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Selected Subjects

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Presidential Documents

Title 3—

The President

Proclamation 5023 of February 16, 1983

Lithuanian Independence Day, 1983

By the President of the United States of America

A Proclamation

Sixty-five years ago a small nation achieved freedom in the aftermath of World War I. Proclaiming the Lithuanian Republic, its founders stepped forward on February 16, 1918, to assert their country's independence and commitment to a government based on justice, democracy, and the rights of the individual.

Twenty-two years later Soviet tyranny imposed itself on Lithuania and denied the Lithuanian people their just right of national self-determination. In the intervening years, the United States has refused to recognize the forcible incorporation of Lithuania into the Soviet Union.

An enduring belief in freedom for all people unites Americans everywhere. But we must be vigilant in the protection of our common ideal, for as long as freedom is denied others, it is not secure here.

We mark this anniversary of Lithuanian independence with a renewed hope that the blessings of liberty will be restored to Lithuania.

The Congress of the United States, by House Joint Resolution 60, has authorized and requested the President to proclaim February 16, 1983, as Lithuanian Independence Day.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 16, 1983, as Lithuanian Independence Day.

I invite the people of the United States to observe this day with appropriate ceremonies and deeds and to reaffirm their dedication to the ideals which unite us and inspire others.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of February, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 83-4439
Filed 2-17-83; 11:19 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 399; Lemon Reg. 398, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 20–26, 1983, and increases the quantity of lemons that may be shipped during the period February 13–19, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective February 20, 1983, and the amendment is effective for the period February 13–19, 1983.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on February 15, 1983, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons continues to be strong.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.699 is added as follows:

§ 910.699 Lemon Regulation 399.

The quantity of lemons grown in California and Arizona which may be handled during the period February 20, 1983 through February 26, 1983, is established at 235,000 cartons.

2. Section 910.698 Lemon Regulation 398 (48 FR 6316) is revised to read as follows:

§ 910.698 Lemon Regulation 398.

The quantity of lemons grown in California and Arizona which may be handled during the period February 13, 1983, through February 20, 1983, is established at 250,000 cartons.

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

Dated: February 17, 1983.

D. S. Kuryloski,

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

[FR Doc. 83–4452 Filed 2–17–83; 1:16 pm]

BILLING CODE 3410–02–M

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Under Secretary for International Affairs and Commodity Programs to reflect the establishment of an additional position of Deputy Under Secretary for International Affairs and Commodity Programs.

EFFECTIVE DATE: February 18, 1983

FOR FURTHER INFORMATION CONTACT: Robert Siegler, Deputy Assistant General Counsel, Office of the General Counsel, Department of Agriculture, Washington, D.C. (202) 447–6035.

SUPPLEMENTARY INFORMATION: This document amends the delegations of authority from the Under Secretary for International Affairs and Commodity Programs to reflect the establishment of a second position of Deputy Under Secretary for International Affairs and Commodity Programs. One Deputy Under Secretary will have primary responsibility for the international affairs area, and the other Deputy Under Secretary will have primary responsibility for the commodity programs area. During the absence or unavailability of the Under Secretary, the Deputy Under Secretaries shall perform the duties of the Under

Secretary in the order in which they have taken office as a Deputy Under Secretary.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause in found for making this rule effective less than 30 days after publication in the **Federal Register**.

Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, except as otherwise noted.

2. Section 2.63 is revised to read as follows:

§ 2.63 Deputy Under Secretaries for International Affairs and Commodity Programs.

(a) *Delegations.* Pursuant to § 2.21, subject to reservations in § 2.22 and subject to policy guidance and direction by the Under Secretary, the following delegations of authority are made to the Deputy Under Secretaries for International Affairs and Commodity Programs, to be exercised only during the absence or unavailability of the Under Secretary: Perform all the duties and exercise all the powers which are now or which may hereafter be delegated to the Under Secretary for International Affairs and Commodity Programs: *Provided,* That this authority shall be exercised by the respective Deputy Under Secretary in the order in which he or she has taken office as a Deputy Under Secretary.

Done this 10th day of February, 1983, at Washington, D.C.

John R. Block,

Secretary of Agriculture.

[FR Doc. 83-4237 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 397, Amdt. 2]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action further increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period February 6–12, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: The amendment is effective for the period February 6–12, 1983.

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California–Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Argicultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met by telephone on February 9, 1983, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is strong.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based, and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the amendment during the telephone meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 910

Marketing Agreements and Orders, California, Arizona, Lemons.

PART 910—[AMENDED]

Section 910.697 Lemon Regulation 397 (48 FR 5216) is revised to read as follows:

§ 910.697 Lemon Regulation 397.

The quantity of lemons grown in California and Arizona which may be handled during the period February 6, 1983, through February 12, 1983, is established at 250,000 cartons.

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

Dated: February 11, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 83-4240 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1922 and 1944

Appraisal of Single Family Residential Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) adds regulations regarding appraisal of single family residential property for Section 502 and 504 loan making and servicing

purposes. This action is being taken to provide FmHA field staff additional appraisal guidance in using appraisal principles and techniques to arrive at market value and to provide instructions in the completion of the new appraisal form developed in conjunction with the Department of a Housing and Urban Development and the Veterans Administration.

This action will result in more accurate estimates of real estate values by using updated appraisal techniques. This will insure that the FmHA loan will not exceed the value of the property securing the loan, thereby reducing the incidence of loss to the Government.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Don V. Mahaffey, Realty Specialist, Single Family Housing Servicing and property Management Division, USDA, FmHA, 14th Street and Independence Avenue, S.W., Room 5309 South Building, Washington, D.C. 20250, Telephone (202) 382–1452.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be exempt from those requirements because it involves only internal agency management related to appraisal of real estate serving as Agency security. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves only internal Agency management and publication for comment is unnecessary.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

This final action describes new form requirements for FmHA Single Family Housing appraisals. The adoption of the new forms will provide a more defendable format in which the appraisers will record data justifying their conclusions and final estimates of value.

The FmHA programs and projects which are affected by this regulation are not subject to state and local clearinghouse review in the manner delineated in Part 1901 Subpart H.

The Catalog of Federal Domestic Assistance Numbers for the Single Family Rural Housing Loan programs affected by this document are 10.410, "Low to Moderate Income Housing Loans," and 10.417, "Very Low-Income Housing Repair Loans and Grants."

List of Subjects in 7 CFR Part 1922

Loan programs—Housing and community development, Low and moderate income housing, Rural housing.

Accordingly, FmHA amends Chapter XVIII, Title 7, Code of Federal Regulations as follows:

PART 1922—APPRAISAL

1. Subpart C is added to read as follows:

Subpart C—Appraisal of Single Family Residential Property

Sec.

Subpart C—Appraisal of Single Family Residential Property

§ 1922.101 General.

This subpart prescribes the policies and procedure for appraisals in connection with making and servicing Single Family Rural Housing (RH) loans on fee simple owned nonfarm and small farm real properties, and on leaseholds on nonfarm and small farm real properties. Property will be appraised for market value. In no case will an appraisal be made without inspecting the property and, when applicable, reviewing all plans and specifications for proposed improvements to the site.

(a) *Employees authorized to appraise under this subpart.* Employees whose job descriptions contain appraisal responsibilities, after receiving the required training and written delegation from the State Director, are authorized to make appraisals. The employee's immediate supervisor will recommend the employee be designated to make appraisals after determining he or she has:

(1) Satisfactorily completed the exercises outlined in the Appraisal Manual, Exhibit A of this Subpart, (which is available in any FmHA office);

(2) Inspected at least two properties not previously used by FmHA for sales comparison and completed corresponding Forms FmHA 1922–12, "Nonfarm Tract Comparable Sales Data" for those comparables; and

(3) Satisfactorily prepared at least two appraisals on Forms FmHA 1922–8, "Residential Appraisal Report," and Form AP 1007, "Square Foot Appraisal Form."

(b) *Appraisal report.* An appraisal report is a supportable, defensible, written report as of a specific date by an appraiser setting forth an estimate of the value of a property, along with documentation supporting the value estimate. The basic principles and methods of appraising real estate outlined in this Subpart and Exhibit A to this Subpart (available in any FmHA office) will be followed in making appraisals. Use Form FmHA 1922–8, for all appraisals made under this Subpart. Attach a cost calculation sheet, Form AP 1007, to Form FmHA 1922–8 with at least one photograph of existing dwellings. The appraisal report will include market data on comparable sales of similar properties in the market data approach. Use three comparable sales if available. A cost calculation based on a residential cost handbook or building valuation manual approved by the National Office is required for all appraisals. Appraisals for loan making purposes will be made on an "as developed" basis. Appraisals for foreclosure, voluntary conveyance, partial release, recapture, etc., will be made on an "as is" basis. Appraisals made in connection with voluntary conveyance and foreclosure may also contain an additional "as developed" value documented in item 32 of Form FmHA 1922–8 if repairs are planned prior to or in connection with sale of the property. When an "as developed" value is documented in item 32 of Form FmHA 1922–8, a list of the repairs and estimated cost of the repairs must be included.

§ 1922.102 Definition of appraisal terms.

(a) *Depreciation.* A decline in market value of dwelling and related facilities from the time improvements were constructed to the time an appraisal is made. Depreciation may result from:

(1) Physical deterioration, such as wear and tear, etc., to a structure and

other site improvements that are subject to deterioration.

(2) Functional obsolescence, such as inadequacies or overadequacy due to size, design, style, age; changes in taste of the general public; the high cost of heating and cooling dwellings that cannot economically be made energy efficient, etc.

(3) Locational/Economic obsolescence is caused by forces external to the property; such as changes in use, or poorly maintained properties in the neighborhood, decline in area employment, noise or other pollution, a decline in the purchasing power of potential buyers, etc.

(b) *Economic life.* When applied to single family dwellings, the normal time a dwelling is expected to remain suitable as a residence, taking into consideration a normal depreciation rate. This may vary significantly from the remaining physical life of the structure. Economic life minus effective age equals remaining economic life.

(c) *Effective age.* The age of the dwelling taking into account any remodeling or refurbishment that has been accomplished or is planned to take place immediately and deterioration or abuse of the property that will not be included in any planned improvements. Effective age usually will be less than actual age when significant refurbishment has taken place, or greater than actual age if the property has deteriorated more than typical properties of the same age.

(d) *Final reconciliation/estimated value.* The final estimate of market value after weighing the relative significance, supportability, and reliability of the market data and cost approaches; the most probable price a property should bring, as of a specific date, in a competitive and open market, assuming the buyer and seller are prudent, knowledgeable and the price is not affected by undue stimulus such as forced sale or loan interest subsidy.

(e) *Reproduction cost.* The estimated cost of reproducing an exact duplicate or replica of a structure using the same materials, construction standards, quality of workmanship, layout, design, and incorporating all the deficiencies and superadequacies (functional obsolescence) of the subject structure. Reproduction cost less the sum of physical depreciation, functional and economic/locational obsolescence equals depreciated replacement cost.

(f) *Depreciated replacement cost.* The calculated cost of replacing a structure with a structure of equal utility that conforms to present day standards. Replacement cost may be significantly less than the cost of reproducing an older outdated structure or a new structure that is overbuilt or does not conform to current market standards.

(g) *Living area.* (1) For appraisal purposes, living area will include only finished area as determined by the exterior dimensions of the dwelling.

(2) For dwelling size eligibility determinations, living area is defined differently and is calculated as prescribed in § 1944.16, Subpart A of Part 1944, of this chapter.

(h) *Leased fee value.* This is the value of the landlord's rights to the property being leased.

(i) *Leasehold value.* This is the value of the tenant's rights under the lease that can be transferred or sold to another party.

(j) *Residential property.* The site and all improvements to the site, including the dwelling.

(k) *Cost calculation manual.* A manual or handbook published on a national basis, approved by the National Office, that is used to estimate the depreciated replacement cost of single family residential structures and other site improvements.

§ 1992.103 [Reserved]

§ 1922.104 Influences on value.

(a) *Factors to be considered.*—(1) *Location.* Location is one of the greatest influences on real property value. A location near railroads, commercial or industrial plants, landfills, cemeteries, airports, etc., or too distant from employment opportunities may adversely affect a residential property value, whereas a location in a quiet residential area near good employment, schools, shopping, public services, etc., may enhance property value.

(2) *Supply and demand.* If the market area has an oversupply of residential properties and/or building sites for sale or depressed economic conditions exist, a negative effect on property value will normally be observed. When the supply of residential properties or suitable building sites is short and/or the general economy is good, a positive effect on residential property values may be observed.

(3) *Replacement cost.* Cost does not directly create or maintain value, however, cost does have an influence on value and will be considered when estimating value of improvements to a site.

(4) *Highest and best use of the site.* The site and the improvements to the site will be valued separately. However, for loan making purposes, the value estimate of the site will not exceed its value as a residential site, based on market data on actual sales of similar residential sites in the area. For other than loan making purposes, when an alternate use of the site indicates a site value greater than the value of the improved site, the higher value will be used.

(5) *Accrued depreciation.* This is a combination of physical deterioration, functional and economic/locational obsolescence.

(6) *Use restrictions.* Easements, rights-of-ways, subdivision covenants, zoning, and deed restrictions, etc., affect value.

(7) *Utilities.* Availability, reliability, quality of utility service and cost to obtain suitable water supply, sewer, gas, electrical and other utility services affect value.

(8) *Taxes and assessments.* Tax rates and other public assessments as compared to rates in other similar neighborhoods in the market area affect value.

(9) *Homogeneity.* Similarities to other properties in the neighborhood; for example, a property overbuilt for the neighborhood or a new property in an older or deteriorating neighborhood may have a value less than its replacement cost.

(10) *Site.* Topography, size, shape, drainage, general suitability of the site and site view for residential purposes and site development in addition to the dwelling must be considered in estimating the value of the site.

(11) *Financing.* Terms, availability of funds, interest rates and cost of obtaining long-term loans, including but not limited to FmHA RH loans, have an influence on the value of property.

(12) *Construction.* Living area, room arrangement, garages, porches, built-in equipment, storage, parking facilities, basement, quality of construction, and "value in use" of certain energy efficient and/or solar items affect value. Exhibit A of Subpart B of Part 1922 of this chapter will be used when estimating value in use of any component described in § 1944.16(a)(4) of Subpart A, Part 1944 of this chapter.

(13) *Street improvements.* Street improvements adjacent to the property and the type of roads leading to the neighborhood affect value.

(b) *Factors not to be considered.* (1) Amount of existing liens or debts secured by the property; (2) Proposed sale price or bid amount to build the structure; (3) Amount of FmHA loan requested; (4) Sex, age, race, national origin, color, religion or handicap(s) of residents of the neighborhood or community; and

(5) Appraisals for voluntary conveyances and foreclosure will not reflect any consideration of a forced

sale, unpaid balance of FmHA loan(s), other liens against the property, or cost of acquisition.

§ 1922.105 Steps preliminary to writing the appraisal.

The appraisal will be made only when sufficient information has been developed to enable the appraiser to properly evaluate the property.

(a) *Basic information on property.* As a minimum, the property legal description, address, plat, subdivision and/or neighborhood map, tax information, recording information, and complete plans and specifications of any planned improvements should be obtained by the appraiser prior to beginning the appraisal.

(b) *Analysis information.* The appraisers will consider general economic conditions of the market area and obtain additional information which he or she considers pertinent to the appraisal. The appraiser should examine the community and the neighborhood before inspecting the site.

(1) *Community analysis.* The appraiser needs pertinent information about the history and growth of the community. The collection, analysis and interpretation of community data helps the appraiser to determine the relative competitive position of a property in the total market. A knowledge of how and why the community grew and an understanding of its economic trends enables the appraiser to better understand the factors influencing the value of real property. The community factors to consider include:

(i) Population—increase or decrease;

(ii) Geography i.e., topography, etc.;

(iii) Roads and public transportation service;

(iv) Employment wages and other income sources;

(v) Medical facilities;

(vi) Schools;

(vii) Volume of new construction;

(viii) Number of homes (new and old) being offered for sale in the market area;

(ix) Fire and police protection;

(x) Availability of suitable building sites;

(xi) Shopping facilities; and

(xii) Other financing available in the area.

(2) *Neighborhood analysis.* Neighborhoods are divisions or sections of a community or city which are usually homogeneous in some respect. Neighborhoods customarily pass four stages of life: building, static, declining, and rebuilding. In measuring the desirability of neighborhoods, features such as the number of unoccupied homes, age and condition of nearby properties, etc., should be studied and compared.

(3) *Site analysis.* The importance of location cannot be overemphasized. The location of a community, city, or neighborhood to available job opportunities, places of worship, schools, medical care, shopping, etc. is as important as the location of the property within its own neighborhood. Other factors to consider about the site are:

(i) Frontage;

(ii) Width;

(iii) Depth;

(iv) Shape;

(v) Total usable area;

(vi) Topography;

(vii) Hazards, such as being located in a flood plain, subject to localized flooding, etc.;

(viii) View from the site; and

(ix) Utilities available.

(c) *Inspection of the property.* An inspection of the site and all improvements to the site will be made at such time and under such conditions that the appraiser can adequately evaluate the entire property. In the case of planned improvements a thorough evaluation of the plans and specifications of the improvements to be made should be completed to determine if the improvements are suitable for the site and any existing improvements.

(1) The appraiser, after locating and identifying the property, must check boundary lines against the plat and legal description. This is essential in order to be certain the improvements to the site are totally on the site and do not encroach on adjoining property.

(2) When inspecting an existing structure, the appraiser will determine the condition of the structure, and estimate depreciation and cost to repair individual items he or she determines need repair or replacement in order for the structure to meet minimum property requirements and FmHA thermal standards. The appraiser will determine the total living area, storage, basement and parking area by actual measurements made during the inspection of an existing structure; for proposed construction, measurements will be made from the building plans.

(3) If the house is under construction or less than one year old and an individual water or sewage system is involved, include a certification by the builder that the house and any water and waste disposal systems have been or will be built or installed in accordance with the local building codes, plans and specifications. Evidence of approval by health authorities having jurisdiction in the area also will be included. If the house is one year or more old, the appraiser will require approval of individual water and/or sewage systems by health authorities or, in a case where no State or local health authority exists, by a person or firm qualified to determine the adequacy and safety of such systems.

(4) If the inspection reveals the property cannot economically be made suitable for the FmHA program, an appraisal will not be made except in connection with servicing existing FmHA security or inventory property.

(5) The date the real property is inspected will be the date placed in block 34 of Form FmHA 1922–8.

§ 1922.106 [Reserved]

§ 1922.107 Depreciation.

Adjustments to reproduction cost and the market data analysis that reflect a decrease in value of a structure or other improvements to the site due to physical deterioration and/or functional and economic obsolescence will be determined. Land and improvements to the site such as wells, etc., do not depreciate but may change in value.

(a) *Adjustments for depreciation.*—(1) *Physical deterioration.* Any deterioration to a structure or other improvement to a site which adversely affects the value of the property is physical depreciation. The residential cost calculation manual tables on depreciation and condition modifiers may be used as a guide in estimating physical depreciation of existing residences that have not been severely abused and have an effective age of 10 years or less. Since all parts of a structure are not expected to have the same life expectancy, it is necessary to determine the age, suitability and condition of certain major components of the existing structure. Physical depreciation estimates in structures with an effective age over 10 years will be made by estimating depreciation of the short-lived components of the property separately from the long-lived components of the property. The appraiser, as a minimum, will consider the heating and/or cooling system(s), roof covering, floor covering, and built-in or easily removable appliances as short-lived components and estimate depreciation based on the percent of total economic life which has passed since the component was installed. The appraiser will subtract the replacement cost new of these component items from the replacement cost new of the entire structure; then estimate the physical depreciation of the long lived items in accordance with the depreciation section of the residential cost

calculation manual and Exhibit A to this Subpart (available in any FmHA Office). The total of short-lived and long-lived depreciation equals total physical depreciation.

(2) *Functional obsolescence.* Any design or feature of a dwelling that is not acceptable to the typical buyer in the market area will be identified by the appraiser on the inspection visit to an existing dwelling or in the review of the plans and specifications of a dwelling to be built. All items affecting the livability and marketability of the property will be recorded in the appraisal report. The appraiser will measure the value difference in the subject property caused by functional obsolescence by comparing properties that have sold that do meet the livability and marketability demands of the typical purchaser. The appraiser must be familiar with the taste and desires of the typical purchaser in the market area in order to support the estimate of value loss due to functional obsolescence of a property. Exhibit A to this Subpart (available in any FmHA office) outlines the parts of a property and design items to consider when estimating functional obsolescence.

