	-064	22,808	T. 3 N., R. 3 W., all.
-045	22,896	T. 10 N., R. 5 W., all.	-065	22,808	T. 3 N., R. 2 W., all.
-046	34,272	T. 10 N., R. 4 W., all.	-066	22,808	T. 3 N., R. 1 W., all.
-047	22,896	T. 10 N., R. 3 W., all.	-067	30,282	T. 3 N., R. 1 E., all.
-048	34,380	T. 10 N., R. 2 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.			T. 3 N., R. 2 E., Secs. 19 to 36, inclusive, excluding that portion within 2 miles from the bank of the Colville River.
-049	34,380	T. 10 N., R. 1 E., all.			T. 2 N., R. 2 E., Secs. 1 to 11, inclusive, excluding that portion within 2 miles from the bank of the Colville River.
-050	22,992	T. 9 N., R. 2 E., Secs. 1 to 18, inclusive.			Secs. 14 to 23, inclusive, excluding that portion within 2 miles from the bank of the Colville River.
-051	22,992	T. 9 N., R. 3 E., Secs. 1 to 18, inclusive.			Secs. 26 to 35, inclusive, excluding that portion within 2 miles from the bank of the Colville River.
-052	22,992	T. 9 N., R. 4 W., all.	-068	49,116	T. 1 N., R. 2 E., Secs. 3 to 10, inclusive, excluding that portion within 2 miles from the bank of the Colville River.
-053	22,992	T. 9 N., R. 5 W., all.			T. 2 S., R. 15 W., Secs. 19 to 36, inclusive.
-054	22,992	T. 9 N., R. 6 W., all.			T. 3 S., R. 15 W., all.
-055	22,992	T. 9 N., R. 2 W., all.			T. 4 S., R. 15 W., Secs. 1 to 24, inclusive, excluding that portion within 2 miles from the bank of the Colville River.
-056	22,716	T. 9 N., R. 1 W., all.	-069	16,087	T. 2 S., R. 14 W., Secs. 19 to 36, inclusive.
-057	22,716	T. 4 N., R. 1 E., all.			T. 3 S., R. 14 W., all.
-058	22,716	T. 4 N., R. 5 W., all.			
-059	22,716	T. 4 N., R. 4 W., all.			
-060	22,716	T. 4 N., R. 3 W., all.			
		T. 4 N., R. 2 W., all.			

-070	T. 4 S., R. 14 W., Secs. 1 to 19, inclusive, excluding that portion within 2 miles from the bank of the Colville River. Secs. 22 to 24, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	44,432	-073	T. 3 N., R. 28 W., Secs. 19 to 36, inclusive.	34,316
-070	T. 2 S., R. 13 N., Secs. 19 to 36, inclusive.		-074	T. 2 N., R. 28 W., all.	34,316
-071	T. 3 S., R. 13 W., all.		-075	T. 3 W., R. 27 W., Secs. 19 to 36, inclusive.	34,316
-071	T. 4 S., R. 13 W., Secs. 1 to 20, inclusive, excluding that portion within 2 miles from the bank of the Colville River.	39,897	-076	T. 2 N., R. 27 W., all.	
-072	T. 2 S., R. 12 W., Secs. 19 to 36, inclusive.			T. 3 W., R. 26 W., Secs. 19 to 36, inclusive.	51,352
-072	T. 3 S., R. 12 N., all.		-077	T. 2 N., R. 25 W., all.	
-072	T. 4 S., R. 12 W., Secs. 1 to 11, inclusive, excluding that portion within 2 miles from the bank of the Colville River. Sec. 16, excluding that portion within 2 miles from the bank of the Colville River.	35,499	-078	T. 3 N., R. 24 W., Secs. 19 to 21, inclusive, Secs. 28 to 33, inclusive.	22,994
-072	T. 3 S., R. 10 W., Secs. 19 to 21, inclusive, Secs. 28 to 33, inclusive.		-079	T. 1 N., R. 28 W., all.	22,994
-072	T. 4 S., R. 10 W., Secs. 4 to 6, inclusive, excluding that portion within 2 miles from the bank of the Colville River. Secs. 8 and 9, excluding that portion within 2 miles from the bank of the Colville River.		-080	T. 1 N., R. 26 W., all.	22,994
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-081	T. 1 N., R. 25 W., all.	34,468
-072	T. 4 S., R. 11 W., Secs. 1 to 12, inclusive, excluding that portion within 2 miles from the bank of the Colville River.		-082	T. 1 S., R. 29 W., all.	22,722
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-083	T. 1 S., R. 27 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.	33,924
-072	T. 4 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-084	T. 1 S., R. 26 W., all.	22,722
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-085	T. 1 S., R. 25 W., all.	34,117
-072	T. 4 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-086	T. 1 S., R. 24 W., all.	22,722
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	T. 1 S., R. 23 W., all.	22,722
-072	T. 4 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	T. 1 S., R. 22 W., all.	34,117
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	Secs. 1 to 18, inclusive.	28,327
-072	T. 4 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	T. 1 S., R. 21 W., Secs. 19 to 36, inclusive.	28,327
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	T. 2 S., R. 21 W., Secs. 1 to 18, inclusive, Secs. 22 to 27, inclusive, Secs. 34 to 36, inclusive.	22,687
-072	T. 4 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	T. 2 S., R. 19 W., Secs. 4 to 9, inclusive, Secs. 16 to 18, inclusive.	22,687
-072	T. 3 S., R. 11 W., Secs. 4 to 9, inclusive, Secs. 16 to 21, inclusive, Secs. 28 to 33, inclusive.		-087	T. 2 S., R. 20 W., Secs. 1 to 21, inclusive, Secs. 28 to 33, inclusive.	22,687

BILLING CODE 4310-84-C

containing an aggregate of approximately 2,195,845 acres.

**Who May Hold Leases:** In accordance with 43 CFR 3132.1, leases issued pursuant to this subpart may be held only by:

(a) Citizens and nationals of the United States;

(b) Aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20);

(c) Private, public or municipal corporations under the laws of the United States or of any State or of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa or any of its territories; or

(d) Associations of such citizens, nationals, resident aliens or private, public or municipal corporations.

Submission of a lease bid constitutes certification of compliance with the regulations under 43 CFR 3132.1. Anyone seeking to acquire or anyone holding a Federal lease or interest therein, may be required to submit additional information to show compliance with the cited regulations (43 CFR 3132.4).

**Bidding Requirements:** A separate sealed bid must be submitted for each tract and must be for all the lands in each tract. See Exhibit C in the Detailed Statement for the suggested bid format. Each bid must be accompanied by the following:

(a) Bid deposit of one-fifth the amount of bid in U.S. currency, bank draft, certified or cashier's check, payable to the order of the Bureau of Land Management. This deposit will be forfeited if a bidder, after being awarded a lease, fails to execute the lease or otherwise comply with the applicable regulations (43 CFR 3132).

(b) A signed certificate to the effect that the bid was arrived at independently and was tendered without collusion with any other bidders. An Independent Price Determination Certificate is available for this certification (Exhibit D in the Detailed Statement).

(c) Completed Forms 1140-7 (Equal Opportunity Affirmative Action Program Representation) and 1140-8 (Equal Opportunity Compliance Report Certification), Exhibits E and F in the Detailed Statement. These forms need be furnished only once per sale.

Bidders are warned against violation of Section 1860, Title 18, United States Code, prohibiting unlawful combination or intimidation of bidder. The Government reserves the right to reject any and all bids. The bid envelope must be plainly marked that it is *Not To Be Opened Before the Date and Hour of the Bid Opening, Show the Tract Number, and Name of the Company*. No bids received after 9:00 a.m., July 20, 1983,

will be considered. Bids may not be modified or withdrawn unless modifications or withdrawals are received prior to the time herein stated. Deposits shall be refunded to unsuccessful bidders.

Bidders are advised that the State of Alaska has filed a "Notice of Appeal" regarding the "decisions of the Alaska State Director on oil and gas leasing and development in the National Petroleum Reserve in Alaska (NPR-A) dated May, 1983." This notice "concerns matters including the failure of the State Director to delete all tracts in the Utukok uplands and Teshekpuk Lake areas from the NPR-A oil and gas lease program." Interested parties should contact the Bureau's Alaska State Office for additional information.

**Payment and Additional Requirements:** If a bid is accepted, two copies of the lease form will be sent to the successful bidder, who will be required, not later than the 15th day after receipt, to execute both copies and return them, together with the first year's rental and the balance of the bonus bid. The successful bidder is responsible for filing either a \$100,000 corporate surety bond for a single lease or an NPR-A wide \$300,000 bond prior to lease issuance. In accordance with 43 CFR 3134.1(e), the bonds required by this section are in addition to any other bonds the successful bidder may have filed or be required to file under 43 CFR 3104.

**Antitrust Review Information Required by the Department of Justice:** Pursuant to 43 CFR 3130.1, successful bidders for petroleum leases to be issued by the Department of the Interior within the National Petroleum Reserve in Alaska (NPR-A) are required to submit certain information to the Department of Justice before a lease can be awarded to a successful bidder. The details of this requirement can be found in the Detailed Statement of Sale.

**Special Stipulations:** The following lease stipulations attached to and made a part of this lease are in addition to the terms and requirements contained in Lease Form 3130-7. The Lessee, their agents, contractors, subcontractors and operators (hereafter referred to as "Lessee") shall comply with these lease stipulations unless they are modified by mutual written agreement of the Lessee and the BLM's Authorized Officer (AO).

Prior to the development of a Drilling Plan (30 CFR 221), the Lessee shall contact the AO to review BLM policy, regulations, necessary reports, and Notices to Lessees.

Because development can only be estimated, the primary purpose at present is to mitigate exploration

impacts and notify the Lessee of important resources requiring conservation. Further impact/resource analysis with public comment, in accordance with the National Environmental Policy Act (NEPA) of 1970 (83 Stat. 850), will occur prior to development, and may result in changes to the following stipulations.

The following stipulations will be attached to and made a part of leases issued as a result of Sale 831:

1. **Habitat Preservation** (to be included in all Sale 831 leases) The Lessee is given notice that the lands within this lease may include special areas. Such areas may contain special values or may be needed for special purposes. Surface use or occupancy within such special areas will be strictly controlled or, if absolutely necessary, excluded. The Lessee will be required to submit plans of operations to the AO who may modify the plans to protect special values and uses. Use or occupancy will be modified or restricted when the AO demonstrates that such is necessary for the preservation of those values or uses.

2. **Cultural Resources** (to be included in all Sale 831 leases): Prior to undertaking any surface-disturbing activities on the lands covered by this lease, the Lessee, unless notified to the contrary, shall contact the AO to determine if a site-specific cultural resource inventory is required. If a survey is required, the Lessee shall:

a. Engage the services of a qualified cultural resource specialist acceptable to the AO to conduct a cultural resource inventory of the area of proposed surface disturbance. The lessee may elect to inventory an area larger than the area of proposed disturbance to cover possible site relocation which may result from environmental or other considerations. An acceptable inventory report is to be submitted to the authorized officer for review and approval no later than that time when an otherwise complete application for approval of drilling or subsequent surface disturbing operation is submitted.

b. Implement mitigation measures required by the AO. Mitigation may include relocation of proposed lease-related activities or other protective measures such as testing, salvage and recordation. Where impacts to cultural resources cannot be mitigated to the satisfaction of the AO, surface occupancy on that area must be prohibited.

The Lessee shall immediately bring to the attention of the AO any cultural resources discovered as a result of



approved operations under this lease and not disturb such discoveries until directed to proceed by the AO.

3. *Peregrine Falcon* (to be included only in Sale 831 leases for Tracts 42, 47, 48, 49, 56, and 59 through 72): This establishes a time period within which activities authorized under an Application for Permit to Drill (APD) will be barred to protect the peregrine falcon. Limited exceptions may be authorized in writing by the AO if the Lessee can reasonably demonstrate to the satisfaction of the AO that such activities would be unlikely to have an adverse effect on this important wildlife resource or its habitats. A decision to exempt must be based on a sound analysis (by Lessee) of the type, location and intensity of the proposed activity and/or density of facilities and the cumulative impacts from other user activities/facilities regionally.

In order to protect important endangered raptor nesting sites and adjacent habitat all activities will be limited as follows:

a. All construction and ground level activity will be prohibited within one mile of nesting sites from April 15 through August 31.

b. Aircraft shall maintain a 1,500 foot altitude above nest sites and a one mile horizontal distance from nest sites from April 15 through August 31 unless doing so would endanger human life of safe flying practices.

c. All permanent facilities (e.g. drill pads, airstrips, camps, roads or pipelines) will not be permitted within one mile of any nesting site.

d. Within two miles of nest sites, blasting or other significant construction noise is prohibited between April 15 and August 31 unless authorized by the AO in consultation with the United States Fish and Wildlife Service (FWS).

e. Material sites, disposal sites, water reservoirs, drill pads or other land uses that would significantly alter ponds, lakes, wetlands or shrub riparian habitat are prohibited within one mile of nest sites. Such cumulative activity within fifteen miles of identified peregrine falcon nest sites must be authorized by the AO in consultation with the FWS and will be allowed only after a complete analysis of impacts to potential peregrine falcon hunting habitat.

Exceptions to these limitations in peregrine falcon habitat hunting areas must be specifically authorized in writing by the AO in consultation with FWS.

4. *Wildlife Conservation* (to be included as shown below): This stipulation sets time periods within which activities authorized under an

APD must be restricted to conserve wildlife resources. Limited exceptions to these stipulated dates may be specifically authorized in writing by the AO if the Lessee can reasonably demonstrate to the satisfaction of the AO that such activities would be unlikely to have an adverse effect on these important wildlife resources or their habitats. A decision to exempt must be based on a sound analysis (by Lessee) of the type, location, and intensity of the proposed activity and/or density of facilities and the cumulative regional impacts from other user activities/facilities. Prior to development, a NEPA compliance document will be necessary to consider the modification of the following seasonal restrictions to allow for the maintenance and operation of producing wells.

a. *Waterbirds* (to be included only in Sale 831 leases for Tracts 7, 8, 9, 11 through 14, 19 through 22, 25, 26, 29, 30, 32 through 37, 41, 42, 47, 48, and 49): Operations between May 20 and August 25 will be barred in order to protect important waterbird (duck, goose, swan) and shorebird nesting, molting and staging habitats.

b. *Caribou Migration* (to be included only in Sale 831 leases for Tracts 22 through 33 and 73 through 87): Operations proposed between August 15 and September 15 for areas used as caribou migration routes will be barred. No activities which would hinder normal caribou movements will be permitted.

c. *Caribou Calving* (to be included only in Sale 831 leases for Tracts 22 through 36 and 73 through 83): Operations between May 15 and July 15 for areas used for caribou calving will be barred. No activities which would hinder normal caribou movements or calving will be permitted.

Only as much of this stipulation as is appropriate for a given tract has been attached to that tract.

5. *Special Management Zones* (to be included only in Sale 831 leases for Tracts 26, 30, 33, 34, 36, 59, 60, 61, 63 through 66, 73 through 78, 81, and 82): The Lessee must address the cumulative effects of other industrial activities on the key biological resources. The AO may consider these cumulative effects in deciding to approve, deny or modify the Lessee's proposed operations. If the Lessee's primary research indicates a high probability of significant adverse effects on key biological resources, then, in order to operate, the Lessee must be able to locate sites, design facilities, and

time activities to eliminate these impacts to the satisfaction of the AO.

For any activity in a Special Management Zone (SMZ), the Lessee must demonstrate either a or b to the satisfaction of the AO the following:

a. That they have conducted primary research on the effects of the proposed facilities/activities on the biological resources present. This research must support a conclusion that all phases of proposed multi-year activities and all facilities will have little or no adverse effects on key wildlife resources or habitats; or

b. The primary research and/or current literature on the response of key wildlife to similar disturbances in similar settings support a conclusion that the proposed activity will have little or no permanent adverse effects on fish and wildlife use of habitats because of the following:

(i) Operations will not permanently alter the habitat thus precluding fish and wildlife use; and

(ii) Operations will not be conducted during periods of intense fish and wildlife use; or

(iii) Operations will not be conducted in proximity to important fish and wildlife habitats or to migration routes.

6. *Subsistence Lifestyle* (to be included only in Sale 831 leases for Tracts 1, 6, 7, 9, 10, 11, 14, 16, 17, 19, 20, 21, 24, 25, 26, 28, 30, 32, 33, 35, 36, 41, 42, 45 through 50, 52 through 56, 71, 72, and 76): Areas within this lease contain harvestable resources utilized by North Slope residents as part of their subsistence lifestyle. If impacts on these resources are determined to be potentially significant by the AO, the Lessee, prior to any drilling, construction or placement of any exploration/development structures on lease areas, to including pipeline and facility placement (hereafter referred to as "operation"), shall gather site-specific information using field examination techniques approved by the AO. On all areas where operations will take place, the field examination(s) shall identify the following:

a. active subsistence hunting, fishing, trapping or gathering sites;

b. routes of access to sites traditionally used by subsistence hunters, trappers, fishermen and gatherers; and

c. high density areas of harvestable resources within and/or migration routes to, from and within the area(s) of proposed operations.

If the site-specific information shows that harvestable subsistence resources may be adversely affected by any lease operations, the Lessee shall establish to

the satisfaction of the AO that impacts are mitigated by the following:

- a. relocation of the site of such operations to minimize adverse effects on the harvestable resources; and/or
- b. relocation of the site of such operations and the design of production, processing and transportation facilities to assure continued access of the subsistence user to the sites and to known high density areas of harvestable resources; and/or
- c. establishment of operations that will not have any significant adverse effects upon the harvestable resources, the subsistence sites, and/or the subsistence users' access to the sites or resources after consultation with those rural Alaskans who actively use the area for subsistence.

7. *Subsistence Fisheries* (to be included only in Sale 831 leases for Tracts 9, 10, 14, 15, 16, 19, 21, 23 through 26, 28, 31, 38, 41, 42, 44 through 48, and 50 through 56): No activities will be authorized within 300 yards of aquatic habitat (i.e. streams and lakes or estuarine and marine habitats) which support a subsistence fishery. Limited exceptions may be specifically authorized in writing by the AO if the Lessee can reasonably demonstrate to the satisfaction of the AO that such activities would not interfere with continued subsistence use.

8. *Environmental Training* (to be included in all Sale 831 leases): In any Application for Permit to Drill submitted under 30 CFR 221, the Lessee shall include for review and approval by the AO a proposed environmental training (ET) program for all personnel involved in exploration or development activities. The program shall be designed to inform each project employee of the specific types of environmental, social and cultural concerns which relate to each individual's job. The program shall be formulated and conducted by qualified instructors experienced in the pertinent fields of study. They shall use methods to assure that personnel can recognize and will conserve archeological, geological, and biological resources. The ET program will cover Lessee's policies and techniques to avoid harassment of wildlife. The program shall increase the sensitivity and understanding of personnel to local community values, customs, and lifestyles. Information on local subsistence activities should be included in order to minimize potential conflicts. The Lessee also shall submit for review and approval a technical environmental briefing program for supervisory and managerial personnel.

As part of this environmental training the Lessee shall inform all personnel that: The rural residents of the North

Slope shall have the right of ingress and egress and the right to use the leasehold in conducting their hunting, trapping, and related activities in accordance with applicable law provided that such rights shall not be exercised in such a manner as to endanger the safety of Lessee's employees or damage Lessee's equipment or facilities.

Additional sale information: A Detailed Statement of Sale setting forth the terms and conditions of the lease offering, the forms discussed above and the bid format may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, telephone (907) 271-3788.

Dated: June 16, 1983.

**Robert F. Burford,**  
Director, Bureau of Land Management.

[FR Doc. 83-16556 Filed 6-17-83; 8:45 am]  
BILLING CODE 4310-54-M

#### [AZA206-000003]

#### Arizona: Realty Action Competitive Sale of Public Land in Mohave County

**SUMMARY:** The following described lands have been identified as suitable for disposal under Section 203(a) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. Through the development of Land Use Plans, it has been determined that the sale of these parcels is consistent with the Federal Land Policy and Management Act:

Legal description	Acres	Value
<i>Parcel N</i> T. 25 N., R. 19 W., G&SRM Section 20, E 1/4	320	\$56,000
<i>Parcel O</i> T. 25 N., R. 19 W., G&SRM Section 18, Lot 1	39.49	9,500
<i>Parcel P</i> T. 25 N., R. 19 W., G&SRM Section 18, Lot 2	39.53	9,880
<i>Parcel Q</i> T. 25 N., R. 19 W., G&SRM Section 18, Lot 3	39.55	9,890
<i>Parcel R</i> T. 25 N., R. 19 W., G&SRM Section 18, Lot 4	39.59	9,900
<i>Parcel S</i> T. 25 N., R. 19 W., G&SRM Section 18, E 1/2 NW 1/4	80	19,200
<i>Parcel T</i> T. 25 N., R. 19 W., G&SRM Section 18, E 1/2 SW 1/4	80	20,000

The parcels will be sold at public auction by competitive bidding. The sale will be held at the Kingman City Council Chambers, Kingman, Arizona, on Wednesday, August 24, 1983. Parcels not sold on August 24, will be re-offered in the Phoenix District Office, 2929 West

Clarendon Avenue, Phoenix, Arizona, at 10 a.m., on October 5, 1983.

All the above listed parcels will be patented subject to the following reservations:

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All minerals, including oil and gas, with the right to explore, prospect for, and remove such deposits under applicable law and such regulations as the Secretary of the Interior may prescribe.

And subject to:

1. Those rights granted by oil and gas lease A-11137, issued under Section 29 of the Act of February 25, 1920, 41 Stat. 437, and the Act of March 4, 1933, 47 Stat. 1570. This patent will be subject to the right of the permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation, resulting from proper oil and gas operations, for the duration of the Lease A-11137, and any authorized extension of the lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate.

The following parcel will be patented subject to the additional following item:

Parcel N

1. A right-of-way thereon described under Serial No. A-18610, for water pipeline purposes granted under the Act of October 21, 1976, 90 Stat. 2776; 43 U.S.C. 1761 (1976).

Mineral conveyance (except reserving oil and gas to the Federal Government) may be made to the successful bidder for all Parcels, per Section 209(b) (90 Stat. 2757, 43 U.S.C. 1719), if the applicants pay an administrative fee of \$50.00 for conveyance, otherwise the entire mineral estate shall be reserved to the United States.

Publication of this Notice will segregate the subject lands from all appropriations under the Public Land Laws, including the mining laws, except the mineral leasing laws. This segregation will terminate upon the issuance of patent or two years from the date of this Notice, or upon the publication of a Notice of Termination by the Authorized Officer.

Additional information concerning these parcels, terms and conditions of the sale and bidding instruction may be obtained by calling the Kingman Resource Area Manager at (602) 757-4011, or by writing the BLM Kingman

Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of Forty-five (45) days from the date of this Notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination of the Department of the Interior.

William K. Barker,

*District Manager.*

Dated: May 26, 1983.

[FR Doc. 83-16406 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-84-M

[AZA202600001]

### Arizona: Realty Action—Competitive Sale of Public Land in Mohave County

**SUMMARY:** The following described lands have been identified as suitable for disposal under Section 203(a) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. Through the development of Land Use Plans, it has been determined that the sale of these parcels is consistent with the Federal Land Policy and Management Act.

Legal description	Acres	Value
Parcel C T 20 N., R. 18 W., G&SRM Section 32, NE ¼	160	\$16,000
Parcel D T 20 N., R. 18 W., G&SRM Section 32, NW ¼	160	20,000
Parcel E T 20 N., R. 18 W., G&SRM Section 32, SW ¼	160	16,000
Parcel F T 20 N., R. 18 W., G&SRM Section 32, SE ¼	160	16,000
Parcel G T 20 N., R. 19 W., G&SRM Section 2, Lots 1, 2, S ½ NE ¼	162.96	16,300
Parcel H T 20 N., R. 19 W., G&SRM Section 2, Lots 3, 4, S ½ NW ¼	162.8	16,200
Parcel I T 20 N., R. 19 W., G&SRM Section 2, SW ¼	160	20,000
Parcel J T 20 N., R. 19 W., G&SRM Section 2, SE ¼	160	20,000
Parcel K T 21 N., R. 19 W., G&SRM Section 24, All	640	32,000
Parcel L T 21 N., R. 19 W., G&SRM Section 14, SE ¼ SE ¼	40	10,000
Parcel M T 21 N., R. 19 W., G&SRM Section 14, SE ¼ NE ¼ SE ¼	10	3,000

The parcels will be sold at public auction by competitive bidding. The sale will be held at the Kingman City Council

Chambers, Kingman, Arizona, on Wednesday, August 24, 1983. Parcels not sold on August 24, will be re-offered in the Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona, at 10:00 A.M., on October 5, 1983.

All parcels listed above will be patented subject to the following reservation: Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

And subject to:

1. The right of the grazing lessee to continue the current grazing use until two years from the date of this Notice. Per the terms and conditions of the existing grazing authorization. Charges for the use will be no more than the BLM grazing fee scheduled for a given year. This grazing use authorization may be modified only by mutual agreement between the range user and the purchaser.

The following parcels will be patented subject to these additional items:

*Parcels C, D, E, F, G, H, I, and J*

Subject to:

1. All other conditions, exceptions, or reservations of record.

*Parcel F*

Subject to:

1. A right-of-way thereon described under Serial No. PHX-079765, for powerline purposes under the Act of March 4, 1911, 36 Stat. 1253; 43 U.S.C. 961 (1970).

*Parcel H*

Subject to:

1. A right-of-way thereon described under Serial No. A-1822, for powerline purposes under the Act of October 21, 1976, 90 Stat. 2776; 43 U.S.C. 1761 (1976).

*Parcel K*

Excepting and reserving to the United States:

1. A right-of-way thereon described under Serial No. PHX-083786, for electric transmission line purposes under the Act of December 5, 1924, 43 Stat. 704; 43 U.S.C. 417.

2. All minerals, including oil and gas, with the right to explore, prospect for, and remove such deposits under applicable law and such regulations as the Secretary of the Interior may prescribe.

*Parcels L and M*

Excepting and reserving to the United States:

1. All minerals, including oil and gas, with the right to explore, prospect for,

and remove such deposits under applicable law and such regulations as the Secretary of the Interior may prescribe.

There are no known mineral values in the land. Mineral conveyance, except reserving oil and gas to the Federal Government, may be made to the successful bidder for Parcels K, L, and M, per Section 209(b) (90 Stat. 2757, 43 U.S.C. 1719), if the applicant pays an administrative fee of \$50.00 for the conveyance. Otherwise, the entire mineral estate shall be reserved to the United States.

This Notice of Realty Action shall serve as the two year notification of cancellation to the grazing lessee required by 43 CFR 4110.4-2(b).

Publication of this Notice will segregate the subject lands from all appropriations under the Public Lands Laws, including the mining laws, except the mineral leasing law. This segregation will terminate upon the issuance of a patent for two years from the date of this Notice, or upon the publication of a Notice of Termination by the Authorized Officer.

Additional information concerning these parcels, terms and conditions of the sale and bidding instructions may be obtained by calling the Kingman Resource Area Manager at (602)757-4011, or by writing the BLM Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of forty-five (45) days from the date of this Notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination of the Department of the Interior.

William K. Barker,

*District Manager.*

Dated: May 26, 1983.

[FR Doc. 83-16406 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-84-M

[AZA2026-000006]

### Arizona: Realty Action—Competitive Sale of Public Land in Mohave County

**SUMMARY:** The following described lands have been identified as suitable for disposal under Section 203(a) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. Through the development of Land Use Plans, it

has been determined that the sale of these parcels is consistent with the Federal Land Policy and Management Act.

Legal description	Acres	Value
Parcel A T. 16½ N., R. 18 W., G&SRM Section 31, NE¼, N¼SE¼	240	\$31,500
Parcel B T. 17 N., R. 18 W., G&SRM Section 12, E½NE¼SW¼SE¼	5	2,500

The parcels will be sold at public auction by competitive bidding. The sale will be held at the Kingman City Council Chambers, Kingman, Arizona, on Wednesday, August 24, 1983. Parcels not sold on August 24, will be re-offered in the Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona, at 10:00 A.M., on October 5, 1983.

The lands will be subject to the following reservations when patented:

#### Parcel A

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way thereon described under Serial No. AR-035585, for highway purposes under the Federal Highway Act of August 27, 1958, 72 Stat. 885; 3 U.S.C. 317 (1976).

3. A right-of-way thereon described under Serial No. A-7475, for buried telephone cable purposes under the Act of March 4, 1911, 36 Stat. 1253; 43 U.S.C. 961 (1970).

4. A right-of-way thereon described under Serial No. PHX-034352, for powerline purposes under the Act of February 15, 1901, 31 Stat. 790; 43 U.S.C. 959 (1970).

And subject to:

1. The right of the grazing lessee to continue the current grazing use until February 28, 1989, per the terms and conditions of the existing grazing authorization. Charges for the use will be no more than the BLM grazing fee scheduled for a given year. This grazing use authorization may be modified only by the mutual agreement between the range user and the purchaser.

2. And all other conditions, exceptions, or reservations of record.

#### Parcel B

Excepting and reserving to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1900, 26 Stat. 391; 43 U.S.C. 945.

2. All minerals, including oil and gas, with the right to explore, prospect for, and remove under applicable law, and such regulations as the Secretary of the Interior may prescribe.

Mineral conveyance (except reserving oil and gas to the Federal Government) may be made to the successful bidder for Parcel B, per Section 209(b) (90 Stat. 2757, 43 U.S.C. 1719), if the applicant pays an administrative fee of \$50.00 for conveyance, otherwise the entire mineral estate shall be reserved to the United States.

Publication of this Notice will segregate the subject lands from all appropriations under the Public Land Laws, including the mining laws, except the mineral leasing laws (for Parcel B; mineral estate in Parcel A is privately held). This segregation will terminate upon the issuance of a patent or two years from the date of this Notice, or upon the publication of a Notice of Termination by the Authorized Officer.

Additional information concerning these parcels, terms and conditions of the sale and bidding instructions may be obtained by calling the Kingman Resource Area Manager at (602) 757-4011, or by writing the BLM Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

For a period of Forty-five (45) days from the date of this Notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination of the Department of the Interior.