(3) *Economic obsolescence.* Any factor outside the property boundary that causes real property to be worth less because of its location is an economic obsolescence factor. The community, neighborhood and site analysis will form the basis for making this estimate. The actual dollar adjustment estimate for economic obsolescence will be based on a comparison of sales prices of similar properties in similar and nonsimilar locations. Exhibit A to this Subpart (available in any FmHA Office) explains market data extraction of economic obsolescence and sources of economic trend data.

(b) *Accrued depreciation.* The sum of physical depreciation, and functional and economic obsolescence equals accrued depreciation. Accrued depreciation will be entered on Line 29 of Form AP 1007 and will be documented on the reverse of Form AP 1007. Accrued depreciation will be reflected in the market data analysis of Form FmHA 1922–8.

§ 1922.108 Appraisal of leasehold estate.

Prior to making an appraisal for loan making purposes involving a leasehold, the appraiser must determine if the lease complies with the requirements of § 1944.15 (a)(5) of Subpart A of Part 1944, of this chapter. The value of the leased fee will not be estimated under this subpart.

(a) *Property as improved.* Estimate the market value of the property "as improved" as though the property was owned under a good and marketable fee title. Estimate the market value of the site on an "as is" basis as if no improvements exist or are to be made or placed on the site and subtract from "as improved" property value.

(b) *Rent.* Estimate the amount of rent that customarily is paid in the area for similar sites leased under similar terms.

(c) *Lease acquisition cost.* Where a lease acquisition cost is involved, determine the total annual leasehold cost of the site as if vacant. In making this determination, the appraiser will consider the amount of annual rent to be paid under the lease plus the annual loan payment required on the portion of the RH loan used to acquire the leasehold site. The sum of these should not exceed the amount an applicant would need to pay on a loan to buy a similar site with fee simple title.

Example: Present market value of the site as if owned with fee simple title is $5,000. Amortization factor for 33-year loan at 12% interest with monthly payments is .0102 per $1.00 of loan.

$5,000 × .0102 = $51/month.

$51 × 12 mos. = $612 (annual payment on the site if owned with fee simple title).

Lease acquisition cost is $2,000. Amount of annual rent is $300.

$2,000 × .0102 = $21/mo. (rounded up to nearest dollar).

$21 × 12 = $252 annual payment on leasehold acquisition fee.

$252 plus $300 (annual rent) equals an annual leasehold cost of $552.

Since the total annual cost of the leasehold interest in the site in this example is less than the annual payment would be on the site as if owned with fee simple title, the $2,000 lease acquisition fee would be reasonable. The lease acquisition "value" to be entered on Forms FmHA 1922–8 and AP 1007 would be adjusted downward if the total annual cost of the leasehold exceeded the annual cost of an identical fee simple owned site.

(d) *Security value of leasehold.* The maximum security value of a leasehold interest (recommended market value of leasehold) on Form FmHA 1922–8, including improvements to be made to the leasehold site, will not exceed the market value of the improved property less the "as is" value of the site as if owned with fee simple title, plus the market value of the leasehold site.

Example:

Market value of the property "as improved" as if owned with fee title	$40,000
Less market value fee title owned site "as is"	5,000
Market value of improvements	35,000
Acquisition cost of leasehold site (unimproved)	2,000
Maximum security value of leasehold property "as improved"	37,000

Complete Form FmHA 1922–8 with a full explanation as to how the value estimates were arrived at and what factors were considered in estimating the maximum security value for a loan being made on the leasehold.

§ 1922.109 Writing the appraisal.

In order to analyze and evaluate the influence of the value of a property by the factors outlined in this subpart and Exhibit A of this subpart (available in any FmHA office), the following steps, as a minimum, will be followed by the appraiser.

(a) *Comparable sales data approach.* Collecting, verifying and analyzing sales of comparable properties in the market area will provide a basis for completing the market data approach on the residential appraisal report (item 26 of Form FmHA 1922–8). Information on each comparable sale will be recorded on Form FmHA 1922–12, after inspecting the property. A photograph of the comparable sale should also be attached to Form 1922–12. Comparable sales less than one year old with nonsubsidized financing from lenders other than FmHA should be used in the market data analysis. When this type of comparable sales data is not available in the market area, the District Director may authorize limited use of comparable sales financed by FmHA after verifying that other comparable sales are not available and that the sales prices are in line with sales prices of similar properties within his or her District. Only "arms length" sales will be used. Market value of the site should be obtained by using comparable sales data for other building sites sold in the area. Dollar adjustments for differences in time, size and quality will be made first. All adjustments to comparables will be based on paired sales extraction, cost estimate and market surveys of value differences. The cost estimate and market survey methods of making adjustments to comparables will be used only when data extracted from paired sales cannot be obtained. Comparable sales closest to the subject are the most desirable and the best indicator of value, but if comparable sales in the immediate area are nonexistent, the distance may be increased to the nearest similar communities where comparable sales have occurred.

(b) *Cost approach.* A residential cost calculation manual approved by the National Office will be used in estimating the replacement cost of the dwelling and improvement to the site. The cost calculation will be made in accordance with instructions furnished in the handbook or manual and recorded

on a Form furnished by the cost manual supplier or Form AP 1007. The cost manual contains basic cost adjustment tables for different qualities of houses. The quality description which best describes the house being appraised will be used. Accrued depreciation will be estimated in accordance with Exhibit A (available in any FmHA office) and § 1922.107 of this Subpart. Lot or land value will be estimated and added to depreciated replacement cost of improvements.

§ 1922.110 Final reconciliation/estimated value.

(a) *Indicated value by the market data approach.* The appraiser will make an estimate of value by the market data approach after reviewing the similarity of each comparable sale to the subject. The final market data estimate of value (item 27A on Form FmHA 1922–8) will be tempered by the degree of similarity and reliance placed on each of the different comparable sales and will not be an average of the three indicated values.

(b) *Indicated value by cost approach.* The appraiser will enter the value indicated by the cost approach in item 27C of Form 1922–8.

(c) *Final reconciliation/estimated value.* The estimated market value in item 33 of Form FmHA 1922–8 will never exceed the higher of the values indicated by the market data approach or the cost approach and may exceed the lower of the two indicated values only when the appraiser includes justifying and supporting documentation in the appraisal report.

(d) *Valuation of buildings for insurance purposes.* The value of buildings for insurance purposes will be the amount indicated on Line 30, Form AP 1007.

§ 1922.111 Abbreviated appraisal and revising existing appraisals.

A complete new appraisal will be made for each property requiring an appraisal except:

(a) *Abbreviated appraisal.* An abbreviated appraisal may be made for property to be built when:

(1) The property being appraised is identical, except for minor differences, with a property appraised not more than 90 days prior to the date of the abbreviated appraisal and is located on an equally desirable site within the same subdivision. A copy of all appraisal documents from the first appraisal, "the master appraisal," will be attached to, and will become a part of Form FmHA 1922–8, for the abbreviated appraisal.

(2) All items on the abbreviated appraisal that differ from the property being appraised, such as property address, legal description, applicant's name and reconciliation/estimated value will be completed along with a narrative explanation of any adjustments made and any differences in final value estimate.

(b) *Revised appraisal.* An existing appraisal may be revised when an accurate estimate of present market value can be determined without making a complete new appraisal and the following conditions exist:

(1) The appraisal being revised is not more than 2 years old;

(2) Adequate narrative documentation is attached to support the revised estimate; and

(3) The appraisal being revised was made using Forms FmHA 1922–8 and AP 1007.

§§ 1922.112 through 1922.150 [Reserved]

(42 U.S.C. 1480 (j); 7 CFR 2.23; 7 CFR 2.70)

PART 1944—HOUSING

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1944.24 [Amended]

2. Section 1944.24 (c)(1), is amended by changing the reference from "FmHA Instruction 422.3 (available in any FmHA office)" to "Subpart C of Part 1922 of this chapter," in lines 7, 8 and 9.

§ 1944.45 [Amended]

3. Section 1944.45 (f) (3) (iii) is amended by changing the reference from "FmHA Instruction 422.3 (available in any FmHA office)," to "Subpart C of Part 1922 of this chapter."

Subpart D—Farm Labor Housing Loan and Grant Policies, Procedures and Authorizations

§ 1944.157 [Amended]

4. Section 1944.157 (a)(7)(iii) is amended by changing the reference from "FmHA Instruction 422.3 which is available in any FmHA office" to "Subpart C of Part 1922 of this chapter."

§ 1944.169 [Amended]

5. Section 1944.169 (a)(1)(ii) is amended by changing the reference from "FmHA office" to "Subpart C of Part 1922 of this chapter."

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1944.222 [Amended]

6. Section 1944.222 (a), is amended by changing the reference from "FmHA Instruction 422.3, available in any FmHA office" to "Subpart C of Part 1922 of this chapter," in lines 10 and 11.

(42 U.S.C. 1480 (j); 7 CFR 2.23; 7 CFR 2.70)

Dated: January 11, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-4274 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-07-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch. VII

Policy Statement; Truth in Lending; Enforcement Guidelines and Restitution Review Procedures

AGENCY: National Credit Union Administration (NCUA).

ACTION: Policy statement.

SUMMARY: The NCUA Board has made the following changes in its policies for implementation of the restitution provisions of the Truth in Lending Act: (1) Established procedures that will be followed in reviewing requests by Federal credit unions for relief from restitution: (2) delegated to the NCUA Regional Directors the authority to rule on such request; and (3) revised its guidelines concerning restitution by Federal credit unions for violations resulting from improper disclosure of credit insurance so that, to the extent permitted by law, restitution will not be required in cases where members were not misled by the violations.

EFFECTIVE DATE: February 18, 1983.

ADDRESS: National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert M. Fenner, Director, Department of Legal Services, at the above address or telephone (202) 357–1030.

SUPPLEMENTARY INFORMATION:

Policy Statement 83–1

Background

The Truth in Lending Act (Act) directs the Federal financial institution regulatory agencies, including NCUA, to require institutions under their jurisdiction to make restitution to consumers in certain cases for

understatement of the annual percentage rate or finance charge disclosed in connection with extensions of consumer credit.

Generally, pursuant to section 108(e) of the Act (15 U.S.C. ,1607(e)), restitution must be made if: (1) The undisclosure was willful or (2) the undisclosure exceeds certain tolerances and it either resulted from gross negligence or was part of a pattern of similar violations in the institution. In certain limited circumstances, the Act directs the agencies not to order restitution either because the violations are old beyond certain limits, or because they predate an earlier examination in which the violations were not noted, or because the amount of the adjustment is below $1. In certain other circumstances, described below, the Act provides the agencies with the discretion to waive or modify restitution. NCUA and the other financial regulatory agencies have adopted guidelines that explain the actions the agencies generally intend to take in certain of those situations in which the Act gives the agencies discretion. NCUA's guidelines were published at 45 FR 48712 (1980).

Purposes

The purposes of this policy statement are to: (1) Provide notice of a revision to NCUA's restitution guidelines concerning violations resulting from improper disclosure of credit disability and life insurance, (2) summarize for the benefit of Federal credit unions and other interested parties those circumstances in which NCUA may under the law exercise discretion to waive or modify restitution, (3) set out procedures to be followed by Federal credit unions that wish to request review of an initial recommendation by NCUA staff that restitution be considered, and (4) delegate to the NCUA Regional Directors the authority to rule on such requests subject to review in certain cases by the NCUA Board.

Revision To Enforcement Guidelines

The Act grants the enforcement agencies discretion in determining whether to require restitution for violations resulting from improper disclosure of the cost and optional nature of credit life and disability insurance, with respect to violations that occurred prior to April 1, 1982, and were nonwillful. Concerning this discretion, NCUA's enforcement guidelines as previously published provided that restitution would be required for failure to disclose the optional nature of the insurance. If the optional nature was disclosed, but either the cost was not disclosed or there was no signed insurance option, the guidelines provided that the credit union would be required to notify the member of the cost and optional nature and offer to cancel and return all premiums. Based on its experience in implementing those guidelines, NCUA has determined that they are unduly restrictive and that other factors, such as a low penetration rate of sale of such insurance, may provide evidence that member-borrowers understood the optional nature of the insurance. The previous guidelines with respect to credit life and disability insurance are therefore repealed. Restitution will not be required if the Federal credit union demonstrates, by penetration rate or other evidence, that it is unlikely that the credit union's members were misled by the violation. If such a demonstration can not be made, the credit union may be required to notify affected members and offer to cancel the insurance and return all premiums. (It should again be noted that this policy applies only to violations that occurred before April 1, 1982. The Act does not permit the agencies to exercise this type of discretion with respect to violations that have occurred on or after that date.)

Agency Discretion

In order to promote a better understanding of the circumstances in which it may be appropriate for NCUA to waive or modify restitution, the following is a summary of the discretion granted under the Act with reference to any relevant enforcement guidelines. With the exception of paragraph 5, discretion does not apply to willful violations. Otherwise, discretion is granted:

1. Where the understatement did not result either from a pattern of violations or from gross negligence;

2. Where the understatement resulted from improper disclosure of certain charges that would, if properly disclosed, be excludable from the finance charge, i.e., charges related to property and liability insurance (section 106(c) of the Act), fees for perfecting and releasing security interests (section 106(d)), and the cost and optional nature of credit life and disability insurance (section 106(b), limited by date of occurrence of the violation as explained above). The enforcement guidelines provide that restitution will not be required for violations involving sections 106 (c) and (d) of the Act. With respect to violations involving section 106(b), NCUA has revised its enforcement guidelines as described above;

3. Where either: (1) The finance charge or annual percentage rate was accurately disclosed, but the other disclosure was either omitted or 10% or less of the amount that should have been disclosed (e.g., slipped decimal) or (2) neither the finance charge nor annual percentage rate was disclosed. In these cases, the enforcement guidelines provide that no adjustment will be required, except that where no annual percentage rate was disclosed, the contract rate will be used or in its absence the member will not be required to pay an amount greater than the actual annual percentage rate subject to a limited tolerance;

4. Where NCUA determines that the understatement resulted from any unique circumstance involving a clearly technical and nonsubstantive disclosure violation which did not adversely affect information provided to the consumer; and

5. Where, in connection with loans consummated before April 1, 1980, restitution would have a significantly adverse effect upon the safety and soundness of the credit union. Also, in connection with loans consummated on or after April 1, 1980, restitution may be permitted in partial payments over an extended period where immediate full restitution would have such an effect.

Procedures and Delegation

In those instances where NCUA discovers, through an examination or otherwise, an apparent violation for which restitution may be appropriate, NCUA personnel will advise the Federal credit union of the apparent violation and recommend that the Act and enforcement guidelines be reviewed and that voluntary restitution be considered. (NCUA can *order* restitution only in accordance with cease and desist proceedings conducted pursuant to 12 U.S.C. 1786(e)(1).) In any case where a Federal credit union either disagrees with a factual determination of NCUA staff that reimbursable violations exist or believes that agency discretion, as described above, can and should be exercised to waive or modify restitution, the following procedures will be utilized.

1. The Federal credit union should submit a written request, along with supporting documentation, to the appropriate NCUA Regional Director for consideration.

2. The Regional Director will review the request and supporting documentation. Additional information or clarification will be solicited if appropriate. The Regional Director, under authority delegated by the NCUA Board, will make a decision and will

notify the Federal credit union of the decision and any requested action.

3. In any case where the Regional Director declines to exercise discretion granted under the Act to waive or modify restitution, the credit union may request a review of that decision by the NCUA Board.

By the National Credit Union Administration Board on February 9, 1983.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 83-4204 Filed 2-17-83; 8:45 am]

BILLING CODE 7535-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development

AGENCY: Small Business Administration.

ACTION: Notice of expiration of interim emergency regulation and reinstatement of prior rules.

SUMMARY: On August 17, 1982, at 47 FR 35754, SBA adopted as an interim measure an interim emergency regulation which established upon its publication in the **Federal Register**, a size standard for all present participants in the section 8(a) program based upon the concern's net worth and average net income after Federal income taxes for the preceding two years. The rule was effective only for a period of 180 days from date of publication.

The rule made eligible for continued participation in the section 8(a) program all otherwise qualified concerns which qualified under rules effective on that date and, those which did not as of the date of publication have net worth in excess of $4,000,000 and average net income of $1,000,000 after Federal income taxes for the preceding two years. If the net worth of a concern already participating in the program exceeded $4,000,000, or if the average net income for the preceding two years exceeds $1,000,000 during the period of the effectiveness of this rule, and the concern exceeded the size standard as described in 13 CFR 121.1–1(c)(1) and 13 CFR 121.3–8 on August 17, 1982, the concern was subject to termination proceedings to be conducted pursuant to section 8(a)(9) of the Small Business Act, 15 U.S.C. 637(a)(9), and 13 CFR 124.10, *et seq.*, and suspension of contractual support. The interim emergency rule did not change the SBA size regulation governing admission to the section 8(a) program.

Effective February 15, 1983, this interim emergency rule has lapsed. SBA hereby gives notice that 13 CFR.124.1–1(c)(1) and 13 CFR 121.3–8 will be applied from that date forward to determine the size of a concern for purposes of both eligibility for and continued participation in the section 8(a) program as they were prior to August 17, 1982.

DATE: This Notice is effective upon publication in the **Federal Register.** Address comments to: Robert L. Wright, Associate Administrator, Small Business Administration, 1441 L Street NW., Room 317, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Robert L. Wright, (202) 653–6407 (same address as above).

SUPPLEMENTARY INFORMATION: Litigation and administrative proceedings which were conducted in the Summer of 1982, required temporary alteration of the administration of the SBA's section 8(a) program. Under this program, SBA contracts with other agencies of the Federal Government for the performance of contracts for the procurement of goods and services and then enters into subcontracts with participants in the program for performance thereof. (See 15 U.S.C. 637(a) and generally 13 U.S.C. 124.1–1.) The litigation and administrative proceedings referred to above, taken as a whole, found that SBA does not have the administrative discretion to award section 8(a) subcontracts to participants in the program who have been found other than small in a proper size review which has been conducted by SBA.

SBA was compelled to adhere to the holdings of the litigation and administrative proceedings. In this regard, it was and is SBA's intention to suspend contract assistance to firms properly found to be other than small and not to ignore the holdings in these matters. However, to have done so in the Summer of 1982, in an abrupt and immediate manner, would have resulted in the immediate suspension of contractual assistance to a substantial number of participants in the 8(a) program.

This would have had a two-fold adverse affect upon the orderly function of the program which SBA found intolerable. First, it would have imposed economic hardship upon a significant number of participants in the program who had reasonable expectations that an adverse size determination by SBA would not result in immediate suspension of contractual assistance.

Secondly, an immediate suspension of contract assistance to the section 8(a) concerns which exceeded SBA's size standards also would have adversely affected the established procurement cycle of the procuring agencies for which the contracts are to be performed.

For the above reasons, SBA adopted as an interim measure the interim emergency regulation referred to above. This regulation established upon its publication in the **Federal Register**, a size standard for all present (as of August 17, 1982) participants in the section 8(a) program based upon the concern's net worth and average net income after Federal income taxes for the preceding two years. The rule was effective only for a period of 180 days from date of publication.

The interim emergency rule avoided the hardships which SBA foresaw as a result of immediate suspension of contractual assistance. However, as indicated immediately above, it has lapsed by its own terms. SBA is in the process now of revising certain of the regulations which govern the administration of the section 8(a) program. However, until that revision is completed and final regulations are issued governing the question of size as it applies to section 8(a) concerns, SBA's present regulations (which were also in effect on August 17, 1982), will govern that matter.

List of Subjects in 13 CFR Part 124

Administrative practice and procedure, Government procurement, minority businesses, Surety bonds, Technical assistance.

PART 124—[AMENDED]

Accordingly, notice is hereby given that 13 CFR 124.1–1(c)(1) as it existed on August 17, 1982, is reinstated upon the lapse of the interim emergency regulation which appeared at 47 FR 35754 on August 17, 1982, as follows:

§ 124.1–1 The section 8(a) program.

* * * * *

(c) * * *

(1) Small Business Concern. In order to be eligible to enter the section 8(a) program, an applicant concern must qualify as a small business concern as defined for purposes of Government procurement in § 121.3–8 of the SBA Rules and Regulations. The particular size standard to be applied shall be based on the principal activity of the applicant concern.

* * * * *

Dated: February 8, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-3706 Filed 2-17-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 82F-0288]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Hexadecyl 3,5-di-Tert-Butyl-4-Hydroxybenzoate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of hexadecyl 3,5-di-*tert*-butyl-4-hydroxybenzoate as a stabilizer in olefin polymers intended for use in contact with food. This action is based on a petition filed by the American Cyanamid Co.

DATES: Effective February 18, 1983; objections by March 21, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of October 1, 1982 (47 FR 43427), FDA announced that a food additive petition (FAP 2B3648) had been filed by the American Cyanamid Co., Wayne, NJ 07470, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of hexadecyl 3,5-di-*tert*-butyl-4-hydroxybenzoate as a light stabilizer at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 177.1520 (21 CFR 177.1520).

In the **Federal Register** of October 22, 1982 (47 FR 47005), FDA amended the food additive regulations to provide for the safe use of hexadecyl 3,5-di-*tert*-butyl-4-hydroxybenzoate as a stabilizer in polypropylene and certain polyethylene polymers complying with §177.1520, under conditions of use restricted to room temperature and below. This amendment extends the use of the stabilizer to all olefin polymers regulated under § 177.1520 and removes the temperature restriction.

FDA has evaluated data in the petition and other relevant material, and concludes that the proposed food additive use is safe and that § 178.2010 should be amended as set forth below. FDA is also making an editorial correction of the Chemical Abstracts Service Registry Number for the stabilizer in this final rule. Section 178.2010 lists stabilizers for polymers without regard to their mechanism of action. Accordingly, the compound need not be identified in the regulation as a "light" stabilizer, as it was referred to in the notice of filing.

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

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

List of Subjects in 21 CFR Part 178

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2010(b) by revising the item "Hexadecyl 3,5-di-*tert*-butyl-4-hydroxybenzoate," to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
Hexadecyl 3,5-di-*tert*-butyl-4-hydroxybenzoate (CAS Reg. No. 67845-93-6).	For use only at levels not to exceed 0.5 percent by weight of olefin polymers complying with § 177.1520 of this chapter.
* *	* * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 21, 1983 submit to the Dockets Management Branch (address above) written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in the brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date: This regulation shall become effective February 18, 1983.

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

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4193 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510 and 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for MAC-PAGE, Inc., providing for the manufacture of a 10-gram-per-pound tylosin premix. A 40-gram-per-pound premix is used to make the 10-gram-per-pound premix for use in the manufacture of complete feeds for swine, cattle, and chickens. In addition, the firm is added to the list of sponsors of approved NADA's.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary

Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: MAC-PAGE, Inc., 1600 S. Wilson Ave., Dunn, NC 28334, is the sponsor of NADA 131–957, submitted on its behalf by Elanco Products Co. This NADA provides for use of a premix containing 40-grams-per-pound of tylosin (as tylosin phosphate) to make a 10-gram-per-pound permix which is used to make complete feeds for swine, beef cattle, and chickens. The feed is used as in 21 CFR 558.625(f)(1) (i) through (vi). The basis of approval is discussed in the freedom of information (FOI) summary. The NADA is approved and the regulations are amended to reflect the approval.

In addition, the sponsor has not been previously added to the list of sponsors of approved NADA's in 21 CFR 510.600(c). The list is amended to add this sponsor.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting requirements.

21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
MAC-PAGE, Inc., 1600 S. Wilson Ave., Dunn, NC 28334	047427

(2) * * *

Drug labeler code	Firm name and address
047427	MAC-PAGE, Inc., 1600 S. Wilson Ave., Dunn, NC 28334.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(79) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(79) To 047427: 10 grams per pound: paragraph (f)(1)(i) through (vi) of this section.

* * * * *

Effective date: February 18, 1983.

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

Dated: February 9, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83–4191 Filed 2–17–83; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Fenprostalene Solution

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Syntex Agribusiness, Inc., providing for use of fenprostalene solution as an abortifacient (an agent that induces abortion) in pregnant feedlot heifers.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV–135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Syntex Agribusiness, Inc., 3401 Hillview Ave., Palo Alto, CA 94304, filed NADA 128–549 providing for subcutaneous use of Bovilene ™ (fenprostalene) solution as an abortifacient in pregnant feedlot heifers. Data and information from dose-response studies, controlled field studies, and toxicological safety studies demonstrated safe and effective use of the drug in cattle. In addition, use of the drug was evaluated for human safety related to food use of treated animals. The data show that residues of the drug are well below safe levels in all edible tissues within 24 hours after treatment. Therefore, establishment of a tolerance, preslaughter withdrawal period, and a regulatory method of analysis are not needed. The NADA is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human emvironment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (address above).

List of Subjects in 21 CFR Part 522

Animal drugs, Injectable.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is

amended by adding new § 522.914, to read as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 522.914 Fenprostalene solution.

(a) *Specifications.* Each milliliter of sterile solution contains 0.5 milligram of fenprostalene.

(b) *Sponsor.* See 000033 in § 510.600(c) of this chapter.

(c) *Special considerations.* Labeling shall bear the following statements: Women of childbearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution when handling this product. It is readily absorbed through the skin and may cause abortion and/or bronchiospasms. Accidental spillage on the skin should be washed off immediately with soap and water.

(d) *Conditions of use*—(1) *Amount.* 1 milligram (2 milliliters) subcutaneously per animal as single does.

(2) *Indications for use.* For feedlot heifers to induce abortion when pregnant 150 day or less.

(3) *Limitations.* Subcutaneous use only in cattle. Do not use in pregnant animals unless abortion is desired. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: February 18, 1983.

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

Dated February 9, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4192 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Bambermycins

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for the Feed Specialites Co. providing for use of 10 grams-per-pound bambermycins premixes to make 0.4 and 2 grams-per-pound bambermycins premixes which are used for making finished swine feeds used for increased rate of weight gain and improved feed efficiency in growing-finishing swine, and 2 grams-per-pound bambermycins premixes for making finished turkey feeds used for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: February 18, 1983.

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

SUPPLEMENTARY INFORMATION: Feed Specialties Co., 1877 NE. 58th Ave., Des Moines, IA 50313, is sponsor of NADA 132–448 providing for safe and effective use of 10 grams-per-pound bambermycins premixes to make 0.4 and 2 grams-per-pound bambermycins intermediate premixes. Both premixes are used to manufacture finished feed for growing-finishing swine for increased rate of weight gain and improved feed efficiency. The 2 grams-per-pound premix is also used to manufacture finished feed for growing turkeys for increased rate of weight gain and improved feed efficiency. The application was filed on behalf of Feed Specialties Co. by American Hoechst Corp., Animal Health Division.

Approval of this application is based on safety and effectiveness data contained in American Hoechst's approved NADA 44–759. American Hoechst has authorized use of the data in NADA 44–759 to support this application. The NADA is approved and the regulations are amended to reflect the approval.

Approval of this NADA does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this approval is equivalent to a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the parent NADA 44–759.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal feeds, Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.95 is amended by adding new paragraph (b)(4) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.95 Bambermycins.

* * * * *

(b) * * *

(4) Premix levels of 0.4 and 2 grams of bambermycins activity per pound for use as in paragraph (e)(2) of this section and 2 grams per pound for use as in paragraph (e)(3) of this section granted to 017274 in § 510.600(c).

* * * * *

Effective date: February 18, 1983.

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

Dated: February 9, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-4186 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Walnut Grove Products, Division of W. R. Grace & Co., providing for use of a 50-gram-per-pound lincomycin premix in manufacturing a 4-gram-per-pound lincomycin premix. The intermediate premix is subsequently used in swine feeds for treatment and/or control of dysentery.

EFFECTIVE DATE: February 18, 1983.

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

SUPPLEMENTARY INFORMATION: Walnut Grove Products, Division of W. R. Grace & Co., 201 Linn St., Atlantic, IA 50022, is sponsor of NADA 132-984 filed in its behalf by the Upjohn Co. The NADA provides for use of a 50-gram-per-pound lincomycin premix in manufacturing a 4-gram-per-pound lincomycin intermediate premix for subsequent incorporation into complete swine feeds. The feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). Based on the data and information submitted, the NADA is approved and the regulations are amended to reflect the approval.

Approval of this application is based on safety and effectiveness data contained in Upjohn's approved NADA 97-505. Upjohn has authorized use of the data in NADA 97-505 to support approval of this NADA. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk of exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II supplement which does not require reevaluation of the safety and effectiveness data in the original NADA.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine had determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment not an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by revising paragraph (b)(1), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) *Approvals.* (1) Premix level of 4 grams per pound has been granted to:

(i) 000009 for use as in paragraph (f)(1) and (3) of this section.

(ii) 034139 for use as in paragraph (f)(2) of this section.

* * * * *

Effective date: February 18, 1983.

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

Dated: February 9, 1983.

Lester M. Crawford,

Director Bureau of Veterinary Medicine.

[FR Doc. 83-4196 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 620

[Docket No. 78N-0425]

Typhoid Vaccine; Additional Standards

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to revise the additional standards for typhoid vaccine. These amendments will update the requirements for the vaccine concerning production, the U.S. Standard preparations, and the potency test.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, National Center for Drugs and Biologics (HFN-813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 17, 1979 (44 FR 41484), FDA proposed to amend Part 620 (21 CFR Part 620) of the biologics regulations to revise the additional standards for typhoid vaccine concerning production, U.S. Standard preparations, and potency test requirements. The revisions proposed in the July 17, 1979 document included the following:

(1) To ensure the antigenic integrity of the Strain Ty 2 of *Salmonella typhosa*, which is used in the manufacture of typhoid vaccine, FDA proposed to amend § 620.11 (21 CFR 620.11) to require that antigenic integrity be verified by the agglutination of living bacteria by a Ty 2 antiserum.

(2) To clarify the source of necessary reference materials, FDA proposed to amend § 620.12 (21 CFR 620.12) to require that the U.S. Standard Typhoid Vaccine and U.S. Opacity Standard be obtained from the Bureau of Biologics (now the Office of Biologics, National Center for Drugs and Biologics).

(3) Because FDA had found that the use of phosphate-buffered saline (PBS) in certain dilutions required in the potency test had not resulted in any detectable changes in the potency test, FDA proposed to amend § 620.13 (b)(1) and (c)(2) (21 CFR 620.13 (b)(1) and (c)(2)) to permit the use of PBS to dilute the vaccine, the challenge, and the virulence titrations of Strain Ty 2 of *Salmonella typhosa*.

(4) Based on statistical methods used in, and results derived from, typhoid vaccine potency tests performed by FDA, the agency proposed to amend § 620.13(e) to require that new statistical methods be used to determine the validity of the potency test. For consistency, FDA proposed to amend § 620.13(g) to eliminate the requirement that the standard deviation be used as the basis for calculating the ED_{50} of each lot of typhoid vaccine.

(5) Based on test data accumulated and analyzed by FDA, the agency determined that existing § 620.13(e)(6) should be amended to change the maximum challenge dose of typhoid bacteria from 10 to 20 colony-forming units per LD_{50}. This change, as found in § 620.13(e)(7) of the proposed amendments, would decrease the frequency of repeat tests that may be necessary to meet the criteria for test validity.

(6) Consistent with the changes proposed in § 620.13(e) and due to the statistical significance of biological variations encountered in typhoid vaccine potency testing, FDA proposed to amend § 620.13(f) to prescribe conditions for repeat potency tests and to require that the results of not more than four valid tests be used for determining that typhoid vaccine meets the potency requirements.

(7) Because the potency test is of such a variable nature that it necessitates at least two separate assays of the required potency test on each lot of typhoid vaccine, FDA proposed to amend § 620.13(h) to require the submission of the results of at least two separate potency tests, and to prescribe potency requirements based on the results of at least two, but no more than four, tests. From the statistical data

accumulated and analyzed in the potency testing of lots of typhoid vaccine. FDA also proposed new minimum values based on the number of tests performed, for the geometric mean relative potency for each lot.

The vaccine is used in the United States for immunization against typhoid disease of persons who have come into contact with a known typhoid carrier, persons who plan to travel to an area where typhoid fever is endemic, or if there is an outbreak of typhoid fever in the community. Interested persons were given until September 17, 1979, to submit comments on this proposal, and two comments were received. A summary of the comments, FDA's responses, and a description of FDA's editorial revisions intended to clarify the regulations follow:

1. FDA proposed in § 620.11(a)(2) (21 CFR 620.11(a)(2)) that the antigenic integrity of the Ty 2 strain of *Salmonella typhosa* be verified by the agglutination of living bacteria by Ty 2 antiserum. FDA now believes that this section should be amended to permit a manufacturer to identify the organism by an appropriate serological procedure, rather than to restrict the manufacturer to an agglutination procedure. Accordingly, in the final rule § 620.11(a)(2) is amended to read, "The antigenic integrity of the Ty 2 strain shall be verified by an appropriate serological procedure." In addition, in accordance with current bacteriological nomenclature, §§ 620.10, 620.11 (a)(1), (b), (c)(2), and 620.13(c)(1) (21 CFR 620.10, 620.11 (a)(1), (b), (c)(2), and 620.13(c)(1)) are amended in the final rule by changing the species designation "typhosa" to "typhi."

2. One comment on proposed § 620.13 recommended that because of the variability of test results, the potency test for typhoid vaccine should not be continued as a required test. Rather, the product should be controlled by the manufacturing procedure, as recommended by the World Health Organization (WHO). The comment recommened, alternatively, that if the potency test is continued as a requirement, the results of the potency test be calculated by the Wilson-Worcester statistical procedure on the basis of a three-dose response, using 32 mice per test. The comment submitted data in support of the recommended change.

FDA disagrees with the comment. FDA believes that the potency test should not be discontinued because it is still needed. A mouse potency test has been required since typhoid vaccine was first licensed and has been included in the additional standards for typhoid vaccine since those standards were issued in the **Federal Register** of June 4, 1969 (34 FR 8914). The 1967 WHO recommendations for typhoid vaccine, developed by an expert committee on biological standardization, stated that "until a potency test of proven significance has been developed, no specific requirements can be formulated" (WHO Technical Report Series No. 361). Although FDA cannot predict what a WHO expert committee would now recommend regarding a potency test for typhoid vaccine, the agency believes that the additional standards for potency test requirements as amended in this rule will better assure the production of a high quality typhoid vaccine than do the 1967 WHO recommendations.

FDA has reviewed the Wilson-Worcester procedure and finds that it is not a valid statistical procedure for establishing the potency value of a test vaccine compared to the standard vaccine. This method does not take into consideration the variability of the test vaccine for testing the parallelism, nor does it calculate parallel lines after testing parallelism. It should be noted that § 620.13(e)(5) is not intended to preclude the use of different methods for calculating the ED_{50} values (the dose of the standard or test vaccine that produces its effects in 50 percent of the mice), provided that the methods are statistically equivalent to a parallel line bioassay method. Accordingly, in the final rule § 620.13(e)(5) is clarified by providing that the results of all dilutions shall be used to calculate the ED_{50} value of both the standard and test vaccine by a parallel line bioassay method or a statistically equivalent method.

In response to the recommendation in the comment that FDA require the use of 32 mice per test, FDA notes that the regulation does not set any upper limits on the number of mice used for testing each of at least 4 dilutions of each vaccine. FDA is further clarifying § 620.13 in paragraph (a) to specify that at least 16 mice shall be used for testing each dilution of each vaccine, and that for each test of a dilution no less than 10 mice shall be used for control testing purposes. FDA believes that these numbers of mice are adequate for the required testing.

3. One comment on proposed § 620.13(c)(2) concerning the preparation of the challenge and virulence titration doses into a mucin preparation recommended that the regulation be amended to permit the suspensions for the challenge and virulence titration doses to be put into either a sterile gastric mucin preparation or other suitable virulence-enhancing preparation.

FDA agrees with the comment. Preparations other than mucin are capable of enhancing virulence of bacterial suspensions and, thus, may be suitable for use in the potency test for typhoid vaccine. In addition, it is currently difficult to obtain mucin that is suitable as a virulence-enhancing agent. Accordingly, § 620.13(c)(2) is amended in the final rule to require that the suspensions for the challenge and virulence titration doses shall be put into sterile gastric mucin preparation or other suitable virulence-enhancing preparation.

4. One comment on proposed § 620.13(c)(2) recommended that the challenge suspension be prepared from whatever bacterial dilution provides about 1,000 LD_{50} for a 0.5 milliliter challenge dose. In addition, the comment recommended that proposed § 602.13(e)(6) be amended to require that the challenge dose contain approximately 1,000 (but not less than 50) LD_{50} and that § 620.13(e)(7) be deleted. Data were submitted in support of the recommended changes.

FDA disagrees with the comment. The existing regulations require that the challenge dose (the quantity of bacterial suspension administered to each mouse previously inoculated with the vaccine) be prepared from whichever bacterial dilution provides about 1,000 colony forming units for a 0.5 milliliter challenge dose. Because FDA did not propose a change in the criteria for preparing the challenge dose, the agency would need to have good cause to amend the regulations to make such a change. The agency has reviewed the criteria and supporting data that were submitted with the comment and believes that the recommended change in criteria would not better assure the validity of a test. In addition, the agency is not aware of any other scientific (or economic) benefits that would result from the recommended change. Accordingly, the comment is rejected. Nevertheless, if a manufacturer is interested in implementing different criteria for determining potency test validity, such as those criteria recommended by the comment, § 620.15 (21 CFR 620.15) allows the submission of an application to employ equivalent criteria.

5. One comment on proposed § 620.13(h) recommended that the potency requirements be based on one valid test meeting all requirements.

FDA disagrees with the comment. Because of the variability of the potency test, at least two but not more than four

separate assays must be conducted on each lot of typhoid vaccine to assure the statistical validity of the results. Accordingly, the comment is rejected. However, for clarification, § 620.13(h) is amended to state that the potency test results are identified in terms of the geometric mean.

Accordingly, FDA is amending the additional standards for typhoid vaccine to ensure the antigenic integrity of the Ty 2 strain of bacteria used in vaccine production, to require use of new statistical methods for determining the validity of the potency test, and to make other changes to update these regulation, such as to change the references to the Bureau of Biologics. That Bureau and the previous Bureau of Drugs have been merged to form the National Center for Drugs and Biologics (see 47 FR 26913; June 22, 1982). The regulatory functions concerning biological products, controlled formerly by the previous Bureau of Biologics, are controlled now by the Office of Biologics of the National Center for Drugs and Biologics. Accordingly, in this final rule, the references to the Director, Bureau of Biologics in § 620.10 through 620.14 are corrected to read "the Director, Office of Biologics," and the correct mailing address is included in § 620.14(c).

The economic impact of this rule has been assessed in accordance with Executive Order 12291. This rule is not a major rule as defined by that Order. Specifically, this rule, which updates the potency requirements for Typhoid Vaccine, will not have a significant impact on the economy or the availability of biological products, nor cause a major increase in costs for manufacturers, physicians, or consumers. Of the four licensed manufacturers of Typhoid Vaccine, only one large manufacturer is now producing the vaccine, and it is urging that FDA issue this final rule. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

List of Subjects in 21 CFR Part 620

Biologics.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 620 of Title 21 of the Code of Federal Regulations is amended as follows:

PART 620—[AMENDED]

1. Revise § 620.10, to read as follows:

§ 620.10 Typhoid Vaccine.

The proper name of this product shall be Typhoid Vaccine which shall be an aqueous or dried preparation of killed *Salmonella typhi* bacteria.

2. In § 620.11 revise paragraphs (a), (b), and (c)(2), to read as follows:

§ 620.11 Production.

(a) *Strain of bacteria.* (1) Strain Ty 2 of *Salmonella typhi* shall be used in the manufacture of Typhoid Vaccine.

(2) The antigenic integrity of the Ty 2 strain shall be verified by an appropriate serological procedure.

(b) *Propagation of bacteria.* The culture medium for propagation of *S. typhi* shall not contain ingredients known to be capable of producing allergenic effects in human subjects. The harvested bacteria shall be free of extraneous bacteria, fungi, and yeasts, as demonstrated by microscopic examination and cultural methods.

(c) * * *

(2) The number of *S. typhi* bacteria in the vaccine shall not exceed 10^9 per milliliter.

* * * * *

3. Revise § 620.12 to read as follows:

§ 620.12 U.S. Standard preparations.