Dated: May 26, 1983.

William K. Barker,  
District Manager.

[FR Doc. 83-16487 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-84-M

#### [A-329, et al.]

#### Forest Service Withdrawal for Recreational Sites and Other Purposes; Proposed Continuation of Withdrawals; Opportunity for Public Hearing

June 13, 1983

As a result of the review made pursuant to Section 204(1) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754; 43 U.S.C. 1714, the Bureau of Land Management, Department of the Interior, proposes to continue the subject withdrawals for a period of 20 years, rather than for an

indefinite term. The land was withdrawn for use by the U.S. Forest Service as indicated below.

The existing withdrawals segregate the land from operation of the public land laws, including the mining laws. The land has been and will remain open to operation of the mineral leasing laws. No change in the segregative effect of the withdrawals or use of the land is proposed. The following administrative, scenic and recreational sites are involved:

#### Gila and Salt River Meridian, Arizona

A-329

Public Land Order 5058 dated May 12, 1971

Lynx Creek Streamside Zone; Prescott National Forest

T. 12½ N., R. 1 W.,

Sec. 20, lots 1, 2, 3 and 4, that part of unpatented MS 4532 lying outside patented land;

Sec. 21, That part of unpatented MS 4532 lying outside patented land.

T. 13 N., R. 1 W.,

Sec. 5, lots 8, 12 and 13, W½SE¼,

SE¼SE¼;

Sec. 8, N¼NE¼;

Sec. 16, lot 1 (except west 10 chains), lot 4,

the NE¼ of lot 5, and N½SE¼SW¼;

Sec. 21, lots 2, 3 and 4 (except west 10

chains), E½NW¼SW¼NE¼, E½SW¼

NE¼, SW¼SE¼NE¼, E½W½SE¼,

W½W½SE¼;

Sec. 28, E½W½NE¼, W½E½NE¼,

NE¼NW¼SE¼, NW¼NE¼SE¼,

S½NW¼SE¼, SW¼SE¼;

Sec. 32, lot 15;

Sec. 33, lots 8, 9, 11, 12, 15, 16, and

SE¼SW¼ excluding patented mining

claims.

929.52 acres.

#### Walker Roadside Zone

T. 13 N., R. 1 W.,

Walker Road—300' each side of center line—

located in the following portions of

subdivisions:

Sec. 5, W½;

Sec. 6, NE¼;

Sec. 8, N¼N¼NW¼;

620 acres.

#### AR-025170

Public Land Order dated March 14, 1961.

#### Lynx Creek Recreation Area

T. 13 N., R. 1 W.,

Sec. 8, S½NW¼NW¼, SW¼NW¼, and

W½SW¼;

Sec. 16, W½SW¼NW¼, W½W½SW¼

(part of lots 1 and 5);

Sec. 17, E½NW¼, S½NE¼, and SE¼;

Sec. 20, N¼NE¼;

Sec. 21, W½NW¼NW¼.

620 acres.

#### AR-014372

Public Land Order 1504 September 10, 1957.

Lynx Creek Recreation Area—Enlargement

T. 13 N., R. 1 W.,



Sec. 8, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 9, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 16, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 17, N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
480 acres.

A-2735

Public Land Order 4657 dated May 12, 1969.

Palace Station Administrative Site; Prescott  
National Forest

T. 12 N., R. 1 W.,  
Sec. 18, lot 6, SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
87.18 acres.

A-1624

Public Land Order 4960 dated December 7,  
1970.

Horsethief Basin Recreational Area and  
Lookout; Prescott National Forest

T. 9 N., R. 1 E.,  
Sec. 6, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$ .  
40 acres.

T. 10 N., R. 1 E.,  
Sec. 29, S $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 32, NW $\frac{1}{4}$ ;  
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
800 acres.

A-12863

Public Land Order 725 dated June 4, 1951

Madera Canyon Recreation Area; Coronado  
National Forest

T. 19 S., R. 14 E.,  
Sec. 35, E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 20 S., R. 14 E.,  
Sec. 2, lot 2, E $\frac{1}{2}$  of lot 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .  
175.83 acres.

Sycamore Ranger Station; Prescott National  
Forest

T. 11 N., R. 4 E.,  
Sec. 5, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 6, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 7, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$   
NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and  
W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, N $\frac{1}{2}$ NW $\frac{1}{4}$ .  
400 acres.

Granite Basin Recreation Area; Prescott  
National Forest

T. 14 N., R. 3 W.,  
Sec. 2, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{2}$ NW $\frac{1}{4}$   
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and S $\frac{1}{2}$ SE $\frac{1}{4}$   
SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Section 3, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$   
SE $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and  
E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 10, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$   
NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 11, Those parts of lot 12 described as  
N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
150 acres.

Camp Wood Administrative Site; Prescott  
National Forest

T. 16 N., R. 6 W.,  
Sec. 3, lot 2.  
T. 16 N., R. 6 W.,  
Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 37, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
62.11 acres.

Walnut Creek Ranger Station; Prescott  
National Forest

T. 18 N., R. 6 W.,  
Sec. 24, SE $\frac{1}{4}$ ;  
Sec. 25, N $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
280 acres.

AR-019742

Public Land Order 1852 dated May 14, 1959

Mingus Watershed; Prescott National Forest

T. 15 N., R. 2 E.,  
Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 29, All except mineral patents.  
647 acres.

White Star Watershed; Prescott National  
Forest

T. 13 N. R. 3 W.,  
Sec. 23, E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 24, lots 3 and 4, SW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 25, lots 1 and 2, W $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ W $\frac{1}{2}$   
SE $\frac{1}{4}$ ;  
Sec. 26, E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ ;  
Sec. 36, N $\frac{1}{2}$ NW $\frac{1}{4}$ .  
1029.29 acres.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed action on each of the subject withdrawals. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before 90 days from date of this publication. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed action may be filed with the undersigned officer on or before the above designated date.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources, and will review the withdrawal justification to ensure that continuation or modification would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for and an agreement is reached on the concurrent management of the land and its resources. The authorized officer will

also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued or modified, and if so, for long. The final determination will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed action should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoenix, Arizona, 85073.

Mario L. Lopez,  
Chief, Branch of Lands and Minerals  
Operations.

[FR Doc. 83-16401 Filed 6-17-83; 8:45 am]  
BILLING CODE 4310-04-M

### Minerals Management Service

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, U.S. Department of the 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 2323, 2324, 3410, and 3783, Blocks 352, 353, 360, and 361, Eugene Island 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: June 10, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc 83-16382 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, U.S. Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0820, Block 169, Ship Shoal 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 government 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: June 10, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc 83-16381 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, U.S. Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0310, Blocks 212 and 218, South Marsh Island 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: June 13, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc. 83-16383 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, U.S. Department of the Interior.

**ACTION:** Notice of the Receipt of a Proposed Development and Production Plan.

**SUMMARY:** Notice is hereby given that Transco Exploration Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G

4222, Block 46, Eugene Island 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 Plan 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: June 13, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc. 83-16384 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** This Notice announces that Exxon Company, U.S.A., Unit Operator of the South Timbalier Block 54 Field Federal Unit Agreement No. 14-08-001-3444, submitted on June 3, 1983, a proposed annual plan of development describing the activities it proposes to conduct on the South Timbalier Block 54 Field Federal Unit.

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 offices of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway

Blvd., Room 147, Metairie, Louisiana 70002.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 838-0519.

**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 on 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: June 13, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc. 83-16148 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that Shell Offshore, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 4232, 5203 and 5204, Blocks 189, 188, and 210, Ship Shoal 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 Mineral 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: June 10, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc. 83-16402 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

#### Oil and Gas and Sulphur Operations in the Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of the receipt of a proposed development and production plan.

**SUMMARY:** Notice is hereby given that ODECO Oil & Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0605, Block 86, 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 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: June 10, 1983.

John L. Rankin,

*Acting Regional Manager, Gulf of Mexico OCS Region.*

[FR Doc. 83-16399 Filed 6-17-83; 8:45 am]

BILLING CODE 4310-MR-M

#### National Park Service

##### Notice of Intention To Negotiate Concession Contract

Pursuant to the provision of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Shields & Dean Concessions, Inc., authorizing it to continue to provide 18 hole Pitch & Putt Golf Course facilities and services for the public at the Breezy Point District, Gateway National Recreation Area, for a period of fifteen (15) years from January 1, 1984 through December 31, 1998.

"This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared."

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires, by limitation of time on December 31, 1983, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants Shields & Dean Concessions, Inc., the opportunity to meet the terms and conditions of any other proposals submitted in response to this Notice which the Secretary may consider better than the proposal submitted by Shields & Dean Concessions, Inc. If Shields & Dean Concessions, Inc. amends its proposal and the amended proposal is substantially equal to the better offer, then the proposed new contract will be negotiated with Shields & Dean Concessions, Inc.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposals including that of the existing concessioner must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, North Atlantic Region, 15 State Street, Boston, MA 02109 for information as to the requirements of the proposed contract.

Dated: June 7, 1983.

Steven H. Lewis,  
Regional Director, North Atlantic Region.

[FR Doc. 83-10351 Filed 6-17-83; 8:45 am]  
BILLING CODE 4310-70-M

#### Availability of Plan of Operations for the Purpose of Oil Drilling Operations: Big Cypress National Preserve

In accordance with Section 9.52 of Title 36 of the Code of Federal Regulations, Big Cypress National Preserve has received from Exxon Company, U.S.A., a Plan of Operations for the purpose of oil drilling in the Bear Island area of the Preserve. The public is invited to review and comment on the Plan of Operations, copies of which are available for review during normal business hours at Everglades National Park, Route 27, 12 miles south of Homestead, Florida; Big Cypress National Preserve, Ochopee, Florida; Miami-Dade Public Library System, Main Library, 1 Biscayne Boulevard, Miami, Florida; Collier County Public Library, 650 Central Avenue, Naples, Florida; and at the National Park Service, Southeast Regional Office, 75 Spring Street, S.W., Atlanta, Georgia. Comments received on or before July 20, 1983 will be entered into the official record. For further information, contact Pat Tolle, Management Assistant, Everglades National Park (305) 247-6211.

Dated: June 2, 1983.

C. W. Ogle  
Acting Regional Director, Southeast Region.

[FR Doc. 83-16355 Filed 6-17-83; 8:45 am]  
BILLING CODE 4310-70-M

#### INTERSTATE COMMERCE COMMISSION

##### Motor Carrier Temporary Authority Applications

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-269

The following applications were filed in Region 1: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1-64TA), filed May 31, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier: irregular routes: Commercial cooking equipment* between Verdi, NV, on the one hand, and, on the other, points in CT, MA, ME, NJ, NH, NY, PA, RI and VT under continuing contract(s) with Wells Commercial Cooking, Inc., of Verdi, NY. Supporting shipper: Wells Commercial Cooking, Inc., 2 Erik Circle, Verdi, NV 89439.

MC 134806 (Sub-1-65TA), filed June 2, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier: irregular routes: Flashlights and flashlight cases*, between Hinsdale, NH, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract(s) with The Bridgeport Metal Goods Manufacturing Company, of Hinsdale, NH. Supporting shipper: The Bridgeport Metal Goods Manufacturing Company, Monument Road, Hinsdale, NH 03451.

MC 134806 (Sub-1-66TA), filed June 2, 1983. Applicant: B-D-R TRANSPORT,

INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, Md 20814. *Contract carrier: irregular routes: Woodburning stoves and accessories* between Randolph, MA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract(s) with Russo Manufacturing Corporation, Randolph, MA. Supporting shipper: Russo Manufacturing Corporation, 87 Warren Street, Randolph, MA 02368.

MC 134806 (Sub-1-67TA), filed June 2, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier: irregular routes: Plastic flatware* between Wallingford, CT, on the one hand, and, on the other, Carson, CA, under continuing contract(s) with Oneway Tableware Products, Inc., of Wallingford, CT. Supporting shipper: Oneway Tableware Products, Inc., 9 Carlton Street, Wallingford, CT 06492.

MC 134806 (Sub-1-68TA), filed June 2, 1983. Applicant: B-D-R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract carrier: irregular routes: Wire and cable*, from Colchester, VT to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY, under continuing contract(s) with Champlain Cable Corp., Winooski, VT. Supporting shipper: Champlain Cable Corp., Box 7, Winooski, VT 05404.

MC 168337 (Sub-1-1TA), filed May 31, 1983. Applicant: BARTLETT TRANSPORT LTD., 885 Elm Street, P.O. Box 506, Port Colborne, Ontario, CD L3K 5X7. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara Street, Buffalo, NY 14202. *Contract carrier: irregular routes: Liquid sweeteners, and feed and feed products, in bulk, in tank and dump equipment*, between ports of entry on the International Boundary line between the U.S. and CD in NY and MI, on the one hand, and, on the other, points in NY, PA, MA, CT, RI, NJ, MD, DE, VA, NC, OH, MI, and DC, under continuing contract(s) with Canada Starch Company, Inc., of Port Colborne, Ontario, CD. Supporting shipper: Canada Starch Company, Inc., 1 Place du Commerce, Muns' Island, Montreal, Quebec, CD.

MC 168435 (Sub-1-1TA), filed June 3, 1983. Applicant: BRADDMOR CORP., 273



Forest Drive, Wethersfield, CT 06109. Representative: Paul F. Moran (same as applicant). *Food and related items, Chemicals and related items, Machinery and machinery parts, Iron or steel storage racks, Alcoholic Liquors, Wines*, between ME, NH, VT, MA, RI, CT, NY, and NJ. Supporting shipper(s): Galaxy Trucking Warehouse Corp., 15 Blauvelt Road, Teaneck, NJ 07607; Hayden Machinery, West Main Street, Waterbury, CT 06702; Lok-Rak Corporation of America, 71 George Street, East Hartford, CT 06108; Fowler Ltd., 101 Reserve Road, Hartford, CT 06114; Allen S. Goodman, Inc., 180 Goodwin St., E. Hartford, CT 06108.

MC 100463 (Sub-1-1TA), filed May 31, 1983. Applicant: CANADIAN PACIFIC TRANSPORT (U.S.) LIMITED, Suite E-335, Atria North, 2255 Sheppard Avenue, East, Willowdale, Ontario, CD M2J 4Y1. Representative: George W. Selby, Jr., Macdonald, McInerney, Guandolo, Jordan & Crampton, Suite 200, 1090 Vermont Avenue, NW., Washington, DC 20005. *General commodities, except Class A and B explosives, household goods, and commodities in bulk*, between Rouses Points, NY, and Highgate Springs, VT, which will be joined at Rouses Point, NY, with applicant's authority in docket No. MC-100463 (Sub-No. 27X). Supporting shipper: International Business Machines Corp., P.O. Box 10, Princeton, NJ 08540.

MC 152524 (Sub-1-2TA), filed May 31, 1983. Applicant: COLONIAL EXPRESS, INC., 4 Alger Street, South Boston, MA 02127. Representative: John F. O'Donnell, 60 Adams Street, P.O. Box 238, Milton, MA 02187. *General commodities in ocean-going containers, having a prior or subsequent movement by water between Portland, ME, Portsmouth, NH, Boston, MA, Providence, RI, New York City, NY, Philadelphia, PA, Baltimore, MD, Norfolk, VA, Wilmington, NC, Charleston, SC, Savannah, GA, Jacksonville, Miami and Tampa, FL, Mobile, AL, New Orleans, LA, Galveston, and Houston, TX*, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Trans Freight Lines, Inc., 1 Harman Plaza, Secaucus, NJ 07094.

MC 168433 (Sub-1-1TA), filed June 3, 1983. Applicant: WARREN GIBSON LIMITED, 55 Tupper Street, Alliston, Ontario, CD LOM IAO. Representative: Robert D. Gunderman, P.C., Can-Am Building, 101 Niagara Street, Buffalo, NY 14202. *Contract carrier: irregular routes: Distillers grain, in bulk, in blower equipped vehicles, between ports of entry on the International Boundary line between the U.S. and CD in NY, on the*

one hand, and, on the other, points in NY and PA, under continuing contract(s) with Canadian Mist Distillers Ltd., Collingwood, Ontario, CD. Supporting shipper: Canadian Mist Distillers Ltd., 202 MacDonald Road, Town of Collingwood, County Simcoe, Ontario, CD L9Y 4J2.

MC 121214 (Sub-1-1TA), filed May 31, 1983. Applicant: JOHN A. HANSON CO., INC., 365 Dorchester Avenue, South Boston, MA 02127. Representative: George C. O'Brien, 342 Wild Harbor Road, North Falmouth, MA 02556. *Medical and biological safety cabinets*, from Sanford, ME, to points in MA within a radius of 50 miles of Boston, MA. Supporting shipper: The Baker Co., Inc., Sanford Airport, Sanford, ME 04073.

MC 157060 (Sub-1-2TA), filed June 2, 1983. Applicant: JANCO, LTD., 34 Burgess Place, Wayne, NJ 07470. Representative: Anthony E. Young, Ltd., 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Such commodities as are used or dealt in by theatrical production companies*, between points in the U.S. (except AK and HI). Supporting shipper(s): Production Arts Lighting, Inc., 636 11th Avenue, New York, NY 10036; Iron Mountain Productions, 165 West 46th Street, New York, NY 10036; Katz Productions, 62 West 45th Street, New York, NY 10036; Barr-Woodward Productions, 226 West 47th Street, New York, NY 10036.

MC 48409 (Sub-1-2TA), filed May 31, 1983. Applicant: MAHON'S EXPRESS, 67 Jabez Street, Newark, NJ 07105. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Such commodities as are dealt in by department stores*, between Jersey City and Newark, NJ, on the one hand, and, on the other, Baltimore, MD. Supporting shipper(s): K Mart Corporation, 3100 West Big Beaver, Troy, MI 48064.

MC 168352 (Sub-1-1TA), filed June 3, 1983. Applicant: NEWTON PLASTICS DIVISION OF ARDEN CHEMICAL CORPORATION, 56 Sparta Avenue, Newton, NJ 07860. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Avenue, Gaithersburg, MD 20877. *Contract carrier: irregular routes: Plastic articles and confectionary products between Newton, NJ, Edison, NJ, and Convington, TN, and points in their Commercial Zones*, under continuing contract(s) with Charms Company, Coltsneck, NJ. Supporting shipper: Charms Company, Coltsneck Plaza, 41 Highway 34 South Coltsneck, NJ 07722-1714.

MC 161022 (Sub-1-2TA), filed June 1, 1983. Applicant: DAVID E. PATE d.b.a.

NOBLER TRANSPORTATION SERVICE, 363 East Atlantic Avenue, Atco, NJ 08804. Representative: David E. Pate (same as applicant). *Pharmaceuticals along with pharmaceutical related products sold to wholesale, retail, and chain-type grocery and pharmaceutical houses*, from Philadelphia, PA to NJ, NY and NY Commercial Zone. Supporting shipper: "The Drug House Inc.," 1011 W. Butler Street, Philadelphia, PA 19108.

MC 77129 (Sub-1-2TA), filed June 1, 1983. Applicant: PUFFER TRANSPORT, INC., RFD 1, Vernon, VT 05354. Representative: David M. Marshall, Marshall and Marshall, Sixth Floor, 95 State Street, Springfield, MA 01103. *Such commodities as are dealt in by a manufacturer or distributor of beer*, between points in Oswego County, NY and points in NH. Supporting shipper: Donahue Beverages, Inc., 416 Victoria Court, Keene, NH 03431.

MC 143838 (Sub-1-1TA), filed June 2, 1983. Applicant: W. PETER RONSON, JR. & SONS, INC., 2823 Carmen Road, Middleport, NY 14105. Representative: George V. C. Muscato, Esq., 188 East Avenue, Lockport, NY 14094. *Contract carrier: irregular routes: Food and related products*, between points in the U.S., under continuing contract(s) with Lyndonville Vinegar, Inc., Lyndonville, NY; Cornucopia Farms, Division of Gerber Products Co., Appleton, NY. Supporting shipper(s): Lyndonville Vinegar, Inc., 247 West Avenue, Lyndonville, NY 14098; Cornucopia Farms, Division of Gerber Products Co., 7389 Lake Road, Appleton, NY 14008.

MC 168432 (Sub-1-1TA), filed June 3, 1983. Applicant: SEA-GAL EXPRESS, INC., Suite 357, One World Trade Center, New York, NY 10048. Representative: Theodore M. Sysol, Esq., c/o Haight, Gardner, Poor & Havens, One State Street Plaza, New York, NY 10004. *Contract carrier: irregular routes: General commodities (excluding Type A and B explosives, Household goods, and commodities in bulk) between New York, NY, and points in its Commercial Zone*, on the one hand, and, on the other, Philadelphia, PA and Boston, MA and points in their Commercial Zones, having a prior or subsequent movement by water under continuing contract(s) with Polish Ocean Lines of New York, NY. Supporting shipper: Polish Ocean Lines, One World Trade Center, Suite 3557, New York, NY 10048.

MC 164034 (Sub-1-2TA), filed June 3, 1983. Applicant: ALMAC MOVING AND STORAGE OF NEW HAMPSHIRE, INC., d.b.a. VISA INTERNATIONAL, 11 Park Avenue, Hudson, NH 03051. Representative: Robert D. Hansen, 191

Leland Farm Road, Ashland, MA 01721. *Containerized shipments of General Commodities (except class A & B explosives, household goods, and commodities in bulk) having prior or subsequent movement by water between Boston, MA and Portsmouth, NH, on the one hand, and on the other, Merrimack County, NH. Supporting shipper: Digital Equipment Corp., Cotton Road, Nashua, NH 03063.*

MC 160436 (Sub-1-1TA), filed June 3, 1983. Applicant: WHITE CLOUD DELIVERY SERVICE, INC., 51 Murray Street, New York, NY 10007. Representative: Jay J. Hochfelsen, Esq., 100 East 42nd Street, New York, NY 10017. *Contract Carrier: irregular routes: Textile Mills Products from New York City, NY to points in New Medford, MA, Bristol, TN, and West New York, NJ, under continuing contract(s) with Fitzpatrick Inc., New York, NY; C.S.F. Alexandria Blouse, New York, NY. Supporting shipper(s): Fitzpatrick Inc., 51 Murray Street, New York, NY 10007; C.S.F. Alexandria Blouse, 51 Murray Street, New York, NY.*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 168066 (Sub-II-1TA), filed June 2, 1983. Applicant: AIR LAND OCEAN TRANS., INC., 227 Matzinger Rd., Toledo, OH 43612. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613. *General commodities (except classes A & B explosives, household goods as defined by the Commission, and commodities in bulk), between New York, NY; Baltimore, MD; Chicago, IL; St. Louis, MO; Philadelphia, PA; Toledo, OH; and pts. in their respective commercial zones, on the one hand, and, on the other, pts. in IL, IN, KY, OH and the lower peninsula of MI, for 270 days. An underlying eta seeks 120 days authority. Supporting shippers: There are 6 supporting shippers. Their statements may be examined at the ICC Reg. Ofc., Phila., PA.*

MC 168340 (Sub-II-1TA), filed May 31, 1983. Applicant: BERWICK STEEL TRUCKING COMPANY, 7318 Morse Road, S.W., Alexandria, Oh 43001. Representative: JOHN L. ALDEN, 1396 West Fifth Ave., Columbus OH 43212. *Iron and steel, and iron and steel articles, and materials, equipment and supplies, used in the manufacture of iron and steel articles, between points in Franklin County, Oh, on the one hand, and, on the other, points in IN, IL, KY, MI, PA, and WV for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Berwick Steel*

Company, 4601 East 5th Ave., Columbus, OH 43227.

MC 138294 (Sub-II-1TA), filed June 7, 1983. Applicant: BRANDYWINE MOVING & STORAGE CO., 6615 Governor Printz Blvd., Wilmington, DE 19809-2094. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Transportation for US Government of used household goods which transportation is incidental to a pack-and-crate service on behalf of the Department of Defense between points in NJ and DE within 35 miles of Chester, PA on the one hand, and, on the other, points in PA on and east of U.S. Hwy 219; between Chester, PA and points within 15 miles thereof on the one hand, and, on the other, points in RI, CT, DE, MA, MD, NJ, NY, VA and DC, for 270 days. An underlying ETA seeks 120 days authority.*

MC 139584 (Sub-II-2TA), filed June 8, 1983. Applicant: JOHN BUSH, Box 211, Conyngham, PA 18219. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011. *Metal caps for glass containers, and raw materials for the manufacture of caps for glass containers (except commodities in bulk, between Hazleton, PA and points in the U.S. (except from Hazleton, PA to points in NY (except New York, NY and points in Chautauqua, Albany, Rensselaer, Ulster, Orange, Rockland, Columbia, Dutchess, Putnam, West Chester, Broome, Delaware and Sullivan Counties)), NJ (except points in 40 miles of Columbus Circle, New York, NY and points within 15 miles of Philadelphia, PA)), MA, CT, ME, MD, DE, VA, NC, IL and CA) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Continental White Cap, Valmont Industrial Park Hazleton, PA 18201.*

MC 155763 (Sub-II-1TA), filed May 26, 1983. Applicant: CAPSTAN TRANSPORTATION CO., 109 N. Broad St., Lancaster, OH 43130. Representative: Daniel C. Bolger (same as applicant). *Contract, irregular: General Commodities (except explosive A & B), between pts. in the US (except AK & HI), under continuing contracts with Anchor Glass Container Corp. c/o Wesray Container Corp. of Morristown, NJ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Anchor Glass Container Corp. c/o Wesray Container Corp., 330 South St., CN-1975, Morristown, NJ 07960.*

MC 163622 (Sub-II-2 TA), filed June 7, 1983. Applicant: GERALD N. CREASY d.b.a. CREASY TRANSPORT, 911 Euclid Avenue, Lynchburg, Va. 24501. Representative: Gerald N. Creasy (same as applicant). *General commodities*

*(except Classes A & B Explosives, Commodities in Bulk, Ores and Minerals, coal and Coal Products, Petroleum, Natural Gas and Their Products, Hazardous Materials, and Those Commodities Which Because of Their Size and Weight Require the Use of Special Handling or Equipment), between pts. in the U.S., for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: C.B. Fleet Co., Inc., P.O. Box 11349, Lynchburg, Va. 24508; Mead Paperboard Products, P.O. Box 980, Lynchburg, Va. 24505.*

MC 168534 (Sub-II-1 TA), filed June 7, 1983. Applicant: HEPNER TRUCKING, INC., 118 A St., Strasburg, VA 22657. Representative: Richard A. Bishop, 1616 H St., NW, Suite 813, Washington, DC 20006. *Contract, irregular: General commodities (except those of unusual value, dangerous explosives, household goods, or commodities requiring special equipment), bet. pts. in the U.S. (except AK and HI), under continuing contract with Judd's Inc. Washington, DC., for 270 days. Supporting shipper: Judd's Inc., 1500 Eckington place, NE., Washington, DC 20012.*

MC 168535 (Sub-II-1TA), filed June 7, 1983. Applicant: MARSHALL E. HOWARD, JR., 1110 Wyth Court, Fredericksburg, VA 22405. Representative: Marshall E. Howard (same as applicant). *Contract, irregular: Lumber and lumber products and materials, equipment, and supplies used in the manufacture sale and distribution of lumber and lumber products, between Spotsylvania County, VA, on the one hand, and, on the other pts. MD, DE, DC, WV, PA, NJ, NC, SC, NY, CT, MA, NH, VT, ME, GA, and FL, under continuing contract with L. A. Clarke & Son, Massanapox, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: L. A. Clarke & Son, Inc., P.O. Box 217, Fredericksburg, VA 22401.*

MC 167661 (Sub-II-2 TA), filed June 6, 1983. Applicant: James N. Ciavarella d.b.a. J. C. TRUCKING, 121 Welles Street, Forty Fort, PA 18704. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Printed matter between Exeter, PA on the one hand, and, on the other, points in the states of AL, CA, CT, DE, FL, GA, IL, IN, MD, MA, NJ, NY, NC, OH, SC, VA and WV, for 270 days. Supporting shipper: Suburban Publishers, Stevens Lane, Exeter, PA 18643.*

MC 166470 (Sub-II-1 TA), filed June 6, 1983. Applicant: RICHARD C. LAMPARTER, 4061 Nursery Rd., Dover, PA 17315. Representative: John

Fullerton, 407 N. Front St., Harrisburg, PA 17101. *limestone and limestone products* between points in York County, PA on the one hand, and, on the other, points in DE, MD, NJ, NY, VA and WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Thomasville Stone & Lime Co., Box 23, Thomasville, PA 17364.

MC 135364 (Sub-II-21 TA), filed, June 7, 1983. Applicant: MORWALL TRUCKING, INC., R.D. 3, Box 76-C, Moscow, PA 18444. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. Contract, irregular: *boxes, cartons and related items*, between Philadelphia and Lackawanna Counties, PA and Binghamton, NY, on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NH, NJ, PA, VA, VT, WV, RI, and NY. An underlying ETA seeks 120 days authority. Supporting shipper: Chesapeake Corporation, Richmond St., Philadelphia, PA.

MC 161924 (Sub-II-2 TA), filed, June 8, 1983. Applicant: PENN MOUNTAIN TRUCKING CO., P.O. Box 258, R.D. 1, Hunlock Creek, PA 18621. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Clay, concrete, glass or stone products* (except in bulk) between points in NC, PA and VA on the one hand, and, on the other, points in CT, MA, NJ, NY, OH and PA for 270 days. Supporting shipper: Kaminski Brothers Inc., 378 State Road, Dupont, PA 18641.