The following U.S. Standard preparations shall be obtained from the Office of Biologics (HFN–890), National Center for Drugs and Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, for use as prescribed in this Part:

(a) *Vaccine standard.* The U.S. Standard Typhoid Vaccine for determining the potency of Typhoid Vaccine.

(b) *Opacity standard.* The U.S. Opacity Standard for adjusting the opacity of the suspension from which the challenge culture is prepared.

4. In § 620.13 by revising the introductory paragraph and paragraphs (a), (b)(1), (c) (1) and (2), (e), (f), (g), and (h), to read as follows:

§ 620.13 Potency test.

The number of potency units per milliliter shall be estimated for each lot of vaccine from the results of simultaneous mouse protection tests of the vaccine under test and of the U.S. Standard Typhoid Vaccine. At least four dilutions of each lot of vaccine shall be tested. The test shall be performed as follows:

(a) *Mice.* Healthy mice shall be used, all from a single strain and of the same sex, or an equal number of each sex in each group, with individual weights between 13 and 16 grams. A system of randomization shall be used to distribute the mice into the groups, with respect to shelf position and to determine the order of challenge. A group of at least 16 mice shall be used for each dilution of each vaccine. There shall be at least 4 groups consisting of no less than 10 mice each for control testing purposes, as required under paragraph (c) of this section.

(b) *Inoculation of vaccine.* (1) Serial dilutions, no greater than fivefold, of the vaccine to be tested and of the standard vaccine shall be made in saline (0.85 percent sodium chloride solution or phosphate-buffered saline). The mean effective dose (ED_{50}) value shall be bracketed by the dilutions used. Each mouse in each group for inoculation shall be injected intraperitoneally with 0.5 milliliter of the appropriate dilution.

* * * * *

(c) *The challenge.* (1) The challenge culture of Strain Ty 2 of *S. typhi* for each test shall be taken from a batch of cultures maintained by a method, such as freeze-drying, that retains constancy of virulence.

(2) The challenge and virulence titration doses shall be prepared as follows: The bacteria shall be harvested from a 5- to 6-hour culture grown at 36°±1° C on a suitable agar medium that shall have been seeded from a 16- to 20-hour culture grown at 36°±1° C on a suitable agar medium, and the harvested bacteria then shall be uniformly suspended in saline or phosphate-buffered saline. The suspension, freed from agar particles and clumps of bacteria and adjusted to an opacity of 10 units, shall be diluted in saline or phosphate-buffered saline by tenfold increments. The suspensions for the challenge and virulence titration doses shall be put into a sterile gastric mucin preparation or other suitable virulence-enhancing preparation. The challenge suspension shall be prepared from whichever bacteria dilution provides about 1,000 colony forming units for a 0.5 milliliter challenge dose. The virulence titration suspensions shall be 10^1, 10^2, 10^3 dilutions, respectively, of the challenge suspension.

* * * * *

(e) *Validity of the test.* The test is deemed valid if: (1) The ED_{50} of the vaccine under test and the standard vaccine is between the largest and smallest doses inoculated into the mice;

(2) The homogeneity of the dose response lines for both the vaccine under test and the standard vaccine is acceptable;

(3) A graded protective response is obtained in relation to the vaccine dilutions;

(4) The slopes of the dose response curves for the vaccine under test and the standard vaccine are shown to be parallel by an appropriate statistical method;

(5) The results of all dilutions are used to calculate the ED_{50} value of both the standard and test vaccine by a parallel line bioassay method or a statistically equivalent method;

(6) The challenge dose contains approximately 1,000 colony forming units; and

(7) The LD_{50} of the challenge dose contains no more than 20 colony forming units.

(f) *Repeat tests.* If the test does not meet the criteria prescribed in paragraph (e) of this section, repeat tests may be performed. The results of all tests shall be combined by geometric mean. Any test result established as invalid under § 610.1 of this chapter may be disregarded. The determination that the vaccine meets the potency requirements shall be made from the results of not more than four valid tests.

(g) *Estimate of the potency.* The ED_{50} of each vaccine shall be calculated. The protective unit value per milliliter of the vaccine under test shall be calculated in terms of the unit value of the standard vaccine.

(h) *Potency requirements.* The results of at least two separate tests shall be included on the release protocol, required under § 620.14(c)(2), that is submitted to the Office of Biologics, Food and Drug Administration. The vaccine shall have a potency of 8.0 units per milliliter. This requirement shall be met only if the geometric mean potency for two tests is not less than 3.9 units per milliliter; or for three tests, not less than 4.4 units per milliliter; or for four tests, not less than 4.8 units per milliliter.

§ 620.14 [Amended]

5. In § 620.14 *General requirements,* by amending paragraph (c) by revising the address beginning after the word "Director" to read "Office of Biologics (HFN–890), National Center for Drugs and Biologics, 8800 Rockville Pike, Bethesda, MD 20205"; by amending paragraph (c)(1) by changing "Bureau" to "Office"; and by amending Paragraph (b)(2) by changing "Bureau" to "Office."

Effective date: This regulation is effective March 21, 1983.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: February 1, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-4196 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 680

[Docket No. 82N-0028]

Allergenic Products; Equivalent Methods

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a regulation that permits manufacturers of licensed allergenic products to use an equivalent manufacturing method. This action is consistent with provisions under the additional standards for other types of biological products, such as bacterial vaccines and viral vaccines.

EFFECTIVE DATE: March 21, 1983.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, National Center for Drugs and Biologics (HFN–813), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 25, 1982 (47 FR 27566), FDA proposed to amend the biologics regulations under 21 CFR Part 680 by adding new § 680.5 *Equivalent methods,* to provide licensed manufacturers of allergenic products an opportunity to apply for and for FDA to approve the use of a manufacturing method or process that is different from the methods or processes set forth in the additional standards regulations that govern manufacturing standards for allergenic products. The proposal explained that the application for use of such a modified method or process would be in the form of an amendment to the license application that would be required to include evidence that the modification would provide assurances of the safety, purity, potency, and efficacy of the product equal to or greater than the assurances provided by the additional standards. The modification could be used only after receipt of written approval from the Director, Office of Biologics. This "equivalent methods" regulation is consistent with the existing "equivalent methods" provisions for other types of injectable biological products, such as bacterial vaccines and viral vaccines.

Interested persons were given until August 24, 1982, to submit written comments on the proposal. No comments on the proposed rule were received. FDA believes that this rule is appropriate for the large number and variety of allergenic extract products covered by the additional standards under 21 CFR Part 680. The regulatory flexibility introduced under § 680.5 gives FDA the authority to permit the use by manufacturers of new manufacturing or testing methods or processes that are less costly than the methods or processes specified in the additional standards, but provides the same assurance of safety and effectiveness. Accordingly, the final rule is being published as proposed, with a change in the previous reference to the Bureau of Biologics. That Bureau and the previous Bureau of Drugs have been merged to form the National Center for Drugs and Biologics (see 47 FR 26913; June 22, 1982). The regulatory functions concerning biological products, controlled formerly by the previous Bureau of Biologics, are controlled now by the Office of Biologics of the National Center for Drugs and Biologics. Accordingly, the reference in § 680.5(b) of the proposal to the Director, Bureau of Biologics, is changed in this final rule to the Director, Office of Biologics, and the complete mailing address is included in the final rule.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA has reexamined the regulatory impact and regulatory flexibility implications of the final rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The impact of the final rule is neutral in that it neither adds nor removes requirements from the existing additional standards. But a manufacturer may benefit from the flexibility permitted under the rule if the result is FDA approval of a modified method or process that would require the use of less time or resources than may be required under the additional standards. The agency concludes that the final rule does not warrant designation as a major rule under section 1(b) of Executive Order 12291. The agency also certifies that a regulatory flexibility analysis is not required because the final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 680

Biologics, Allergenics, Blood.

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 680 is amended in Subpart A by adding new § 680.5, to read as follows:

PART 680—ADDITIONAL STANDARDS FOR MISCELLANEOUS PRODUCTS

§ 680.5 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as required in the additional standards for allergenic products shall be permitted only under the following conditions:

(a) The manufacturer presents evidence, in the form of an amendment to its license application, that demonstrates the modification will provide assurances of the safety, purity, potency, and efficacy of the allergenic product that are equal to or greater than the assurances provided by the additional standards for allergenic products; and

(b) Approval of the modification is received in writing from the Director, Office of Biologics (HFN–800), National Center for Drugs and Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205.

Effective date. This regulation is effective on March 21, 1983.

(Sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: February 1, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83–4194 Filed 2–17–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 740

[Docket No. 76N–0486]

Bubble Bath Products Label Warning; Interim Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; interim stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is announcing an interim stay of the effective date of a regulation requiring a caution statement on labels of cosmetic bubble bath products pending its decision whether to issue a final stay based on a proposal published elsewhere in this issue of the **Federal Register.**

DATE: The stay becomes effective on February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Heinz J. Eiermann, Bureau of Foods (HFF–440), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–245–1530.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, FDA is proposing to stay the effective date of a final regulation (21 CFR 740.17), published in the **Federal Register** of August 19, 1980 (45 FR 55172), requiring that labels of bubble bath products bear a prescribed caution statement and provide adequate directions for the products' safe use. The proposed stay invites the submission of comments, data, and other information on the proposed stay and on alternative ways to protect consumers from irritation to the skin and urinary tract that might result from the misuse of bubble bath products.

Pending its decision whether to issue a final stay based on the proposed stay of the bubble bath products label warning rule, FDA has decided to issue an interim stay under its administrative practices and procedures regulation (21 CFR 10.35). To reduce unnecessary costs during the time needed to prepare this notice, on June 1, 1981, the agency issued a press release announcing its intention to stay this regulation, which had been scheduled to become effective on August 19, 1981. It would be wasteful now to require manufacturers to begin compliance efforts, with attendant costs, when the regulation may be revoked; a revocation of labeling requirements would render wasted whatever compliance steps, such as the preparation of new labels, had been taken. Furthermore, because the regulation has not been enforced, prejudice to the interest of any affected groups and individuals will be minimal. Finally, FDA is inviting public comment on the proposed stay as well as on the other issues involved in this rulemaking as described in the notice elsewhere in this issue of the **Federal Register.** Accordingly, the agency has good cause for issuing this interim stay.

List of Subjects in 21 CFR Part 740

Cosmetics, Safety substantiation, Warning statements.

PART 740—COSMETIC PRODUCT WARNING STATEMENTS

§ 740.17 [Amended]

Therefore, under 21 CFR 10.35 and the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602(a), 701(a), 52 Stat. 1041 as amended, 1054, 1055 (21 U.S.C. 321(n), 362(a), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), § 740.17 *Bubble bath products* is hereby stayed on an interim basis until further notice.

Effective date. This interim stay is effective February 18, 1983.

Dated: February 4, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83–4188 Filed 2–17–83; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 178

[Docket No. 82F–0156]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Octyltin Stabilizers in Vinyl Chloride Plastics

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of C_{10-16}-alkyl mercaptoacetates reaction products with dichlorodioctylstannane and trichlorooctylstannane as a stabilizer for vinyl chloride plastics intended for use in contact with food. This action is in response to a petition filed by Ciba-Geigy Corp.

DATES: Effective February 18, 1983. Objections by March 21, 1983. The Director of the **Federal Register** approves the incorporation by reference of the publication in 21 CFR 178.2650 effective on February 18, 1983.

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

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

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 15, 1982 (47 FR 25772), FDA announced that a petition (FAP 2B3597) had been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing to amend § 178.2650 (21 CFR 178.2650) to provide for the safe use of C_{10-16}-alkyl mercaptoacetates reaction products with dichlorodioctylstannane and trichlorooctylstannane, as a stabilizer for vinyl chloride plastics intended for use in contact with food.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food

additive use is safe and that Part 178 should be amended as set forth below.

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

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives, Food packaging, Incorporation by reference, Sanitizing solutions.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2650 by revising the introductory paragraph, by revising the introductory text of paragraph (a), by adding new paragraph (a)(3), and by revising paragraph (b)(1)(ii) to read as follows:

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

§ 178.2650 Octyltin stabilizers in vinyl chloride plastics.

The octyltin chemicals identified in paragraph (a) of this section may be safely used alone or in combination, at levels not to exceed a total of 3 parts per hundred of resin, as stabilizers in polyvinyl chloride and vinyl chloride copolymers complying with the provisions of § 177.1950 or § 177.1980 of this chapter and that are intended for use in contact with food of types I, II, III, IV (except liquid milk), V, VI (except malt beverages and carbonated nonalcoholic beverages), VII, VIII, and IX described in table 1 of § 176.170(c) of this chapter, except for the octyltin chemical identified in paragraph (a)(3) of this section which may be used in contact with food of types I through IX at temperatures not exceeding 49° C (120° F), in accordance with the following prescribed conditions:

(a) For the purpose of this section, the octyltin chemicals are those identified in paragraphs (a) (1), (2), and (3) of this section.

* * * * *

(3) C_{10-16}-Alkyl mercaptoacetates reaction products with dichlorodioctylstannane and trichlorooctylstannane (CAS Reg. No. 83947–69–2) is an organotin chemical mixture having 10.8 to 11.8 percent by weight of tin (Sn) and having 8.0 to 8.6 percent by weight of mercapto sulfur. It is made from a mixture of di(*n*-octyl)tin dichloride and (*n*-octyl)tin trichloride which has an organotin composition that is not less than 95 percent by weight di(*n*-octyl)tin dichloride/(*n*-octyl)tin trichloride, and not more than 1.5 percent by weight of tri(*n*-octyl)tin chloride. The alkyl radical in the mercaptoacetate is derived from a mixture of saturated *n*-alcohols which has a composition that is not less than 50 percent by weight tetradecyl alcohol, and that is not more than 50 percent by weight total of decyl alcohol and/or dodecyl alcohol, and/or hexadecyl alcohol.

(b) * * *

(1) * * *

(ii) Subsequent determinations shall be at a minimum of 24-hour intervals for aqueous solvents, and 2-hour intervals for heptane. These tests shall yield di(*n*octyl)tin S,S'-bis (isoocytylmercaptoacetate), di(*n*-octyl)tin maleate polymer or C_{10-16}-alkyl mercaptoacetates reaction products with dichlorodioctylstannane and trichlorooctylstannane or any combination thereof not to exceed 0.5 part per million as determined by analytical method titled "Atomic Absorption Spectrometric Determination of Sub-part-per-Million Quantities of Tin in Extracts and Biological Materials with Graphite Furnace," *Analytical Chemistry,* Vol. 49, pp. 1090–1093 (1977), which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF–330), Food and Drug Administration, 200 C St., SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L ST. NW., Washington, DC 20408.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before March 21, 1983 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective February 18, 1983.

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

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4100 Filed 2–17–83; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 174

Operation and Maintenance Charges

January 19, 1983.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

SUMMARY: This document removes provisions relating to the operation and maintenance charges on trust land for all irrigation projects listed in 25 CFR Part 174. This action is necessary to reflect Code of Federal Regulations amendments providing the Officers-in-Charge with greater flexibility in the day-to-day operation of the Projects.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Paul S. Danis, Bureau of Indian Affairs, Water and Land Resources, Code 210, 1051 Constitution Avenue, NW., Washington, D.C. 20245, Telephone Number (202) 343–8249.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Asssistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8.

In the June 14, 1977, **Federal Register** (42 FR 30361) there was published a notice of a final rule on new general regulations governing the operation and maintenance of Indian Irrigation Projects. The revision consolidated the regulations for all Indian Irrigation Projects in a new Part 191 (recently renumbered as Part 171) of Title 25 of the Code of Federal Regulations. This was accomplished to reduce paperwork connected with changing operation and maintenance charges. The rule that is being rescinded has no impact on the public since all future changes to operation and maintenance charges will be done according to the provisions of 25 CFR Part 171 which authorize changes to be made by publication of a notice in the **Federal Register**. For that reason an opportunity for public comment on this action is unnecessary. In addition, since there will be no impact on the public by rescission of this rule there is no need to publish this document 30 days before its effective date. Accordingly, good cause exists to make this action effective immediately upon publication in the **Federal Register**. The updated provisions, as found in 25 CFR 171.1(e), provide for the Area Director to publish the annual operation and maintenance rates and related information by general notice document in the **Federal Register**.

The Department of the Interior has determined that because the provisions of 25 CFR Part 174 are no longer used to change operation and maintenance charges, the rescission of Part 174 is not a major rulemaking and will not have a significant effect on a substantial number of small entities under the requirements of the Regulatory Flexibility Act.

The primary author of this document is Paul S. Danis, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, Telephone Number (202) 343-8249.

The next notice of water charges and related information on Irrigation Projects shall be published as a general notice in the **Federal Register** by March 1983.

List of Subjects in 25 CFR Part 174

Indians—lands, Irrigation.

Therefore, under the authority of 25 U.S.C. 385, Chapter I, Title 25 of the Code of Federal Regulations is amended as follows:

Part 174 of Chapter I of 25 CFR is hereby rescinded.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-4230 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF JUSTICE

28 CFR Part 0

[Tax Division Directive No. 42]

Organization of the Department of Justice; Appendix To Subpart Y—Redelegation of Authority To Compromise and Close Civil Claims

Correction

In FR Doc. 82-27527 beginning on page 44254 in the issue of Thursday, October 7, 1982, make the following corrections.

On page 44254, first column, second paragraph of "**Supplementary Information**" fourth line, "Tax Division Directive No. 1" should read "Tax Division Directive No. 41".

On the same page, third column, "Section 5", beginning with paragraph (F), should have read as follows:

(F) Reject offers in compromise, or disapprove administrative settlements or concessions, regardless of amount, *Provided,* That such action is not opposed by the agency or agencies involved, and provided further that the case is not subject to reference to the Joint Committee on Taxation.

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BILLING CODE 1505-01-M

Office of the Attorney General

28 CFR Part 0

[Order No. 996-83]

Service of Process Upon the Attorney General

AGENCY: Justice Department.

ACTION: Final rule.

SUMMARY: This order amends 28 CFR 0.77(j) to limit the Assistant Attorney General for Administration's authority to accept service of process to service upon the Attorney General in his official capacity and service of process other than subpoenas.

EFFECTIVE DATE: February 4, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW., Washington, D.C. 20530 ((202) 633-3452).

SUPPLEMENTARY INFORMATION: This order is occasioned by the holding in *Stafford* v. *Briggs,* 444 U.S. 527 (1980), that a government official is entitled to personal service (as opposed to mail service) when sued in his individual capacity. The Attorney General has determined that he will avail himself of this right and, further, that he will authorize members of his immediate staff to accept subpoenas directed to him rather than the Assistant Attorney General for Administration, who has organizational responsibility for records managment and mail and messenger service within the Department of Justice.

This order pertains to agency management. It is not subject to publication for notice and comment under 5 U.S.C. 553 and is not a rule within the meaning of, or subject to, the requirements of either the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* or Executive Order No. 12291.

List of Subjects in 28 CFR Part 0

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

PART 0—[AMENDED]

Accordingly, by virtue of the authority vested in me by 28 U.S.C 510 and 5 U.S.C. 301, § 0.77 of Title 28, Code of Federal Regulations, is amended by revising paragraph (j) to read as follows:

§ 0.77 Operational functions.

* * * * *

(j) Accepting service of summonses, complaints or other papers, except subpoenas, directed to the Attorney General in his official capacity, as a representative of the Attorney General, under the Federal Rules of Civil and Criminal Procedure or in any suit within the purview of subsection (a) of Section 208 of the Department of Justice Appropriation Act, 1953 (66 Stat. 560 (43 U.S.C. 666(a))).

* * * * *

Dated: February 4, 1983.

William French Smith,

Attorney General.

[FR Doc. 83-4271 Filed 2-17-83; 8:45 am]

BILLING CODE 4410-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS—62015E; TSH–FRL 2292–3]

Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions; Use in Electrical Equipment; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule-Related Notice; Statement of General Policy.

SUMMARY: The final rule on the use of polychlorinated biphenyls (PCBs) in electrical equipment was published in the **Federal Register** of August 25, 1982 (47 FR 37342). In that rule, special restrictions are placed on the use and storage for reuse of any transformer, electromagnet, or large capacitor (those containing three pounds or more of dielectric fluid) that contains 500 parts per million (ppm) or greater PCBs and poses an exposure risk to food or feed products. This notice constitutes EPA's statement of policy as to how the Agency will determine whether this electrical equipment poses an exposure risk to food or feed.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Chris C. Tirpak, Acting Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–509, 401 M St., SW., Washington, D.C. 20460, Toll free: (800–424–9065), In Washington, D.C.: (554–1404), Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION: EPA promulgated a final rule, published in the **Federal Register** of August 25, 1982 (47 FR 37342), regarding the use of PCBs in electrical equipment. This rule is listed in the Code of Federal Regulations under 40 CFR Part 761 and became effective on September 24, 1982.

The rule amends the PCB regulations by authorizing the use of PCBs in electrical equipment in accordance with certain use and servicing conditions. Special restrictions apply to transformers, electromagnets, and large capacitors (those containing three pounds or more of dielectric fluid) that contain 500 ppm or greater PCBs and pose an exposure risk to food or feed. See 40 CFR 761.30(a), (h), and (l). The use and storage for reuse of such electromagnets or transformers requires a weekly inspection for leaks of dielectric fluid and is prohibited after October 1, 1985. The use and storage for reuse of large capacitors that pose an exposure risk to food or feed is prohibited after October 1, 1988.

Section 761.3(ll) (47 FR 37356) of the PCB rule states that "posing an exposure risk to food or feed" means being in any location where human food or animal feed could be exposed to PCBs released from a PCB Item. A PCB Item poses an exposure risk to food or feed if PCBs released in any way from the PCB Item have a potential pathway to human food or animal feed. Only food and feed that is used or stored in private homes is excluded from this definition.

Since publication of this definition EPA has received requests from the American Frozen Food Institute (AFFI) and the American Feed Manufacturers Association (AFMA) for further clarification of this definition. These requests raised concerns about how EPA will interpret this definition and explained that a clarification would aid the food and feed industry in developing a strategy for compliance with the regulations. EPA is publishing this notice to express the Agency's policy for interpreting the definition of "posing an exposure risk to food or feed." EPA plans to interpret this definition in a reasonable manner, according to the guidance provided in this notice.

The exposure risk from a PCB Item to food and feed products is clearly dependent on the specific location of the applicable PCB Item (transformer, capacitor, or electromagnet) in relation to food and feed products. If, after considering the location of an individual PCB Item and all other available evidence, there is a reasonable possibility of contact between PCBs and food or feed, the PCB Item will be considered to pose an exposure risk to food or feed under 40 CFR 761.3(ll). In evaluating the exposure risk from a particular PCB Item, it is useful to consider a hypothetical situation in which PCBs are discharged in any way from the PCB Item, such as through an equipment leak or rupture. Assuming such a discharge occurred releasing all or a portion of the contained PCBs and considering the PCB Item's location and any relevant factors, the question to be asked is whether contact between the PCBs and food or feed is reasonably possible. If, contact between PCBs and food or feed is reasonably possible, the PCB Item poses an exposure risk to food or feed. It is not EPA's intention to consider remote events that are unrelated to the use or storage for reuse of PCB Items when determining if these items pose an exposure risk to food or feed.

A determination whether or not a PCB Item poses an exposure risk to food or feed requires an individual evaluation of the circumstances regarding a PCB Item's location. PCB Items that are located directly adjacent to or above food or feed products pose an exposure risk unless there is some type of secondary containment or other physical structure that prevents discharges of PCBs from contaminating food or feed. The PCB rule provides a number of options for eliminating restrictions on the use of transformers, electromagnets, and large capacitors that contain 500 ppm PCBs and pose an exposure risk to food or feed, including:

1. Relocating the PCB Item to an installation which does not pose an exposure risk to food or feed.
2. Reducing the PCB concentration in the PCB Item to less than 500 ppm (transformers and electromagnets only).
3. Adequately isolating or containing the PCB Item to prevent it from posing an exposure risk.
4. Relocating the food or feed to a location that is not in a potential exposure risk area.
5. Replacing the PCB Item with equipment containing less than 500 ppm PCBs.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Dated: January 17, 1983.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83–3826 Filed 2–17–83; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Assistants at Surgery

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: These regulations amend the interim final Medicare rules published on October 1, 1982, that implement section 113 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97–248). Those regulations provide that Medicare will pay on a reasonable charge basis for the services of a physician who actively assists the physician in charge of a case in performing a surgical procedure (i.e., an assistant at surgery) in teaching

hospitals only under certain specific conditions. These regulations add as a result of public comments a new condition under which assistants at surgery may be reimbursed. They also clarify the rules for determining the amount of payment for services furnished by assistants at surgery in all settings.

EFFECTIVE DATE: October 1, 1982.

FOR FURTHER INFORMATION CONTACT: William Morse, (301) 594–1160.

SUPPLEMENTARY INFORMATION:

I. Background

On October 1, 1982, we published in the **Federal Register** an interim final rule with comment period to implement section 113 of Pub. L. 97–248, the Tax Equity and Fiscal Responsibility Act of 1982 (47 FR 43650).

The rule revised Medicare regulations to permit payment on a reasonable charge basis for assistants at surgery in teaching hospitals only under certain conditions. (Assistants at surgery are physicians who actively assist the physician in charge of a case in performing a surgical procedure.) The regulations eliminated program payment on a reasonable charge basis for assistants at surgery in teaching hospitals where a resident is available and qualified to perform the service.

The rule also established new limits on the amount of payment for services furnished by assistants at surgery in all settings.

II. Discussion of Major Comments

Over 100 comments on the October 1 publication were received from physicians and physician organizations, health care providers and provider organizations, and medical schools. The majority of comments were from ophthalmologists and doctors of osteopathy. The recommendations of the commenters and our responses follow.

1. *Comment:* Three commenters requested that the length of the comment period be extended to 90 days to permit time for an in-depth analysis of the implications of the rule.

Response: These regulations were issued as interim final rules with a comment period. The legislation specified that if the rules were issued on such an interim basis, that they be final no later than January 31, 1983. Therefore it was necessary to specify a 30-day comment period in order to have final rules in place by the January 31 deadline.

2. *Comment:* The interim final rule with comment period required that carriers presume that residents are available unless the hospital furnishes documentation to the contrary. Seventy commenters believe that the regulations inappropriately assume that if the hospital has a residency program in a specialty, residents are available to serve as assistants at surgery. The commenters believe that teaching hospitals should be used for the purpose of teaching and, therefore, residents should not be relied on primarily for service. These commenters indicated that, for a variety of reasons, residents are not always available to cover all surgeries. First, residents are involved in many other types of activities relating to their own educational activities, such as clinic duties, and are responsible for treating patients in capacities other than surgery. Second, there are many situations in which there are inadequate numbers of qualified residents in a program to furnish the necessary surgical assistant services. Several commenters suggested that we provide exemptions for small teaching hospitals and hospitals with small residency programs and that if, in such cases, a resident is not available, reimbursement of an assistant should be allowed.

Response: The statutory language states that, except under certain conditions, reasonable charge payment may not be made for the services of assistants at surgery if the hospital has a training program related to the specialty required for the surgical procedure, and a qualified resident is available to furnish such services. We believe the commenters have raised valid points on the issue of the availability of residents to act as assistants at surgery. We realize that residents have a full schedule of activities, and that the unavailability of residents to assist at surgery is more than simply a scheduling problem of the teaching hospital. The interim final rules, as well as these final rules, provide that if adequate written documentation is made available to the carrier that no qualified resident was available for a particular surgery case, payment may be made for the service.

3. *Comment:* Several physicians and a professional association opposed the regulations because, in their view, the regulations discriminate against teaching hospitals by establishing separate rules for teaching and nonteaching hospitals. The commenters said that as a result, physicians will move their patients to nonteaching hospitals, thereby threatening the existence of surgical residency programs in teaching hospitals. The commenters also believe that the regulations discriminate against Medicare patients because residents will assist during their surgery, while other patients receive the services of trained physicians. In a related comment, a medical school dean and a national organization representing teaching hospitals pointed out that there are physicians who perform surgery in teaching hospitals who do not involve residents in surgical procedures and use only nonresident physicians as assistants. Other physicians commented that a decision to use residents should be decided by the primary surgeon.

Response: The basic distinctions made by the regulation are compelled by the statute. The intent of the statute and the regulations is to eliminate payment for use of assistants at surgery if residents are available to assist. However, it was not the intent of Congress to jeopardize any surgical residency programs. Therefore, we are modifying the interim final rules by adding a condition to § 405.580 to allow reasonable charge payment for the services of an assistant at surgery where the primary surgeon does not involve residents in the preoperative, operative, or postoperative care of his or her patients. Generally this will apply to physicians who do not have compensation arrangements with a teaching hospital or entity for compensation of their services furnished by them in the hospital. In those cases, although the services take place in a teaching hospital, the circumstances are as if the surgical procedure is not being furnished in a teaching setting and the surgery is indistinguishable from surgery performed in nonteaching hospitals.

4. *Comment:* Several physicians suggested examples of specific types of surgery that require a team of physicians that should be considered complex medical procedures. In a related comment, physicians pointed out that there are procedures of such complexity that residents would not generally have the expertise or experience to serve as an assistant at surgery.

Response: The regulations take these situations into account. Based on accepted medical practice in the community, the carrier will establish a list of those procedures that fall into the category of complex medical procedures that require a team of physicians. The local carriers have considerable expertise in this area. Regarding the competence of residents to perform as surgical assistants in specific types of procedures, § 405.580(a) (2) provides in effect that payment on the basis of reasonable charges may be made for the services of an assistant at surgery if documentation is furnished to the carrier that no *qualified* resident was available to perform the function. If there is a question regarding the use of a resident

in a specific case, the carrier's medical staff will make the staff will make the necessary determination.

6. *Comment:* Twelve physicians requested that they be allowed to serve as assistants at surgery in teaching hospitals because they are the individuals most familiar with the case and because their patients request that they be present at surgery to provide moral and psychological support.

Response: The regulation does not preclude the presence of a Medicare beneficiary's personal physician in surgery to provide moral or psychological support, but prohibits Medicare reimbursement for such services. If a beneficiary wishes to have his or her personal physician present however, the physician may bill the patient for such service. The regulation provides for the situation in which a concurrent medical condition of the patient requires the presence of a physician of another specialty during surgery. In addition, payment is permitted for an assistant surgeon (one primarily engaged in the field of surgery) if there is no qualified resident available or, under the revised § 405.580(c)(4), if the primary surgeon does not involve residents in the care of his or her patients. The regulation does not, however, permit reimbursement for the services of a personal physician who is in attendance at the surgical procedure but does not meet any of the above critieria.

6. *Comment:* Several commenters, including a national association of physicians, expressed concern about the lack of specificity in the interim regulations and the possibility that carriers will interpret the provisions in many different ways.

Response: Carriers have discretion in implementing this provision and will consider local medical practice in determining payments for assistant at surgery services. It would not be administratively feasible to publish a comprehensive, uniform list of procedures that would have to be constantly modified in response to changes in medical practice. HCFA may, however, issue instructions from time to time about particular situations which require more uniform treatment.

7. *Comment:* A Medicare carrier has suggested that the 20 percent limitation on payment for services of assistants at surgery be implemented by establishing prevailing charges for the assistant at surgery at 20 percent of the prevailing charge for the procedure using the medical specialty of the assistant. The carrier points out that this accomplishes the intent of limiting payment without introducing delays and costly complexities into claims processing.

Response: In processing claims for assistant at surgery services that are subject to the § 405.502(a) limitation, the carrier may base payment on 20 percent of the prevailing charge for the service when performed by someone in the assistant's specialty. In this way the carrier will not have to wait to receive the primary surgeon's claim before making payment for the services of the assistant.

8. *Comment:* A national association of physicians commented on the preamble language regarding complex medical procedures that warrant the presence of a team of physicians. The preamble indicated that in these situations, each physician is performing a different level of activity than could properly be described as assistance, and is entitled to full reimbursement. The association commented that it expected that this recognition of such procedures would guarantee appropriate reimbursement for the medical team in the future, and that HCFA would assure proper recognition of such procedures by its contractors.

Response: The reference to full reimbursement in the preamble to the October 1 regulations was used to distinguish team and concurrent services from those subject to the assistant at surgery limitation. The regulations set a reimbursement ceiling, not a floor. These regulations are not a basis for raising Medicare reasonable charge payments in a way that is inconsistent with prevailing practices in the carrier's service area. Medicare payment should not exceed the lesser of the amount billed, the customary charge, the prevailing charge, or any other applicable reasonable charge criteria established in 42 CFR 405.502.

9. *Comment:* A Medicare Part B carrier indicated that these rules could encourage physicians to bill beneficiaries rather than accept assignments. The carrier also suggested that in the case of beneficiaries who are eligible for both Medicare and Medicaid, there could be a shifting of costs of denied Medicare claims to Medicaid.

Response: The modifications contained in these revised rules should temper these effects by reducing the number of claims that are denied or paid at the reduced rate. However, current payment rules in general allow physicians to bill beneficiaries, rather than accept assignment, if they choose to do so. We do not believe that these rules will encourage any changes in this behavior.

10. *Comment:* Several physicians have pointed out that often hospitals have rules requiring an assistant at surgery for particular types of procedures. They asked how this affects Medicare payment criteria.

Response: Such hospital requirements are not a consideration in determining reasonable charge payment. A carrier may determine that a service does not meet the conditions for payment despite the existence of hospital rules.

III. Provisions of These Final Regulations

After reviewing comments received on the interim rule, we have revised the existing regulations to include the following provisions.

Criteria for Determining Reasonable Charges

We have revised subparagraph (a)(10) to section 405.502 to clarify that prevailing practice in the carrier's service area, rather than the assistant at surgery limitation, applies where the team physician or the concurrent medical care exceptions are met. We have done this to avoid the possibility that this regulation is used to escalate program payments. The intent of the regulation is to eliminate unreasonable payments. We have also made several technical corrections in § 405.502(a) to clarify the language and correct inaccurate citations to other parts of the Medicare regulations.

Conditions for Payment

Section 405.580(c) of the regulations describes the conditions under which reasonable charge payment may be made for the services of assistants at surgery in teaching hospitals. Payment may be made for the services of assistants at surgery in teaching hospitals only if the services:

1. Are required due to exceptional medical circumstances;

2. Are performed by team physicians needed to perform complex medical procedures;

3. Constitute concurrent medical care relating to a medical condition which requires the presence of and active care by a physician of another specialty during surgery; or

4. Are medically required and are furnished by a physician who is primarily engaged in the field of surgery and the primary surgeon does not utilize interns or residents in the surgical procedures he or she performs (including preoperative and postoperative care).

The exception included in number 4 is added by this document and is explained more fully below. Under this exception, payment will be limited to situations in which the assistant surgeon

is a physician who is primarily engaged in the field of surgery.

This new exception applies to services furnished in teaching hospitals by surgeons who do not utilize interns or residents in surgical procedures, including the preoperative and postoperative care involved. Under such circumstances, the surgery is virtually indistinguishable from surgery performed in a nonteaching setting. Generally in this instance, the physician has an "across-the-board" policy of not utilizing residents in patient care.

The carrier should have a list of all teaching hospitals in its service area to which these regulations may apply. The carrier will presume that a resident is available if the hospital has a teaching program relating to the medical specialty required for the surgical procedure, unless satisfactory written documentation is made available to the carrier that a resident was not available. However, the carrier should take into account the fact that residents may be legitimately involved in various activities, that there may not be a sufficient number of residents in the program, and that there may be situations, particularly those involving small teaching programs, in which there may not always be a qualified resident available to serve as an assistant at surgery. Claims for payment for services of assistants at surgery in teaching hospitals should include a written description supported by relevant documentation of the exception which is the basis for payment. The appropriate manual instructions are being modified to reflect this change in policy.

In this document, we are also correcting an incomplete citation that appears in § 405.580(a) and a typographical error in § 405.580(c)(1).

Technical Revision

On October 1, 1982, two documents were published that amended 42 CFR Part 405, Subpart E. The authority citations, although correct for each individual document, were inconsistent. In reviewing the inconsistent citations, we discovered that an additional citation, to section 1832 of the Act, had been previously omitted at the time that § 405.522 was published. In both FR Doc. 82–27110, "Medicare Program; Limitation of Reasonable Charges for Services in Hospital Outpatient Settings", appearing at 47 FR 43610, and FR Doc 82–27148, "Medicare Program; Assistants at Surgery", appearing at 47 FR 43650, the authority citation for 42 CFR Part 405, Subpart E should read as follows:

Authority: Secs. 1102, 1814(b), 1832, 1833(a), 1842(b) and (h), 1861(v)(1)(K), and 1871 of the Social Security Act, as amended (42 U.S.C. 1302, 1395f(b), 1395k, 1395l(a), 1935u(b) and (h), 1395x(v)(1)(K), and 1395h(h) unless otherwise noted.

IV. Effective Date of the Regulations

In order for us to have implementing regulations in place by the October 1, 1982 effective date specified in section 113 of Pub. L. 97–248, we published an interim final rule with comment period on October 1, 1982 with an effective date of October 1, 1982. We believe that rapid implementation of these regulations was desirable in order to eliminate unnecessary Medicare payment for assistants at surgery. Also, Congress expressly addressed the issuance of interim final regulations as an option for the development of these regulations.

Based upon public comments, we are now adding a new condition under which assistants at surgery may be reimbursed on a reasonable charge basis. This addition expands the availability of reasonable charge reimbursement and is advantageous to all concerned. At the same time, the addition disadvantages no one. Therefore, we are making the revised rules effective retroactively to October 1, 1982. Since the revised rules grant a new exemption from the reimbursement limitations, a delayed effective date is unnecessary. Also, the use of a delayed effective date is impracticable because it would promote inconsistencies in the application of payment for assistants at surgery during the interim period. For these reasons, we find there is good cause to waive the usual 30-day delay in effective date.

These regulations are effective for services furnished on or after October 1, 1982. Claims for payment for the services of assistants at surgery that were denied during the period from October 1, 1982 until the publication of these revised regulations may be resubmitted to the Medicare carrier and will be reviewed for payment under these expanded criteria.

V. Impact Analysis

Executive Order 12291

We have determined that these final regulations are not likely to result in an annual economic impact of $100 million or meet other threshold criteria of section 1(b) of the Order.

These final regulations state the conditions under which payment will be made on a reasonable charge basis for the services of a physician who actively assists the physician in charge of a case, in performing a surgical procedure in teaching hospitals. We noted above the inclusion of one new condition as a result of public comment under which assistants at surgery may be reimbursed. Our actuaries have re-estimated their analysis contained within the October, 1, 1982 interim final rule, to include the effect of this new exception. They now estimate FY 1983 savings of $35 million and FY 1984 savings of $50 million.

As the estimated impact of these final regulations is significantly below the $100 million threshold, a regulatory impact analysis is not required.

Regulatory Flexibility Analysis

The Secretary certifies under 5 U.S.C. 605(b), enacted by Regulatory Flexibility Act (Pub. L. 96–354), that this final rule will not result in a significant impact on a substantial number of small entities.

The primary impact of these final regulations will be on physicians who continue to serve as assistants at surgery in teaching hospitals. The individual impact will be determined by the extent to which a physician continues to participate as an assistant. Actual Medicare revenue reduction will be the difference between the total Medicare payment physicians received prior to the implementation of this rule, and the Medicare payment physicians will not receive as a result of this rule.

We do not believe that a significant monetary impact will be generated. Payment record data indicate that payment for services of assistants at surgery represents only 2.6 percent of total reimbursement for Part B physicians' services to hospital inpatients. Thus, any revenue reduction to physicians resulting from these final provisions should not be a significant reduction in total physician revenue. Therefore, a regulatory flexibility analysis is not required.

VI. List of Subjects in 42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (Agreements), End-Stage Renal Disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 405 is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. The authority citation for Part 405, Subpart E, is revised to read as follows:

Authority. Secs. 1102, 1814(b), 1832, 1833(a), 1842(b) and (h), 1861(v)(1)(k) and 1871 of the Social Security Act, as amended (42 U.S.C. 1302, 1395f(b), 1395k, 1395l(a), 1395u (b) and (h), 1395x(v)(1)(K) and 1395hh) unless otherwise noted.

2. In § 405.502, the introductory language for paragraph (a), and paragraph (a)(10) are revised to read as follows:

§ 405.502 Criteria for determining reasonable charges.

(a) *Criteria.* The law allows for flexibility in the determination of reasonable charges to accommodate reimbursement to the various ways in which health services are furnished and charged for. The criteria for determining what charges are reasonable include:

* * * * *

(10) In the case of services of assistants at surgery that meet the exception under § 405.580(c) (2) or (3) because the physician is performing a unique, necessary, specialized medical service in the total care of a patient during surgery, reasonable charges consistent with prevailing practice in the carrier's service area rather than the special assistant at surgery rate.