MC 1824 (Sub-II-16 TA), filed, June 2, 1983. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Frank V. Klein (same as applicant). Contract, irregular: *General commodities (except classes A and B explosives), bet. pts. in the U.S. (except AK and HI), under continuing contracts with General Mills, Inc. Minneapolis, MN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: General Mills, Inc., 9200 Wayzata Blvd., Minneapolis, MN 55440.*

MC 157657 (Sub-II-2 TA), filed, June 7, 1983. Applicant: RIVERSIDE TRANSPORTATION, INC., Tredegar St., P.O. Box 2218, Richmond, VA 20036. Representative: J. Aiden Connors, 325 E. 201st St., New York, NY 10458. Contract, irregular: (1) *Pulp, paper and related products, rubber and plastic products, bet. pts. in the U.S. under continuing contracts with James River-Pepperell, Inc., East Pepperell, MA.* (2) *Food and food products, groceries, and equipment, materials and supplies used by grocery wholesale manufacturers, bet. Richmond, and Norfolk, VA on the one hand, and, on the other, pts. in the U.S.,*

*under continuing contracts with Richfood, Inc., Richmond, VA, for 270 days. Supporting shippers: Richfood Inc., P.O. Box 26967, Richmond, VA 23261; James River-Pepperell, Inc., Main St., East Pepperell, MA 01437.*

MC 148069 (Sub-II-1 TA), filed, June 8, 1983. Applicant: SUSQUEHANNA TRANSIT COMPANY, P.O. Box U, Avis, PA 17721. Representative: Christian V. Graf, 407 N Front St., Harrisburg, PA 17101 Common, regular: *Passengers and baggage and express, mail and newspapers* in the same vehicle with passengers, Between Williamsport, PA and New York, NY, serving all intermediate points: From Williamsport, PA over U.S. Hwy 15 to junction PA Hwy 654; then over PA Hwy 254 to junction PA Hwy 642; then over PA Hwy 542 to junction PA Hwy 54; then over PA Hwy 54 to junction U.S. Hwy 11; then over U.S. Hwy 11 to junction PA Hwy 93; then over PA Hwy 93 via Hazleton, PA to Lehighton, PA and junction with PA Hwy 248; then over PA Hwy 248 to Easton, PA; then over U.S. Hwy 22 via Somerville, NJ to junction I-78; then over I-78 to junction I-95 (NJ Turnpike); then over I-95 to junction I-495; then over I-495 to New York, NY and return over the same route; and over an alternate route for operating convenience only Between Williamsport, PA and Lehighton, PA From Williamsport, PA, over U.S. Hwy 15 to intersection with I-80; then over I-80 to junction PA Hwy 9 (northeast extension—PA Turnpike); then over PA Hwy 9 to junction U.S. 209; then over U.S. Hwy 209 to Lehighton, PA and return over the same route, for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline at Williamsport, PA. Supporting shippers: There are 13 statements in support attached to this application which may be examined at the ICC Reg. Off. Phila., Pa.

MC 65941 (Sub-II-8 TA), filed, June 8, 1983. Applicant: TOWER LINES, INC., 3rd and Warwood Ave., Wheeling, WV 26003. Representative: George V. Thieroff (same as applicant). *General commodities (except household goods, commodities in bulk, and A & B explosives):* (1) bet. Laurinburg, NC and Toronto, OH, on the one hand, and, on the other, Kearney, NE; (2) from Kearney, NE to pts. in IA, MO, NC, SC, GA, IL, IN, KY, OH, MI, PA, WV, TN, and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hancock Manufacturing Co., Inc., Cleveland and 5th St., Toronto, OH 43964.

MC 168362 (Sub-II-1 TA), filed June 6, 1983. Applicant: DANIEL N. WITIAK, 221 Wyalusing Ave., Old Forge, PA

18518. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Metal products, electrical equipment and related items*, between Washington County, WI, and Lackawanna County, PA, on the one hand, and, on the other, points in the U.S. (except HI), for 270 days. Supporting shipper: Broan Mfg. Co., Inc., 926 W. State St., Hartford, WI 53027.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 161867 (Sub-3-2TA), filed June 8, 1983. Applicant: JERRY E. McCOY, Rt. 2 Box 360, Cleveland, N.C. 27013. Representative: JERRY E. McCOY (Same address as applicant). *Passengers*, between Rowan and Iredell Counties, N.C. on the one hand and on the other Catawba Project in York County, S.C. There are five supporting shippers whose statements can be examined at the Regional Office in Atlanta, Ga.

MC 164414 (Sub-3-5TA), filed June 8, 1983. Applicant: QUALITY MULCH COMPANY, INC., Route 1, Box 203, Hamlet, NC 28345. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375. Contract, irregular routes; *metal containers, can ends, and tin plate* from the facilities of Crown Cork & Seal Co., Inc., located at or near Cheraw, SC, to points in AL, AR, CT, DC, DE, FL, GA, IL, IN, KY, LA, MA, MD, MO, MS, NC, NJ, NY, OH, PA, RI, SC, TN, TX, VA, and WV, under continuing contract(s) with Crown Cork & Seal Co., Inc. of Philadelphia, PA. Supporting shipper: Crown Cork & Seal Co., 9300 Ashton Road, Philadelphia, PA 19136.

MC 151407 (Sub-9TA), filed June 8, 1983. Applicant: T & T TRUCKING, INC., 274 N.W. 37th Street, Miami, Florida 33127. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, Texas 75245. *Clay Glaze Tile* and related products from Dallas and Laredo, TX, to points in U.S. (except AK and HI). Supporting shipper: Dal-Tile Corporation, 7834 Hawn Freeway, Dallas, Texas 75217.

MC 168531 (Sub-3-1 TA), filed June 8, 1983. Applicant: JOSEPH LYDON d.b.a. J & B FAST FREIGHT Route 12, Box 582, Gray, TN 37615. Representative: D. Bruce Shine, Esq., 700 East Sullivan Street, Kingsport, TN 37660. *Paper products, cloth products, automobile parts and accessories and other general commodities (except those of unusual value, Classes A and B explosives, and commodities requiring special equipment)* between the facilities of shippers, at or near Kingsport, TN on the



one hand, and, on the other points in the U.S. (except AL and HI). Supporting shippers: The Holliston Mills, Inc., P.O. Box 478, Kingsport, TN 37662; Norris Industries, Inc., U.S. 58-421 West Road, Duffield, VA 24244; I. P. C. Dennison, 530 West Main, Rogersville, TN 37857; TRW, INC., P.O. Box 558, Hwy. 11-W, Rogersville, TN 37857.

MC 152950 (Sub-3-8 TA), filed June 8, 1983. Applicant: CENTURY TRANSPORTATION CORPORATION, P.O. Box 207, Columbus, MS 39703-0207. Representative: Lloyd R. Pate (same as applicant). *Contract Carrier*; Irregular Route; *General Commodities (except Classes A and B Explosives; Household Goods; and Commodities in Bulk)* Between MS on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with: Associated Cost Control, Inc., Highway 8 West, Houston, MS.

MC 2934 (Sub-3-80 TA), filed June 8, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, Indiana 46932. Representative: W. G. Lowry (same as above). *Contract*: Irregular; *Household goods*, between points in the U.S. (excluding AK and HI), under continuing contracts with Armstrong World Industries, Inc., P.O. Box 3001, Lancaster, PA 17604. Supporting shipper: Armstrong World Industries, Inc., P.O. Box 3001, Lancaster, PA 17604.

MC 2934 (Sub-3-79TA) filed June 8, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC. 9998 North Michigan Rd. Carmel, IN 46932. Representative: W. G. Lowry (same as above). *Contract*: Irregular; *Household goods, electronic equipment, aircraft parts of a fragile nature, and display material*, between points in the U.S. (excluding AK and HI), under continuing contracts with Lockheed Corporation, 88 South Cobb Drive, Marietta, GA 30063. Supporting shipper: Lockheed Corporation, 86 South Cobb Drive, Marietta, GA 30063.

MC 168437 (Sub-3-1TA) filed June 8, 1983. Applicant: BILLY JOE HUMPHREY, P.O. Box 492, Lawrenceburg, TN 38464. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Church pews and accessories* from facilities of Lindsey Manufacturing Co., Inc., at or near Lawrenceburg, TN, to points in the U.S. in and east of WI, IL, KY, TN, MS, and LA, Supporting shipper: Lindsey Manufacturing Co., Inc., P.O. Box 429, Lawrenceburg, TN 38464.

MC 11207 (Sub-3-12TA) filed June 8, 1983. Applicant: DEATON, INC. 317 Avenue W. Birmingham, AL 35201.

Representative: Kim D. Mann, 1600 Wilson Blvd., Suite 1301, Arlington, VA 22209. *Transporting Chemicals and related products, and such other commodities as are manufactured or distributed by a manufacturer of chemicals and related products*, between the facilities of Gulf Oil Corporation at or near Parrish, AL, on the one hand, and, on the other, points in the United States in and east of MS, TN, KY, IN, and MI. Supporting shipper: Gulf Oil Chemicals Company, Division of Gulf Oil Corporation, 2 Houston Center, 909 Fannin St., Houston, TX 77253.

MC 152864 (Sub-3-8TA) filed June 8, 1983. Applicant: TOMBIGBEE TRANSPORT CORPORATION Industrial Park, P.O. Box 412, Adamsville, TN 38310. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103. *Water heaters and accessories* from facilities of A. O. Smith Corporation at or near McBee, SC, to points in the U.S. (except AK and HI). Supporting shipper: A. O. Smith Corporation, P. O. Box 187, McBee, SC 29101.

MC 168488 (Sub-3-1TA), filed June 8, 1983. Applicant: RAYLOC, DIVISION OF GENUINE PARTS COMPANY, 1020 Huff Road, N.W., Atlanta, Georgia 30318. Representative: Hubert Maloney (same address as applicant). *Automotive parts and accessories* between points in the U.S. (except AK and HI). Supporting shippers: Quaker City Motor Parts Co., North Broad Street, P.O. Box 162, Middletown, DE 19709; Wilmar Inc., 609 Epsilon Drive, Pittsburgh, PA 15238; Brittain Brothers, Inc., 700 South Western, P.O. Box 25821, Oklahoma City, OK 73125.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4-106TA), filed June 3, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (except AK and HI), under a continuing contract(s) with Sun Electric Corp., and its subsidiaries. Supporting shipper: Sun Electric Corp., One Parkway, Crystal Lake, IL 60014.

MC 31495 (Sub-4-1TA), filed June 3, 1983. Applicant: K & T AIR FREIGHT, INC., 16525 Eastland, Roseville, MI 48066. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48064. *General commodities (except classes A and B explosives, commodities in bulk and household*

*goods)* between Detroit, MI, and the commercial zone thereof, on the one hand, and, on the other, points in MI, OH, IN, and IL. Restricted to traffic having a prior or subsequent movement by rail. Supporting shipper: Hub City Detroit Terminals, Incorporated, 1695 Woodward Ave., Bloomfield Hills, MI 48013.

MC 15735 (Sub-4-107TA). Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Computers, array processors, and related hardware and components and such commodities as are dealt in and utilized by manufacturers and distributors thereof* between points in the U.S. under a continuing contract(s) with Star Technologies of Virginia, Inc. Supporting shipper: Star Technologies of Virginia, Inc. 101 Industrial Dr. Sterling, Virginia 22170.

MC 15735 (Sub-4-108TA), filed June 6, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, Between points in the U.S. (Except AK and HI), under a continuing contract(s) with American Home Products Corporation and its subsidiaries. Supporting shipper: American Home Products Corporation, 685 Third Ave., New York, NY 10017.

MC 42056 (Sub-4-3TA), filed June 3, 1983. Applicant: NATIONAL VAN LINES, INC., 2800 Roosevelt Rd., Broadview, Ill. 60153. Representative: John P. Torpats (same address as applicant) 312/450-2900. *Contract: Irregular: household goods* between points in the U.S. under continuing contract with Liquid Sugars, Inc. Supporting shipper: Liquid Sugars, Inc., Box 98, Oakland, CA 94604.

MC 113855 (Sub-4-15TA), filed June 7, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road S.E., Rochester, MN 55903. Representative: Leonard L. Bennett, 2450 Marion Road S.E., Rochester, MN 55903. *Contract: Irregular: General commodities (except classes A and B explosives, household goods, and commodities in bulk)*, between points in the U.S. (except HI), under a continuing contract(s) with Lockheed Corporation. Supporting shipper: Lockheed Corporation, P.O. Box 551, Burbank, CA 91520.

MC 143708 (Sub-4-3), filed June 7, 1983. Applicant: DUNES TRANSPORT, INC., 3965 North Meridian Street, Indianapolis, IN 46206. Representative: OWEN B. KATZMAN, 1828 L Street,



N.W., Suite 1111, Washington, DC 20036; (202) 822-8200. Contract-Irregular: *Flour*, from Battle Creek, MI, to points in IN, MI, and OH, under a continuing contract with ADM Milling Co. Supporting shipper: ADM Milling Co., 4550 W. 109 St., Suite 100, Shawnee Mission, KS 66211.

MC 146848 (Sub-4-3TA), filed June 6, 1983. Applicant: B & Z TRUCKING COMPANY, INC., Route 3, Markesan, WI 53946. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. Contract irregular: *Meat, meat products and packing house products*, from Waterloo, WI to points in IL, IN, IA, MI, MN, OH and PA, under continuing contract(s) with Champion Packers, Inc. Authority sought. Underlying ETA seeks 120 days authority. Supporting shipper: Champion Packers, Inc., P.O. Box 68, Waterloo, WI 53594.

MC 161107 (Sub-4-3TA), filed June 2, 1983. Applicant: MILBANK FREIGHTWAYS, INC., 1860 E. 28th St., P.O. Box 9485 MN., Minneapolis, 55440. Representative: Richard L. Gill, 1805 American National Bank, St. Paul, MN 55101. Contract; irregular: *General commodities* (except commodities in bulk, Classes A and B explosives, and household goods) between points in the United States under a continuing contract with FMC Corp., 4800 East River Road, Minneapolis, MN 55421. Supporting shipper: FMC Corp., 4800 E. River Road, Minneapolis, MN 55421.

MC 162680 (Sub-4-1TA), filed June 3, 1983. Applicant: FRANCIS R. LARKIN d.b.a. NORTH SHORE MOVERS, 3610 Linneman, Glenview, IL 60025. Representative: Martin J. Kennedy, 120 W. Madison St., Suite 1306, Chicago, IL 60602. *Camp Luggage* between points in Cook, DuPage and Lake Counties, IL and Decatur, MI and Eagle River, WI. Supporting shippers: Lake of the Woods Camp and Greenwoods Camps, Inc. 1765 Maple St. Northfield, IL 60093, Camp Marimeta for Girls, 1044 Oak Ridge, Glencoe, IL, Camp Menominee for Boys, Inc., 645 Lavergne Ave., Wilmette, IL 60091.

MC 165237 (Sub-4-1TA), filed May 24, 1983. Applicant: EAST SIDE GRAVEL, INC., 1675 Toledo Road, P.O. Box 491, Elkhart, IN 46515. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. Common; irregular: *Limestone*, from Thornton, IL to Elkhart, IN. Supporting shippers: Fidler, Inc., 1700 Egbert Avenue, Goshen, IN; and, Rieth-Riley Construction Company, Inc., P.O. Box 1108, Elkhart, IN 46515.

MC 167645 (Sub-4-1TA), filed June 2, 1983. Applicant: U.S.A. FREIGHT

SYSTEMS, INC., 1814 71st Street, Darien, IL 60559. Representative: Joseph Winter, 29 South LaSalle St., Chicago, IL 60603. Contract; irregular: *General commodities* (except household goods, commodities in bulk, and classes A and B explosives), between Chicago, IL, Minneapolis, MN and Milwaukee, WI and their respective commercial zones, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with CCC Consolidators, of Woodridge, IL. Supporting shipper: CCC Consolidators, 7845 Sprucewood, Woodridge, IL 60515.

MC 168334 (Sub-4-1TA), filed June 6, 1983. Applicant: EARL ROBINSON TRUCKING, INC., Route 1, Box 94, Wilson, MI 49896. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701. Contract; irregular: *Furniture and materials, equipment and supplies used in the manufacture thereof*, between points in Menominee County, MI on the one hand, and points in the United States, except AK and HI, on the other hand. Supporting shipper: Robinson's Furniture Mfg., Inc., Route 1, Box 94, Wilson, MI 49896.

MC 168425 (Sub-4-1TA), filed June 2, 1983. Applicant: HOT FLAME TRANSPORT CO., INC., Carney, MI 49812. Representative: James R. Madler, 120 W. Madison St. 1308, Chicago, IL 60602. Contract; irregular: *General commodities* (except household goods and Classes A and B explosives) between points in MI and WI, under continuing contracts with Petrolane, Inc., St. Charles, IL, and Hot Flame Gas, Inc., Carney, MI. Supporting shippers: Petrolane, Inc., P.O. Box 8, St. Charles, IL, 60174, and Hot Flame Gas, Inc., Carney, MI 49812.

MC 168426 (Sub-4-1TA), filed June 2, 1983. Applicant: RRAMP, INC., P.O. Box 467, Bloomington, IL 60108. Representative: Albert A. Andrin, 180 North LaSalle St., Chicago, IL 60601. *General commodities having a prior or subsequent movement by rail or water* (except Classes A and B explosives, commodities in bulk and household goods), between the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in IL, IN, OH MI, PA, WI, IA, KY, and TN. Supporting shippers: Commercial Diversified Services, Inc., 405 Airport Frwy., Suite 1, Bedford, TX 76021 and D.J. Marturana & Co., Inc. d.b.a. COFCO, P.O. Box 79, Mt. Prospect, IL 60058.

MC 168471 (Sub-4-1TA), filed June 3, 1983. Applicant: WILFRED L. COOK d.b.a. W. L. COOK, Box 3, Onarga, IL 60955. Representative: Edward D. McNamara, Jr., Attorney at Law, 907 South Fourth St., P.O. Box 5039,

Springfield, IL 62705. *Liquid and dry fertilizer and agricultural limestone* between Iroquois County, IL, on the one hand, and points in IN, on the other hand. Supporting shipper: Agrico Farm Center, Inc., Box 99, Onarga, IL 60955.

MC 168540 (Sub-4-1TA), filed June 7, 1983. Applicant: THE COPPS CORPORATION, 2828 Wayne St., Stevens Point, WI 54481. Representative: Joseph A. Nemecek, 1992 Susan Ave., Neenah, WI 54956. *Such merchandise as is dealt in by wholesale retail chain grocery food business houses and department stores* between Brown Portage and Wood Counties, WI on the one hand and points in the U.S. on the other. Supporting shipper: The Copps Corporation, 2828 Wayne St., Stevens Point, WI 54481.

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 112231 (Sub-5-23TA), filed June 6, 1983. Applicant: JONES TRUCK LINES, INC., 610 E. Emma Avenue, Springdale, AR 72764. Representative: Harry J. Jordan, 1090 Vermont Avenue, NW, Suite 200, Washington, DC 20005. Contract Irregular: *General commodities, except Class A and B explosives, household goods, and commodities in bulk*, between points in the U.S. (except AK and HI), under contract with General Mills, Inc., and its subsidiaries and divisions. Shipper: General Mills, Inc., Minneapolis, MN.

MC 124411 (Sub-5-7TA), filed June 6, 1983. Applicant: SULLY TRANSPORT, INC., 601 8th Street, Sully, IA 50251. Representative: James M. Hodge, 3730 Ingersoll Avenue Des Moines, IA 50312. *Calcium chloride, in bulk*, from Chicago, IL to points in IA and MN. Supporting shipper: House Leobig Enterprises, Inc., Hampton, IA.

MC 128664 (Sub-5-1TA), filed June 6, 1983. Applicant: KARDUX TRANSFER, INC., 1907 Roby Avenue, Muscatine, IA 52761. Representative: WILLIAM L. FAIRBANK, 1300 United Central Bank Building, Des Moines, IA 50309. *Sulfuric acid, in bulk*, from Depue, IL to points in IN, IA and NE. Supporting shipper: Chemorse, Ltd., Des Moines, IA.

MC 147437 (Sub-5-1TA), filed June 7, 1983. Applicant: FORT WORTH CARRIER CORPORATION, Box 18245, Fort Worth, TX 76111. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Contract irregular: *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 contracts with: Dillard Department Stores, Inc. and Bear Systems, Inc. Supporting shippers: Dillard Department Stores, Inc., Fort Worth, TX, and Bear Systems, Inc., Dallas TX.

MC 147677 (Sub-5-3TA), filed June 6, 1983. Applicant: PERRY MOTOR FREIGHT, INC., 801 S. Meadow, Odessa, TX 79763. Representative: John T. Coon (same as above). Common, Regular: *General Commodities (except household goods as described by the Commission, classes A and B explosives, and commodities in Bulk)*, between Dallas, TX and its commercial zone and Kermit, TX and its commercial zone, serving all intermediate points and their commercial zone. From Dallas, TX over Interstate Highway 20 and U.S. Highway 80 to Odessa, TX then over Texas Highway 320 to Kermit, TX and return over the same route. Supporting shippers: 13.

Note.—Applicant intends to tack to existing authority and interline.

MC 148107 (Sub-5-9TA), filed June 6, 1983. Applicant: J. J. MESA TRUCKING CO., INC., 1500 S. Zarzamora, San Antonio, TX. 78207. Representative: Ronald Mercier (same as applicant). *General commodities (except class A and B explosives, household goods and items in bulk)* between points in the U.S. (except HI and AK). Supporting shippers: Wilson Arts Co., Temple, TX; Carvajal Medical, San Antonio, TX; Austin Conley Brokerage, Roma, TX; and Industrial Lubricants, San Antonio, TX.

MC 150783 (Sub-5-40TA), filed June 7, 1983. Applicant: SCHEDULED TRUCKWAYS, INC., Box 757, Roger, AR 72756. Representative: Harry J. Jordan, 1090 Vermont Ave., NW., Suite 200, Washington, DC 20005. Contract; irregular: *General commodities, (except Class A and B explosives, household goods, and commodities in bulk)*, between points in the U.S. (except AK and HI) under contract with General Mills, Inc., and its subsidiaries and divisions. Shipper: General Mills, Inc., Minneapolis, MN.

MC 165857 (Sub-5-4TA), filed June 6, 1983. Applicant: VINER'S INC., P.O. Box 290, Emerson, IA 51533. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Contract; irregular: *General commodities (except Classes A and B explosives, household goods, and commodities in bulk)*, between points in the U.S. under a continuing contract(s) with Total National Transportation, Inc., of Omaha, NE.

MC 166691 (Sub-5-3TA), filed June 7, 1983. Applicant: EMERSON ELECTRIC

CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant). Contract: Irregular: (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 Aid to Shippers, North Kansas, MO; Arkansas Freight Brokers, Inc., North Little Rock, AR; Figgie International, Inc., Richmond, VA; and National Carrier Service, Anaheim, CA. (2) *Carpets and rugs, textile, yarn and thread, and supplies* between Chatsworth, GA and its commercial zone on the one hand, and on the other points in IL, NJ, MA, and TX under continuing contract with Galaxy Carpet Mills, Inc., Chatsworth, GA.

MC 168053 (Sub-5-1 TA) filed June 6, 1983. Applicant: J.H. WALKER TRUCKING, 1850 Hollister, Houston, TX. 77055. Representative: John H. Walker III (same as above). *Prefabricated and/or precut buildings (complete, knocked down, or in sections) component parts, material, etc. used in erection and assembly*, between Houston, TX and all points in AR, AZ, LA, NM, and OK. Supporting shipper: Texas Western Truss, Houston, TX.

MC 168173 (Sub-5-2 TA), filed June 7, 1983. Applicant: GUMBY EXPRESS, INC., 422 Tahoe Lane, Midlothian, TX 76055. Representative: William Sheridan P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Chemicals and Related Articles (except in bulk)* between points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of Atlantes Industries, Inc., Midlothian, TX.

MC 168269 (Sub-5-1 TA), filed June 6, 1983. Applicant: GRIFFIN'S CHARTER & TRAVEL BUREAU, INC. 2921 South Cooper St., Suite 106, Arlington, TX 76015. Representative: Henry Griffin 2144 Briardale Road, Fort Worth, TX 76119. *Passengers in Charter and Special Operations* between Fort Worth and or Dallas TX on the one hand, and on the other, Hot Springs, AR and Bossier City, LA and their commercial zones. Supporting shipper: A. Phillip Randolph Institute (F.W. Chapter) Fort Worth, TX 76119.

MC 168472 (Sub-5-1 TA), filed June 6, 1983. Applicant: CHARLES E. NESTOR Jr. d.b.a. B & N LINES, 1007 East Berkley Dr. Richardson, TX 75081. Representative: William Sheridan P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular. *General Commodities (except class A and B explosives, household goods or bulk commodities)* between TX on the one hand, and, on the other,

points in the U.S. (except AK and HI). Restricted to traffic originating at or destined to the facilities of G-H Products, Inc., Dallas, TX.

MC 16847 (Sub-5-1 TA), filed June 6, 1983. Applicant: FRANK W. MCGINNIS and ROGER GRAFEL, 7920 Widmer, Lenexa, KS 66215. Representative: Frank W. McGinnis (same as above). *Passengers in Charter operations* between Kansas City, KS/MO and their commercial zones on the one hand, and on the other, Topeka, KS, St. Louis, MO, Omaha, NE, Lincoln, NE, Council Bluffs, IA, Eureka Springs, AR, Aspen, CO, and Lake of the Ozarks, MO. Supporting shipper: Transway Kansas City, Kansas City, MO.

MC 168476 (Sub-5-1 TA), filed June 7, 1983. Applicant: CUSTOM CARRIERS, INC., 8205 "F" Street, Omaha, NE 68127. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501. Contract, irregular: *General Commodities (except Classes A and B explosives)*, between points in the U.S. (except AK and HI) under continuing contract(s) with Nashua Corporation, OMAHA, NE.

MC 168505 (Sub-5-1 TA), filed June 7, 1983. Applicant: JARRETT TRUCKING, Star Rt. 1, Box 188, Fredericktown, MO 63645. Representative: Marion E. Jarrett (same as above). *General Commodities (except Class A and B explosive, HHC's and commodities in bulk)* between points in St. Louis, MO and its commercial zone and St. Francis County, MO, on the one hand, and on the other points in IL, KY, IA, and TN. Supporting shipper(s): 7.

Note.—Applicant intends to interline.

[FR Doc. 83-16193 Filed 6-17-83; 8-45 am]

BILLING CODE 7035-01-M

#### Motor Carrier 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 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 regulation. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,  
Secretary.

**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."

**For the following, please direct status calls to Team 1 at 202-275-7992.**

*Volume No. OP1-222*

Decided: June 13, 1983

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 157060 (Sub-1), filed June 6, 1983. Applicant: JANCO, LTD., 34 Burgess Place, Wayne, NJ 07470. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603; (312) 782-8880. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 14771 (Sub-10), filed June 3, 1983. Applicant: RALPH J. MARQUARDT & SONS, INC., P.O. Box 1040, Yankton, SD 57078. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501-2028; (402) 475-6761. Transporting: (1) For or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168401, filed May 31, 1983. Applicant: HANIEL-PHOENIX TRANSPORT, INC., 105 Washington Street, New York, NY 10006. Representative: Dieter Kasprzyk, 105 Washington Street, New York, NY 10006; (212) 269-0540. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168441, filed June 1, 1983. Applicant: ROBIE'S TRUCKING & FORKLIFT SERVICE, INC., 2202 W. McDowell Road, Suite 210, Phoenix, AZ 85009. Representative: Phil B. Hammond,

3003 N. Central, Suite 2201, Phoenix, AZ 85012; (602) 266-2224. 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).

**For the following, please direct status calls to Team 3 at 202-275-5223.**

*Volume No. OP3-262*

Decided: June 13, 1983.

By the Commission, Review Board Members Joyce, Williams, and Dowell.

MC 96745 (Sub-2), filed May 25, 1983. Applicant: NIELSEN TRANSFER & STORAGE CO., INC., P.O. Box 1517, Boise, ID 83704. Representative: Al Masek (same address as applicant); (208) 376-3030. Transporting *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 168234, filed May 23, 1983. Applicant: E. B. WILLARD d.b.a. WASHAKIE STAGE, 316 N. 4th, P.O. Box 259, Worland, WY 82401. Representative: Ward A. White, P.O. Box 568, Cheyenne, WY 82003; (307) 634-2184. Transporting *passengers*, in charter and special operations, beginning and ending at points in WY, and extending to points in the U.S.

**Note.**—Applicant seeks to provide privately-funded special and charter transportation.

**For the following, please direct status calls to Team 4 at 202-275-7669.**

*Volume No. OP4-360*

Decided: June 10, 1983.

By the Commission, Review Board Members Williams, Fortier, and Krock.

MC 59666 (Sub-26), filed June 8, 1983. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega (same address as applicant); (401) 724-1200. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 146016 (Sub-3), filed June 3, 1983. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 S. Ave., Middlesex, NJ 08846. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048; (212) 466-0220. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).



MC 166387, filed May 31, 1983.  
 Applicant: AMERICAN TRANSIT CORP. d.b.a. HUSKIE LINE DIVISION, 120 S. Central, St. Louis, MO 63105.  
 Representative: James L. Pierson (same address as applicant); (314) 726-9341.  
 Transporting *passengers*, in charter and special operations, beginning and ending at points in IL and ending at points in the U.S. (except HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

**For the following, please direct status calls to Team 5 at 202-275-7289**

*Volume No. OP5-277*

Decided: June 7, 1983.

By the Commission, Review Board Members Parker, Krock, and Williams.

MC 168218, filed May 24, 1983.  
 Applicant: ALPINE ENTERPRISES LTD. d.b.a. JDR TOURS, 201 E. Camelback Road, Phoenix, AZ 85012.  
 Representative: Jerry David Rockwell (same address as applicant); (602) 264-2845. Transporting *passengers* in charter operations, between points in the U.S.

**Note.**—Applicant seeks to provide privately-funded charter transportation.

MC 161169 (Sub-1), filed May 25, 1983.  
 Applicant: D & S BUSES, INC., 8114 Anthony Hwy., Waynesboro, PA 17268.  
 Representative: Dixie C. Newhouse, 1329 Pennsylvania, Ave., P.O. Box 1417, Hagerstown, MD 21740; 301-797-6060.  
 Transporting *passengers* 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.

*Volume No. OP5-279*

Decided: June 8, 1983.

By the Commission, Review Board Members Williams, Parker, and Joyce.