* * * * *

3. Section 405.580 is amended by revising paragraph (a), revising the introductory language for paragraph (c), and revising paragraphs (c)(1) and (4) as follows:

§ 405.580 Conditions of payment for assistants at surgery in teaching hospitals.

(a) *Basis, purpose, and scope.* This section describes the conditions under which Medicare will pay on a reasonable charge basis for the services of an assistant at surgery in a teaching hospital. This section is based on section 1842(b)(6)(D)(i) of the Social Security Act and applies only to hospitals with an approved teaching program. Except as specified in paragraph (c) of this section, reasonable charge reimbursement is not available for assistants at surgery in hospitals with—

* * * * *

(c) *Conditions for payment for assistants at surgery.* Beginning October 1, 1982, payment on the basis of reasonable charges may be made for the services of an assistant at surgery in a teaching hospital only if the services—

(1) Are required due to exceptional medical circumstances;

* * * * *

(4) Are medically required and are furnished by a physician who is primarily engaged in the field of surgery and the primary surgeon does not utilize interns and residents in the surgical procedures he or she performs (including preoperative and postoperative care).

(Catalog of Federal Domestic Assistance Program No. 13,774, Medicare—Supplementary Medical Insurance)

Dated: January 12, 1983.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: February 1, 1983.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-4234 Filed 2-17-83; 8:45 am]

BILLING CODE 4120-03-M

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42 CFR Part 421

Medicare Program; Revisions to Criteria and Standards for Evaluating Intermediaries

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This is a technical revision to Medicare regulations that will simplify and improve our system for evaluating the performance of fiscal intermediaries in the administration of the Medicare program. Currently, we evaluate intermediaries using performance criteria, described in regulations, and statistical standards issued through an annual notice in the **Federal Register.** We are removing the detailed description of the criteria from regulations in favor of issuing a combined **Federal Register** notice for both the criteria and the standards. This change will obviate the need to revise the description of the criteria in regulations as changes are made in the evaluation system.

DATES: This rule is effective February 18, 1983. It is being issued in final form for reasons explained in Waiver of Proposed Rulemaking in the Supplementary Information section below. However, we will consider any comments mailed by March 21, 1983, and revise the regulations, if necessary.

ADDRESSES: Please address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Attn: BPO–15–FC, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland. In commenting, please refer to BPO–15–FC.

Comments will be available for public inspection, as they are received, beginning approximately three weeks from today, in Room 309–G of the Department's offices at 200 Independence Avenue, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (phone: 202–245–7890).

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, 301–594–8190.

SUPPLEMENTARY INFORMATION:

I. Background

The hospital insurance program (Part A of Medicare, title XVIII of the Social Security Act) helps pay for medically necessary health care furnished to eligible individuals by providers of services (hospitals, skilled nursing facilities (SNFs), and home health agencies (HHAs)). Under section 1816 of the Act, the Secretary may contract with organizations and agencies to participate in the administration of Part A. These organizations and agencies are called fiscal intermediaries.

Intermediaries perform the bulk of actual bill processing and benefit payment functions for Part A of the Medicare program. These functions generally follow set procedures. First, a provider submits a bill to the intermediary, which determines whether the services are covered under Part A of Medicare, and determines the reasonable cost for the services. Second, the intermediary reimburses the provider on behalf of the beneficiary to whom the services were furnished. Third, the intermediary recoups from HCFA the program reimbursement it makes to providers as well as its administrative costs. Intermediaries similarly process bills for certain outpatient hospital services covered under Part B of Medicare (supplementary medical insurance).

Under section 1816(b) of the Act (originally enacted in section 14 of Pub. L. 95–142, the Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977), we evaluate intermediaries in the performance of their Medicare functions when we enter into or renew a contract. In addition, although providers may nominate a particular intermediary to serve them under section 1816(a) of the Act, we may assign or reassign providers to particular intermediaries or designate a national or regional intermediary for a class of providers under section 1816(e). We may take these actions if we determine that they would result in more effective and efficient administration of the Medicare program.

Under section 1816(f) of the Act, we are required to establish criteria and standards in regulations for purposes of evaluating intermediaries. Congress enacted this provision because it believed that more precise information, and more uniform criteria and standards, were necessary to provide a basis for objective determinations concerning renewal or termination of intermediary contracts, as well as the assignment of providers to certain intermediaries.

We evaluate intermediary performance based on a two-phase system. In the first phase, we measure compliance with certain functional requirements (that is, functions generally required by law, regulations or general instructions) such as bill processing, provider reimbursement, and contract management. Each of these requirements contains several sub-requirements and methodologies used for assessing compliance that we refer to as performance criteria. The criteria currently are generally described in 42 CFR 421.120. If an intermediary does not satisfy the criteria, we may initiate adverse administrative action.

The second phase of the evaluation system is based on statistical standards (42 CFR 421.122) in more quantifiable areas of performance such as timeliness of bill processing and administrative cost of bill processing. We also require satisfactory performance in this phase of the two-phase evaluation system.

We consider the results of both phases of the evaluation in reviewing intermediary contracts, in determining what action is required to obtain better intermediary performance, and in reaching decisions on renewing contracts and awarding future contracts.

In recognition of changes in the operations of intermediaries due to fluctuating workloads and fiscal constraints, the availability of more current data for setting performance levels, and our objectives in achieving better performance, we update the required performance levels assigned to the performance criteria and statistical standards for each evaluation period. Currently, we issue changes to the elements of both the performance criteria and the statistical standards in our intermediary manuals. In addition, we are required by regulations (42 CFR 421.122(d)) to publish the statistical standards in the **Federal Register**.

We develop the elements of the performance criteria and the statistical standards primarily from management studies conducted by HCFA and information supplied by intermediaries. We also consult with intermediary advisory groups, which provide additional data and expertise. The intermediaries and intermediary advisory groups furnish us with detailed explanations of the intricacies of their internal operations so that the elements reflect functions actually performed. We also work with these groups to ensure that performance requirements are set at meaningful levels; that is, not so low that evaluation would be meaningless and not so high as to be impossible to attain. After these consultations, and after the elements have been developed, we issue the results to all intermediaries through our manual issuances system, as noted above. (These issuances are available to the general public from HCFA central and regional offices on request. We have then published the statistical standards in the **Federal Register** each year beginning in 1980.

II. Changes in the Regulations

A. Performance Criteria

The performance criteria described in the regulations were first used for the FY 80 evaluation period. Due to the efforts of the intermediary community and HCFA, these criteria have been refined and updated for each subsequent fiscal year evaluation period. We issued the changes in the intermediary manuals but have not amended the regulations. It is apparent that, in order to keep the CFR current under the present system, it will be necessary to amend the regulations frequently. Changes in the Medicare law and in our evaluation procedures, as well as changing emphases in the importance of evaluating the various areas of performance, make existing criteria contained in the CFR out-of-date. Therefore, we are amending § 421.120 to replace the specific criteria with a general explanation of the areas evaluated by the performance criteria, and to state that we will publish the specific performance criteria and elements as part of the notice that we are currently required to publish for the statistical standards under § 421.122. The result will be the publication of a combined notice of performance criteria and statistical standards that will obviate the need to amend the regulations on an annual basis. We believe that this approach will be less burdensome, costly and time consuming than the frequent efforts that would otherwise be necessary to amend the CFR because we are already required to follow the notice procedure in order to update the statistical standards. Expanding the notice to include the performance criteria will not materially increase the administrative burden of issuing the notice. Moreover, we believe that this approach complies with the statutory mandate (section 1816(f) of the Act) to establish criteria and standards by regulation.

Each year, beginning with FY 84, we intend to publish a proposed notice, for public comment, on the criteria and standards and a final notice that will address comments received. This will allow the public-at-large to review the proposed revisions to the evaluation system and make comments before the changes are implemented. As is our current practice, however, we will continue to issue the criteria and standards to the intermediaries through our manual issuance system. A notice containing proposed criteria and standards for FY 84 will appear in the **Federal Register** shortly.

For FY 83, we have issued a general notice for both the criteria and the standards. The notice appears elsewhere in this issue of the **Federal Register**. As a practical matter, we are unable to issue proposed and final **Federal Register** notices for the FY 83 criteria and standards because of the limited amount of time still available to us during FY 83. However, intermediaries have been extensively involved in the development of the criteria and standards through workshops and meetings. In addition, both the criteria and the standards for FY 83 have already been issued to the intermediaries through our manual issuance system. We are also affording the intermediaries and other interested parties an opportunity to review and comment on the criteria and standards by providing a comment period on the general notice. We will issue any changes in the evaluation system for FY 83, which we determine are necessary as a result of the comments, in a subsequent notice in the **Federal Register**.

B. Statistical Standards

We are also revising the statistical standards provision (§ 421.122). An important characteristic of the current unit cost standard is the accountability for significant measurable factors that are beyond the control of the intermediary and that impact upon unit cost. For example, how well intermediaries perform their Medicare responsibilities is inevitably affected by factors beyond their control such as differing salary levels between geographic areas, various levels of bill workloads, and variations of bill-mix by provider type. As explained in the existing regulations, we use a statistical approach known as multiple regression analysis to identify these

noncontrollable factors so that we may make proper adjustments to intermediary performance. Regression analysis also quantifies the extent of the impact on unit cost or other performance measures.

After consulting with the intermediary community, we have concluded that the use of other statistical approaches, besides multiple regression analysis, should be explored (for example, factor analysis and linear programming). The use of more than one statistically acceptable approach permits more rigorous analyses and, in many instances, a better understanding of factors that may influence performance. Though we will continue to include the multiple regression approach as part of our studies, we will no longer be limiting ourselves to this one methodology. Based on our analyses, which employ these statistical approaches, we will identify noncontrollable factors that affect unit cost and determine which of the factors to consider in making appropriate adjustments to the statistical standards. This is reflected in paragraph (c) of the revised § 421.122.

III. Impact Analyses

A. Executive Order 12291

These regulations are intended to improve an evaluation system already in place. No increased costs will be incurred by the Federal government or the intermediaries. Therefore, we have determined that this final rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this rule will not increase expenditures by over $100 million per year; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effect on business or employment. Because we have determined that this rule is not a major rule, a regulatory impact analysis is not required.

B. Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that these regulations will not have a significant economic impact on a substantial number of small businesses, organizations or government jurisdictions. The changes to the existing regulations do not add to or alter the functions that intermediaries already perform for the Medicare program and, therefore, will not increase the cost of an intermediary's Medicare operation. For this reason, a regulatory flexibility analysis is not required.

C. Discussion

As noted above, the provisions of these regulations will not meet the threshold criteria of Executive Order 12291 or of the Regulatory Flexibility Act. Thus, we are not required to conduct analysis under either of those authorities. In addition, however, we note that even if there are incidental costs associated with these provisions, they will be outweighed by the accompanying benefits resulting from not amending regulations in the CFR periodically in order to update the evaluation criteria.

IV. Waiver of Proposed Rulemaking and Prospective Effective Date

These regulations are essentially technical in that they constitute a simplification in the administration of our system for evaluating intermediary performance. No policy changes are contained in the regulations, and no increased costs to intermediaries will result. Moreover, the change from the detailed description of the performance criteria in the regulations will not adversely affect intermediaries because they will continue to receive actual notice of the criteria through the issuance of administrative manuals, and because of the change in procedure to publication of both the criteria and the standards in proposed and final notices in the **Federal Register.**

Also, we plan to begin the proposed and final notice procedure beginning with FY 84. Therefore, it is important that the general public and the intermediary community be informed of this approach as soon as possible.

For those reasons, we believe that publication of a notice of proposed rulemaking is unnecessary and that there is good cause to waive the usual proposed rulemaking procedures. For the same reasons, we find good cause to waive the usual 30-day delay in the effective date. Although we are publishing these regulations in final form, we invite comments from the public and we will publish any changes we find necessary.

V. List of Subjects in 42 CFR Part 421

Administrative practice and procedure, Contracts (Agreements), Courts, Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Information (Disclosure), Lawyer, Medicare, Professional Standards Review Organizations (PSRO), Reporting requirements.

PART 421—[AMENDED]

42 CFR Part 421 is amended as set forth below:

A. The authority citation for Part 421 reads as follows:

Authority: Secs. 1102, 1815, 1816, 1842, 1861(u), 1871, 1874 and 1875 of the Social Security Act (42 U.S.C. 1302, 1395g, 1395h, 1395u, 1395x(u), 1395hh, 1395kk and 1395ll), and 42 U.S.C. 1395b–1.

B. Part 421, Subpart B is amended as follows:

1. Section 421.100 is amended by revising paragraph (a) as follows:

Subpart B—Intermediaries

§ 421.100 Intermediary functions.

An agreement between the Administrator and an intermediary shall provide for the performance of the following functions:

(a) *Coverage.* The intermediary must assure that it makes payments only for services that are:

(1) Furnished to Medicare beneficiaries;

(2) Covered under Medicare part A or part B; and

(3) Medically necessary. When a Professional Standards Review Organization (PSRO) has assumed review responsibility in accordance with the applicable provisions of Part 463 of this chapter, the PSRO shall make final determinations of medical necessity which are binding for purposes of payment.

* * * * *

2. Section 421.120 is revised to read as follows:

§ 421.120 Performance criteria.

(a) *Application of performance criteria.* As part of the intermediary evalutions authorized by section 1816(f) of the Act, HCFA periodically assesses the performance of intermediaries in their Medicare operations using performance criteria. The criteria measure and evaluate intermediary performance of functional responsibilities such as—

(1) Correct coverage and payment determinations;

(2) Responsiveness to beneficiary concerns; and

(3) Proper management of administrative funds.

(b) *Basis for criteria.* HCFA will base the performance criteria on—

(1) Nationwide intermediary experience;

(2) Changes in intermediary operations due to fiscal constraints; and

(3) HFCA's objectives in achieving better performance.

(c) *Publication of criteria.* The development and revision of criteria for evaluating intermediary performance is a continuing process. Therefore, before the beginning of each evaluation period, HCFA will publish the performance criteria as a notice in the **Federal Register**.

3. Section 421.122 is revised to read as follows:

§ 421.122 Statistical standards.

(a) *Development of standards.* In addition to the performance criteria (§ 421.120), HCFA will develop statistical standards, for use in evaluating intermediary performance, based on application of acceptable statistical measures of variation to nationwide intermediary experience during a base period. HCFA will adjust those standards dealing with administrative cost to reflect both the estimated effect of inflation and increased intermediary productvity.

(b) *Factors beyond intermediary's control.* To identify measurable factors that significantly affect an intermediary's performance, but that are not within the intermediary's control, HCFA will—

(1) Study the performance of intermediaries during the base period using acceptable statistical approaches (for example, multiple regression analysis); and

(2) Select the noncontrollable factors to be used in adjusting performance standards.

(c) *Publication of standards.* The development and revision of standards for evaluating intermediary performance is a continuing process. Therefore, before the beginning of each evaluation period, HCFA will publish the statistical standards as part of the **Federal Register** notice describing the performance criteria issued under § 421.120(c).

(Catalog of Federal Domestic Assistance Programs No. 13.773, Medicare—Hospital Insurance)

Dated: December 30, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 28, 1983.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-4222 Filed 2-17-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6352

[U-47669]

Utah; Public Land Order No. 6262; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will correct an error in the land description of Public Land Order No. 6262 of June 17, 1982.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Deen Bowden, Utah State Office 801-524-4245.

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

1. Public Land Order No. 6262 of June 7, 1982, in **Federal Register** Vol. 47, No. 117 appearing at page 26132 in the issue of June 17, 1982, is corrected as follows:

2. The T. and R. listed as "2 N., 14 W" is corrected to read "T. 2 N., R. 14 E."

Inquires concerning the lands should be addressed to the State Director, Bureau of Land Management, University Club Building, 136 East Temple, Salt Lake City, Utah 84111.

Dated: February 9, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior

[FR Doc. 83-4242 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Part 3833

Recordation of Mining Claims and Filing of Annual Assessment Work or Notice of Intention To Hold Mining Claims, Mill Sites, or Tunnel Sites; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction to Final Regulations.

SUMMARY: This notice corrects typographic and editorial errors found in the final regulations, related to recordation of unpatented mining claims located on public lands, which were published in the **Federal Register** December 15, 1982 (47 FR 56300).

ADDRESS: Any suggestions or inquiries should be addressed to: Director (570), Bureau of Land Management, 1800 "C" Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Roger A. Haskins, (202) 343-8537.

SUPPLEMENTARY INFORMATION:

1. Section 3833.0-5:

A. Paragraph (m) on page 56305 is corrected by removing the citation "§ 3833.2-1(a)" from the third sentence and replacing it with the citation "§ 3833.1-2"; and changing the word "file" on line 5 of the paragraph to "filed".

B. Paragraph (o) on page 56305 is corrected by removing the words "December 31st" and replacing it with the words "January 1st" and deleting the words "of the following year" and placing a period after the figure "30th".

2. Section 3833.1-2(b)(6) on page 56305 is corrected by removing the word "town" from the second sentence and replacing it with the word "township".

3. Section 3833.2-1:

A. Paragraph (b)(1) on page 56306 is corrected by removing the quotation mark at the end of the words "United States Forest Service" and inserting the words "after October 26, 1976 shall".

B. Paragraph (d) on page 56306 is corrected by removing the citation "43 CFR" in the first line and replacing it with the citation "U.S.C.".

4. Section 3833.2-3(c)(3) on page 56307 is corrected by removing it in its entirety as was stated in the preamble; and removing the semicolon at the end of subparagraph 3333.2-3(c)(2) and replacing it with a period.

5. Section 3833.4(a) is corrected by removing the figure "(b)," from the first sentence.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 83-4175 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

45 CFR Part 303

Child Support Enforcement Program; Requests for Full Collection Services by the Secretary of the Treasury

Correction

In FR Doc. 82-10254 beginning on page 16027 in the issue for Wednesday, April 14, 1982, make the following change to § 303.71 on page 16030; in the middle column, the ninth paragraph currently designated "(i)" should read "(3)(i)".

BILLING CODE: 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Forty-Seventh Revised Service Order No. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Forth-Seventh Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE DATE: 12:01 a.m., February 9, 1983, and continuing in effect until 11:59 p.m., July 31, 1983, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided: February 7, 1983.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting at Item 1.A., the authority for Peoria and Pekin Union Railway (PPU) to operate Peoria Terminal trackage east of the Illinois River. This trackage has been purchased by PPU. Appendix A is further revised by deleting at Item 24, the authority for the Colorado & Eastern Railway Company (COE) to operate at Lincoln, Nebraska. COE was granted overlapping authority with the Omaha, Lincoln and Beatrice Railway Company (OLB) at Lincoln in order to serve one shipper not served by OLB. While COE has occupied Rock Island facilities at Lincoln, no service has been provided during the period this authority has been in effect. In addition, OLB has since leased the track authorized to COE and proposes to provide full and immediate service to shippers. Finally, the Trustee reports that no compensation has been paid the Rock Island by COE for the time it has occupied the property. All succeeding Items are numbered accordingly.

Appendix A is further revised by adding at Item 23, the authority for OLB to extend its operation at Lincoln, Nebraska, as described in the appendix.

An application has been received from COE requesting interim authority in Iowa, Nebraska, Kansas, and Missouri, over Rock Island lines which, in some cases, presently have rail service. COE has been requested to provide additional information to the Board on these overlapping operations, as well as certification of the right to do business in Kansas, Missouri, and Iowa, and compensation arrangements with the Trustee. Further action on COE's application has been suspended pending the receipt of the requested information.

Appendix B of Forty-Third Revised Service Order No. 1473 is unchanged and is incorporated into this order by reference.

It has been brought to the attention of the Board that, in certain cases, payment of compensation to the Trustee for the use of Rock Island property is in arrears. All interim operators are reminded that compensation, whether determined by lease, agreement, or the Rock Island Formula, is a requirement of this order and should remain current.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities, that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

Various Railroads Authorized to Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).

(a) *§ 1033.1473 Service Order No. 1473.* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties, or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator

incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(K) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., February 9, 1983.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254.

This order shall be served upon the Association of American Railroads. Transportation Division as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien. Bernard Gaillard not participating.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized aTo Be Operated by Interim Operators

1. *Peoria and Pekin Union Railway Company (PPU):*

A. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

2. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

3. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

4. *Chicago and North Western Transportation Company (CNW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. from East Des Moines, Iowa (milepost 350.8) to West Des Moines, Iowa (milepost 364.34).

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0)

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. from Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. at Sibley, Iowa.

P. at Hartley, Iowa.

Q. from Carlisle to Indianola, Iowa.

R. at Omaha, Nebraska, (between milepost 502 to milepost 504).

5. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. from Newport, Minnesota to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

B. from Davenport (milepost 182.35) to Iowa City, Iowa (milepost 237.01).

6. *Missouri Pacific Railroad Company (MP):*

A. from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. from Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. from Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

7. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

8. *Cadillac and Lake City Railway Company (CLK):*

A. from Poplar Street (milepost 0.76) to and including junction with DRGW Belt Line (milepost 3.99) all in the vicinity of Denver, Colorado.

B. from Colorado Springs (milepost 608.93) to Caruso, Kansas (milepost 430.0) a distance of 178.93 miles.

C. over-head rights from Caruso, Kansas (milepost 430.0) to Colby, Kansas (milepost 387.0), a distance of approximately 43 miles, in order to effect interchange with the Union Pacific Railroad.

9. *Baltimore and Ohio Railroad Compay (BO):*

A. from Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. from Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

10. *Keota Washington Transportation Company (KWTR):*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. at Vinton, Iowa (milepost 120.0 to 123.0).

C. from Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

11. *The La Salle and Bureau County Railroad Company (LSBC):*

A. from Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10, and crossover 115 to effect interchange at Blue Island, Illinois.

B. from Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. from Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. from Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights and to effect interchange at the Kensington and Eastern Yard.

12. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. at Alva, Oklahoma.
B. at St. Joseph, Missouri.
13. *The Brandon Corporation (BRAN):*
A. from Clay Center, Kansas (milepost 178.37), to Manhattan, Kansas (milepost 143.0), a distance of approximately 35 miles.
14. *Iowa Northern Railroad Company (IANR):*
A. from Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa, (milepost 225.1)
B. at Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.
15. *Iowa Railroad Company (IRRC):*
A. from Council Bluffs (milepost 490.15) to West Des Moines, Iowa (milepost 364.34) a distance of approximately 126.81 miles.
B. from Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.
C. from Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.
D. Overhead rights from West Des Moines, Iowa (milepost 364.34) to East Des Moines, Iowa (milepost 350.8). (This trackage is currently leased to the CNW, see Item, 5.E.)
E. from East Des Moines, Iowa (milepost 350.8) to Iowa City, Iowa (milepost 237.01) a distance 113.79 miles.
F. Overhead rights from Iowa City, Iowa (milepost 237.01) to Davenport, Iowa (milepost 182.35), including interchange with the Cedar Rapids and Iowa City Railway. (This trackage is currently leased to the MILW, see Item 6.D.)
G. from Bureau, Illinois (milepost 114.2) to Davenport, Iowa (milepost 182.35)
H. from Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.
I. at Rock Island, Illinois including 26th Street Yard.
J. from Altoona to Pella, Iowa.
16. *Missouri-Kansas-Texas Railroad Company (MKT):*
A. from Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.
17. *Chicago Short Line Railway Company (CSL):*
A. from Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.
B. from Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.
18. *Kyle Railroad Company (Kyle):*
A. from Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.
B. from Belleville (milepost 187.0) to Mahaska, Kansas (milepost 170.0) a distance of approximately 17 miles.
C. from Bellevelle (milepost 225.34) to Clay Center, Kansas (milepost 178.37) a distance of approximately 47 miles.
19. *North Central Oklahoma Railway Inc. (NCOK):*
A. from Mangum, Oklahoma (milepost 97.2) to Anadarko, Oklahoma (milepost 18.14).
B. from El Reno, Oklahoma (milepost 515.0) to Hydro, Oklahoma (milepost 553.0) a distance of approximately 38 miles.
C. from Geary, Oklahoma (milepost 0.0) to Okeene, Oklahoma (milepost 39.0) a distance of approximatey 39 miles.
20. *South Central Arkansas Railway, Inc. (SCAR):*
A. from El Dorado, Arkansas (milepost 99) to Ruston, Louisiana (milepost 154.77).
21. *Burlington Northern Railroad Company (BN):*
A. at Burlington, Iowa (milepost 0 to milepost 2.06).
B. at Okeene, Oklahoma.
22. *Fort Worth and Denver Railway (FWD):*
A. from Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line.
B. at North Fort Worth, Texas (mileposts 603.0 to 611.4).
23. *Omaha, Lincoln and Beatrice Railway Company (OLB):*
*A. at Lincoln, Nebraska (milepost 559.16) to (milepost 561.37).
24. *Enid Central Railway Company, Inc. (ENIC):*
A. from North Enid, Oklahoma (Milepost 0.12) to Ponca City, Oklahoma (milepost 54.8).
25. *Texas North Western Railway Company (TNW):*
A. from Hardesty, Oklahoma (milepost 119.20) to Liberal, Kansas (milepost 152.35) a distance of approximately 33.15 miles.
*Changed.

[FR Doc. 83-3748 Filed 2-17-83; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1201

[Docket No. 36988]

Alternative Methods of Accounting for Railroad Track Structures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final rule.

SUMMARY: This rule revises the Commission's accounting regulations for track assets. The rule changes the method of accounting for track structure from retirement-replacement-betterment (RRB) to ratable depreciation accounting. Ratable depreciation accounting will: (1) More accurately match the asset costs consumed in each accounting period with related revenues; (2) more accurately measure railroad investment in track assets, (3) improve the Commission's ability to assess revenue adequacy and (4) make financial statements more comparable with other industries.

The Commission recognizes that inflation has somewhat diminished the value of historical cost financial statements and that sound economic principles require the impact of inflation to be taken into account in railroad ratemaking. Therefore, the Commission is proposing procedures for inflation accounting that will be used for all property accounts assets in the Commission's future regulatory determinations in Ex Parte No. 393. Data submitted under depreciation accounting is necessary before we can implement inflation accounting.

The Commission also recognizes that railroads need time to implement ratable depreciation accounting. Consequently, although depreciation accounting is effective for the reporting year beginning January 1, 1983, railroads will only reflect ratable depreciation accounting for track assets in the 1983 annual report Form R-1 (due to be filed by March 31, 1984). Railroads will file 1983 quarterly reports using RRB accounting. Railroads are asked to footnote their quarterly reports with estimated results of operations under depreciation accounting based on data available from the Commission.

DATE: This final rule is effective for the reporting year beginning January 1, 1983.

ADDRESS: Copies of this rule may be purchased by contacting: TS Infosystems, Inc., Room 2227, 12th and Constitution Avenue, NW., Washington, D.C. 20423, (202) 289-4357—D.C. Metropolitan area, (800) 424-5403—toll free for outside D.C. area.

FOR FURTHER INFORMATION CONTACT: Brian Holmes, (202) 275-7448.

SUPPLEMENTARY INFORMATION: In considering this change, we issued a Notice of Proposed Rulemaking (NPR), served June 22, 1981, 46 FR 32289 (June 22, 1981), and served a Supplemental Notice of Proposed Rulemaking (SNPR), on March 16, 1982, 47 FR 11539 (March 17, 1982). Several parties filed comments in response to both documents. After reviewing the comments, we have decided that track structure should no longer be treated differently from other assets for accounting purposes. We have concluded that, because DA (unlike RRB) relates cost consumption to the utilization of assets over time, it should be used for all assets except land.

Regulatory Flexibility Act

We certify that this rule will not have a significant economic impact on a substantial number of small entities. This decision directly affects only Class I railroads which have annual revenues of $50 million or more. No substantial number of small entities shall suffer from this action.

This decision will not significantly affect the quality of the human

environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1201

Railroads, Uniform System of Accounts.

Accordingly, effective January 1, 1983, Part 1201 will be revised as set forth in Appendix A.

This rule is issued under authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: January 26, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

For the reasons set out in the preamble, Part 1201, Subpart A of Title 49, Code of Federal Regulations, is amended as set forth below:

PART 1201—RAILROAD COMPANIES

* * * * *

Regulations Prescribed

In (ii) *Definitions:*

1. New definitions 32, 33 and 34 are added to read as follows:

* * * * *

32. "Programmed track replacements" are cost incurred as part of a track replacement program or planned expenditures. Programmed track replacements are generally performed by relatively large work gangs which, on the basis of programmed and authorized work orders, use heavy mechanized equipment to replace rail, ties and other track material. For guidance on what not to capitalize, see the notes to the text of Accounts 8, 9 and 11.

33. "Track maintenance" is material and labor costs of routine track repairs such as sporadic tie replacement, repair of broken rails, tightening track bolts and track spikes. A more complete list of maintenance items are included in notes to the text of Accounts 8, 9 and 11.

34. "Net salvage value" means salvage value of property retired less the cost of removal.

Instructions For Property Accounts

2. Instruction 2–7 *Additions to and retirements of property—General* is amended by revising paragraph (a) and adding paragraph (e) to read as follows:

* * * * *

2–7 *Additions to and retirements of property—General.*

(a) In accounting for additions to and retirements and replacements of road and equipment property (excluding land) used in transportation operations, such property changes shall be considered as consisting of: (1) Units of property, and (2) other than units of property as prescribed in Instruction 2–19. Track property changes will be distinguished by units of property as approved by the Commission.

* * * * *

(e) The accounting for track additions and retirements (with and without replacement) shall be guided by instruction 2–10.

3. Instruction 2–10 is redesignated as 2–11.

4. New instruction 2–10 is added to read as follows:

2–10 *Additions to and retirements of track.*

(a) When track or its components are added to the plant, the cost shall be included in the track primary account. When track components are replaced as part of a track replacement program, the replacement cost shall be accounted for as an addition to the track property account. The cost of track components which are retired with or without replacement shall be written out of the track property account at the time of retirement.

(b) When track is retired the service value (ledger value less net salvage) shall be charged to account 735, "Accumulated depreciation; Road and equipment property."

(c) All repairs of tracks shall be accounted for as operating expenses.

(d) Track investment written out of the accounts shall be at original cost or estimated standard or average cost for that density category. Material to be reused shall be put in an investment pool at unrecovered cost and, when reused, included in the appropriate density category at the average cost of the investment pool.

5. Instruction 2–12 *Changes in line of road.* is removed.

6. Instruction 2–11 *Units of property rebuilt or converted.* is redesignated 2–12.

7. The heading and text of Instruction 2–13 are revised to read as follows:

2–13 *Changes in line of road and relocation of yard tracks.*

(a) When changes are made in a line of road for the purpose of reducing curves or grades, or to eliminate bridges, tunnels, tracks in the installation of a centralized traffic control system, or other physical features, the part of the line so changed shall be considered property retired and its ledger value credited to the property accounts. The new line of road, including land, grading, ballast, track elements, and other transportation facilities serving the road shall be considered an addition and the cost charged to the property accounts. The cost of track changes which do not involve change in the existing roadbed shall be charged to operating expenses, even though the tracks may be dismantled in the process, but the resulting track extensions or reductions shall be accounted for as additions or retirements as appropriate.

(b) The cost of shifting or rearranging tracks within a yard shall be charged to operating expenses, even though the tracks may be dismantled in the process, but resulting increases or decreases in grading, ballast, or track length shall be accounted for as additions or retirements, as appropriate. Where tracks in whole or in part within a yard are determined to be no longer permanently used, the ledger value of such tracks shall be eliminated from the property account. If yard tracks and facilities are constructed in another location to take the place of tracks retired, such tracks and facilities shall be accounted for as additions and the cost thereof shall be included in the property account.

8. Paragraph (c) of Instruction 2–19 is revised to read as follows:

2–19 *List of units of property.*

* * * * *

(c) Rules applicable to units of property rebuilt or converted and to changes in line of road or tracks which involve accounting for units or property retired are set forth in instructions 2–12 and 2–13.

Instructions For Depreciation Accounts

9. Paragraphs (a) and (c) of Instruction 4–1 are revised to read:

4–1 *Method.*

(a) There shall be charged monthly to operating expenses or other appropriate accounts and credited to account 735, "Accumulated depreciation; Road and equipment property," during the service life of depreciable road and equipment property, includable in accounts classed as depreciable, amounts which will approximate the loss in service value not restored by current repairs or covered by insurance. The charges for accruing depreciation currently shall be computed in conformity with the group plan by applying to the cost of property such percentage rates as will distribute the service value by the straight-line method in equal annual charges to operating expenses or other accounts during the estimated life of the property. In the case of track accounts 8, 9 and 11, service value shall reflect net salvage value. For road property, the cost shall

be original cost or estimated original cost, as used in the valuation records, adjusted to current date. If a carrier submits proof that the actual cost of depreciable property is substantially different from cost figures in the valuation records, the carrier may, with the approval of the Commission, use such cost figures as the depreciation base.

* * * * *

(c) For the purpose of the group plan of depreciation accounting, the following primary accounts are classed as depreciable accounts:

Road accounts:

1. Engineering (as appropriately assigned but not distributed, to the other depreciable accounts in arriving at the amounts used as the depreciation base).
3. Grading.
4. Other right-of-way expenditures.
5. Tunnels and subways.
6. Bridges, trestles and culverts.
7. Elevated structures.
8. Ties.
9. Rails and other track material.
11. Ballast.
13. Fences, snowsheds, and signs.
16. Station and office buildings.
17. Roadway buildings.
18. Water stations.
19. Fuel stations.
20. Shops and enginehouses.
22. Storage warehouses.
23. Wharves and docks.
24. Coal and ore wharves.
25. TOFC/COFC terminals.
26. Communication systems.
27. Signals and interlockers.
29. Power plants.
31. Power transmission systems.
35. Miscellaneous structures.
37. Roadway machines.
39. Public improvements—construction.
44. Shop machinery.
45. Power plant machinery.

Equipment accounts:

52. Locomotives.
53. Freight-train cars.
54. Passenger-train cars.
55. Highway revenue equipment.
56. Floating equipment.
57. Work equipment.
58. Miscellaneous equipment.

* * * * *

10. Instruction 4–2 is amended by adding paragraph (e) to read as follows:

4–2 *Rates of depreciation.*

* * * * *

(e) A separate track depreciation rate shall apply to each primary property account in each track density category as provided in Instruction 4–3(d). Track depreciation rates shall be developed by estimating the average life based on an acceptable depreciation methodology, consistently applied, including as an option the units of production method based on gross ton-miles per mile of track.

11. Instruction 4–3 is amended by adding paragraphs (d) and (e) to read as follows:

4–3 *Depreciation records to be kept.*

* * * * *

(d) Carriers shall be prepared to justify all track depreciation rates by keeping appropriate data on the service lives and salvage values of track components which went into the life and net salvage computation of each primary account in each density category.

(e) The investment and related accumulated depreciation for accounts 3, 4, 5, 8, 9, 11 and 39 must be maintained by distinct traffic density categories. Each line segment shall be identified on January 1 of each year as belonging to one of the following traffic density classes, based on the average traffic density in the preceding three years:

Density

Class	*Description*
I	Lines carrying at least 20 million gross ton-miles per mile on an annual basis and not designated as belonging to Density Class III.
II	Lines carrying less than 20 million gross ton-miles per mile on an annual basis and not designated as belonging to Density Class III.
III	Lines identified as potentially subject to abandonment pursuant to Section 10904 of the Interstate Commerce Act.
IV	Yard and way switching tracks.
V	Electronic yards.

Note A.—For purposes of designating line segments as belonging to one of the density classes, the carrier shall consider all traffic carried over the segment whether in the carrier's trains or in the trains of other carriers (estimated if not known).

Note B.—When a carrier operates systems of parallel tracks on a single roadbed, the density associated with the related segment of a rail route shall be the aggregate gross ton-miles on all individual tracks.

Property Accounts

12. The text of Note C to Account 5 is revised to read as follows:

5 *Tunnels and subways.*

* * * * *

Note C.—When a tunnel is converted into an open cut, the ledger value of the tunnel shall be credited to account 735, "Accumulated depreciation; Road and equipment property."

13. The text of Account 8 is revised to read:

8 *Ties.*

(a) This account shall include the cost of cross, switch, bridge and other track ties used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shop, fuel station, supply yard areas, etc.), and the cost of additional ties subsequently laid in such tracks. This account should also include the cost of labor for unloading, distributing and placing ties in tracks.

(b) The cost of handling ties in general supply and storage yards shall be included as store expenses.

Note.—The cost of ties used in the construction of car floats shall be included in the cost of such floating equipment, and the cost of ties used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

Note.—Respacing crossties is to be considered maintenance and expense.

14. The heading and text of Account 9 is revised to read:

9 *Rails and other track material.*

(a) This account shall include the cost of rails and other track material used in the construction of tracks for the movement or storage of locomotives and cars (including tracks in shop, fuel station, supply yard areas, etc.); the cost of welding two or more lengths or rail into continuous lengths for use in construction of tracks; and the cost of labor associated with unloading and installation of the rail and other track material.

(b) The cost of handling rails and "other track material" in general supply and storage yards shall be included as store expenses.

Items of Other Track Material

Angle bars.
Anticreepers.
Bumping posts.
Compromise joints.
Connecting rods.
Crossings, including foundations or bases.
Derails.
Frog blocking.
Frogs.
Guard-rail blocking.
Guard-rail clamps.
Guard-rail fasteners.
Guard rails, switch and other.
Main rods.
Nut locks.
Nuts.
Offset bars.
Rail braces.
Rail chairs.
Rail clips.
Rail joints.
Rail rests.
Rail shims.
Rail splices.
Splice bars.
Step chairs.
Switch chairs.
Switch crossings.
Switch lamps.
Switch locks and keys.
Switch points.
Switch stands.
Switch targets.
Switches.

Tie plates.
Tie plugs.
Tie rods.
Track bolts.
Track insulators.
Track spikes.

Note A.—The cost of rails and other track material used in the construction of car floats shall be included in the cost of such floating equipment and the cost of rails and other track material used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

Note B.—The following activities are considered as maintenance and should be expensed accordingly.

- Rail flaw detection
- Track inspection
- Shifting of existing track
- Removing weeds in track
- Transporting rail
- Restoring chipped and battered rail ends by welding and/or by rail grinding train or other such equipment
- Gauging track
- Loading scrap track materials
- Lubricating rail incurved track
- Tightening bolts
- Resetting spikes and rail anchors in existing track
- Any other maintenance work not involving the placement of track material

15. Account 10, *Other track material* is removed.

16. The heading and text of Account 11 is revised to read:

11 *Ballast.*

(a) This account shall include the cost of gravel, stone, slag, cinders, sand, and like material used in ballasting tracks (including tracks in shop, fuel station, and supply yard areas, etc.) including cost of worktrain service and the cost of labor expended in placing ballast in tracks.

Note A.—The cost of ballast used in the construction of temporary tracks, such as gravel-pit and quarry tracks, shall be included in the appropriate clearing accounts.

Note B.—Earth placed to form a crown in the middle of the track is not considered as ballast.

Note C.—The cost of ballast material placed on the decking of bridges solely for fire-protected purposes shall be included in account 6, "Bridges, trestles and culverts."

Note D.—This account shall be credited for the cost of old ballast left in the roadbed as part of the subgrade, where the quantity of such ballast exceeds the carrier's established standard due to the application of additional ballast. (See paragraph (d) of the text of account 3, "grading.")

Note E.—Surfacing (surface correction of existing ballast) is to be considered maintenance and expensed.

17. Account 12, Track laying and surfacing is removed.

[FR Doc. 83-4121 Filed 2-17-83; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 35
Friday, February 18, 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 COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of the Secretary

15 CFR Part 303

[Docket No. 30201-21]

Allocation of Watch Quotas for Calendar Year 1983 Among Producers Located in the Virgin Islands, Guam and American Samoa

AGENCY: Import Administration, International Trade Administration, Commerce Department; and Interior Department.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend an earlier proposal on the allocation of watch quotas for calendar year 1983, published January 4, 1983. It also proposes to add new provisions to implement new features added by the enactment of Pub. L. 97–446 on January 12, 1983 and extends the period for receipt of comments on the proposal. The amendment of the earlier proposal has to do primarily with the definition of creditable wages, not only for allocation purposes but for purposes added by Pub. L. 97–446 as well. The main change brought about by the new law was the creation of a production incentive over and above the existing tariff benefit and the additional provisions are being proposed for the purpose of putting this additional incentive in place.

DATE: Comments must be received on or before March 21, 1983.

ADDRESS: Comments should be sent to: Statutory Import Programs Staff, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Creel, at the address above (Telephone: (202) 377–1660).