MC 121599 (Sub-4), filed May 26, 1983.  
 Applicant: LAKE FRONT LINES, INC., 13315 Brookpark Rd., Brookpark, OH 44142. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017; (614) 889-2531. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 168289, filed May 25, 1983.  
 Applicant: CHERYL GRANT, Hallmark Terrace No. 25, Rochester, MN 55901.  
 Representative: Cheryl Grant (same address as applicant); (507) 289-8860. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

*Volume No. OP5-281*

Decided: June 9, 1983.

By the Commission, Review Board Members Dowell, Krock, and Fortier.

MC 168118, filed May 17, 1983.  
 Applicant: JAMES E. WATSON, d.b.a. J & R PROVISIONS, 623 E. 18th St., Cedar Falls, IA 50613. Representative: James E. Watson (same address as applicant) (319) 266-0360. 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).

*Volume No. OP5-285*

Decided: June 13, 1983.

By the Commission, Review Board Members Williams and Carleton.

MC 167049, filed May 26, 1983.  
 Applicant: RICKEY LEESMAN d.b.a. LEESMAN & SON TRUCKING, Route One, Box 11, Blunt, SD 57522.  
 Representative: Barbara Leesman (same address as applicant); (605) 875-3455. 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 168308, filed May 25, 1983.  
 Applicant: JOSE TAMEZ, d.b.a. TAMEZ AND SON, 1019 Hood St., P.O. Box 935, Elsa, TX 78543. Representative: Charles H. Wickman, 901 Burlington Ave., P.O. Box 128, Western Springs, IL 60558; (312) 246-9090. 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 168318, filed May 27, 1983.  
 Applicant: QUEEN CO., Route 1, Pilot Point, TX 76258. Representative: William Sheridan P.O. Drawer 5049, Irving, TX 75062; (214) 255-6279. To operate as a *broker of general commodities* (except household goods) between points in the U.S.

MC 168338, filed May 25, 1983.  
 Applicant: EXPRESS LIMOUSINE SERVICE, INC., 27-19 23rd Street, Astoria, NY 11102. Representative: Bruce J. Robbins, 18 East 48th Street, New York, NY 10017; (212) 755-9400. Transporting *passengers*, in special and

charter operations, between points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately-funded special and charter transportation.

MC 168349, filed May 27, 1983.  
 Applicant: LARRY AND MARIE MATTSON d.b.a. WASHOE MOTOR TRANSPORT, 11681 Osage Rd., Reno, NV 89506. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701; (702) 882-5649. To operate as a *broker of general commodities* (except household goods), between points in the U.S.

*Volume No. OP5-287*

Decided: June 14, 1983.

By the Commission, Review Board Members Krock, Dowell, and Carleton.

MC 168319, filed May 27, 1983.  
 Applicant: MERCURY TOURS, 1061 Beach Park Boulevard, Foster City, CA 94404. Representative: Eldon M. Johnson 650 California St., Suite 2808, San Francisco, CA 94108; (415) 986-8696. Transporting: (1) *Passengers*, in special or charter operations, between points in the U.S. (except HI), and (2) *passengers*, in charter operations, between points in the U.S. (except HI), under continuing contract(s) with Lucky Tours International of San Francisco, CA.

**Note.**—Applicant seeks to provide privately-funded charter and special transportation in (1) and privately-funded charter transportation in (2).

MC 168458, filed June 2, 1983.  
 Applicant: PATRICK J. BREEN, Box 44, Seneca, SD 57473. Representative: Partick J. Breen (same address as applicant); 605-436-6214. 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 168468, filed June 2, 1983.  
 Applicant: G.A. TROTTIER, LTD., 1206 1st St., East, Geraldton, Ontario, Canada POT 1M0. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048; 212-466-0220. Transporting *passengers* 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.

MC 168518, filed June 6, 1983.  
 Applicant: WFD ENTERPRISES, LTD., 540 No. York Rd., Bensonville, IL 60108. Representative: Allan C. Zuckerman, 221 No. LaSalle St., Suite 826, Chicago, IL



60601; (312) 641-5900. To operate as a broker of general commodities (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5-289

Decided: June 14, 1983.

By the Commission, Review Board Members Dowell, Fortier, and Joyce.

MC 156728 (Sub-1), filed May 27, 1983. Applicant: JOHN J. HERBST d.b.a. J & R TRANSPORT, Box 195, 125 North 3rd St., Dickeyville, WI 53808.

Representative: Carl E. Munson, 469 Fischer Bldg., P.O. Box 796, Dubuque, IA 52001; (319) 557-1320. 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).

[FR Doc. 83-11880 Filed 6-17-83; 8:45 am]

BILLING CODE 7035-01-M

### Motor Carrier Permanent Authority Decision; Decision-Notice

*Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.*

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the *Federal Register* on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the *Federal Register* December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the *Federal Register* on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). 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.

### Finding

With the exception of those applications involving duly noted problem [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 State 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 State 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." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 1 at 202-275-7992

Volume No. OP-221

Decided: June 13, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 29910 (Sub-327), filed June 2, 1983. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902, (501) 782-1001. 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 General Mills, Inc., and its subsidiaries, of Minneapolis, MN.

MC 129631 (Sub-87), filed June 2, 1983. Applicant: PACK TRANSPORT, INC., 4015 South 300 West, Salt Lake City, UT 84107-1487. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343-3071. Transporting general commodities (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 146821 (Sub-9), filed June 1, 1983. Applicant: RON BESTEMAN TRANSPORT, INC., 2830 Chicago Drive SW., Grandville, MI 49418. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459-6121. Transporting general commodities (except classes A and B explosives, commodities in bulk; and household goods), between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162380 (Sub-4), filed June 2, 1983. Applicant: CMM TRANSPORTATION,

INC., Abbott Park, North Chicago, IL 60064. Representative: Edward G. Bazelon, 135 South LaSalle Street, Suite 2106, Chicago, IL 60603 (312) 236-9375. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Distribution Services of America, Inc., of Boston, MA, and USCO Distribution Services, Inc., of Mansfield, MA.

MC 167270, filed June 6, 1983. Applicant: NAPP OFFICE & SCHOOL SUPPLY CO., P.O. Box 1147, Manitowoc, WI 54220. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (808) 256-7444. Transporting *general commodities* (except classes A and B explosives, household goods and commodities), between points in the U.S. (except AK and HI), under continuing contract(s) with Shoto Fixture & Supply, Inc., of Two Rivers, WI.

MC 167770, filed June 3, 1983. Applicant: CARL E. TROXELL, R.D. #1, Leighton, PA 18235. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 581-1030. Transporting *chemicals and related products*, between Baltimore, MD, points in PA, and those in New Castle County, DE, and Middlesex County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of OH, KY, TN and AL.

For the following, please direct status calls to Team 4 at 202-275-7669

*Volume No. OP4-357*

Decided: June 9, 1983.

By the Commission, Review Board Members Fortier, Krock, and Williams.

MC 108207 (Sub-568), filed May 31, 1983. Applicant: FFE TRANSPORTATION SERVICES, INC., P.O. Box 225888, Dallas, TX 75265. Representative: Mark C. Irvin (same address as applicant), (214) 428-7661. 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 Kraft, Inc., of Glenview, IL.

MC 113406 (Sub-9), filed May 31, 1983. Applicant: DOT LINES, INC., 1000 Findlay Rd., Lima, OH 45802. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215, (614) 228-8575. 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 127047 (Sub-53), filed May 31, 1983. Applicant: ED RACETTE & SON, INC., 6021 N Broadway, Wichita, KS 67209. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265-2634. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in KS and OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 133676 (Sub-18), filed May 31, 1983. Applicant: COMET TRUCK LINE, INC., P.O. Box 3175 Baton Rouge, LA 70821. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38702-1295, (601) 335-3576. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AL, AR, LA, MS, TN and TX.

MC 152446 (Sub-3), filed May 27, 1983. Applicant: BEE LINE HOT SHOT SERVICE, INC., P.O. Box 95428, Oklahoma City, OK 73143. Representative: Greg E. Summy, 208 Century Center Plaza, 100 W. Main St., Oklahoma City, OK 73102, (405) 235-3661. Transporting (1) *Mercer commodities*, (2) *machinery*, (3) *metal products*, and (4) *building materials*, between points in the U.S. (except HI).

MC 164407 (Sub-2), filed May 31, 1983. Applicant: M/A-COM TRANSPORTATION, INC., P.O. Box 199, Catwaba, NC 28609. 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), under continuing contract(s) with Integral Corporation, of Dallas, TX.

MC 168377, filed May 31, 1983. Applicant: ALBERT ROBERTS AND JESSIE ROBERTS, d.b.a. J & R TRUCKING, P.O. Box 245, Weldon, AR 72177. Representative: Tim F. Watson, 209 Walnut St., Newport, AR 72112, (501) 523-6751. 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 Curtner Lumber Company, Inc., of Newport, AR, and J. H. Hamlen & Sons, Inc., of Little Rock, AR.

MC 168417, filed May 31, 1983. Applicant: COAST EXPRESS, INC., 56-25 56th Terrace, Maspeth, NY 11378. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505, (717) 342-7595.

Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC; and (2) between points in (1) above on the one hand, and, on the other, points in AZ, CA, FL, NV, OR, TX, UT, and WA.

*Volume No. OP4-359*

Decided: June 10, 1983.

By the Commission, Review Board Members Williams, Fortier, and Krock.

MC 146486 (Sub-4), filed June 6, 1983. Applicant: GARY HARTMANN, d.b.a. FOREST PRODUCTS TRANSPORTATION, Plant & Taylor Rds. (P.O. Box 857), Ukiah, CA 94852. Representative: Thomas M. Loughran, 100 Bush St., 21st Fl., San Francisco, CA 94104, (415) 986-5778. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA, and WY.

MC 140716, filed June 3, 1983. Applicant: THE STROH TRANSPORTATION COMPANY, 1 Stroh Dr., Detroit, MI 48226. Representative: Wilhelmina Boersma, 1600 First Federal Bldg. Detroit, MI 48226, (313) 962-6492. 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 Hub City Detroit Terminals Incorporated, of Bloomfield Hills, MI.

MC 150267 (Sub-17), filed June 3, 1983. Applicant: McARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison 53705. 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 168056, filed May 31, 1983. Applicant: C. EDWARDS, INC., 310 Drumcliffe, Houston, TX 77015. Representative: Joe G. Fender, 5601 Katy Freeway, Suite 320, Houston, TX 77024. Transporting *metal products*, between points in AR and TX, on the one hand, and, on the other, points in AR, LA, OK, and TX, under continuing contract(s) with Rheem Manufacturing Company, Container Division, of Houston, TX.

MC 168366, filed June 1, 1983. Applicant: BROWNLOW TRUCKING COMPANY, INC., P.O. Box 128, Coosa, GA 30129. Representative: Bruce E.

Mitchell, Fifth Floor, Lenox Towers, 3390 Peachtree Rd., NE, Atlanta, GA 30326, (404) 262-9488. Transporting *building materials*, between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168396 filed May 31, 1983. Applicant: RONALD DUKE, d.b.a. HUDSON CUSTOM TRUCKING, 5133 Darrow Rd., Hudson, OH 44236. Representative: Ronald Duke (same address as applicant), (216) 650-4794. 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 Mactac Company, of Stow, OH.

For the following, please direct status calls to Team 5 at 202-275-7289.

*Volume No. OP5-276*

Decided: June 7, 1983.

By the Commission, Review Board Members Parker, Krock, and Williams.

MC 108449 (Sub-419), filed February 25, 1983, previously noticed in *Federal Register* issue of March 17, 1983. Applicant: INDIANHEAD TRUCK LINES, INC., P.O. Box 43355, St. Paul, MN 55164. Representative: W. A. Myllenbeck (same address as applicant) (612) 633-2861. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AR, CO, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NY, ND, OH, OK, PA, SD, TN, TX, WV, WI, and WY, on the one hand, and, on the other, points in LA, AZ, CA, FL, GA, ID, LA, MS, NV, NM, NC, OR, SC, UT, VA, and WA.

Note.—The purpose of this republication is to show the state of Washington in lieu of West Virginia in the radial portion of the territorial description.

MC 114019 (Sub-271), filed May 23, 1983. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Room 3520, Chicago, IL 60601, 312-332-5106. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Coast to Coast Shippers' Association, Inc., of Cheswick, PA and CPC International, Inc., of Englewood Cliffs, NJ.

MC 147568 (Sub-1), filed May 20, 1983. Applicant: SAM BROUSSARD TRUCKING CO., INC., P.O. Box 35, New Iberia, LA 70560. Representative: Harold D. Miller Jr., 17th Floor Deposit Guaranty Plaza, P.O. Box 22567,

Jackson, MS 39205, (601) 948-5711. Transporting *Mercer commodities*, between points in LA, on the one hand, and, on the other, points in AL, CA, CO, FL, GA, IL, KS, LA, MS, MT, NE, NM, OK, TX, UT, VA, and WY.

MC 150099 (Sub-6), filed May 20, 1983. Applicant: ALL STATE TRUCKING CO., INC., 3400 Mesa Rd., Houston, TX 77103. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting (1) *building materials and related products*; (2) *plumbing equipment and related products*; (3) *electrical equipment, fixtures, and appliances, and related products*; (4) *restaurant equipment and supplies, and related products*; and (5) *fire extinguishers, fire department supplies, and automatic fire extinguishing systems*, between points in the U.S. (except AK and HI).

MC 155118 (Sub-15), filed May 24, 1983. Applicant: T.D.S. TRANSPORTATION, INC., 1700 S. Wolf Road, Des Plaines, IL 60018. Representative: R. T. Krubeck (same address as applicant), (312) 298-8800. 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 T.D.S. Brokerage, Inc., of Des Plaines, IL.

MC 158998 (Sub-1), filed May 20 1983. Applicant: GREENTREE TRANSPORTATION COMPANY, 6501 West 65th St. Chicago, IL 60638. Representative: Anthony E. Young, Ltd. 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 162088 (Sub-1), filed May 24, 1983. Applicant: TRANSPORTATION AND WASTE, INC., 514 Keyser Dr., North Adams, MI 49262. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933, 517-482-2400. Transporting *agricultural chemicals*, between points in MI, OH and IN.

MC 168238, filed May 25, 1983. Applicant: LeROY C. HANSEN, d.b.a. LARK TRANSPORT, 7945 E. Knox Butte Rd., Albany, OR 97321. Representative: LeRoy C. Hansen (same address as applicant), (503) 926-5964. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

*Volume No. OP5-278*

Decided: June 8, 1983.

By the Commission, Review Board Members Williams, Parker, and Joyce.

MC 79658 (Sub-77), filed May 23, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant), (812) 424-2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Zenith Radio Corporation, of Chicago, IL.

MC 79658 (Sub-78), filed May 23, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey, (812) 424-2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with FMC Corporation, of Chicago, IL.

MC 109818 (Sub-102), filed May 20, 1983. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *metal products and machinery*, between points in the U.S. (except AK and HI).

MC 111729 (Sub-775), filed May 25, 1983. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Rd., New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant) (516) 684-3383. 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 Western Electric Company, Incorporated of Greensboro, NC.

MC 140709 (Sub-20), filed May 20, 1983. Applicant: FANKHAUSER BROTHERS, INC., 710 Waco, El Dorado, KS 76042. Representative: Loy Fankhauser (same address as applicant) (316) 321-6100. Transporting *food and related products*, between points in KS, on the one hand, and, on the other, points in WV, OH, KY, and VA.

MC 145189 (Sub-3), filed May 25, 1983. Applicant: LENRON LTD., 718 Woodstock Road, Fredericton, New Brunswick, Canada E3B 5N7. Representative: Beth Dobson, P.O. Box 586, Portland, ME 04112, (207) 774-4000. Transporting *lime and limestone products*, between the ports of entry on the international boundary line between the United States and Canada in ME, on the one hand, and, on the other, points in ME, under continuing contract(s) with

Brookville Manufacturing Company, a division of Moosehead Breweries Ltd., of New Brunswick, Canada.

MC 158219 (Sub-1), filed May 24, 1983. Applicant: ROBERT E. PETTY, d.b.a. B & G TRUCKING, Route 3, Box 99, New Market, TN 37820. Representative: Gail Petty (same address as applicant) (615) 933-1433. Transporting *such merchandise* as is dealt in by grocery and food business houses, between points in TN, on the one hand, and, on the other, points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TX, VA, WV, and WI, under continuing contract(s) with White Lily Foods and White Stores, both of Knoxville, TN.

MC 168259, filed May 23, 1983. Applicant: WILLIAM J. DOYLE d.b.a. DOYLE TRUCKING CO., Box 202-A, R.D. #2, Slippery Rock, PA 16057. Representative: William J. Doyle (same address as applicant) (412) 794-5211. Transporting *commodities in bulk* between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada.

*Volume No. OP5-280*

Decided: June 9, 1983.

By the Commission, Review Board Members Dowell, Fortier, and Krock.

FF-698, filed May 25, 1983. Applicant: SHAMROCK VAN LINES INTERNATIONAL, P.O. Box 15306, Austin, TX 78761. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. As a *freight forwarder* in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles* between points in the U.S.

MC 79658 (Sub-81), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant) 812-424-2222. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Moore Business Forms, Inc., of Glenview, IL.

MC 140549 (Sub-25), filed May 27, 1983. Applicant: FRITZ TRUCKING, INC., East Hwy 7, Clara City, MN 56222. Representative: Stanley C. Olsen, Jr., 5200 Wilson Rd., Suite 307, Minneapolis, MN 55424, 612-927-8855. Transporting *general commodities* (except classes A

and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148949 (Sub-2) filed May 31, 1983. Applicant: FOURWAY TRANSPORTATION CO., INC., P.O. Box 1131, Delran, NJ 08075. Representative: Mark S. Gray, 1006 South Tower, 225 Peachtree St., N.E., Atlanta, GA 30303, 404-523-1717. 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 Chase One Traffic Service, Inc., of Delran, NJ.

MC 156619 (Sub-1) filed May 27, 1983. Applicant: JOE MONSON, d.b.a. QUALITY LUMBER CO., 301 West Maize, Box 190, Ulysses, KS 67880. Representative: Joe Monson (same address as applicant) 316-356-1778. Transporting *beer and malt beverages*, between Fort Worth, TX, on the one hand, and, on the other, Pueblo, CO, under continuing contract(s) with Carl Wills Beverage of Pueblo, CO.

MC 162209 (Sub-1) filed May 27, 1983. Applicant: STERLING TRANSPORT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant) 201-267-9100. Transporting *chemicals and related products*, between points in Mercer County, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Carter Wallace, Inc., of Cranbury, NJ.

MC 168288, filed May 25, 1983. Applicant: ALVIN ISOM & WAYNE ISOM, d.b.a. ISOM FARM SUPPLY, R.R. # 1, Box 59B, Neelyville, MO 63954. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102, 314-636-2321. Transporting *building materials*, between points in AL, AR, IL, IN, LA, MO, MS and TX.

[FR Doc. 83-18391 Filed 6-17-83; 8:45]

BILLING CODE 7035-01-M

**Motor Carriers; Finance Applications; Decision Notice**

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

*We find:*

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a

major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 29 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 persons may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 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 the following, please direct status calls to Team 1 at 202-275-7992.

*Volume No. OP1-FC-219*

By the Commission, Review Board Members Fortier, Carleton, and Dowell.

MC-FC-81498. By decision of June 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board approved the transfer to H B & R, INC., Rock Springs, WY, of Certificate No. MC-158391 issued August 25, 1982, to ROCKY MOUNTAIN HOT SHOT SERVICE, INC., of Mills, WY, authorizing the transportation of Mercer commodities, between points in CO, UT, NM, SD, NE, ND, WY, TX, MT, KS, OK, ID and NV. An application for temporary authority has been filed. Representative: Charles M. Williams, 1750 Gilpin St., Denver, CO 80218. (303) 333-3774.

*Volume No. OP1-FC-220*

By the Commission, Review Board Members Joyce, Krock, and Williams.

MC-FC-81427. By decision entered June 6, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181,



the Review Board approved the transfer to Triple R Trucking, Inc., of Bay City, MI, of all of the operating rights contained in Certificates No. MC-44300, issued January 6, 1982, Sub 5, issued December 6, 1951, Sub 6, issued May 25, 1959, Sub 7, issued September 28, 1960, Sub 8, issued July 28 1961, Sub 9, issued June 22, 1964, Sub 11, issued September 9, 1964, Sub 13, issued January 13, 1966, Sub 17, issued August 16, 1977, and Sub 20, issued April 11, 1982, to Hess Cartage Company, of Melvindale, MI, authorizing the transportation of (1) sugar, from specified points in MI to points in OH, (2) chemicals, from Midland, MI, to Mason City, WV and points in OH, (3) cement, between Essexville, Fenton and Detroit, MI, on the one hand, and, on the other, specified points in OH, (4) cement, between Port Huron, MI and points in OH, (5) empty cement bags, from points in OH to Port Huron, MI, (5) cement, in bags and in bulk, from specified points in MI to points in IN and OH, (7) cement, in bulk, in tank vehicle, (a) from specified points in MI to points in Chicago, IL, (b) from specified plant site at Chicago, IL, to points in MI and IN, (c) between specified points in MI, on the one hand, and, on the other, specified points in MI, (8) cement, in bulk, in tank vehicles, from Detroit, Port Huron, and Schoolcraft, MI, to points in IN, (9) dry cement, in bulk, between points in MI, (10) calcium chloride, from specified plant site at Wyandotte, MI, to Mason City, WV and points in OH, (11) dry chemicals, in bulk, from St. Louis, MI to specified points in WV and PA, (12) dry calcium chloride, in bulk, from St. Louis, MI to points in IN and OH, (13) dry calcium chloride, other than bulk, from St. Louis, MI to points in OH and specified points in WV and PA, (14) cement, in bulk, from specified points in MI to points in KY and WV, (15) food and related products, between specified points in MI, on the one hand, and, on the other, points in OH, (16) chemicals and related products, (a) between specified points in MI, on the one hand, and, on the other, Mason, WV and points in OH, (b) between specified points in MI, on the one hand, and, on the other, points in OH, (c) between specified points in MI, on the one hand, and, on the other, specified points in WV and PA, and (17) clay, concrete, glass or stone products, (a) between specified points in MI, on the one hand, and, on the other, specified points in OH, (b) between specified points in MI, on the one hand, and, on the other, points in IN and OH, (d)

between specified points in MI, on the one hand, and, on the other, specified points in MI, (e) between specified points in IL, on the one hand, and, on the other, points in MI and IN, (f) between specified points in MI, on the one hand, and, on the other, points in IN, (g) between points in MI, (h) between specified points in MI, on the one hand, and, on the other, points in KY and WV. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226, (313)-963-3750.

**For the following, please direct status calls to Team 2 at 202-275-7030.**

*Volume No. OP2-FC-264*

By the Commission, the Review Board.

MC-FC-81507, filed May 31, 1983. By decision of June 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Review Board approved the transfer to GEORGE GUY ANDERSON, of El Paso, TX, of Certificates No. MC-133733 Sub-Nos. 2 and 4, issued March 11, 1971, and December 9, 1980, respectively, to CERTIFIED TRANSFER & STORAGE, INC., of El Paso, TX authorizing the transportation of (1) general commodities, with exceptions, over regular routes, between specified points in TX, and between El Paso, TX, and Mesquite, NM, with authority to serve all intermediate points and certain off-route points; and (2) foodstuffs (except in bulk), over irregular routes, between El Paso, TX, and White Sands Missile Range and Holloman Air Force Base, NM. Representative: George Guy Anderson, 10625 Vista Alegre, El Paso, TX 79935, (915) 598-2862.

Note.—An application for temporary authority has been filed.

**For the following, please direct status calls to Team 3 at 202-275-5223.**

*Volume No. OP3-MC-FC-270*

Decided: June 14, 1983.

By the Commission, Review Board Members Carleton, Krock, and Dowell.

MC-FC-81517. By decision of June 14, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Review Board approved the transfer to DON D. CONKLIN, of Phoenix, MD, of Certificate No. MC-20544, issued October 31, 1982, to ADVANCE CORPORATION, of Towson, MD, authorizing the transportation of *household goods*, as defined by the Commission, (a) between points in MD within 25 miles of Baltimore, MD, including Baltimore, on the one hand, and, on the other, DC, and (b) between Baltimore, MD, on the one hand, and, on the other, points in DE, NY, NJ, and PA.

Representative: Don D. Conklin, 101½ York Road, Towson, MD 21204.

**For the following, please direct status calls to Team 4 at 202-275-7669.**

*Volume No. OP4-FC-358*

By the Commission, Review Board Members Dowell, Fortier, and Krock.

MC-FC-81368, filed April 4, 1983. By decision of the Review Board on June 10, 1983, under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1181, the Commission approved the transfer to Crackle Express, Inc., New Hyde Park, NY, of Certificate No. MC-58287 Sub 2(M1F), issued June 11, 1981 to All Island Delivery Service, Inc., Hicksville, NY, authorizing the transportation of general commodities (with exceptions), between points in Suffolk and Nassau Counties, NY on the one hand, and, on the other, New York, NY, and points in Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, NJ, Rockland and Westchester Counties, NY, and the Philadelphia, PA Commercial Zone as defined by the Commission, and between New York, NY, and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, NJ, on the one hand, and, on the other, points in Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren Counties, NJ, Rockland and Westchester Counties, NY, and points in the Philadelphia, PA Commercial Zone as defined by the Commission, restricted against the transportation of traffic having a prior or subsequent movement by air for service to or from points in Mercer, Hunterdon and Burlington Counties, NJ. An application for temporary authority has been filed. Representative: Edward Nehez, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068, (201) 992-2200.

**For the following, please direct status calls to Team 5 at 202-275-7289.**

*Volume No. OP5-FC-275*

By the Commission, Review Board Members Fortier, Carleton, and Parker.

MC-FC 81508. By decision of June 7, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, The Review Board approved the transfer to REYNOLDS TRANSPORT, INC., of Findlay, OH, of Certificate No. MC-81908 Sub 15 issued June 24, 1981, to GARNER TRUCKING, INC., of Findlay, OH, authorizing the transportation of *such commodities* as are dealt in, or

used by, manufacturers or distributors of lawn care products, between the facilities of Chem Lawn Corporation located in the United States, on the one hand, and, on the other, points in the United States. Representative: John L. Alden, 1396 West Fifth Ave., Columbus, OH 43121.

**Volume No. OP5-FC-282**

By the Commission, Review Board Members Joyce, Fortier, and Krock.

MC-FC 81488. By decision of June 9, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, The Review Board approved the transfer to SAMPSON'S EXPRESS, INC., of Lakeville, MA, of Permit No. MC-143409 issued July 5, 1978, to SYLVESTER J. SAMPSON, d/b/a SAMPSON'S EXPRESS of Newton, MA, authorizing the transportation of (1) *paper and paper products*, from Norwood, MA, to points in ME, NH, VT, RI, CT, NY, and NJ, and (2) *paper*, from points in ME, to Norwood, MA, under continuing contract(s) with Fay Paper Products, Inc., of Norwood, MA. Representative: Sylvester Joseph Sampson, Jr., 136 Main St., Lakeville, MA 02346.

[FR Doc. 83-16389 Filed 6-17-83; 8:45 am]  
BILLING CODE 7035-01-M

**[Volume No. OP5-290]**

**Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice**

Decided: June 14, 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, The Review Board Members Dowell, Fortier and Joyce.

Agatha L. Mergenovich,  
Secretary.

Please direct status inquiries to Team 5, at (202) 275-7289.

MC 59238 (Sub-73)X, Filed May 25, 1983. Applicant: VIRGINIA STAGE LINES, INC., 1200 Eye Street, NW., Washington, DC 20005. Representative: Rebecca Patton, 1500 Jackson Street—Suite 422, Dallas, TX 75201, (214) 655-7796. Sub 70: Authorize passenger carrier service at all intermediate points along the described regular route between (1) Washington, DC, and Richmond, VA; (2) Waynesboro and Roanoke, VA; and (3) Richmond and Staunton, VA.

[FR Doc. 83-16388 Filed 6-17-83; 8:45 am]  
BILLING CODE 7035-01-M

**[Ex Parte No. 446]**

**Rail Carriers; Alaska Railroad Certification**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of expedited modified procedure and proposed certificate.

SUMMARY: Pursuant to the Alaska Railroad Transfer Act of 1982, the Commission proposes to issue a certificate of public convenience and necessity for the acquisition and operation of the Alaska Railroad. The certification will become effective on the date of transfer of the properties of the Alaska Railroad from the United States to the State of Alaska. The Commission is providing an opportunity for interested persons to comment on any aspects of the certification.

DATE: Comments are due by July 20, 1983.

ADDRESSES: Send an original and 10 copies of comments to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, ATTN: Ex Parte No. 446 COMMENT.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S.

InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. metropolitan area) or toll free (800) 424-5403.

Decided: June 13, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-16387 Filed 6-17-83; 8:45 am]  
BILLING CODE 7035-01-M

**[Finance Docket No. 30178]**

**Rail Carriers; Aberdeen and Briar Patch Railway Company, ABP Management Corporation, and Carolina and Northwestern Railway Co.—Exemption Under 49 U.S.C. 10901, 10903, 11301, 11343, and 11348**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemptions.

SUMMARY: The Interstate Commerce Commission exempts Aberdeen and Briar Patch Railway Company from the requirements of prior approval under: (1) 49 U.S.C. 10901 for its acquisition and operation of the Star-Aberdeen Branch line of the Carolina and Northwestern Railway Company and (2) 49 U.S.C. 11301 for its issuance of one share of stock

DATES: Exemptions effective on July 20, 1983. Petitions to stay must be filed by June 30, 1983. Petitions for reconsideration must be filed by July 11, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30178 to:

- (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423;
- (2) Petitioners' representative: John Guandolo, Suite 200, 1090 Vermont Ave., NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC, 20423, or call 275-0895 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: June 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett and Commissioner Andre would not impose a

deadline for consummation of the exempted transaction.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-16386 Filed 6-17-83; 8:45 am]

BILLING CODE 7035-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 19828; (SR-NASD-81-5)]

### National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change

May 31, 1983.

The National Association of securities Dealers, Inc. ("NASD"), 1735 K Street NW., Washington, D.C. 20006, submitted copies of a proposed rule change on April 13, 1981, and an amendment thereto on March 4, 1983, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") and Rule 19b-4 thereunder, to delete the Policy of the Board of Governors on Venture Capital and Other Investments by Broker-Dealers Prior to Public Offerings ("Venture Capital Policy") under Article III, Section I of the NASD's Rules of Fair Practice. The Venture Capital Policy prescribes holding periods of up to 18 months for private investments in venture capital securities and prohibits a member selling such securities in a public offering from acting as an underwriter when participating in the stream of distribution of the offering. The NASD proposed that the Venture Capital Policy should be deleted because they believed the promulgation of Rule 144 under the Securities Act of 1933, the provisions of Schedule E of the NASD's By-Laws, and the Review of Corporate Financing Interpretation of the NASD's Board of Governors ("Corporate Financing Interpretation") addressed most of the potential conflicts of interest problems involving broker-dealers in initial public offerings.

After reconsideration, the NASD determined that additional regulatory coverage would be needed to deal with the conflicts of interest inherent in a member acting as an underwriter and selling shareholder in an initial public offering if the Venture Capital Policy was abolished. The NASD, therefore, filed an amendment to the proposed rule change adding a section to the Corporate Financing Interpretation. This provision prohibits a member or principal of a member who participates in the initial public offering of an issuer and who owns any securities of the issuer at the time of the filing of the offering from selling their securities in the offering or for one year following the effective date of the offering. The amendment would be incorporated in the Interpretation rather than retained

as a separate Venture Capital Policy to further consolidate in the Interpretation those NASD's rules governing public distributions.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by the issuance of a Commission Release (Securities Exchange Act Release No. 17734, April 20, 1981) and by publication in the *Federal Register* (46 FR 23181, April 23, 1981). The amendment was noticed in Securities Exchange Act Release No. 19623 (March 22, 1983) and by publication in the *Federal Register* (48 FR 12678, March 28, 1983). No comments were received with respect to the proposed rule change or amendment.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, the requirements of Section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 17 CFR 200.30-3(a)(12).

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-16456 Filed 6-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19868; File No. SR-OCC-83-12]

### Self-Regulatory Organization; Proposed Rule Change by The Options Clearing Corporation

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 May 11, 1983, The Options Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change

The proposed rule change would amend OCC's rules regarding settlement of exercises and assignments of foreign currency options to provide for netting each Clearing Member's deliver and receive obligations for exercises and assignments settling on the same date to

produce one deliver or receive (if any) and/or one pay or collect (if any) obligation per currency per Clearing Member. The conforming changes to OCC's margin rules and foreign currency buy-in and sell-out rules would also be made.

#### II. 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. 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

OCC's current rules regarding settlement of exercises and assignments of foreign currency options provide for netting each Clearing Member's deliver and receive obligations for foreign currency options of the same type (i.e., put or call), currency and strike price. As a result, a Clearing Member, on a given foreign currency settlement date, may be required to deliver 6,250,000 Japanese yen to satisfy an assignment of a Japanese yen 42 call, while simultaneously receiving 6,250,000 yen from an exercise of a 44 call.

With the first foreign currency expiration in March, there was significant exercise and assignment activity which resulted in several instances of Clearing Members delivering currency at one strike price while receiving it back at another, sometimes even from the same contra side. In order to eliminate such redundant transactions with the attendant transaction costs and operational burdens to Clearing Members, OCC proposes to revise its foreign currency options settlement system to net all exercises and assignments settling on the same date for each currency regardless of option type or strike price, producing one deliver or receive (if any) and/or one pay or collect (if any) obligation per currency per Clearing Member. OCC plans to implement the proposed changes in time to respond to the increased activity expected at the next currency expiration in June.

The proposed netting system would also necessitate certain changes to

OCC's margin and buy-in and sell-out rules regarding foreign currency options. Rule 602 has been amended to specify the margin required in the event a Delivering Clearing Member fails to make delivery on the exercise settlement date and to provide that the Corporation may pledge such margin to secure borrowings required to effect delivery of the foreign currency to the party entitled thereto. In addition, the buy-in and sell-out rules have been amended to reflect the fact that the Corporation has interposed itself between the Receiving and Delivering Clearing Members for each settlement and the obligation of the party executing the buy-in or sell-out is to pay the Corporation the proceeds of such buy-in or sell-out since the party executing the buy-in or sell-out will previously have been credited with the aggregate exercise price as a result of netting obligations to the "settlement amount" to be paid or collected pursuant to Rule 1606.

The proposed rule change is consistent with the provisions of Section 17A of the Securities Exchange Act of 1934 in that it would promote the prompt and accurate clearance and settlement of securities transactions with no effect on OCC's ability to safeguard securities and funds which are in its custody or control or for which it is responsible.

**(B) Self-Regulatory Organization's Statement on Burden on Competition**

The proposed rule change would have no impact on competition.

**(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others**

Comments have not and are not intended to be solicited and none was received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 13, 1983.

**George A. Fitzsimmons,**  
Secretary.

[FR Doc. 83-10454 Filed 6-17-83; 8:45 am]

BILLING CODE 8010-01-M

**SMALL BUSINESS ADMINISTRATION**

**[License No. 04/04-5217]**

**Central Georgia Capital Funding Corp.; Issuance of License To Operate as a Small Business Investment Company**

On November 26, 1982, a notice was published in the *Federal Register* (47 FR 53556), stating that an application had been filed by Central Georgia Capital Funding Corporation, P.O. Box 218, Ellenwood, Georgia 30049 with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to § 107.102 of the Regulations governing SBIC's (13 CFR 107.102 (1982)).

Interested parties were given until the close of business December 11, 1982, to submit their written comments to SBA. No comments were received.

Notice is hereby given, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information,

SBA issued License No. 04/04-5217, on May 9, 1983, to Central Georgia Capital Funding Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 14, 1983.

**Robert G. Lineberry,**  
Deputy Associate Administrator for Investment.

[FR Doc. 83-10443 Filed 6-17-83; 8:45 am]

BILLING CODE 8025-01-M

**Ferranti High Technology, Inc.; Issuance of License To Operate as a Small Business Investment Company**

On April 1, 1983, notice was published in the *Federal Register* (48 FR 14106) stating that Ferranti High Technology, Inc., 505 Park Avenue, New York, New York 10022, had filed an Application with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business companies (13 FR 107.102 (1983)), for a license to operate as a small business investment company.

Interested parties were given until the close of business April 15, 1983, to submit comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0457 on May 31, 1983, to Ferranti High Technology, Inc. pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 14, 1983.

**Robert G. Lineberry,**  
Deputy Associate Administrator for Investment.

[FR Doc. 83-10442 Filed 6-17-83; 8:45 am]

BILLING CODE 8025-01-M

**[License No. 03/03-0154]**

**Suburban Capital Corp.; Issuance of License To Operate as a Small Business Investment Company**

On December 23, 1982, a notice was published in the *Federal Register* (47 FR 57383), stating that an application had been filed by Suburban Capital Corporation, 6610 Rockledge Drive, Bethesda, Maryland 20817, with the Small Business Administration (SBA) for a license to operate as a small business investment company (SBIC), pursuant to



§ 107.102 of the Regulations governing SBICs (13 CFR 107.102(1982)).

Interested parties were given until the close of business January 7, 1983, to submit their comments to SBA. No comments were received.

Notice is hereby given, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 03/03-0154, on May 31, 1983, to Suburban Capital Corporation to operate as an SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 14, 1983.

**Robert G. Lineberry,**

*Deputy Associate Administrator for Investment.*

[FR Doc. 83-10444 Filed 6-17-83; 8:45 am]  
BILLING CODE 8025-01-M

#### Reporting and Recordkeeping Requirements Under OMB Review

**ACTION:** Notice Reporting Requirements Submitted for OMB Review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the *Federal Register* notifying the public that the agency has made such a submission.

**DATE:** Comments must be received on or before July 15, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible. **COPIES:** Copies of the proposed forms, the request for clearance (S.F. 83), supporting statement, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

**FOR FURTHER INFORMATION CONTACT:** Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 20416, Telephone: (202) 653-8538.

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive

Office Building, Washington, D.C.

20503, Telephone: (202) 395-4814.

Forms submitted for review:

Title: Report of Transactions on Loans Serviced by Banks

Form No.: SBA 172

Frequency: On Occasion

Description of Respondents: Banks authorized to service SBA immediate participation loans

Annual Responses: 56,400

Annual Burden Hours: 9,400

Type of Request: New

Title: Candidate for Appointment to SBA Advisory Council

Form No.: SBA 898

Description of Respondents: Individuals wishing to be considered for appointment to the SBA Advisory Council

Annual Responses: 1,400

Annual Burden Hours: 70

Type of Request: New

Elizabeth M. Zaic,

*Chief, Paperwork Management Branch Small Business Administration.*

June 14, 1983.

[FR Doc. 83-10445 Filed 6-17-83; 8:45 am]

BILLING CODE 8025-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 83-038]

#### Chemical Transportation Advisory Committee, Subcommittee on Chemical Vessels; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels to be held on Thursday, July 21, 1983 in Room 4234, U.S. Department of Transportation Headquarters, 400 Seventh St. SW, Washington DC. The meeting is scheduled to begin at 9 a.m.

The Subcommittee will review a draft revision of 46 CFR Part 151. Attendance is open to the interested public. With advance notice to the Chairman, members of the public may present oral statements at the meeting. Persons requesting additional information or wishing to present oral statements should contact Mr. R. M. Query, U.S. Coast Guard Headquarters (C-MTH-1) 2100 Second St., SW, Washington DC 20593, (202) 426-1217. Any member of the public may present a written statement to the committee at any time.

Dated: June 15, 1983.

**C. M. Holland,**

*Captain, U.S. Coast Guard, Executive Secretary, Chemical Transportation Advisory Committee.*

[FR Doc. 83-16397 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-14-M

[CGD 83-037]

#### Towing Safety Advisory Committee; Meeting

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to section 10(a)(2) of The Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given to a meeting of the Towing Safety Advisory Committee. The meeting will be held on Wednesday, July 20, 1983 in room 3201, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. and end at 4:00 p.m. The agenda for the meeting will consist of the following items:

1. Licensing of Pilots; Manning of Vessels-Pilots (CGD 77-084)
2. Revision of Rules for Cargo Barges Carrying Dangerous Bulk Liquid Cargoes (CGD 81-084)
3. Marine Transport of Solids in Bulk
4. Boundary Lines (CGD 81-058)
5. Marine Personnel Safety Standards (Respiratory Protection)
6. Waste Reception Facilities (CGD 78-035)
7. Advance Notice of Arrival Regulations

Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify the Executive Secretary no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

**FOR FURTHER INFORMATION CONTACT:** Captain C. M. Holland, Executive Secretary, Towing Safety Advisory Committee, U.S. Coast Guard (G-CMC/44), Washington, D.C. 20593, (202) 426-1477.

Dated: June 15, 1983.

**C. M. Holland,**

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

[FR Doc. 83-16398 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-14-M

## Federal Aviation Administration

#### Advisory Circular on Reciprocating Engine Induction Air Filters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Draft Advisory Circular (AC) availability and request for comments.

**SUMMARY:** This AC provides design guidance information on methods of improving reliability of reciprocating engine induction air components and their installation on small airplanes.

**DATE:** Commenters must identify file AC 23.XX, Subject: Reciprocating Engine Induction Air Filters, and comments must be received on or before August 4, 1983.

**ADDRESS:** Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Yotter, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. Commercial telephone 816-374-6941 or FTS 758-6941.

**SUPPLEMENTARY INFORMATION:** Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

#### Background

Service history on reciprocating engine induction air filters, and subsequently an Airworthiness Directive action on one specific filter installation, indicates that good design practices were not always followed and potentially harmful environmental factors were not considered in the design and installation of air filters and associated hardware.

#### Comments Invited

Interested parties are invited to submit comments on the draft AC. Comments received on the draft AC may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, June 10, 1983.

Murray E. Smith,  
Director, Central Region.

[FR Doc. 83-16245 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

#### Revised Establishment and Discontinuance Criteria for Airport Traffic Control Towers

**AGENCY:** Federal Aviation Administration (FAA) (DOT)

**ACTION:** Notice of reopening of comment period.

**SUMMARY:** This notice reopens the period for interested parties to submit comments on proposed criteria for establishment and discontinuance of airport traffic control towers.

**DATE:** Comments must be received on or before July 15, 1983.

**ADDRESS:** Communications should be mailed in duplicate to FAA, APO-230, 800 Independence Ave., S.W., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Harvey B. Safeer, Director of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone 202-426-3331. Copies of the Draft Criteria Report Number FAA-APO-83-2, the Federal Register notice of May 9, 1983, and additional copies of this notice may be obtained from the same address.

**SUPPLEMENTARY INFORMATION:** Criteria for establishment and discontinuance of airport traffic control towers have been revised to incorporate updated economic values and costs and improved analysis of tower benefits as described in FAA Draft Report Number FAA-APO-83-2, "Establishment and Discontinuance Criteria for Airport Traffic Control Towers." The public has been invited to comment on these proposed criteria in a Federal Register notice (48 FR 20862, Pub May 9, 1983). The FAA has determined that it is in the public interest to reopen the comment period for an additional thirty days to afford the public sufficient time to review the draft criteria report.

Issued in Washington, D.C. on June 14, 1983.

Harvey B. Safeer,  
Director of Aviation Policy and Plans.

[FR Doc. 83-16375 Filed 6-17-83; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF THE TREASURY

##### Internal Revenue Service

[Delegation Order No. 57 (Rev.6)]

##### Delegation of Authority

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Delegation of Authority.

**SUMMARY:** This delegation order is revised to provide that there is delegated to each Chief, Employee Plans and Exempt Organizations Division, Chief, Examination Division, District Director of a Streamlined District, and Chief, Compliance Division, the authority to sign in his/her name the notice to a taxpayer, required by section 7605(b) of the Internal Revenue Code of 1954, that an additional inspection of such taxpayer's books of account is necessary. The text of the delegation order appear below.

**EFFECTIVE DATE:** June 13, 1983.

**FOR FURTHER INFORMATION CONTACT:** J. J. Thomassen, OP:EX:I:E, 1111 Constitution Ave., NW, Room 2406, Washington, D.C. 20224, Telephone Number: (202) 566-4881, (Not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the Federal Register for Wednesday, November 8, 1978.

Louie Mays,  
Acting Director, Office of IRP, Service Center and Support Programs.

#### Order No. 57 (Rev. 6)

Effective date: 6-13-83

#### Notice of Additional Inspection of Taxpayer's Books of Account Under Section 7605(b), Internal Revenue Code 1954

Pursuant to the provisions of Section 7851(b)(3) of the Internal Revenue Code of 1954, there is hereby delegated to each Chief, Employee Plans and Exempt Organizations Division, Chief, Examination Division, District Director of a Streamlined District, and Chief, Compliance Division, the authority to sign in his/her name, after investigation, on the notice to a taxpayer, required by Section 7605(b) of the Internal Revenue Code of 1954, that an additional inspection of such taxpayer's books of account is necessary.

This authority may not be redelegated. Delegation Order No. 57 (Rev. 5), effective March 21, 1982, is superseded.

Dated: June 1, 1983.

Approved:

James I. Owens,  
Deputy Commissioner.

[FR Doc. 83-16462 Filed 6-17-83; 8:45 am]

BILLING CODE 4803-01-M

**Office of the Secretary**

[Dept. Circular Public Debt Series No. 18-83]

**Treasury Notes of June 30, 1987, Series J-1987**

June 15, 1983.

**1. Invitation for Tenders**

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$5,750,000 of United States securities, designated Treasury Notes of June 30, 1987, Series J-1987 (CUSIP No. 912827 PR 7). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

**2. Description of Securities**

2.1. The securities will be dated June 30, 1983, and will bear interest from that date, payable on a semiannual basis on December 31, 1983, and each subsequent 6 months on June 30 and December 31 until the principal becomes payable. They will mature June 30, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible

bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

**3. Sale Procedures**

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, June 21, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, June 20, 1983, and received no later than Thursday, June 30, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government

accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a  $\frac{1}{8}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

**4. Reservations**

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of

applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

## 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Thursday, June 30, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Tuesday, June 28, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the

securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

## 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,  
Fiscal Assistant Secretary.

[FR Doc. 83-18610 Filed 6-17-83; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 19-83]

## Treasury Notes of July 15, 1990, Series E-1990

June 15, 1983.

### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$5,000,000,000 of United States securities, designated Treasury Notes of July 15, 1990, Series E-1990 (CUSIP No. 912827 PS 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the

average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

### 2. Description of Securities

2.1. The securities will be dated July 5, 1983, and will bear interest from that date, payable on a semiannual basis on January 15, 1984, and each subsequent 6 months on July 15 and January 15 until the principal becomes payable. They will mature July 15, 1990, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving Time, Wednesday, June 22, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, June 21, 1983, and received no later than Tuesday, July 5, 1983.



3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a  $\frac{1}{2}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted

price above the original issue discount limit of 98.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of non-competitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, July 5, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no

later than Thursday, June 30, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive

tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

**Carole J. Dineen,**  
*Fiscal Assistant Secretary.*

[FR Doc. 83-18611 Filed 6-17-83; 8:45 am]

BILLING CODE 4810-40-M

[Dept. Circular Public Debt Series No. 20-83]

## Treasury Bonds of 2003

### 1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately \$3,500,000,000 of United States securities, designated Treasury Bonds of 2003 (CUSIP No. 912810 DE 5). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

### 2. Description of Securities

2.1. The securities will be dated July 5, 1983, and will bear interest from that date, payable on a semiannual basis on February 15, 1984, and each subsequent 6 months on August 15 and February 15 until the principal becomes payable. They will mature August 15, 2003, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

### 3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, June 23, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, June 22, 1983, and received no later than Tuesday, July 5, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is \$1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed \$1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined

above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a  $\frac{1}{2}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 95.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

#### 4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Tuesday, July 5, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, June 30, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal

Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

#### 6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

*Fiscal Assistant Secretary.*

[FR Doc. 83-18012 Filed 6-17-83; 2:06 am]

BILLING CODE 4810-40-M

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#### VETERANS ADMINISTRATION

##### Schedule for Awarding Senior Executive Service Bonuses

Office of Personnel Management guidelines require that each agency publish a notice in the *Federal Register* of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid. The Veterans Administration intends to award Senior Executive Service bonuses for the performance rating period which ended September 30, 1982, with payouts scheduled by July 15, 1983.

**FOR FURTHER INFORMATION CONTACT:** K. Joyce Edwards, Office of Personnel and Labor Relations (05A3), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-3423.

Dated: June 14, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

*Deputy Administrator.*

[FR Doc. 83-18001 Filed 6-17-83; 8:45 am]

BILLING CODE 8320-01-M

# Sunshine Act Meetings

Federal Register

Vol. 48, No. 119

Monday, June 20, 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).

Closed: Proposed Issuance of Preferred Stock  
Closed: President's Report  
Closed: Financial Report Minute Entry

[S-875-83 Filed 6-16-83; 10:25 am]

BILLING CODE 6720-02-M

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Postal Rate Commission.....	5
Securities and Exchange Commission.....	6, 7, 8

### 1

#### CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** 10 a.m. Wednesday, June 22, 1983.

**LOCATION:** Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

**STATUS:** Open to the public.

#### MATTERS TO BE CONSIDERED:

##### FY '84 Operating Plan

The Commission and the staff will discuss the operating plan for the fiscal year 1984.

For a recorded message containing the latest agenda information: call 301-492-5709.

**CONTACT PERSON FOR ADDITIONAL INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301-492-6800.

[S-880-83 Filed 6-16-83; 2:20 pm]

BILLING CODE 6355-01-M

### 2

#### FEDERAL HOME LOAN MORTGAGE CORPORATION

**DATE AND TIME:** June 17, 1983.

**PLACE:** Monterey Conference Room, Hyatt Wilshire Hotel, 3515 Wilshire Boulevard, Los Angeles, California.

**STATUS:** Closed—5 items; Open—1 item.

**CONTACT PERSON FOR MORE INFORMATION:** Scott R. Daugherty, 1776 G Street, NW., P.O. Box 37248, Washington, D.C. 20013.

#### MATTERS TO BE CONSIDERED:

Closed: Minutes of May 24, 1983 Board of Directors' Meeting Minute Entry  
Closed: Issues Paper on ARMS Financing  
Open: Multi-Family Program

### 3

#### FEDERAL RESERVE SYSTEM

Board of Governors

**TIME AND DATE:** Approximately 11 a.m., Wednesday, June 22, 1983, following a recess at the conclusion of the open meeting.

**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

**STATUS:** Closed.

#### MATTERS TO BE CONSIDERED:

- Proposed purchase of computers within the Federal Reserve System.
- Federal Reserve Bank building design plans and budget for the Omaha Branch of the Federal Reserve Bank of Kansas City.
- Conceptual design plan and budget estimate for proposed renovation of certain areas of the Federal Reserve Bank of Kansas City.
- Proposed building design plans and target budget for the Los Angeles Branch of the Federal Reserve Bank of San Francisco.
- Proposed building design plans and budget for the Jacksonville Branch of the Federal Reserve Bank of Atlanta.
- Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
- Any items carried forward from a previously announced meeting.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 15, 1983.

James McAfee,

Associate Secretary of the Board.

[S-873-83 Filed 6-15-83; 4:02 pm]

BILLING CODE 6210-01-M

### 4

#### FEDERAL RESERVE SYSTEM

Board of Governors.

**TIME AND DATE:** 10 a.m., Wednesday, June 22, 1983.

**PLACE:** Board Building, C Street entrance between 20th and 21st Streets NW., Washington, D.C. 20661.

**STATUS:** Open.

#### MATTERS TO BE CONSIDERED:

- Publication for comment of proposed Federal Reserve fee schedules for definitive securities safekeeping and noncash services.

2. Any items carried forward from a previously announced meeting.

**Note.**—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom on Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal System, Washington, D.C. 20551.

**CONTACT PERSON FOR MORE INFORMATION:** Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: June 15, 1983.

James McAfee,

Associate Secretary of the Board.

[FR 8-872-832 Filed 6-16-83; 8:45 am]

BILLING CODE 6210-01-M

### 5

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

Meeting of the Board of Directors

**TIME AND DATE:** 9 a.m. (closed portion), 10:30 a.m. (open portion) Tuesday, June 28, 1983.

**PLACE:** Offices of the Corporation, seventh floor board room, 1129 20th Street, NW., Washington, D.C.

**STATUS:** The first part of the meeting from 9 a.m. to 10:30 a.m. will be closed to the public. The open portion of the meeting will start at 10:30 a.m.

**MATTERS TO BE CONSIDERED:** Closed to the public 9 a.m. to 10:30 a.m.

- Report on Operation Opportunity.
- Debt Rescheduling.
- Finance Project in East Asian country.
- Finance/Insurance Project in African country.
- Insurance Project in African country.
- Insurance Project in Central American country.
- Insurance Project in Middle Eastern country.
- Insurance Project in Middle Eastern country.
- Claims Reports.
- Information Report: Studies on the Future Fiscal Viability of OPIC's Insurance Program.
- Information Reports: General.
- Information Reports: Status of China Projects.

Open to the public 10:30 a.m.

- Approval of the Minutes of the Previous Meeting.
- Confirmation of Scheduled Board Meetings.
- Personnel Actions.



4. Treasurer's Financial Statements.
5. Information Reports; Procedures.
6. Information Reports; General.

**CONTACT PERSON FOR INFORMATION:**

Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202) 653-2925.

June 15, 1983.

Elizabeth A. Burton,  
Corporate Secretary.

[S-874-83 Filed 6-16-83; 11:53 am]

BILLING CODE 3210-01-M

6

**POSTAL RATE COMMISSION**

**TIME AND DATE:** 2 p.m., Thursday, June 23, 1983.

**PLACE:** Conference Room, room 500, 2000 L Street NW., Washington, DC.

**STATUS:** Closed.

**MATTERS TO BE CONSIDERED:** (Closed pursuant to 5 U.S.C. 552b(c)(10):

USPS Motion of Waiver of Certain Commission Rules in E-COM filing (Docket No. R83-1)

**CONTACT PERSON FOR MORE**

**INFORMATION:** Cyril J. Pittack, Acting Secretary, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, telephone (202) 254-5614.

[S-877-83 Filed 6-16-83; 11:36 am]

BILLING CODE 7710-01-M

7

**SECURITIES AND EXCHANGE COMMISSION**

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of June 20, 1983, at 450 5th Street, NW., Washington, D.C.

A closed meeting will be held on Thursday, June 23, 1983, at 10:30 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The general Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Thomas, Longstreth and Tredway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Thursday, June 23, 1983, at 10:30 a.m., will be:

Dismiss injunctive action.  
Settlement of administrative proceedings of an enforcement nature.  
Settlement of injunctive action.  
Formal order of investigation.  
Litigation matters.  
Institution of administrative proceedings of an enforcement nature.  
Institution of injunctive action.  
Opinion

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted

or postponed, please contact: Diane Klinke at (202) 272-2014.

June 15, 1983.

[S-878 Filed 6-16-83; 11:57 am]

BILLING CODE 8010-01-M

8

**SECURITIES AND EXCHANGE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** 48 FR 26387, June 7, 1983.

**STATUS:** Closed meeting.

**PLACE:** 450 5th Street, NW., Washington, D.C.

**DATE PREVIOUSLY ANNOUNCED:** Thursday, June 2, 1983.

**CHANGE IN THE MEETING:** Additional meeting. A closed meeting was held on Thursday, June 9, 1983 following the 10 a.m. open meeting, to consider the following item:

Personnel matter.

Chairman Shad and Commissioners Thomas, Longstreth and Treadway determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Michael Lefever at (202) 272-2468

June 15, 1983.

[S-879-83 Filed 6-16-83; 11:57 am]

BILLING CODE 8010-01-M

# federal register

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**Monday  
June 20, 1983**

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**Part II**

## **Department of Energy**

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**Federal Energy Regulatory Commission**

**Determinations by Jurisdictional Agencies  
Under the Natural Gas Policy Act of  
1978**

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 14, 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: Striper well
  - 108-SA: Seasonally affected
  - 108-ER: Enhanced recovery
  - 108-PB: Pressure buildup
- Kenneth F. Plumb,  
Secretary.

NOTICE OF DETERMINATIONS  
ISSUED JUNE 14, 1983

VOLUME 913

JD NO	JA DET	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** TEXAS RAILROAD COMMISSION *****									
A	N SILBERBERG INC					RECEIVED: 05/24/83 JA: TX			
8338234	F-78-67130	4236732214		100		TIERCE #2	MINERAL WELLS (GEORGI	18.3	SOUTHWESTERN GAS
8338298	F-7C-67525	4246131862		103		RECEIVED: 05/24/83 JA: TX HOLLY #2 809551	AMACKER-TIPPETT (SO D	182.5	PHILLIPS PETROLEU
8338295	F-7C-67514	4238832365		103		RECEIVED: 05/24/83 JA: TX BRADEN "C" #1	SPRABERRY (TREND AREA	35.7	EL PASO NATURAL G
8338258	F-08-67370	4231732628		103		CLEMENTS #1	SPRABERRY (TREND AREA	17.7	PHILLIPS PETROLEU
8338322	F-7B-67558	4215131548		103		RECEIVED: 05/24/83 JA: TX PEARCE HOLLAND "A" #6	PARDUE (ELLENBURGER)	18.0	
8338094	F-09-63539	4218130872		102-4	103	RECEIVED: 05/24/83 JA: TX EAST HAM GAS UNIT #1	L B HAM SURVEY A-554	0.0	
8338243	F-08-67178	4213534021		103		RECEIVED: 05/24/83 JA: TX DAVID FASKEN "DY" #1	FASKEN (PENN)	0.0	AMOCO PRODUCTION
8338099	F-04-63761	4235531654		103		G H MCCANN #36	LUBY (G SAND)	17.0	VALLEY GAS TRANSP
8338210	F-04-66947	4248930703		107-TF		RECEIVED: 05/24/83 JA: TX GAS UNIT B ZONE 8 #1	LA SAL VIEJA (8 9680-	912.5	TENNESSEE GAS PIP
8338242	F-08-67157	4200332800		103		MIDLAND FARMS "AD" #3	FASKEN (PENN)	0.0	AMOCO PRODUCTION
8338231	F-08-67091	4200332116		103		MIDLAND FARMS "BB" #12	INEZ (WOLFCAW)	0.2	AMOCO PRODUCTION
8338244	F-8A-67179	4244531099		103		PRENTICE NORTHEAST UNIT #158	PRENTICE (6700)	0.0	AMOCO PRODUCTION
8338156	F-06-66230	4220330996		102-4		RECEIVED: 05/24/83 JA: TX W E JACKSON GAS UNIT #3	WOODLAWN (TRAVIS PEAK	220.0	TEXAS GAS TRANSMI
8338122	F-7C-65193	4210534291		103		RECEIVED: 05/24/83 JA: TX 107-TF TOM MITCHELL STATE 4-20	OZONA (CANYON SAND)	200.0	ANDERSON PIPELINE
8338252	F-7B-67278	4208333267		102-4		RECEIVED: 05/24/83 JA: TX JOHN E WOLF #14	WOLF (SERRATT)	100.0	EL PASO HYDROCARB
8338058	F-06-61632	4220330959		103		RECEIVED: 05/24/83 JA: TX 107-TF ABNEY #B-2	WASKOM (COTTON VALLEY	500.0	ARKANSAS LOUISIAN
8338068	F-06-62121	4236531487		102-3		RECEIVED: 05/24/83 JA: TX 107-TF BRANNON #2	CARTHAGE (COTTON VALL	250.0	ARKANSAS LOUISIAN
8338067	F-06-62120	4236531326		102-3		RECEIVED: 05/24/83 JA: TX 107-TF PAULINE MOORE #1	CARTHAGE (COTTON VALL	290.0	ARKANSAS LOUISIAN
8338134	F-7B-65923	4208332510		102-4		RECEIVED: 05/24/83 JA: TX HEMPHILL "B" #7	HEMPHILL (CROSSCUT)	33.0	EL PASO HYDROCARB
8338254	F-08-67289	4200333420		103		RECEIVED: 05/24/83 JA: TX UNIVERSITY "7M" #1	FUHRMAN-MASCHO	1.8	PHILLIPS PETROLEU
8338164	F-7B-66486	4225300000		103		RECEIVED: 05/24/83 JA: TX BROWN-SNYDER #6 (16192)	HORTON (CISCO SAND)	91.0	CONOCO INC
8338301	F-7B-67532	4236731707		103		RECEIVED: 05/24/83 JA: TX COLLINS "A" 3	TOTO (BEND CONGL LOWE	100.0	LONE STAR GAS CO
8338147	F-02-65915	4229733269		102-4		RECEIVED: 05/24/83 JA: TX SCHREINER RANCH TRUST II WELL	OAKVILLE (WILCOX 9700	1.4	HOUSTON PIPE LINE
8338294	F-09-67512	4223734739		103		RECEIVED: 05/24/83 JA: TX LYONS #1 RRC #22963	WORSHAM-STEED	11.0	LONE STAR GAS CO
8338159	F-01-66321	4217730832		102-3		RECEIVED: 05/24/83 JA: TX N CROZIER #1	PEACH CREEK (PECAN GA	90.5	VALERO GAS TRANSP
8338220	F-09-67031	4223734839		102-4		RECEIVED: 05/24/83 JA: TX CRUM #1	LUCKY JACK (CONGL)	73.0	SOUTHWESTERN GAS
8338221	F-09-67032	4223734840		102-4		JONES "C" #1	LUCKY JACK (CONGL)	73.0	SOUTHWESTERN GAS
8338222	F-09-67033	4223734825		102-4		SHEPARD "A" #1	LUCKY JACK (CONGL)	73.0	SOUTHWESTERN GAS

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-	BTA OIL PRODUCERS				RECEIVED: 05/24/83	JA: TX		
8338213	F-7C-66968	4238332413	103		COATES "B" #3	SPRABERRY (TREND AREA	28.0	EL PASO NATURAL G
8338139	F-7C-65583	4217331377	102-6		107-F J V-P GIBSON #1	BLALOCK LAKE SE (MOLF	58.4	PHILLIPS PETROLEU
-	CALDWELL OIL CO				RECEIVED: 05/24/83	JA: TX		
8338321	F-10-67557	4206551284	103		CALDWELL #2 (ID805020)	PANHANDLE CARSON	85.0	GETTY OIL CO
-	CANYON PLATEAU PARTNERSHIP				RECEIVED: 05/24/83	JA: TX		
8338228	F-7C-67059	4241300000	103	107-F	WIAON #2	SAWYER (CANYON)	180.0	INTRATEX GAS CO
-	CARTER EXPLORATION CO				RECEIVED: 05/24/83	JA: TX		
8338057	F-02-61531	4223900000	102-4	103	C S VANCE #1	CARMICHAEL (2720)	0.0	
8338151	F-7B-66089	4266900000	102-4	103	E J SPIEGELHAUER G U #3	VICTORIA NE (3040)	584.0	DELHI GAS PIPELIN
8338055	F-02-61102	4223900000	102-4	103	SAM POWELL #1	EL TORO SW (5250) FIE	0.0	
-	CARTEX PRODUCTION CORP				RECEIVED: 05/24/83	JA: TX		
8338291	F-10-67500	4206550957	103		BERNARD #2	PANHANDLE	36.0	NORTHERN NATURAL
-	CASCO ENERGY INC				RECEIVED: 05/24/83	JA: TX		
8338143	F-7B-65626	4222130711	102-4	103	PORTER GAS UNIT WELL #1	PORTER (MARBLE FALLS)	143.0	EMPIRE PIPELINE C
-	CHAMPLIN PETROLEUM COMPANY				RECEIVED: 05/24/83	JA: TX		
8338002	F-7C-62580	4265130588	102-2		A H DUFFY ESTATE "A" #6	WILDCAAT	300.0	NORTHERN NATURAL
8338173	F-08-66566	4263130862	102-4		COPE BODINE #1	CONGER SW (PENN)	79.0	NORTHERN NATURAL
8338174	F-08-66567	4263130936	102-4		D L GLASS #1	CONGER SW (PENN)	235.0	NORTHERN NATURAL
8338175	F-08-66568	4263130940	102-4		D L GLASS #2	CONGER SW (PENN)	62.0	NORTHERN NATURAL
8338176	F-08-66569	4263130944	102-4		D L GLASS #3	CONGER SW (PENN)	111.6	NORTHERN NATURAL
8338177	F-08-66570	4263131023	102-4		D L GLASS #4	CONGER SW (PENN)	280.0	NORTHERN NATURAL
8338185	F-08-66578	4263130894	102-4		I W TERRY #10	CONGER SW (PENN)	161.0	NORTHERN NATURAL
8338186	F-08-66580	4263130993	102-4		I W TERRY #11	CONGER SW (PENN)	188.0	NORTHERN NATURAL
8338187	F-08-66581	4263130994	102-4		I W TERRY #12	CONGER SW (PENN)	144.0	NORTHERN NATURAL
8338188	F-08-66582	4263131053	102-4		I W TERRY #13	CONGER SW (PENN)	243.0	NORTHERN NATURAL
8338178	F-08-66571	4263130774	102-4		I W TERRY #2	CONGER SW (PENN)	139.0	NORTHERN NATURAL
8338179	F-08-66572	4263130849	102-4		I W TERRY #3	CONGER SW (PENN)	205.0	NORTHERN NATURAL
8338180	F-08-66573	4263130859	102-4		I W TERRY #4	CONGER SW (PENN)	550.0	NORTHERN NATURAL
8338181	F-08-66574	4263130891	102-4		I W TERRY #6	CONGER SW (PENN)	222.0	NORTHERN NATURAL
8338182	F-08-66575	4263130879	102-4		I W TERRY #7	CONGER SW (PENN)	311.0	NORTHERN NATURAL
8338183	F-08-66576	4263130889	102-4		I W TERRY #8	CONGER SW (PENN)	194.0	NORTHERN NATURAL
8338184	F-08-66577	4263130893	102-4		I W TERRY #9	CONGER SW (PENN)	239.0	NORTHERN NATURAL
8338155	F-03-66208	4205130854	102-2		JOHN W SPRINGER #1	WILDCAAT	6.9	FERGUSON CROSSING
8338168	F-08-66561	4263130850	102-4		R L COPE #1	CONGER SW (PENN)	346.0	NORTHERN NATURAL
8338167	F-08-66560	4263130880	102-4		R L COPE #2	CONGER SW (PENN)	120.0	NORTHERN NATURAL
8338166	F-08-66559	4263130889	102-4		R L COPE #3	CONGER SW (PENN)	194.0	NORTHERN NATURAL
8338170	F-08-66563	4263130890	102-4		R L COPE #4	CONGER SW (PENN)	270.0	NORTHERN NATURAL
8338171	F-08-66564	4263131073	102-4		R L COPE #5	CONGER SW (PENN)	150.0	NORTHERN NATURAL
8338172	F-08-66565	4263131096	102-4		R L COPE #6	CONGER SW (PENN)	116.0	NORTHERN NATURAL
-	CIRCLE SEVEN PRODUCTION CO				RECEIVED: 05/24/83	JA: TX		
8338235	F-09-67131	4249732522	102-4		D C REWITT #1	TERESA (CONGLOMERATE)	0.0	NATURAL GAS PIPEL
-	CITIES SERVICE COMPANY				RECEIVED: 05/24/83	JA: TX		
8338133	F-08-65509	4237133988	102-2		HUDGINS "B" #1	HANZANITA (DEVONIAN)	109.0	
-	COASTAL OIL & GAS CORP				RECEIVED: 05/24/83	JA: TX		
8338189	F-04-66598	4250531629	103		J M GUTIERREZ "C" 4-C	CINCO DE MAYO (3070')	68.0	VALERO INTERSTATE
8338190	F-04-66608	4250531629	103		N GUTIERREZ "C" 4-T	CINCO DE MAYO (3400')	178.0	VALERO INTERSTATE
8338307	F-8A-67540	4216500000	103		50 HARRIS UNIT 4-3	HARRIS (GLORIETA)	18.0	PHILLIPS PETROLEU
8338281	F-8A-67476	4216532438	103		50 HARRIS UNIT 4-6	HARRIS (GLORIETA)	23.0	PHILLIPS PETROLEU
8338303	F-8A-67534	4216500000	103		50 HARRIS UNIT 6-13	HARRIS (GLORIETA)	44.0	PHILLIPS PETROLEU
8338304	F-8A-67536	4216500000	103		50 HARRIS UNIT 6-14	HARRIS (GLORIETA)	17.0	PHILLIPS PETROLEU
8338302	F-8A-67533	4216500000	103		50 HARRIS UNIT 6-15	HARRIS (GLORIETA)	15.0	PHILLIPS PETROLEU
-	CONCHO OPERATING CO				RECEIVED: 05/24/83	JA: TX		
8338236	F-7B-67341	4242933451	102-4		MCCLESKEY #1	MCCLESKEY (BOND)	300.0	MARREN PETROLEUM
-	CONOCO INC				RECEIVED: 05/24/83	JA: TX		
8338333	F-08-67579	4238931344	102-4	103	BELL "44" #15 (27756)	JESS BURNER (DELAWARE	10.3	EL PASO NATURAL G
8338329	F-08-67573	4238931301	102-4	103	BELL "44" #9 (27756)	JESS BURNER (DELAWARE	40.2	EL PASO NATURAL G
8338051	F-04-60327	4250531506	102-3		BHMT L E BRUNI #1	LAS OVEJAS (WILCOX 95	850.0	HOUSTON PIPELINE
8338059	F-10-61648	4206500000	108		BURNETT BA	WEST PANHANDLE	10.0	CITIES SERVICE GA
8338285	F-08-67480	4222732784	103		G O CHALK #24 (18986)	HOWARD-GLASSCOCK (LO	0.4	PHILLIPS PETROLEU
8338328	F-08-67572	4238931303	102-4		M E BELL "44" #10 (27756)	JESS BURNER (DELAWARE	876.0	EL PASO NATURAL G
8338327	F-08-67571	4238931317	102-4		M E BELL "44" #11 (27756)	JESS BURNER (DELAWARE	23.4	EL PASO NATURAL G
8338326	F-08-67570	4238931321	102-4		M E BELL "44" #12 (27756)	JESS BURNER (DELAWARE	62.4	EL PASO NATURAL G
8338332	F-08-67578	4238931341	102-4		M E BELL "44" #13 (27756)	JESS BURNER (DELAWARE	46.7	EL PASO NATURAL G
8338331	F-08-67577	4238931350	102-4		M E BELL "44" #14 (27756)	JESS BURNER (DELAWARE	65.7	EL PASO NATURAL G
8338330	F-08-67576	4238931361	102-4		M E BELL "44" #17 (27756)	JESS BURNER (DELAWARE	27.7	EL PASO NATURAL G
-	COSTA RESOURCES INC				RECEIVED: 05/24/83	JA: TX		
8338272	F-08-67449	4237100000	103		WILLIAMS "A" #2	ABELL (PERMIAN GENERA	5.4	INTRATEX GAS CO
-	CRB OIL & GAS INC				RECEIVED: 05/24/83	JA: TX		
8338102	F-01-63998	4250731785	102-4		LEE RANCH D041E	LEE RANCH (SERPENTINE	150.0	NORTHERN NATURAL
8338103	F-01-63999	4250731785	102-4		LEE RANCH D041F	LEE RANCH (ESCONDIDO)	75.0	NORTHERN NATURAL
-	CRUDE RESOURCES INC				RECEIVED: 05/24/83	JA: TX		
8338250	F-7B-67264	4208300000	103		KEMP #1	KEMP (FRY)	20.0	UNION TEXAS PETRO
-	D L BISHOP				RECEIVED: 05/24/83	JA: TX		
8338191	F-7C-66614	4210534027	103		NEGER UNIT #708	NEGER (SAM ANDRES)	1.0	J L DAVIS
-	DALECO RESOURCES				RECEIVED: 05/24/83	JA: TX		
8338153	F-03-66153	4205100000	102-2		MCHILLIAN #1	CLAY M E (EDWARDS LIM	0.0	CLAJON GAS CO
-	DELTA DRILLING CO				RECEIVED: 05/24/83	JA: TX		
8338006	F-06-62887	4242300000	102-4	103	JOHNSON-GEE #1	CHAPEL HILL (TRAVIS P	0.0	ETEXAS PRODUCERS
8338119	F-06-65132	4242300000	102-2	103	MUCKLERDY #1	SUNSHINE (RODESSA)	0.0	ETEXAS PRODUCERS
-	DONALD BIRGE				RECEIVED: 05/24/83	JA: TX		
8338208	F-09-66922	4207732811	103		F R SANDERS "A" #2A	JOY NE ELLENBERGER	0.0	FAGADAU ENERGY CO
-	EDWIN L & BERRY R COX				RECEIVED: 05/24/83	JA: TX		
8338101	F-04-65980	4247933448	102-4	107-TF	ELTA G GONZALEZ #2	AVIATORS M (12000)	500.0	
-	ENERGY-AGRI PRODUCTS INC				RECEIVED: 05/24/83	JA: TX		
8338347	F-10-67644	4206531389	103		PEELER #5 (ID8 04825)	PANHANDLE CARSON	70.0	GETTY OIL CO
8338346	F-10-67643	4206531312	103		PEELER #6 (ID8 04825)	PANHANDLE CARSON	70.0	GETTY OIL CO
-	ENXCO USA LTD				RECEIVED: 05/24/83	JA: TX		
8338262	F-7B-67419	4244733227	103		PARROT "A" #1	PARROTT-ATKINSON (CAN	92.0	HST GATHERING CO
-	ENSERCH EXPLORATION INC				RECEIVED: 05/24/83	JA: TX		
8338271	F-05-67447	4221300000	108		BEN HEARNE #3	OPELIKA	0.0	LONE STAR GAS CO
8338269	F-05-67445	4221300000	108		C W CORLEY #2	OPELIKA	17.0	LONE STAR GAS CO
8338061	F-06-61696	4220300000	103		M A DUNN UNIT 1 #5	MHELAN	545.0	TEXAS EASTERN GAS
8338270	F-05-67446	4221300000	108		BUCKLEMAN #1	OPELIKA	19.0	LONE STAR GAS CO
8338267	F-05-67443	4221300000	108		M A COX #1	OPELIKA	16.0	LONE STAR GAS CO
8338266	F-05-67442	4221300000	108		MAUD SANDERS #E-B	OPELIKA	20.0	LONE STAR GAS CO
8338268	F-05-67444	4228900000	108		T E HAYCROW UNIT 2 #2	RED HAWK	21.0	LONE STAR GAS CO
-	EXPANDO OIL CO				RECEIVED: 05/24/83	JA: TX		
8338209	F-02-66925	4239131535	103		WILDER #1	GRETA (L-5)	73.0	LONE STAR GAS CO
-	EXXON CORPORATION				RECEIVED: 05/24/83	JA: TX		
8338046	F-7C-58378	4210533474	103	107-TF	HENDERSON TRUST "B" #1	HOWARDS CREEK (CANYON	72.0	
8338035	F-7C-46266	4210533365	102-4		HENDERSON TRUST D #1	HOWARDS CREEK (PENN)	460.0	
8338166	F-06-66543	4236531494	103	107-TF	J J SEALEY (CFEC #329) #3	CARTHAGE (COTTON VALL	400.0	TEJAS GAS CORP
8338202	F-04-66887	4226130748	102-4		JOHN G KENEY JR "C" 22	MIFFLIN (I-30 E)	160.0	NATURAL GAS PIPEL



JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8338123	F-7C-65214	4243131252	103		LOU E JOHNSON ESTATE A/C 1 839	JAMESON (STRAWN)	8.0	
8338212	F-7C-66966	4243131272	103		LOU E JOHNSON ESTATE A/C 1 840	JAMESON (STRAWN)	10.0	
8338203	F-04-66888	4226130548	102-4		MRS S K EAST 109-F (ID PENDING)	RITA (7-F 13)	365.0	NATURAL GAS PIPEL
8338109	F-06-64612	4237930103	103		WEST YANTIS GAS UNIT 92 92	YANTIS SW (SMACKOVER)	730.0	LONE STAR GAS CO
-EZEKIEL ENERGY			RECEIVED:		05/24/83	JA: TX		
8338341	F-10-67610	4206551270	103		JUSTIN 01-2 (1D905264)	PANHANDLE CARSON	80.0	GETTY OIL CO
-FAGADAU ENERGY CORP			RECEIVED:		05/24/83	JA: TX		
8338245	F-09-67181	4207732682	103-4		WRIGHT HEIRS 01 RRC 0	BELLEVUE WEST (CADDO)	20.0	BLUEGROVE GASOLIN
-FAR ENERGY			RECEIVED:		05/24/83	JA: TX		
8338005	F-01-62082	4216300000	108-2		KEYSTONE RANCH 02	PEARSALL AUSTIN CHALK	0.6	
-FARGO EXPLORATION CO			RECEIVED:		05/24/83	JA: TX		
8338158	F-7B-6627	4208333294	102-4		DON RHONE 01	RHONE RANCM (MORRIS)	29.0	
-FGB ENERGY INC			RECEIVED:		05/24/83	JA: TX		
8338229	F-7B-67085	4225332401	103		CARSON 02	HORTON (CISCO SAND)	35.0	CONOCO INC
-FIREROCK CO			RECEIVED:		05/24/83	JA: TX		
8338049	F-7B-60033	4204933244	102-4		HEARN-SMITH 01	WILDCAAT	402.0	EL PASO HYDROCARB
-FLYNN ENERGY CORP			RECEIVED:		05/24/83	JA: TX		
8338100	F-02-63899	4229733250	102-4		HEWNING RANCH 67 03	MAXINE EAST (6900)	438.0	UNITED TEXAS TRAM
-FRAC INC			RECEIVED:		05/24/83	JA: TX		
8338246	F-08-67191	4200333132	103		UNIVERSITY 07 03	FUHRMAN MASCHO	1.8	PHILLIPS PETROLEU
-FRANK SHACKELFORD OIL PROPERTIES			RECEIVED:		05/24/83	JA: TX		
8338345	F-7C-67641	4238300000	103		BARA 01	CALVIN (DEAN)	56.9	PHILLIPS PETROLEU
-FRANKS PETROLEUM INC ETAL			RECEIVED:		05/24/83	JA: TX		
8338205	F-06-66902	4220331027	102-4		J E HEAD HEIRS 02	HARLETON NORTH EAST C	0.0	TEJAS GAS CORP
-FRED B BRUHM INC			RECEIVED:		05/24/83	JA: TX		
8338034	F-7B-61524	4208332057	102-2	103	MILLER RANCH 80 01	DAY RANCM (GARDNER)	279.7	STRIGINE GAS CO
-FRED M NEUMAN INC			RECEIVED:		05/24/83	JA: TX		
8338080	F-08-62547	4237100000	103		UNIVERSITY 3 A 02 025523	CARDINAL (QUEEN W)	36.0	NORTHERN NATURAL
-GENERAL OPERATING COMPANY			RECEIVED:		05/24/83	JA: TX		
8338074	F-09-62364	4207700000	102-4		CHILDRRESS 02	VASHTI NE (CADDO)	10.0	MID-STATE GAS COR
-GENERAL PRODUCTION CO INC			RECEIVED:		05/24/83	JA: TX		
8338218	F-03-67025	4205131807	102-2		EUGENE ARLEDGE A 01	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
8338219	F-03-67026	4205132061	102-2		ROBERT PLASEK 01	WILLARD (NAVARRO)	0.0	FERGUSON CROSSING
-GEOFFREY RESOURCES INC			RECEIVED:		05/24/83	JA: TX		
8338230	F-10-67087	4229531262	102-4		M P CHEW 02	DARDEN (MORROW UPPER)	55.0	PHILLIPS PETROLEU
-GETTY OIL COMPANY			RECEIVED:		05/24/83	JA: TX		
8338277	F-7C-67454	4238300000	108		C M MERCHANT "A" 02	CALVIN (DEAN)	7.2	EL PASO NATURAL G
8338157	F-05-66247	4216100000	102-4		FRANKLIN SCURLOCK "JM" 01	INGRAM TRINITY EDDGES	0.0	LONE STAR GAS CO
8338320	F-7B-67594	4235300000	108		LAKE TRAMMEL UNIT 033	NEST LAKE TRAMMEL (CA	0.7	EL PASO NATURAL G
8338319	F-7B-67593	4235300000	108		LAKE TRAMMEL UNIT 033	NEST LAKE TRAMMEL (CA	1.4	EL PASO NATURAL G
8338318	F-7B-67592	4235300000	108		NORTH NENA LUCIA UNIT 056	NENA LUCIA (STRAWN RE	1.5	EL PASO NATURAL G
8338317	F-7B-67591	4235300000	108		NORTH NENA LUCIA UNIT 058	NENA LUCIA (STRAWN RE	2.5	EL PASO NATURAL G
8338316	F-7B-67590	4235300000	108		NORTH NENA LUCIA UNIT 080	NENA LUCIA (STRAWN RE	2.5	EL PASO NATURAL G
8338315	F-7B-67549	4235300000	108		NORTH NENA LUCIA UNIT 082	NENA LUCIA (STRAWN RE	1.0	EL PASO NATURAL G
-GHR ENERGY CORP			RECEIVED:		05/24/83	JA: TX		
8338048	F-04-59378	4227932616	102-4	107-TF	LILIA BRUHI 03	LILIA (WILCOX)	400.0	VALERO TRANSMISSI
-GULF OIL CORPORATION			RECEIVED:		05/24/83	JA: TX		
8338141	F-08-65610	4213533745	103		GOLDSMITH C A 01359	GOLDSMITH (5600)	4.0	PHILLIPS PETROLEU
8338275	F-08-67452	4247510204	108		MUTCHINGS STOCK ASSN 0601	WARD-ESTES NORTH	1.0	CABOT CORP
8338276	F-08-67453	4247530597	108		MUTCHINGS STOCK ASSN 0971	WARD-ESTES NORTH	2.0	CABOT CORP
8338282	F-09-67477	4249732514	103		I G YATES WELL 021	BOONSVILLE (CADDO COM	28.5	NATURAL GAS PIPEL
8338310	F-08-67544	4249501302	108		KEYSTONE CATTLE CO 0149	KEYSTONE SOUTH	1.0	CABOT CORP
8338309	F-08-67543	4249501303	108		KEYSTONE CATTLE CO 0150	KEYSTONE SOUTH	1.0	CABOT CORP
8338308	F-08-67542	4249501352	108		KEYSTONE CATTLE CO 0203	KEYSTONE SOUTH	1.0	CABOT CORP
8338312	F-08-67546	4249501390	108		KEYSTONE CATTLE CO 0251	KEYSTONE SOUTH	1.0	CABOT CORP
8338311	F-08-67545	4249501031	108		KEYSTONE CATTLE CO 0252	KEYSTONE SOUTH	1.0	CABOT CORP
8338314	F-08-67548	4249531545	103		KEYSTONE CATTLE CO 0359	KEYSTONE (SAN ANDRES)	249.0	CABOT CORP
8338313	F-08-67547	4249501159	108		KEYSTONE CATTLE CO 079	KEYSTONE (DEVONIAN)	2.0	CABOT CORP
8338283	F-7C-67478	4210534288	103		STATE "MYP WELL 03	FARMER (SAN ANDRES)	20.0	J L DAVIS
8338273	F-08-67450	4210931355	108		TXL "MCT-A" 00	GERALDINE (FORD)	4.0	CONOCO INC
8338274	F-08-67451	4210931354	108		TXL "MCT-A" 07	GERALDINE (FORD)	4.0	CONOCO INC
-GUS EDWARDS CO			RECEIVED:		05/24/83	JA: TX		
8338337	F-03-67591	4247730390	108		FIVE STAR RANCH 01	GUDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8338336	F-03-67590	4247730405	108		LANDGRAF 01	SOMERVILLE SOUTH (GEO	0.0	CLAJON GAS CO
8338338	F-03-67592	4205131677	108-PB		PARRECE BERRY 01	GUDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-H L BROWN JR			RECEIVED:		05/24/83	JA: TX		
8338194	F-08-66731	4230130365	102-4		RED BLUFF 13-1 RRC 00A	RED BLUFF (WOLFCAMP)	8.1	
-HAMILTON BROTHERS OIL CO			RECEIVED:		05/24/83	JA: TX		
8338003	F-02-62626	4212331191	102-4		JOE G SYMA 01	FIFTEEN MILE CREEK FI	40.2	VALERO TRANSMISSI
-HANVEY PRODUCTION CO			RECEIVED:		05/24/83	JA: TX		
8338054	F-7B-60390	4213333933	103		CITY OF CISCO 01	KLEINER (LAKE SAND)	61.0	ODESSA NATURAL CO
8338053	F-7B-60339	4213333941	103		CITY OF CISCO 02	KLEINER (LAKE SAND)	123.0	ODESSA NATURAL CO
8338038	F-7B-53364	4213333538	103		J B BOGGS 01	KLEINER (LAKE SAND)	139.0	LONE STAR GAS CO
8338052	F-7B-60338	4213333895	103		WESLEY SMITH 01	KLEINER (LAKE SAND)	350.0	ODESSA NATURAL CO
-HNG OIL COMPANY			RECEIVED:		05/24/83	JA: TX		
8338079	F-04-62483	4250531042	102-4	103	BARTLEY-CUELLAR-STATE 01	LAS LOMAS (WILCOX 780	146.0	HOUSTON PIPE LINE
8338062	F-7C-61726	4243500000	103	107-TF	GALBREATH "67" 05	SAMYER (CANYON)	100.0	INTRATEX GAS CO
8338034	F-10-043140	4221100000	108-ER		LUCAS "9" 01	VIKING (MORROW UPPER)	35.8	MID-LOUISIANA GAS
8338078	F-04-62387	4250530996	102-4	103	M N ALEXANDER 01	LAS LOMAS (WILCOX 780	73.0	HOUSTON PIPE LINE
8338077	F-04-62386	4250530959	102-4	103	TERRELL BARTLEY ESTATE 01	LAS LOMAS (WILCOX 780	23.0	HOUSTON PIPE LINE
-INDIAN WELLS OIL CO			RECEIVED:		05/24/83	JA: TX		
8338306	F-7C-67538	4223532030	103		MCMANUS 37-2	PROBANDT (CANYON)	0.0	NORTHERN NATURAL
8338305	F-7C-67537	4223531964	103		ROCKER "B" 3-1	ROCKER "B" (CANYON)	0.0	NORTHERN NATURAL
-JAH INC			RECEIVED:		05/24/83	JA: TX		
8338136	F-02-65571	4246931948	102-4		C K MCCAN 03	MCCAN RANCH (5900)	165.0	UNITED GAS PIPELI
-JEM PETROLEUM CORP			RECEIVED:		05/24/83	JA: TX		
8338232	F-08-67109	4222732811	102-4		CUNDEY 01	MOORE (DESP FLN)	73.0	EL PASO HYDROCARB
-JOHN H YOUNG INC			RECEIVED:		05/24/83	JA: TX		
8338110	F-03-64674	4214931441	102-2		PALMER UNIT 01	GIDDINGS (EDWARDS) GAS	0.0	CLAJON GAS CO
-JONES CO			RECEIVED:		05/24/83	JA: TX		
8338161	F-03-67249	4241734796	102-4		SOUTH GREEN "0" 02	ROCKWELL E (CONGL)	180.0	DELHI GAS PIPELIN
-K-B EXPLORATION CO			RECEIVED:		05/24/83	JA: TX		
8338104	F-03-64056	4248132365	102-4		LAMIER FORGASON ET AL 02	NEST SPANISH CAMP FIE	400.0	ESPERANZA TRANSMI
-KATLACO DRILLING CO INC			RECEIVED:		05/24/83	JA: TX		
8338095	F-7B-61563	4213334100	103		GARL DORR "A" 01	KLEINER (LAKE SAND)	32.0	ODESSA NATURAL CO
8338050	F-7B-60184	4213333962	103		J B BOGGS "A" 01	KLEINER (LAKE SAND)	0.0	ODESSA NATURAL CO
-KILLAM & HURD LTD			RECEIVED:		05/24/83	JA: TX		
8338125	F-04-65262	4250531548	103		KILLAM MINERAL FEE 03-16	SOUTH DAVIS (THIES)	0.0	TENNESSEE GAS PIP
-LEGER PRODUCTION CO INC			RECEIVED:		05/24/83	JA: TX		
8338261	F-7B-67413	4235300000	102-2		LANCE SEARS 01 C 095849	GROUP WEST (CADDO)	100.0	LONE STAR GAS CO
-LEG ENERGY INC			RECEIVED:		05/24/83	JA: TX		
8338044	F-06-57337	4240131437	102-4		LEORA THIGPEN 01	M-RAY (MARBLE FALLS)	365.0	TEXAS UTILITIES F
-M-RAY DRILLING CO INC			RECEIVED:		05/24/83	JA: TX		
8338150	F-7B-66087	4242933558	102-4		FORBES 01	M-RAY (MARBLE FALLS)	106.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MARATHON OIL COMPANY					RECEIVED: 05/24/83 JA: TX			
8338041	F-84-59725	4226330882	103		MCLAURY W M #2-A	BOOMERANG SOUTH	10.0	SHW OIL CO
8338064	F-7C-61812	4238300000	103		UNIVERSITY - 3995 - #187	BIG LAKE	7.6	DORCHESTER GAS PR
8338063	F-7C-61811	4238300000	103		UNIVERSITY - 8560 - #188	BIG LAKE	7.6	DORCHESTER GAS PR
-MARSHALL EXPLORATION INC					RECEIVED: 05/24/83 JA: TX			
8338081	F-06-62573	4236531459	103		FROST LUMBER CO #1-L	BELLE BOWER (TRAVIS P	180.0	DELHI GAS PIPELIN
8338065	F-06-61818	4240131544	103		STONE #3	WILDCAT (TRAVIS PEAK)	210.0	HENDERSON-CLAY PR
-MAYCO OIL					RECEIVED: 05/24/83 JA: TX			
8338216	F-09-66977	4207732884	103		WYNN #1 23021	LEDA CONGLOMERATE	400.0	CITIES SERVICE GA
-MCZ INC					RECEIVED: 05/24/83 JA: TX			
8338260	F-03-67395	4204100000	102-2		ALLEN #1	BRYAN (MOODBINE)	164.0	FERGUSON BRAZOS C
-MERCURY EXPLORATION CO					RECEIVED: 05/24/83 JA: TX			
8338075	F-7B-62193	4244131970	102-4		FEMME ANTILLEY #4	JACKIE GRIMM (FRY LO)	20.0	VALERO TRANSMISSI
8338074	F-7B-62190	4244131587	102-4		HILDA MASHBURN #1	SHEP SM-FRY SAHJ MIDD	20.0	VALERO TRANSMISSI
8338069	F-7B-62182	4213334238	102-4		V P SIMPSON #1	HAWKEYE (ADAMS BRANCH)	20.0	SOUTHWESTERN GAS
8338070	F-7B-62183	4213334239	102-4		V P SIMPSON #2	HAWKEYE (ADAMS BRANCH)	20.0	SOUTHWESTERN GAS
8338071	F-7B-62184	4213334262	102-4		W P SIMPSON #3	HAWKEYE (ADAMS BRANCH)	20.0	SOUTHWESTERN GAS
8338072	F-7B-62185	4213334246	102-4		V P SIMPSON #4	HAWKEYE (ADAMS BRANCH)	20.0	SOUTHWESTERN GAS
8338073	F-7B-62186	4213334245	102-4		V P SIMPSON #5	HAWKEYE (ADAMS BRANCH)	20.0	SOUTHWESTERN GAS
-MITCHELL ENERGY CORPORATION					RECEIVED: 05/24/83 JA: TX			
8338047	F-7C-58620	4243532632	105	107-TF	ARCO-PHILLIPS 23 #2	ALDWELL MANCH (CANYON	825.0	VALERO TRANSMISSI
8338398	F-09-67648	4249732481	103		JOHN E SMITH #3 17354	MORRIS (CONSOLIDATED)	37.0	NATURAL GAS PIPEL
8338137	F-09-65574	4236732405	103		R W BRUMBLE #1	BOONVILLE (BEND CON)	270.2	NATURAL GAS PIPEL
-MOBIL PRDGO TEXAS & NEW MEXICO INC					RECEIVED: 05/24/83 JA: TX			
8338279	F-08-67473	4222733004	103		DOUTHIT B #12	HOWARD-GLASSCOCK GLO	0.4	PHILLIPS PETROLEU
8338280	F-08-67474	4222732987	103		O G CHALK #33	HOWARD-GLASSCOCK GLO	0.4	PHILLIPS PETROLEU
8338265	F-08-67439	4222732993	103		OHNEY-CHALK #39	HOWARD-GLASSCOCK GLO	0.4	PHILLIPS PETROLEU
-NATURAL RESOURCES CORP OF TX					RECEIVED: 05/24/83 JA: TX			
8338325	F-02-67565	4246931937	103		PICKERING & BUHLER #1	PLACEDO	0.0	TENNECO CHEMICALS
-NORKRIS PETROLEUM CO					RECEIVED: 05/24/83 JA: TX			
8338113	F-7B-64825	4209331077	102-4		NORKRIS-WILSON #1	STAG CREEK (MISS)	161.0	RAPADA ENERGY INC
-NORTH RIDGE CORP					RECEIVED: 05/24/83 JA: TX			
8338136	F-7B-65576	4213334626	102-4	103	R W DANLEY #1	RANGOER (BLACK LIME WE	0.0	PRISM ENTERPRISES
-NORTHBRIDGE OIL CO					RECEIVED: 05/24/83 JA: TX			
8338223	F-09-67034	4207732807	103		FLINN #1 22968	BUFFALO SPRINGS	146.0	CITIES SERVICE GA
-OMEGA MINERALS INC					RECEIVED: 05/24/83 JA: TX			
8338298	F-01-67492	4232300000	103		EMING HALSELL #110-1	SACATOSA	33.8	SACATOSA GATHERIN
8338287	F-01-67491	4232300000	103		EMING HALSELL #110-2	SACATOSA	33.8	SACATOSA GATHERIN
8338289	F-01-67493	4232300000	103		HALSELL #13-1	SACATOSA	33.8	SACATOSA GATHERIN
8338290	F-01-67494	4232300000	103		HALSELL #14-1	SACATOSA	33.8	SACATOSA GATHERIN
8338286	F-01-67490	4232300000	103		HALSELL #14-2	SACATOSA	33.8	SACATOSA GATHERIN
-OSORNE OIL CO					RECEIVED: 05/24/83 JA: TX			
8338129	F-01-65477	4232331754	102-4		00C-CHITTIM 114-1	CHITTIM	0.2	VALERO TRANSMISSI
8338130	F-01-65481	4232331752	102-4		00C-CHITTIM 116-1	CHITTIM	0.2	VALERO TRANSMISSI
8338132	F-01-65485	4232331753	102-4		00C-CHITTIM 131-1	CHITTIM E	0.2	VALERO TRANSMISSI
8338131	F-01-65484	4232331742	102-4		00C-CHITTIM 142-1	CHITTIM E	0.1	VALERO TRANSMISSI
-PANHANDLE RESOURCE CORP					RECEIVED: 05/24/83 JA: TX			
8338120	F-10-65149	4237500000	103		BIVINS PR #34-26	PANHANDLE (RED CAVE)	0.0	
-PANHANDLE PRODUCING COMPANY					RECEIVED: 05/24/83 JA: TX			
8338115	F-10-64895	4223300000	108		WHITTENBURG #1-A (060396)	WEST PANHANDLE	7.0	COLORADO INTERSTA
-PARKER & PARLEY INC					RECEIVED: 05/24/83 JA: TX			
8338161	F-08-66367	4232931124	103		FRANKLIN #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8338261	F-08-67155	4232931131	103		GOLLADAY "A" #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8338264	F-08-67154	4232931129	103		GOLLADAY "K" #1	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8338160	F-08-66346	4232931117	103		MURRAY "B" #2	SPRABERRY (TREND AREA	15.0	PHILLIPS PETROLEU
8338239	F-08-67153	4231752652	103		NAIL "E" #1	SPRABERRY (TREND AREA	15.0	ADDOBE OIL & GAS C
8338238	F-08-67152	4231752653	103		NAIL "E" #2	SPRABERRY (TREND AREA	15.0	ADDOBE OIL & GAS C
8338215	F-08-66973	4231700000	103		NAIL "F" #1	SPRABERRY (TREND AREA	15.0	ADDOBE OIL & GAS C
8338214	F-7C-67151	4238300000	103		UNIVERSITY #3	BLOCK 49 (2450)	0.0	J L DAVIS
8338237	F-7C-67151	4238300000	103		UNIVERSITY #4	BLOCK 49 (2450)	0.0	J L DAVIS
-PECANOSA OIL & CATTLE CO					RECEIVED: 05/24/83 JA: TX			
8338142	F-08-69619	4210332528	102-4		H D SELF #3	MCKEE (MID CLEARFORK)	10.9	EL PASO NATURAL G
-PENNZOIL PRODUCING COMPANY					RECEIVED: 05/24/83 JA: TX			
8338149	F-04-65988	4247933499	102-4		ELIA G GONZALEZ #1	GLEN S (MILCOX 9200")	584.0	
8338106	F-06-64417	4236531437	103	107-TF	SHARP UNIT NO 3	BETHANY EAST (COTTON	700.0	UNITED GAS PIPE L
-PHILLIPS PETROLEUM COMPANY					RECEIVED: 05/24/83 JA: TX			
8338040	F-08-54597	4213594182	108		GOLDSMITH ANDECTOR UNIT #1-07	GOLDSMITH (CLEARFORK)	24.0	EL PASO NATURAL G
8338278	F-10-67495	4235700000	108		ROGERS D #6	SHARE SE UPPER DES MO	0.0	PANHANDLE EASTERN
-POLK & PATTON INC					RECEIVED: 05/24/83 JA: TX			
8338107	F-01-64476	4217731383	102-2		ILEY #1	PEACH CREEK (AUSTIN C	0.0	SUNBURST ENERGIES
8338060	F-03-61661	4205100000	102-2		NORTH LAKE SOMERVILLE UNIT #1	UNKNOWN (PENDING TEST	0.0	CLAJON GAS CO
-PRECISION DRILLING CO INC					RECEIVED: 05/24/83 JA: TX			
8338225	F-7B-67052	4208332876	105		DUANCE C HOLT #3 07167	COLEMAN COUNTY REGULA	13.0	LONE STAR GAS CO
8338226	F-7B-67053	4208333011	103		H O NORRIS (E) #3-5 00917	COLEMAN COUNTY REGULA	3.0	LONE STAR GAS CO
8338211	F-7B-66956	4208332923	103		H O NORRIS (E) #6 RR 00917	COLEMAN COUNTY REGULA	9.0	LONE STAR GAS CO
8338227	F-7B-67054	4208332922	103		H O NORRIS (E) #7 00917	COLEMAN COUNTY REGULA	14.0	LONE STAR GAS CO
8338334	F-7B-67055	4208333421	103		MRS EULA P WEAVER "A" 15445 R R C	COLEMAN COUNTY REGULA	15.0	LONE STAR GAS CO
8338233	F-7B-67122	4208333575	103		MRS EULA P WEAVER "A" 15445	COLEMAN COUNTY REGULA	15.0	LONE STAR GAS CO
-QUINTANA PETROLEUM CORP					RECEIVED: 05/24/83 JA: TX			
8338118	F-02-65108	4239131588	103		CLEMENT HEARD #24	TOM OCONNOR (5900' SA	66.0	UNITED TEXAS TRAN
8338117	F-02-65107	4239131592	103		MRS FANNIE V M HEARD #102	TOM OCONNOR (5900' SA	75.0	UNITED TEXAS TRAN
-RAM PETROLEUM CORP					RECEIVED: 05/24/83 JA: TX			
8338108	F-08-64517	4237100000	103		KRAMER #2 JA: TX	ABELL W (CLEARFORK 39	0.3	INTRATEX GAS CO
-REATA OIL & GAS CORP					RECEIVED: 05/24/83 JA: TX			
8338140	F-03-65995	4231330404	102-4		MARY LOU CONWAY #1	MADISONVILLE W (GEORG	0.0	LONE STAR GAS CO
-REYNOLDS DRILLING CO INC					RECEIVED: 05/24/83 JA: TX			
8338121	F-06-65173	4236531348	103	107-TF	OLA CARTER ESTATE #1	CARTHAGE (COTTON VALL	0.0	UNITED GAS PIPE L
-RICHARD B BERRY					RECEIVED: 05/24/83 JA: TX			
8338263	F-7B-67431	4242933271	103		PRITCHARD #3	STEPHENS COUNTY REGUL	8.0	LONE STAR GAS CO
-RIDGE OIL CO					RECEIVED: 05/24/83 JA: TX			
8338165	F-7B-66536	4242933586	102-4		RUBY DAVIS (1036) #1	DAVIS (CADDO)	76.0	GREAT WESTERN GAS
-RINGTON PETROLEUM CORP					RECEIVED: 05/24/83 JA: TX			
8338154	F-02-65154	4239131603	102-4	103	M H MESSER JR #1	BONNIE VIEW SOUTH (53	38.0	LONE STAR GAS CO
-RIO BRAVO OIL CO INC					RECEIVED: 05/24/83 JA: TX			
8338343	F-03-67627	4215730964	102-4		R R SWANSON ET AL #3180	FOSTER FARMS NORTH (4	0.0	SEAGULL PIPELINE
-SAMEDAN OIL CORPORATION					RECEIVED: 05/24/83 JA: TX			
8338146	F-06-65877	4249900000	107-PE		MCDONNELL #1	YANTIS (SMACKOVER)	270.0	DELHI GAS PIPELIN
-SANCHEZ-OBRIEN OIL & GAS CORP					RECEIVED: 05/24/83 JA: TX			
8338124	F-02-65389	4229732322	102-4		DRYCK GAS UNIT 2 WELL #3-L	GEORGE WEST WEST (WIL	500.0	INTRASTATE GATHER
8338045	F-04-57665	4250531185	102-4	107-TF	3-D RANCHES LTD GAS UNIT 1	BLANCAS CREEK (MILCOX	500.0	TRANSCONTINENTAL
-SANTA FE-ANDOVER OIL CO					RECEIVED: 05/24/83 JA: TX			
8338112	F-08-64747	4210332467	102-4	103	A B CONNELL #29-1	JORDAN WEST (MOLFCAMP	28.0	PHILLIPS PETROLEU
8338111	F-08-64746	4210332474	102-4	103	CROSS "A" #1	JORDAN WEST (MOLFCAMP	0.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8338349	F-08-67649	4269900000	108		H W ADAMS #1	MATHIS EAST (FRIO 488	14.0	VAL GAS CO
-SANTA FE-WINDSOR PRODUCING CO			RECEIVED:	05/24/83	JA: TX			
8338217	F-01-66990	4217700000	102-2	103	CANNAN #1	GONZALES AUSTIN CHALK	109.5	VALERO TRANSMISSI
-SAXON OIL COMPANY			RECEIVED:	05/24/83	JA: TX			
8338128	F-8A-65476	4226300000	103		HAMLIN "A" #1	WALLACE RANCH NE (HOOD	0.0	
-SCANDRILL INC			RECEIVED:	05/24/83	JA: TX			
8338197	F-09-66788	4223734568	103		CULLERS "B" #5	BRYSON EAST	36.5	LONE STAR GAS CO
8338198	F-09-66789	4223734564	103		CULLERS "B" #5	BRYSON EAST	36.5	LONE STAR GAS CO
8338247	F-09-67247	4223734565	102-4		CULLERS "B" #5	BO ROCK (MARBLE FALLS	80.3	LONE STAR GAS CO
8338196	F-09-66784	4223734621	103		W L RICHARDS #6	BRYSON EAST	25.6	LONE STAR GAS CO
8338199	F-09-66790	4223734620	103		W L RICHARDS #7	BRYSON EAST	43.8	LONE STAR GAS CO
-SHANNON OIL & GAS INC			RECEIVED:	05/24/83	JA: TX			
8338037	F-03-53353	4232100000	102-4		KOUNTZE & COUCH #1-T	MARKHAM (FRIO 4924)	180.0	
-SHAR-ALAN OIL CO			RECEIVED:	05/24/83	JA: TX			
8338193	F-03-66675	4231330375	102-4		TILLIE COLEMAN #1	MADISONVILLE N E (GEO	0.0	LONE STAR GAS CO
-SHELL OIL CO			RECEIVED:	05/24/83	JA: TX			
8338093	F-04-63366	4221531248	107-DP		BRIT & SCHIFF HAMMAN GAS UNIT #5	MONTE CHRISTO (VICKSB	450.0	VALERO INTERSTATE
8338323	F-8A-67560	4250132310	103		DENVER UNIT #2736	WASSON	0.4	SHELL OIL CO
8338114	F-8A-64892	4250132296	103		DENVER UNIT #2837	WASSON	0.9	SHELL OIL CO
8338098	F-10-63660	4221131532	103		FEE -37- WELL #1 RRC #N/A	FELDMAN (TONKAWA)	61.7	
8338096	F-7C-63595	4210533895	103		MITCHELL -4- #1X	BROWN BASSETT CELLENB	3460.0	EL PASO NATURAL G
8338097	F-08-63659	4210534160	103		SOUTH CROSS UNIT #204 RRC #21736	CROSSETT S (DETRITAL)	511.0	SHELL OIL CO
-SHILLEAGH CORP			RECEIVED:	05/24/83	JA: TX			
8338253	F-7B-67283	4242932201	103		W YATES #20 RRC #18033	TULLOS DUFFER (4060)	27.0	LONE STAR GAS CO
-SMILE ENERGY INC			RECEIVED:	05/24/83	JA: TX			
8338284	F-7B-62971	4242933056	102-4		DUPONT #1 18897	RANGER NW (MARBLE FAL	35.0	LONE STAR GAS CO
-SMITH PETROLEUM CO			RECEIVED:	05/24/83	JA: TX			
8338085	F-03-62839	4218530317	102-4		SELECTED LANDS IN UNIT #3	IOLA SOUTH (SUBCLARKS	100.0	MARCOM ENERGY INC
-SOJOURNER DRILLING COMP			RECEIVED:	05/24/83	JA: TX			
8338088	F-7B-62972	4225332296	102-4		SOJOURNER "A" #3	FOUR WAY (FLIPPEN LIM	1.0	TEXAS UTILITIES F
8338087	F-7B-62971	4225332335	102-4		SOJOURNER "A" #3	FOUR WAY (FLIPPEN LIM	1.0	TEXAS UTILITIES F
8338090	F-7B-63040	4219131428	102-4		SOJOURNER "C" #1	ALKALI CREEK SW (FLIP	9.0	TEXAS UTILITIES F
-SOUTHLAND ROYALTY CO			RECEIVED:	05/24/83	JA: TX			
8338249	F-08-67282	4249502715	108		GAR-TEX # B5	KERMIT	4.3	CABOT COMP
-SPENCER PETROLEUM CO			RECEIVED:	05/24/83	JA: TX			
8338300	F-7B-67529	4208331553	103		P B BAKER #1 (14970)	NAYLOR (JENNINGS SAND	36.0	UNION TEXAS PETRO
-SPRINGFIELD OIL SERVICES INC			RECEIVED:	05/24/83	JA: TX			
8338127	F-09-65424	4207732799	102-2		EMMA SPIKES 2-A	WYNN (MISSISSIPPI LIM	140.0	LONE STAR GAS CO
-STAHL PETROLEUM CO			RECEIVED:	05/24/83	JA: TX			
8338296	F-10-67312	4217931197	103		OPEL BAILEY #1	EAST PANHANDLE	0.0	PHILLIPS PETROLEU
-STRAMB PETROLEUM CORP			RECEIVED:	05/24/83	JA: TX			
8338201	F-06-66871	4200131359	102-4	103	EXXON-ELROD #1	PURT WEST (RODESSA 10	55.0	ESPERANZA ENERGY
-SUE-ANN OIL & GAS CO			RECEIVED:	05/24/83	JA: TX			
8338146	F-03-65985	4208931338	103		HAYDEN #1-C 103880	CHESTERVILLE (CKFLD 6	365.0	GULFTIDE GAS CORP
-SUN EXPLORATION & PRODUCTION CO			RECEIVED:	05/24/83	JA: TX			
8338192	F-04-66112	4242731685	103		H L DEGARZA #2-L	SUN NORTH (7020 SAND)	35.0	
8338257	F-7B-67359	4242933501	103		J M WARD "C" NO 133	STEPHENS COUNTY REGUL	4.0	PETROLEUM CORP OF
8338043	F-09-56931	4249700000	108		LLOYD W HILL #1	BOONVILLE	19.0	LONE STAR GAS CO
8338146	F-04-65786	4235500000	102-4		LONDON-WARD UNIT #1	DOUGHTY SW (9985)	0.0	HOUSTON PIPELINE
8338089	F-8A-63031	4221933425	103		RAINS COUNTY SCHOOL LAND A/C 7 #53	LEVELLAND	0.4	CABOT CORP
-SUPERIOR OIL CO			RECEIVED:	05/24/83	JA: TX			
8338092	F-08-63081	4247532700	103		CAMSON STATE #2	COLLIE (DELAWARE)	0.0	INTRATEX GAS CO
-TAMARACK PETROLEUM CO INC			RECEIVED:	05/24/83	JA: TX			
8338192	F-7C-66669	4241331303	103	107-TF	OLSAK "105" (RRC#103984)	ELDORADO SOUTH (CANYO	256.0	NORTHERN NATURAL
-TAYLOR OPERATING COMPANY			RECEIVED:	05/24/83	JA: TX			
8338296	F-09-67521	4223700000	103		C B COX UNIT #1 (23002)	WOLFE N (CADDO UPRY)	25.6	LONE STAR GAS CO
8338297	F-09-67522	4223700000	102-4		HULLISTER-RITCHIE #1 (104067)	RITCHIE (STRAWH 6050)	547.5	LONE STAR GAS CO
-TENNECO OIL COMPANY			RECEIVED:	05/24/83	JA: TX			
8338033	F-8A-39294	4250131978	103		PRENTICE CLEARFORK UNIT #1109X	PRENTICE	8.4	AMOCO PRODUCTION
-TEPCO ENGINEERING INC			RECEIVED:	05/24/83	JA: TX			
8338195	F-02-66754	4229733238	102-4	103	D W GRANT WELL #1	GRANT RANCH (4430)	91.0	SOUTHERN GAS PIPE
-TEKON RESOURCES CORP			RECEIVED:	05/24/83	JA: TX			
8338259	F-7C-67373	4239932607	103		MCCORD J B B-5	BERNARD (GARDNER LOWE	109.5	EL PASO NATURAL G
-THE MAURICE L BROWN COMPANY			RECEIVED:	05/24/83	JA: TX			
8338340	F-06-67598	4220300000	108		MERCER HEIRS #1	BETHANY	6.0	UNITED GAS PIPE L
8338339	F-06-67597	4220300000	108		MERCER WOOLLEY #1	BETHANY	4.3	UNITED GAS PIPE L
-THOMAS C CANAN			RECEIVED:	05/24/83	JA: TX			
8338162	F-7B-66464	4213300000	103		RAYMOND WHITLEY #1	KLEINER (LAKE)	175.0	EL PASO HYDROCARB
-THOMPSON-MONTEITH			RECEIVED:	05/24/83	JA: TX			
8338264	F-08-67436	4232931121	103		WINDHAM 38 #2	PARKS (SPRABERRY)	20.1	MOBIL PROD TEXAS
-TRI-MOR PRODUCTION CO			RECEIVED:	05/24/83	JA: TX			
8338299	F-7B-67527	4242932754	103		DOSHIER #1 (094169)	BRECKENRIDGE SE (DUFF	1000.0	WARREN PETROLEUM
-TXO PRODUCTION CORP			RECEIVED:	05/24/83	JA: TX			
8338039	F-06-53637	4240131418	103	107-TF	MCALLISTER "A" #1	SHILOH (TRAVIS PEAK)	0.0	
8338086	F-05-62734	4229330512	102-4	107-RT	MORTON #1	OAKS (BOSSIER) - PROP	0.0	TEXAS UTILITIES F
8338042	F-04-56133	4250500000	103		VERGARA #7	LOS MOGOTES N KWILCOX	0.0	NATURAL GAS PIPEL
8338036	F-06-05269	4240131384	102-4	103	WILLIAMSON "B" #1	PINEHILL W (TRAVIS PE	0.0	DELHI GAS PIPELIN
8338091	F-05-63076	4216130759	102-4	107-TF	WILLIFORD "A" #2	N REED (COTTON VALLEY	0.0	DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF			RECEIVED:	05/24/83	JA: TX			
8338293	F-7C-67506	4243500000	108		GARRETT #1	LLANO (CANYON)	3.0	DELHI GAS PIPELIN
8338292	F-7C-67504	4246131477	103		UNIVERSITY "3-17" #1	BENEDUM (SPRABERRY)	3.5	PHILLIPS PETROLEU
-W C S PETROLEUM INC			RECEIVED:	05/24/83	JA: TX			
8338105	F-03-64171	4214931440	102-2		DOTSON #1	GIDDINGS (EDWARDS GAS	0.0	CLAJON GAS CO
8338145	F-03-65806	4205132364	102-2		PDE #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-W W EDWARDS JR			RECEIVED:	05/24/83	JA: TX			
8338255	F-10-67308	4223300000	108		WILLIAM #6	PANHANDLE HUTCHINSON	80.0	PANHANDLE PRODUCT
-WAGNER & BROWN			RECEIVED:	05/24/83	JA: TX			
8338200	F-10-66797	4221131539	102-4		GILL #1-59	LORA (GRANITE WASH)	54.8	HETAM TRANSMISSI
-WELLS-BATTELSTEIN OIL & GAS INC			RECEIVED:	05/24/83	JA: TX			
8338032	F-04-32689	4240900000	102-4		MAEDGEN & SON INC #1	MAEDGEN (4700')	800.0	UNITED GAS PIPE L
-WES-MOR DRILLING INC			RECEIVED:	05/24/83	JA: TX			
8338335	F-7B-67587	4242933551	103		WOK #1 RRC #104302	STEPHENS COUNTY REGUL	131.4	SUN GAS TRANSMISS
-WESTERN CHIEF OIL & GAS CO			RECEIVED:	05/24/83	JA: TX			
8338342	F-09-67618	4223734943	102-4		SWAN 120	TJM STRAMM	0.0	TEXAS UTILITIES F
-WHATLEY O B			RECEIVED:	05/24/83	JA: TX			
8338204	F-06-66901	4206700000	108		D R MAXCY #4 (04360)	RODESSA (DEES YOUNG)	17.6	BRECKENRIDGE GASO
8338206	F-06-66903	4206700000	108		GEORGE PARKER #1 (055904)	RODESSA (GLOYD NORTH)	7.2	BRECKENRIDGE GASO
8338207	F-06-66904	4206700000	108		W T COLLETTE #B-1 (05855)	RODESSA (DEES YOUNG)	23.0	BRECKENRIDGE GASO
-WILLIAM MOSS PROPERTIES INC			RECEIVED:	05/24/83	JA: TX			
8338224	F-08-67042	4231732645	103		BRISTOW #1	SPRABERRY/TREND AREA	21.9	
-WILLIAMS EXPLORATION COMPANY			RECEIVED:	05/24/83	JA: TX			
8338135	F-02-65557	4205700000	102-4		P W WELDER "B" #7L	KATIE WELDER (N-2)	122.0	FLORIDA GAS TRANS
-WILLIAMS OIL CO			RECEIVED:	05/24/83	JA: TX			
8338163	F-08-66480	4247532731	103		SEALY ESTATE #1	MAGNOLIA SEALY S (YAT	72.0	CABOT PIPELINE CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PRD	PURCHASER
-HOODSON GAS TR						RECEIVED: 05/24/83 JA: TX			
8338124	F-7B-65258	4244700000	108			MARY & LEE #1 04802	THROCKMORTON COUNTY R	14.0	LOME STAR GAS CO
-WORLDWIDE ENERGY CORPORATION						RECEIVED: 05/24/83 JA: TX			
8338116	F-04-64971	4213100000	102-4			W K HOFFMAN B-9	BIG AL	0.0	VALERO TRANSMISSI
-MY-VEL CORP						RECEIVED: 05/24/83 JA: TX			
8338324	F-10-67564	4217931312	103			KERSEY (05256) #2	PANHANDLE	0.4	GETTY OIL CO
8338344	F-10-67634	4206531299	103			MCDOY (05298) #1	PANHANDLE	0.1	GETTY OIL CO
***** UTAH DIVISION OF OIL, GAS, & MINING *****									
-GILLILAND & FIX						RECEIVED: 05/05/80 JA: UT			
8059224	K-113-2(1)	4301916263	108			MHYTE-STATE #2	CISCO	11.0	
-LEGG RESOURCES LTD						RECEIVED: 05/05/80 JA: UT			
8059225	K-113-2(2)	4301930410	108			JOYCE STATE #1	CISCO	36.5	NORTHWEST PIPELIN
***** NM DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE, NM *****									
-AMOCO PRODUCTION CO						RECEIVED: 05/02/83 JA: NM 4			
8338352	NM-0572-82	3003906296	108			LICARILLA CONTRACT 155 #8 (SRD)	SOUTH BLANCO - PICTUR	19.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY						RECEIVED: 05/02/83 JA: NM 4			
8338354	NM-1292-82	3004520283	108			RUDGE #29	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
-HNG OIL COMPANY						RECEIVED: 05/02/83 JA: NM 4			
8338353	NM-1132-82	3001500000	103			GOLDEN LANE #1# FED #1	WILDCAT ATOKA	730.0	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION						RECEIVED: 05/02/83 JA: NM 4			
8338351	NM-1043-82	3003922755	107-TF			SAN JUAN 30-3 UNIT #2	Basin DAKOTA	55.9	NORTHWEST PIPELIN
8338350	NM-1044-82	3004523614	108			SAN JUAN 32-7 UNIT 54	SOUTH LOS PINOS FRUIT	135.0	NORTHWEST PIPELIN

[FR Doc. 83-16372 Filed 6-17-83; 8:45 am]

BILLING CODE 6717-01-C



**Determinations By Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

Issued: June 14, 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 Capital St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203, and 275.204, file a protest with the Commission within fifteen days after publication of notice in the *Federal Register*.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

- Section 102-1: New OCS lease
- 102-2: New well (2.5 Mile rule)
- 102-3: New well (1000 Ft rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old OCS lease
- Section 107-DP: 15,000 feet or deeper
- 107-CB: 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.

NOTICE OF DETERMINATIONS

ISSUED JUNE 14, 1983

VOLUME 914

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
***** LOUISIANA OFFICE OF CONSERVATION *****									
***** ARABADO OIL & GAS CORPORATION RECEIVED: 05/24/83 JA: LA *****									
8338408	83-0392	1711321202		107-DP		STATE LEASE 7712 W3	SOUTH LAKE ARTHUR	854.2	COLUMBIA GAS TRAN
***** AMERADA HESS CORPORATION RECEIVED: 05/24/83 JA: LA *****									
8338422	83-0300	1705703702		108		C E GHEENS 865	BAYOU DES ALLEMANDS	18.8	TRANSCONTINENTAL
8338450	83-0301	1705720563		108		S L 348 B16 CRIST I 48 SUB	BAYOU DES ALLEMANDS	5.8	TRANSCONTINENTAL
***** ARAPAHO PETROLEUM INCORPORATED RECEIVED: 05/24/83 JA: LA *****									
8338440	83-0325	1701700000		108		CORA MOODS #1	RODESSA	10.0	BRECKENRIDGE GASO
8338439	83-0324	1701700000		108		CORA MOODS #2	RODESSA	6.0	BRECKENRIDGE GASO
8338442	83-0326	1701700000		108		J B FRENCH B-1	RODESSA	6.0	BRECKENRIDGE GASO
8338437	83-0322	1701700000		108		M K SMITH #1	RODESSA	11.0	BRECKENRIDGE GASO
8338438	83-0323	1701700000		108		RATCLIFF #2	RODESSA	4.0	BRECKENRIDGE GASO
***** ARKANSAS LOUISIANA GAS CO RECEIVED: 05/24/83 JA: LA *****									
8338391	83-0344	171123763		103		UNION POWER CO #21	MONROE	35.0	ARKANSAS LOUISIAN
8338392	83-0345	171123764		103		UNION POWER CO #22	MONROE	35.0	ARKANSAS LOUISIAN
8338393	83-0346	171123765		103		UNION POWER CO #23	MONROE	35.0	ARKANSAS LOUISIAN
8338371	83-0339	171123766		103		UNION POWER CO #24	MONROE	35.0	ARKANSAS LOUISIAN
8338387	83-0336	171123767		103		UNION POWER CO #25	MONROE	35.0	ARKANSAS LOUISIAN
8338388	83-0337	171123768		103		UNION POWER CO #26	MONROE	35.0	ARKANSAS LOUISIAN
***** BROWN JOEL B RECEIVED: 05/24/83 JA: LA *****									
8338426	83-0318	1701722308		108		BROWN-HOLT #4	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338457	83-0315	1701722312		108		CECIL BARLOW #1	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338466	83-0311	1701722320		108		DAVIS #1	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338467	83-0312	1701723302		108		G M HUCKABY #1	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338425	83-0317	1701723071		108		JOEL BROWN FEE #12	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338469	83-0314	1701722784		108		JOEL BROWN FEE #2	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338468	83-0313	1701722814		108		JOEL BROWN FEE #9	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
8338424	83-0316	1701722326		108		JOHN BARLOW #1	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
***** CRYSTAL OIL AND LAND COMPANY RECEIVED: 05/24/83 JA: LA *****									
8338367	83-0418	1701724274		103		107-TF DOMINICK "A" #1	WILDCAT	328.5	ARKANSAS LOUISIAN
***** ERGON INC RECEIVED: 05/24/83 JA: LA *****									
8338401	83-0413	171123799		103		107-TF BEE MOORE #1	MONROE	9.3	TEXAS GAS TRANSMI
8338405	83-0384	171123903		103		107-TF CURTIS MIKE #1	MONROE	8.4	TEXAS GAS TRANSMI
8338416	83-0435	171123481		103		107-TF HERBERT BEASLEY #1	MONROE	9.9	TEXAS GAS TRANSMI
8338414	83-0410	171123561		103		107-TF ID REEVES #1	MONROE	9.3	TEXAS GAS TRANSMI
8338433	83-0365	171123661		103		107-TF J E TAUNTON #2	MONROE	9.9	TEXAS GAS TRANSMI
8338406	83-0385	171123812		103		107-TF JACK COLEMAN #1 WUHH	MONROE	10.2	TEXAS GAS TRANSMI
8338415	83-0434	171122239		103		107-TF JAMELLE BRASHIER #1 VUL	MONROE	9.3	TEXAS GAS TRANSMI
8338402	83-0414	171123692		103		107-TF JOHNSTON ESTATE #3	MONROE	9.3	TEXAS GAS TRANSMI
8338357	83-0372	171123848		103		107-TF LINDALL FERGUSON #1	MONROE	9.3	TEXAS GAS TRANSMI
8338364	83-0382	171123484		103		107-TF MARY MILLER #2	MONROE	11.8	TEXAS GAS TRANSMI
8338362	83-0380	171123663		103		107-TF MCDERMOTT ESTATE #2	MONROE	10.9	TEXAS GAS TRANSMI
8338470	83-0366	171123273		103		107-TF MILLER-BURGESS #2	MONROE	6.8	TEXAS GAS TRANSMI
8338399	83-0411	171123672		103		107-TF N C REEVES #1	MONROE	9.3	TEXAS GAS TRANSMI
8338409	83-0419	171123579		103		107-TF SMELTZER ESTATE #1	MONROE	8.4	TEXAS GAS TRANSMI
8338418	83-0446	171123574		103		107-TF STEIN BAUGHMAN #1	MONROE	10.9	TEXAS GAS TRANSMI
8338400	83-0412	171123578		103		107-TF VELLE GENE COLEMAN #1	MONROE	9.3	TEXAS GAS TRANSMI

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8338420	83-0448	1711123687	103	107-TF	W A PATTERSON EST 01	MONROE	10.2	TEXAS GAS TRANSMI
-EXCALIBUR RESOURCES INC								
8338410	83-0420	1703121883	103	107-TF	SEIBERUCK 01 JL RA SU1	BEHSON	180.0	LOUISIANA INTRAST
-GETTY OIL COMPANY								
8338452	83-0303	1702700008	108		JOSEPH FLUCAS 01 HOSS SU K	ATHENS	18.0	ARKANSAS LOUISIAN
8338462	83-0307	1702700000	108		JOSEPH FLUCAS 01 HOSS SU K	ATHENS	18.0	ARKANSAS LOUISIAN
8338453	83-0306	1703100401	108		M L PYLE 01 PXY SU2	LOGANSPORT (PALUXY)	17.0	TENNESSEE GAS PIP
8338464	83-0309	1703100431	108		M T POWELL 01 PET SU 2	LOGANSPORT	16.0	TENNESSEE GAS PIP
8338441	83-0327	1703100850	108		THELMA WASH 02 WAL PXY SU D	LOGANSPORT	11.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION								
8338411	83-0395	1705721057	107-DP		S L PP 192 8290	TIMBALIER BAY	1350.0	TENNESSEE GAS PIP
-HADDOX PETROLEUM CORP								
8338389	83-0342	1711123285	108		MANVILLE 793 01	MONROE GAS ROCK	5.0	LOUISIANA POWER &
8338390	83-0343	1711123286	108		MANVILLE 793 02	MONROE	5.0	LOUISIANA POWER &
8338356	83-0371	1711123289	103	107-TF	MANVILLE 793 03	MONROE	18.3	WEST MONROE GAS G
8338355	83-0370	1711123290	103	107-TF	MANVILLE 793 04	MONROE	18.3	WEST MONROE GAS G
8338384	83-0369	1711123293	103	107-TF	MANVILLE 793 05	MONROE	18.3	WEST MONROE GAS G
-IMC EXPLORATION COMPANY								
8338369	83-0333	1711123876	103	108	FORD 01 6	MONROE	12.0	IMC PIPELINE CO I
8338378	83-0287	1711123795	103		FROST 01-279	MONROE	12.0	IMC PIPELINE CO I
8338375	83-0284	1711123709	103		LOVE 017	MONROE	21.0	IMC PIPELINE CO I
8338374	83-0283	1711123710	103		LOVE 018	MONROE	21.0	IMC PIPELINE CO I
8338379	83-0288	1711123736	103		OLIN MATHIESON 033	MONROE	16.0	IMC PIPELINE CO I
8338370	83-0334	1711123879	103	108	REPPOND 01-280	MONROE	19.0	IMC PIPELINE CO I
8338377	83-0327	1711123733	103		ROBERTSON 01-349	MONROE	16.0	IMC PIPELINE CO I
8338376	83-0285	1711123714	103		ROBERTSON 01-352	MONROE	16.0	IMC PIPELINE CO I
-LUFFEY GAS CORP								
8338456	83-0428	1711123607	103	107-TF	B W HAYES 01	MONROE	9.0	WEST MONROE GAS G
8338419	83-0447	1711123841	103	107-TF	BARKLEY SIMPSON 01 VUA	MONROE	8.2	WEST MONROE GAS G
8338457	83-0431	1711123642	103	107-TF	H EDWARDS 01 1	MONROE	9.0	WEST MONROE GAS G
8338445	83-0429	1711123600	103	107-TF	DORIS T AKIN 01	MONROE	9.1	WEST MONROE GAS G
8338432	83-0363	1711123789	103	107-TF	F L KENNEDY 01	MONROE	9.3	WEST MONROE GAS G
8338363	83-0381	1711123626	103	107-TF	H DAVIDSON 01	MONROE	8.5	WEST MONROE GAS G
8338446	83-0430	1711123643	103	107-TF	J P DAVIDSON 01	MONROE	8.0	WEST MONROE GAS G
8338431	83-0362	1711123670	103	107-TF	R NYEGAARD 01	MONROE	8.5	WEST MONROE GAS G
8338448	83-0367	1711123644	103	107-TF	RUTH D MADE 01	MONROE	9.2	WEST MONROE GAS G
8338434	83-0367	1711123792	103	107-TF	USA A-2	MONROE	9.1	WEST MONROE GAS G
8338449	83-0433	1711123677	103	107-TF	VIRGINIA ALLEN 01	MONROE	8.1	WEST MONROE GAS G
-MARATHON OIL COMPANY								
8338460	83-0297	1711900548	108		CVOC OHIO GLEASON 04 CVSU	COTTON VALLEY	3.0	UNITED GAS PIPE L
8338469	83-0296	1711901063	108		MAGNOLIA 1A COX 04 CVSU	COTTON VALLEY	3.0	UNITED GAS PIPE L
8338458	83-0299	1711901043	108		OHIO A H GRAY A/C 3 01 CVSU	COTTON VALLEY	3.0	UNITED GAS PIPE L
8338455	83-0294	1711901063	108		OHIO WARREN COX 02 CVSU	COTTON VALLEY	3.0	UNITED GAS PIPE L
-MARSHALL EXPLORATION INC								
8338383	83-0329	1703120506	108		COVINGTON 01 WAL PXY SUH	LOGANSPORT	11.0	TENNESSEE GAS PIP
8338451	83-0302	1703121533	108		HILL 01	BEHSON	18.0	SABINE-DESOTO PIP
8338454	83-0305	1703121491	108		HORN 016	BELLE BOWER	18.0	TENNESSEE GAS PIP
8338465	83-0310	1703121713	108		LANGFORD 01 U HOSS RA SUFF	BELLE BOWER	14.0	TENNESSEE GAS PIP
8338382	83-0328	1703121602	108		LOWREY 01 HOSS RA SUB	CANADIAN BAYOU	13.0	SOUTHERN NATURAL
8338395	83-0348	1703121366	108		LUCY HORN 01 LGR RA SUP	LOGANSPORT	23.0	TENNESSEE GAS PIP
8338394	83-0347	1711920327	108		WEBSTER-PACK 01 ROD RA SUA	SIBLEY	10.0	UNITED GAS PIPE L
-MCILHENRY-OWELL OPERATING CO								
8338428	83-0320	1703120836	108		FRANK MATTHEWS 02 - SERIAL 0160259	RED RIVER-BULL BAYOU	11.0	LOUISIANA INTRAST
-MID LOUISIANA GAS COMPANY								
8338372	83-0164	1711123858	103		MLGC FEE GAS 01193	MONROE GAS FIELD	24.5	MID LOUISIANA GAS
-MIDWAY PRODUCTION CO								
8338360	83-0378	1711123891	103	108	GRAYLING 010	MONROE	0.0	IMC PIPELINE CO I
8338361	83-0379	1711123905	103	108	GRAYLING 011	MONROE	0.0	IMC PIPELINE CO I
8338429	83-0356	1711123889	103	108	GRAYLING 08	MONROE	0.0	IMC PIPELINE CO I
8338430	83-0357	1711123890	103	108	GRAYLING 09	MONROE	0.0	IMC PIPELINE CO I
-PENNZOIL PRODUCING COMPANY								
8338397	83-0350	1711900000	108		EVANS - JOHNSON 01	SIBLEY	11.0	UNITED GAS PIPE L
8338385	83-0293	1702321852	107-DP		SL 2340 ROCKEFELLER 002	DEEP LAKE	1100.0	UNITED GAS PIPE L
-PHILLIPS PETROLEUM COMPANY								
8338461	83-0299	1703100838	108		MIMS 01 HSU F	SPIDER	11.0	SOUTHERN NATURAL
-PRIMOS PRODUCTION CO								
8338380	83-0292	1711123785	108		MD PAC R R CO 026	MONROE	4.3	IMC PIPELINE CO I
-PRIMOS-PENNZOIL JV								
8338381	83-0293	1706721355	103	108	GEORGIA PACIFIC C 019	MONROE	10.1	UNITED GAS PIPE L
-RELIANCE HOOTKINS								
8338423	83-0427	1711123904	103	107-TF	MHEELER 01	MONROE	0.0	TEXAS GAS TRANSMI
-RELIANCE TRUSTS								
8338417	83-0436	1711123895	103	107-TF	MANVILLE 02	MONROE	13.0	TEXAS GAS TRANSMI
8338471	83-0423	1711123898	103	107-TF	MANVILLE 03	MONROE	13.0	TEXAS GAS TRANSMI
8338444	83-0424	1711123899	103	107-TF	MANVILLE 04	MONROE	13.0	TEXAS GAS TRANSMI
8338472	83-0425	1711123901	103	107-TF	MANVILLE 06	MONROE	0.0	TEXAS GAS TRANSMI
-RISHER CO INC								
8338396	83-0349	1710700309	108		J M STANTON 04	CRIMEA	15.0	LOCUST RIDGE GAS
-SHADRACK PRODUCTION CO								
8338366	83-0417	1711123807	103	107-TF	EDWIN RAMSEY 02	MONROE	13.0	WEST MONROE GAS G
8338365	83-0416	1711123806	103	107-TF	L M HAYES 02	MONROE	13.0	WEST MONROE GAS G
8338403	83-0415	1711123800	103	107-TF	RUTH YAHNE 01	MONROE	13.0	WEST MONROE GAS G
8338435	83-0426	1711123907	103	107-TF	S T & S D KENNEDY	MONROE	0.0	WEST MONROE GAS G
-SUN EXPLORATION & PRODUCTION CO								
8338436	83-0321	1705701302	108		CYPRESS 07	CHACHAHOULA	21.0	LOUISIANA INTRAST
8338427	83-0319	1700101698	108		EGAN HAYES SU 038	EGAN	14.0	TRANSCONTINENTAL
8338443	83-0306	1703121420	108		H C REDING 01	GROGAN	13.0	TENNESSEE GAS PIP
8338463	83-0308	1700300000	108		HOUSTON-KINDER-EDWARDS 01 VUA	KINDER	17.0	TRANSCONTINENTAL
-SUPERIOR OIL CO								
8338386	83-0394	1710922598	107-DP		FRERREBONNE LD 0 DEV 11-8 04 VUB	FOUR ISLE DOME	1000.0	UNITED GAS PIPE L
-TENNECO OIL COMPANY								
8338407	83-0391	1710921366	107-DP		DENNIS CENAC 012	LAKE BARRE	365.0	
-TEXACO INC								
8338413	83-0399	1701722812	103		M V LUNN 01	CADDO PINE ISLAND	0.0	ARKANSAS LOUISIAN
-THE STONE OIL CORPORATION								
8338412	83-0396	1711320805	107-DP		EXXON FEE 09	LAC BLANC	912.9	TENNESSEE GAS PIP
-TWIN CITY GAS								
8338398	83-0359	1707321897	103	108	FIFE NO 1	MONROE	0.0	IMC PIPELINE CO I
8338358	83-0374	1707321953	103	108	MASSEY 03	MONROE	0.0	IMC PIPELINE CO I
8338359	83-0375	1707321941	103	108	SHYDER 01	MONROE	0.0	IMC PIPELINE CO I
-WIKING RESOURCES (LA)								
8338368	83-0421	1711123618	103	107-TF	MHEELER 01	MONROE	0.0	WEST MONROE GATHE
-WELLS-BATTELSTEIN OIL & GAS INC								
8338421	83-0450	1711123772	103	107-TF	G HEARN 02	MONROE	25.0	

JD NO	JA DKT	API NO	D SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8338404	83-0383	1711123847	103	107-TF	HEARN #4	MONROE	25.0	MEST MONROE GAS G
8338373	83-0256	1707321874	106		MYHRE #3	MONROE GAS	9.1	UNITED GAS PIPE L
OKLAHOMA CORPORATION COMMISSION								
-AMBA SADOR OIL CO								
8338536	21837	3513321846	103	RECEIVED:	05/24/83	JA: OK		
-AMOCO PRODUCTION CO								
8338479	21752	3507322601	103	RECEIVED:	05/24/83	JA: OK	365.0	WELLHEAD ENTERPRI
8338481	21757	3507322601	103	RECEIVED:	05/24/83	JA: OK	140.0	WARREN PETROLEUM
8338480	21756	3507322705	103	RECEIVED:	05/24/83	JA: OK	35.0	WARREN PETROLEUM
-AN-SON CORPORATION								
8338540	21847	3501721702	108	RECEIVED:	05/24/83	JA: OK	9.2	DELHI GAS PIPE LI
-ARCO OIL AND GAS COMPANY								
8338488	20262	3504722218	102-4	RECEIVED:	05/24/83	JA: OK	18.3	ARCO OIL & GAS CO
8338489	20263	3510321622	102-4	RECEIVED:	05/24/83	JA: OK	18.3	ARCO OIL & GAS CO
-B R POLK INC								
8338538	21838	3508322155	103	RECEIVED:	05/24/83	JA: OK	50.0	EASON OIL CO
-BEARD OIL COMPANY								
8338562	20895	3507323623	103	RECEIVED:	05/24/83	JA: OK	110.0	EXXON CO U S A
-BETA OIL & GAS DEVELOPMENT								
8338542	21892	3511123114	108	RECEIVED:	05/24/83	JA: OK	3.4	PHILLIPS PETROLEU
-BLUE QUAIL ENERGY INC								
8338547	21834	3510920647	103	RECEIVED:	05/24/83	JA: OK	0.0	CONOCO INC
-BROWN & BORELLI INC								
8338511	21217	3507323490	103	RECEIVED:	05/24/83	JA: OK	18.8	TRANSOK PIPE LINE
-D & B OIL & GAS CO INC								
8338543	21809	3500320871	103	RECEIVED:	05/24/83	JA: OK	15.0	UNION TEXAS PETRO
-DAVIS OIL COMPANY								
8338534	21785	3501722394	103	RECEIVED:	05/24/83	JA: OK	0.0	PHILLIPS PETROLEU
8338537	21784	3501722415	103	RECEIVED:	05/24/83	JA: OK	0.0	PHILLIPS PETROLEU
-E T S ENTERPRISES INC								
8338490	20267	3500920395	102-4	RECEIVED:	05/24/83	JA: OK	750.0	EL PASO NATURAL G
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8338567	21804	3515100000	108	RECEIVED:	05/24/83	JA: OK	15.0	PANHANDLE EASTERN
8338570	21808	3515100000	108	RECEIVED:	05/24/83	JA: OK	13.0	PANHANDLE EASTERN
8338569	21807	3515120511	108	RECEIVED:	05/24/83	JA: OK	8.0	PANHANDLE EASTERN
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8338545	21811	3508322168	103	RECEIVED:	05/24/83	JA: OK	0.0	CONOCO INC
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8338566	21803	3510321172	103	RECEIVED:	05/24/83	JA: OK	0.0	ARCO OIL & GAS CO
-FENSON MINING CO								
8338509	20560	3511122946	103	RECEIVED:	05/24/83	JA: OK	1000.0	SCHULTER
-FRAN-BART INC								
8338478	21749	3512322023	103	RECEIVED:	05/24/83	JA: OK	1.5	ARKANSAS LOUISIAN
-FRONTIER ENERGY RESOURCES INC								
8338521	19713	3503724100	102-2	RECEIVED:	05/24/83	JA: OK	54.8	ARCO OIL & GAS CO
-FRONTIER RESOURCES INC								
8338522	19714	3503723961	102-2	RECEIVED:	05/24/83	JA: OK	109.5	ARCO OIL & GAS CO
-FUNK EXPLORATION INC								
8338561	20465	3500722221	102-4	RECEIVED:	05/24/83	JA: OK	300.0	PANHANDLE EASTERN
-GARNER-DIARAJ INC								
8338477	21742	3513723006	103	RECEIVED:	05/24/83	JA: OK	0.0	GETTY CRUDE GATHE
-GEORGE RODMAN INC								
8338563	21706	3501922606	103	RECEIVED:	05/24/83	JA: OK	164.6	AMINOIL USA INC
-GILL JOHN K								
8338473	21605	3511124040	103	RECEIVED:	05/24/83	JA: OK	18.3	PHILLIPS PETROLEU
-GILL JOHN K								
8338476	21608	3511122509	103	RECEIVED:	05/24/83	JA: OK	36.5	PHILLIPS PETROLEU
8338474	21606	3511122617	103	RECEIVED:	05/24/83	JA: OK	36.5	PHILLIPS PETROLEU
8338475	21607	3511123511	103	RECEIVED:	05/24/83	JA: OK	22.0	PHILLIPS PETROLEU
-HOLD OIL CORP								
8338558	20109	3512120929	102-2	RECEIVED:	05/24/83	JA: OK	400.0	ARKANSAS LOUISIAN
8338559	20110	3506120319	102-2	RECEIVED:	05/24/83	JA: OK	400.0	ARKANSAS LOUISIAN
-JAMES Q MAGUIRE INC								
8338510	20700	3508121839	103	RECEIVED:	05/24/83	JA: OK	0.0	
-JORDAN & CALLAHAN								
8338523	19758	3513123104	102-2	RECEIVED:	05/24/83	JA: OK	1825.0	DIAMOND 'S' GAS S
-KN ENERGY INC								
8338539	21842	3513900000	106	RECEIVED:	05/24/83	JA: OK	9.0	CAMRICK GUYMON-HUGOT
-L & T OIL & GAS INC								
8338552	17173	3507323590	103	RECEIVED:	05/24/83	JA: OK	27.0	SOONER TREND
-LEAR PETROLEUM EXPLORATION INC								
8338560	20323	3501521346	102-2	RECEIVED:	05/24/83	JA: OK	700.0	EL PASO NATURAL G
-LOGOS OIL INC								
8338544	21810	3511121610	103	RECEIVED:	05/24/83	JA: OK	216.8	PHILLIPS PETROLEU
-M & A PETROLEUM INC								
8338553	19600	3508321218	102-2	RECEIVED:	05/24/83	JA: OK	730.0	BUCKEYE NATURAL G
8338554	19602	3508300000	102-2	RECEIVED:	05/24/83	JA: OK	657.0	BUCKEYE NATURAL G
-MARION CORPORATION								
8338524	19766	3514721801	102-2	RECEIVED:	05/24/83	JA: OK	0.4	CITIES SERVICE GA
8338525	19767	3514721832	102-2	RECEIVED:	05/24/83	JA: OK	0.3	CITIES SERVICE GA
-MARRS BROTHERS OIL CO								
8338546	21829	3503700000	103	RECEIVED:	05/24/83	JA: OK	1.0	PARKS ENERGY INVE
-MAY PETROLEUM INC								
8338595	19691	3501521168	102-3	RECEIVED:	05/24/83	JA: OK	182.5	
-MOBIL OIL CORP								
8338485	21821	3503722151	108	RECEIVED:	05/24/83	JA: OK	0.1	ARCO OIL & GAS CO
8338486	21822	3501900000	108	RECEIVED:	05/24/83	JA: OK	0.3	LONE STAR GAS CO
8338487	21823	3503700000	108	RECEIVED:	05/24/83	JA: OK	0.3	ARCO OIL & GAS CO
-NOVA ENERGY CORPORATION								
8338549	24323	3505121230	107-DP	RECEIVED:	05/24/83	JA: OK	0.0	CAJUN NATURAL GAS
-OFS-TULSA CORP								
8338551	21596	3504723139	103	RECEIVED:	05/24/83	JA: OK	500.0	EASON OIL CO
8338550	21595	3504723140	103	RECEIVED:	05/24/83	JA: OK	60.0	EASON OIL CO
-OUACHITA EXPLORATION INC								
8338527	21666	3505121331	103	RECEIVED:	05/24/83	JA: OK	20.0	TRANSOK PIPELINE
8338528	21667	3505121332	103	RECEIVED:	05/24/83	JA: OK	20.0	TRANSOK PIPELINE
-PHILLIPS OIL OPERATING CO								
8338526	21513	3500321003	103	RECEIVED:	05/24/83	JA: OK	54.8	UNION TEXAS PETRO
-PHILLIPS PETROLEUM COMPANY								
8338501	20146	3507322539	102-4	RECEIVED:	05/24/83	JA: OK	0.0	PANHANDLE EASTERN
8338495	20529	3507322903	102-4	RECEIVED:	05/24/83	JA: OK	0.0	ONG WESTERN INC

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8338494	20528	3501721681	102-4			BILLER A #1	WEST OKARCHE	0.0	
8338556	19710	3508520617	102-2			CARLILE "A" #1	STOCKTON	0.0	
8338491	20294	3501700000	102-4			CONNELLY TRUST A #1	WEST OKARCHE	0.0	ONG WESTERN INC
8338493	20527	3507370629	102-4			CUNNINGHAM C #1	NH OKARCHE	0.0	ONG WESTERN INC
8338500	20145	3507323417	102-4			GRELLNER A #1	W OKARCHE	0.0	ONG WESTERN INC
8338497	20652	3501721878	102-4			GRELLNER B #1		1.5	DWG WESTERN INC
8338505	20150	3501721447	102-4			HUFNAGEL A #1	NORTH CONCHO	0.0	DELHI GAS PIPELIN
8338504	20149	3501721497	102-4			HUFNAGEL B #1	NORTH CONCHO	0.0	PANHANDLE EASTERN
8338503	20148	3501721543	102-4			HUFNAGEL C #1	NORTH CONCHO	0.0	PANHANDLE EASTERN
8338502	20147	3501722313	102-4			HUFNAGEL D #1	WEST OKARCHE	0.0	
8338498	20653	3501721828	102-4			KROUTIL A #1	SOONER TREND	0.0	
8338507	20292	3501722044	102-4			MANSFIELD A #1	WEST OKARCHE	0.0	ONG WESTERN INC
8338499	20810	3501722123	102-4			MANSFIELD B #1	WEST OKARCHE	0.0	ONG WESTERN INC
8338508	20293	3501700000	102-4			MANSFIELD B #1	WEST OKARCHE	0.0	ONG WESTERN INC
8338492	20295	3507322662	102-4			ROHNER A #1	N CALUMET	0.0	
8338496	20651	3507370629	102-4			ROTT A #1	W OKARCHE	0.0	
8338506	20291	3501721751	102-4			SCHWEITZER A #1	WEST OKARCHE	0.0	
8338483	21781	3501721975	102-4			SHUTTEE A #1	MATONGA TREND	13.4	ONG WESTERN INC
-QUESTA OIL & GAS CO						RECEIVED: 05/24/83	JA: OK		
8338532	21743	3505320970	102-4			LEFORCE - FARMS 1-8	SAND CREEK	0.0	SUN EXPLORATION &
-RALPH E PLOTNER OIL & GAS INVEST						IM RECEIVED: 05/24/83	JA: OK		
8338517	21743	3501722222	103			PLOTNER - EVERY #1		274.0	PHILLIPS PETROLEU
8338519	21766	3501722450	103			PLOTNER - IRENE #1		22.8	PHILLIPS PETROLEU
8338514	21760	3507323517	103			PLOTNER - JARED #1		292.0	PHILLIPS PETROLEU
8338530	21767	3507323620	103			PLOTNER - KRITTENBRINK #1		127.8	PHILLIPS PETROLEU
8338531	21768	3507323586	103			PLOTNER - LEPLER #1		63.8	PHILLIPS PETROLEU
8338532	21769	3501722090	103			PLOTNER - PIATT #1		6.4	PHILLIPS PETROLEU
8338482	21759	3507323594	103			PLOTNER - POST #1		219.0	PHILLIPS PETROLEU
8338515	21761	3507323645	103			PLOTNER - SENN #1		27.4	PHILLIPS PETROLEU
8338516	21762	3507323632	103			PLOTNER - TRUST #1-4		0.1	PHILLIPS PETROLEU
8338518	21765	3507323479	103			PLOTNER-THERESA #1		9.1	PHILLIPS PETROLEU
-ROWE R W						RECEIVED: 05/24/83	JA: OK		
8338484	21782	3511122549	102-4			COX-HAYDEN #4	POLLYANNA	0.0	PHILLIPS PETROLEU
-SABINE PRODUCTION COMPANY						RECEIVED: 05/24/83	JA: OK		
8338564	21746	3501500000	102-4			MEYERS UNIT #1		0.0	TRANSOK PIPE LINE
-SAMSON RESOURCES COMPANY						RECEIVED: 05/24/83	JA: OK		
8338513	21747	3500722431	103			SCHUSTER #1-23	NORTHEAST HOLLAND	492.8	NORTHERN NATURAL
-SILVER LAKE EXPLORATION						RECEIVED: 05/24/83	JA: OK		
8338535	21836	3508121443	103			BRUDER #1	WILDCAT	0.0	SUN EXPLORATION &
-SUN EXPLORATION & PRODUCTION CO						RECEIVED: 05/24/83	JA: OK		
8338537	21839	3501121740	103			HINA NELSON #2	SQUAW CREEK	274.0	OKLAHOMA GAS & EL
-TENNECO OIL COMPANY						RECEIVED: 05/24/83	JA: OK		
8338548	24124	3509320504	107-PE			FISHER #2-11	RINGWOOD	150.0	TRANSOK PIPELINE
-TOMLINSON OIL CO INC						RECEIVED: 05/24/83	JA: OK		
8338520	19187	3500722186	103			DICKSON-SCOTT #1	MOCANE-LAVERNE	365.0	TRANSWESTERN PIPE
-TRIGG DRILLING COMPANY INC						RECEIVED: 05/24/83	JA: OK		
8338565	21780	3508720844	103			EDITH #2	WALNUT CREEK	150.0	LONE STAR GAS CO
-VULCAN OIL & GAS CORP						RECEIVED: 05/24/83	JA: OK		
8338557	19851	3511721054	103			SAVVY NO 10	UNKNOWN	36.5	H J D CATTLE CO
-WARD PETROLEUM CORP						RECEIVED: 05/24/83	JA: OK		
8338541	21849	3509322484	103			HOBLE #2	CHEYENNE VALLEY	182.5	AMINOIL USA INC
-WORLDWIDE ENERGY CORPORATION						RECEIVED: 05/24/83	JA: OK		
8338529	21709	3500700000	102-4			BROWN 1-32	DOMBEY	0.0	K N ENERGY INC

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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

**Note:** The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

**List of Public Laws**

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 17, 1983