In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Interior have determined that these rules do not constitute a "major rule" as defined by Section 1(b) of the Order. They are not likely to result in

(1) Annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices in either the public or private sector; or

(3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

The General Counsel of the Department of Commerce has certified that this action will not have a significant economic impact on a substantial number of small entities (there are fewer than ten entities affected by this action) and is therefore not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

Finally, the Departments have determined that publication of this rule will not increase the information collection burden on the public. Certain of the proposed amendments will, in fact, reduce the reporting and recordkeeping burden on the respondents. The overall burden is limited solely to those entities receiving the associated federal benefits and the information collection is made on Form ITA–334P under OMB approval number 0625–0040. Accordingly, publication of these rules is consistent with the Departments' responsibilities under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

On December 21, 1982, the 97th Congress passed Pub. L. 97–446. The President signed the law on January 12, 1983. The main provisions of the new law are the elimination of the general headnote 3(a) foreign content limitation on insular watches and watch movements and the establishment of a new incentive designed further to stimulate watch assembly activity in the U.S. insular possessions. The law also forbids the extension of headnote 3(a) privileges and benefits to any articles containing materials to which Column 2 rates of duty apply and limits the size of the 1983 calendar year allocation to 3,000,000 units in the Virgin Islands, 1,200,000 units in Guam, and 600,000 units in American Samoa. The law requires the Departments to adopt minimum assembly requirements in their regulations, and Conference language added to the Senate Finance Committee Report (97–564) states that it is the intention of the Congress in this regard to "ensure that substantial and meaningful work be performed."

The new incentive created by the legislation is in the form of a production incentive certificate which can be used to secure the refund of duties on specified watch, watch movement, and component imports which were entered during a three-year period beginning two years prior to the issue date of the certificate, which is to be issued to eligible producers by March 1 of each calendar year.

The proposed new Section 7(a) language is designed to provide a single definition of "creditable wages" both for allocation and incentive certificate purposes. We propose to raise the individual ceiling on creditable wages from $23,000 to $28,000. The proposed ceiling is still substantially below the FICA maximum in accordance with the Departments' longstanding policy to encourage reliance on permanent residents of the insular possessions in filling management positions.

We are proposing to delete from this definition the exclusion of wages paid to persons engaged in the "strapping and packaging of watches" (a feature of the Departments' rules since adoption of the 1979 provisions). This change is proposed for several reasons. First, assembly modes in which strapping and packaging were a substantial part of the entire local labor contribution (a significant phenomenon in the period immediately prior to adoption of the 1979 provisions) are no longer thought to constitute a significant practice in the industry. Second, packing materials and containers are not subject to duty, so there is no direct benefit accruing from the allowance of credit. Third, the changes will result in a modest simplification of the Departments' information collection and data verification procedures and in a corresponding reduction of the records maintenance and reporting burden on the producer. We propose to leave in place, however, the exclusions of wages paid for the assembly and repair of non-headnote 3(a) units, as these are considered necessary to prevent potentially significant advantages for

some producers *vis a vis* others not engaged in such activity.

In addition, we propose to conform Section 7(a) with another new proposed provision (see discussion of proposed new Section 10, below) and with Congressional intent for our administration of the amended law. We propose, specifically, to define "substantial and meaningful work" with reference to existing Customs requirements (45 FR 37324 (1980)). This standard, however, would apply only during calendar year 1983. The Departments intend to adopt a new and more stringent standard beginning in calendar year 1984. We envision that the 1984 requirements will raise marginally the number of parts from which conventional movements and watches must be assembled under present provisions limiting access to a portion of the annual allocation (see Section 3(a) of the proposed appendix). Tentatively, the numbers being considered are at least 30 discrete parts for movements and at least 33 discrete parts for watches.

With respect to quartz analog watch production, the Departments note that such production is less labor-intensive than mechanical watch assembly. Accordingly, we are considering the adoption of a standard for 1984 which, with the exception of circuit-manufacturing and associated delicate electronic assembly steps currently beyond the industry's capability in terms of equipment and trained personnel, would require complete assembly. In other words, an adequate standard would encompass all four major assembly operations (as defined in the Customs requirements) for quartz analog watches.

Interested parties are advised of the Departments' intentions in this regard to facilitate planning for 1983 operations, on the basis of which the Departments' 1984 calculation of allocation and certificate entitlements will be made. (See the Departments' invitation for recommendations on new quartz analog assembly requirements in the earlier notice of proposed rulemaking at 48 FR 264.)

The amended law authorizes the Departments to "issue such regulations . . . as they determine necessary to carry out their respective duties under this headnote." They are also directed, in making allocations, to "consider the potential impact of territorial production on domestic production of like articles." In exercising their authority to determine the annual limitations on the quantity which may be entered free of duty, they also are to consider "whether such limit is . . . not inconsistent with domestic or international trade policy considerations." Language added by the conferees to the Senate Finance Committee report, finally, requires the Secretaries to ensure that work performed in the insular possessions adds "significantly to the value of the product."

Upon consideration of these expressions of Congressional intent, we have determined that in order to carry out our duties under the headnote it is necessary to adopt value limitations for parts and components employed in insular watch assembly. We consider such limitations desirable in terms of domestic and international trade policy. Furthermore, we believe it would not be possible to characterize as a significant enhancement of the value of the product the typical levels of local labor input ($0.75 to $1.50 depending on the type of movement) if the value of the components were to exceed certain levels. The value levels proposed for 1983 give insular producers sufficient flexibility to assemble watches and movements suitable for sale in the section of the market in which the great majority of watches are sold. The value limitations could be modified in future years if circumstances dictated a change.

Accordingly, the proposed Section 10 would establish value limitations on components of $20 for watch movements and $40 for watches. Units assembled from components exceeding these limitations would not be eligible for duty-free treatment.

The proposed Section 11 would establish provisions governing the calculation, issuance, handling and use of the production incentive certificates provided for in the new legislation.

List of Subjects in 15 CFR Part 303

Imports, Customs duties and inspection, Watches and jewelry, Marketing quotas, Administrative practice and procedure, Reporting requirements, American Samoa, Guam, Virgin Islands.

PART 303—[AMENDED]

For the above reasons, the Departments propose to substitute the revised Section 7(a) below for the corresponding Section 7(a) in their earlier notice of proposed rulemaking (48 FR 263 (1983)) and to add Sections 10 and 11, as shown below, to the proposed Appendix to Part 303.

§ 303.3 Annual allocation formula and other special provisions.

* * * * *

Appendix

* * * * *

Section 7. Definitions.

(a) "Creditable wages" means all wages up to $28,000 per person paid to residents of the territories employed in a firm's headnote 3(a) watch and watch movement assembly operations. Excluded, however, are wages paid (i) accountants, lawyers, or other professional personnel who may render special services to the firm, (ii) persons assembling non-headnote 3(a) watches and watch movements, and (iii) persons engaged in the repair of non-headnote 3(a) watches and watch movements. Non-headnote 3(a) watches and watch movements include, but are not limited to, watches and movements which: are liquidated as dutiable by the U.S. Customs Service; contain any material which is the product of any country with respect to which Column 2 rates of duty apply; are ineligible for duty-free treatment pursuant to Section 10 of this Appendix; or the Departments have determined the assembly of which did not involve substantial and meaningful work in the insular possession. ("Substantial and meaningful work" shall be considered to have taken place if the minimal assembly requirements of the U.S. Customs Service have been complied with; see 45 FR 37324, June 2, 1980.) Wages paid to persons engaged in both headnote 3(a) and non-headnote 3(a) assembly and repair activities may be credited proportionately for their headnote 3(a) activities, provided the firm maintains production and payroll records adequate for the Departments' verification of the headnote 3(a) portion.

* * * * *

Section 10. Limitation on value of components used.

(a) Watch movements assembled from components with a value of more than $20 and watches assembled from components with a value of more than $40 shall not be eligible for duty-free entry into the U.S. customs territory.

(b) As used in subsection (a), "value" means the value of the merchandise plus all charges and costs incurred up to the last point of shipment.

(c) Wages expended in the assembly of watches and watch movements described in Subsection 10(a) are wages for non-headnote 3(a) assembly activity, as defined in Subsection 7(a) of this Appendix.

Section 11. Production Incentive Certificates—(a) *Calculation of value.* (1) The Departments shall verify total creditable wages paid by each producer during the calendar year and divide by the total units it shipped during the calendar year to derive its average creditable wage per unit shipped (APS). The Departments may, however, make adjustments for these data in the manner set forth in Section 3(a)(2) of this Appendix.

(2) The value of each producer's certificate shall equal the producer's APS times the sum of

(i) the number of units shipped up to 300,000 units times a factor of 90%; plus

(ii) incremental units shipped up to 450,000 units times a factor of 85%; plus

(iii) incremental units shipped up to 600,000 units times a factor of 80%; plus

(iv) incremental shipments up to 750,000 units times a factor of 65%.

(3) For purposes of determining the applicable amount of each producer's certificate to be issued during calendar year 1983, the greater of (i) the producer's creditable wages for calendar year 1982 or (ii) 60% of the producer's creditable wages for calendar year 1981 shall be considered the creditable wages for 1982. Data on any firm's 1981 operations not available in the insular possession during the Departments' 1983 annual verification must be made available to the Departments at a time and location specified by the Departments.

(4) "Creditable wages" means wages as defined in Section 7(a) of this Appendix.

(b) *Issuance of certificates.*

(1) Certificates ("Certificate of Entitlement to Secure the Refund of Duties on Watches and Watch Movements (Pub. L. 97–446)"; Form ITA–360) shall be issued as soon as possible after February 1, 1983 (with the exceptions specified in (2) and (3), below) upon receipt of the producer's certification that it intends and shall be able to sustain operations beyond calendar year 1983.

(2) Certificates shall not be issued to more than one company in the same insular possession which are owned or controlled by the same corporate entity.

(3) Any producer which failed or was ineligible to request a calendar year 1983 quota prior to January 31, 1983, shall be ineligible to receive a calendar year 1983 certificate. Any producer which assembled and shipped watches for at least six months of 1981 or six months of 1982 may, however, reestablish its eligibility, whether or not such producer had informed the Departments of its intention to discontinue insular watch production, by taking actions necessary to resume assemble prior to June 1, 1983. Only after such producer has actually begun assembly operations in 1983 and has satisfied the Departments that it intends and shall be able to sustain operations beyond calendar year 1983 shall the producer be eligible to receive its certificate based on the creditable wages generated during calendar year 1981 or 1982 and verified by the Departments. The Departments may make appropriate 1983 allocations to such firms under the provisions of Section 303.5(a)(5) of the codified regulations.

(c) *Security and handling of certificates.* (1) Certificates (Form ITA–360) authorize the holder to request the refund of duties (see (d), below). Certificates themselves may not be used to secure such refunds.

(2) Certificate holders are responsible for the security of the certificates. They shall be maintained at the territorial address of the insular producer or at another location having the advance approval of the Departments.

(3) All requests for refunds made pursuant to the certificates shall be entered on the reverse side of the certificate.

(4) Certificates shall immediately be returned by registered mail to the Departments (i) together with any request for refunds which exhausts the entitlement on the face of the certificate, (ii) upon expiration of the certificate, or (iii) upon demand (for good cause) by the Departments.

(5) The transfer of certificate entitlements may be effected only in accordance with the procedures described in (d), below.

(d) The use and transfer of certificate entitlements.

(1) To request a refund pursuant to a certificate entitlement, the insular producer shall execute a Form ITA–361 ("Request for Refund of Duties on Watches and Watch Movements (Pub. L. 97–446)") in accordance with the instructions thereon. After authentication by the Department of Commerce, the Form ITA–361 may be used to secure the refund of duties on watch movements, watches, and (except for discrete cases) parts therefor (excluding articles containing any material which is the product of a country with respect to which Column 2 rates of duty apply) which were entered into the customs territory of the United States during the two-year period prior to the issue date of the certificate and during the one year period the certificate remains valid. Copies of the appropriate Customs entries must be provided with the request for refund (Form ITA–361) in order to establish a basis for issuing the claimed amounts. Certification regarding drawback claims and liquidated refunds relating to the presented entries is required from the claimant on Form ITA–361.

(2) The refund of duties pursuant to Public Law 97–446 is governed by regulations issued by the U.S. Customs Service, U.S. Department of the Treasury. Unauthorized use of any official form or other violation of the Customs regulations shall, upon receipt by the Departments of official information of such violation, result in the cancellation of the affected certificate and may subject the violator to other penalties provided by the Customs regulations.

(3) To transfer a portion or all of its certificate entitlements, the insular producer shall execute Form ITA–361 and, checking the "other party" box in block C of the form, enter thereon the name, address and phone number of the party to which it wishes to transfer the entitlement.

(4) After a Form ITA–361 transferring a certificate entitlement to a party other than the certificate holder has been authenticated by the Department of Commerce, the form may be exchanged for any consideration satisfactory to the two parties. In all cases, authenticated forms shall be transmitted to the certificate holder or its authorized custodian (see Section 11(c)(2), above) for disposition.

(5) All disputes concerning the use of an authenticated Form ITA–361 shall be referred to the Departments for resolution. Any party named on an authenticated Form ITA–361 shall be considered an "interested party" within the meaning of Section 303.11(a) of the codified regulations (relating to appeals), under the provisions of which all such disputes shall be settled.

Issued at Washington, D.C. on February 15, 1983.

Pedro A. Sanjuan,

Assistant Secretary for Territorial and International Affairs, U.S. Department of the Interior.

John Evans,

Deputy to the Deputy Assistant Secretary for Import Administration, U.S. Department of Commerce.

[FR Doc. 83–4150 Filed 2–17–83; 8:45 am]

BILLING CODES 4310–10, 3510–25–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

15 CFR Part 400

[Docket No. 21222–257]

Foreign-Trade Zones in the United States

AGENCY: International Trade Administration, Commerce.

ACTION: Proposed rule.

SUMMARY: The Foreign-Trade Zones Board (the Board) invites public comment on proposed amendments to its regulations. The amendments are comprehensive, with all but a few sections of the current regulations proposed for revision. Consequently, the action constitutes a complete revision of Part 400.

The revision is intended to simplify and update the regulations so that they reflect contemporary zone practice as it has evolved through interpretations and actions by the Board and the Customs Service. Included in the changes are more definitive coverage and criteria for manufacturing activity, subzones, and the "public interest" provision. Also, procedures are sumplified for applications and decisionmaking.

Because of the growth in the number of zones and subzones, and increases in manufacturing and other zone activity, it is intended that this proposed rulemaking also serve as a forum for general comments on the zone program and the policies reflected in the proposed regulations.

DATE: Comments are invited in writing for 60 days and must be received by April 19, 1983.

ADDRESS: Comments (original and 6 copies) are to be addressed to the: Executive Secretary, Foreign-Trade Zones Board, International Trade Administration, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Room 1872, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT:
John J. Da Ponte, Jr., Executive Secretary, Foreign-Trade Zones Board, 202/377–2862.

SUPPLEMENTARY INFORMATION:

Background

Foreign-Trade Zones (zones) are restricted areas in or near ports of entry, which are licensed by the Board and operated under the supervision of the Customs Service. They are considered outside of U.S. Customs territory for purposes of Customs entry procedures. Authority for establishing these facilities is granted to qualified corporations, usually public, who submit applications under the Board's regulations showing the need for zone services and a workable plan that includes suitable facilities and financing.

Zones are operated under public utility principles, with grantees frequently contracting with private firms to operate facilities and provide services to zone users. They have as their public policy objective the creation and maintenance of employment through the encouragement of operations in the United States which, for Customs cost reasons, would otherwise have been carried on abroad. The objective is furthered when zones assist exporters and reexporters, or when goods arrive from abroad in an unfinished condition for processing here rather than overseas.

Foreign and domestic merchandise may be moved into zones for operations not otherwise prohibited by law involving storage, exhibition, assembly, manufacture or other processing. The usual formal Customs entry procedure and payment of duties is not required on the foreign merchandise unless and until it enters Customs territory for domestic consumption, in which case the importer has a choice of paying duties either on the original foreign material or the finished product. Quota restrictions do not normally apply to foreign goods in zones, except that special procedures may apply when manufacturing is involved. Domestic goods moved into a zone for export may at the request of the exporter be considered exported upon entering the zone for purposes of excise tax rebates and drawback. "Subzones" are a special-purpose type of ancillary zone authorized by the Board, through grantees of public zones, for operations by individual firms that cannot be accommodated within an existing zone, when it can be demonstrated that the activity, usually manufacturing, will result in a significant public benefit.

During the past decade the number of ports of entry with zone projects has grown from 10 to 75, and the value of goods entering zones and subzones has increased from just over $100 million to over $3 billion, about 50 percent of which involves manufacturing activity. About 33 percent of the goods currently entering zones is of domestic origin and some 30 percent of the goods shipped from zones are exported.

This intensified interest in zones, both on the part of communities providing zone services as part of their economic development efforts and on the part of firms using zone procedures to help make their products more competitive, is related to growth that has occurred in international trade and foreign direct investment in the United States. While there has been little public controversy concerning the establishment of public zones, many proposals for manufacturing in zones for the domestic market have been opposed by competing domestic industries that are sensitive to imports.

In commenting on zone proposals, firms interested in using zones for manufacturing have expressed a desire for greater access and flexibility in zone procedures to help them compete against imports of finished goods and increase their exports. Those opposing zone manufacturing operations have argued that zone procedures should be restricted for non-export operations because, in reducing import costs, zones can adversely affect import-sensitive industries.

The Board and the Customs Service have in recent years interpreted and adapted their requirements in a way that has allowed zone procedures to become more widely available at ports of entry throughout the United States, including the smaller ones. In approving larger zone areas that can be activated with Customs approval and clearance on manufacturing, flexibility has been injected into the program so that communities can adapt zones to their local needs and use them more effectively in their economic development efforts. At the same time, the Board has been responsive to complaints on certain manufacturing proposals from adversely affected domestic firms, by imposing restrictions when it is found that negative economic consequences are threatened.

On October 8, 1980, the Board issued an Advance Notice of Proposed Rulemaking (45 FR 67681, October 14, 1980), soliciting suggestions for amendments to the regulations, especially on "subzones" and the "public interest" section. The comments received have been taken into account in drafting this revision.

Through simplification and consolidation, the number of sections in the existing regulations has been decreased from 110 to 75, with a resulting reduction in the overall length of the regulations by some 30 percent. Some of the more important changes are:

Procedures and criteria for reviewing manufacturing proposals are stated (Sec's. 400.1309; 400.700 (a)(1); 400.807(b)).

The "public interest" provision is expanded to include criteria and procedures (Sec. 400.807).

Subzones are defined and criteria for approval stated (Sec's. 400.101; 400.400(c)).

Distinction made between "approved" zone space and "activated" space, with only the latter being considered outside Customs territory (Sec's. 400.101; 400.700(a)(5)).

Relationship of grantee and operator clarified (Sec. 400.106).

Examiners Committee would be replaced by a single examiner, assisted by advisers (Sec's. 400.109, 400.1305(a)).

Locational provisions, including adjacency requirements, clarified (Sec's. 400.300–400.303).

The criteria for approving zones is outlined in a single provision (Sec. 400.400).

The statement on physical requirements for zones is simplified (Sec. 400.401).

The format for applications and zone schedules are simplified (Sec's. 400.600–604; 400.1002–1003).

General conditions applicable to all grants of authority are stated to permit incorporation by reference (Sec. 400.700).

The provision on accounts, records and reports is simplified (Sec. 400.1004).

The Committee of Alternates can act as the Board when members present at quorum meeting have authority to act for their principals (Sec. 400.1302).

Commerce and Treasury attendance is necessary for a quorum at Board meetings (Sec. 400.1303).

The advisory role of the Department of the Army is recognized, and the Army District Engineer would no longer be automatically involved in zone proposals, his involvement to be determined by the Resident Member BERH and Executive Secretary (Sec's 400.202; 400.1305(a); 400.108).

Authority

This revision is proposed under the authority of section 8 of the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 1000; 19 U.S.C. 81h).

Comments

The period for the submission of comments will close April 19, 1983. All comments received during this period will be considered by the Board in developing the final regulations. Submissions (original ans six copies) shall be in writing and shall not contain information of a proprietary nature, as they will be made available for public inspection and copying, with the exception of those submitted by other Federal agencies.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001B, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW., Washington, D.C. 20230. Written public comments on file at the facility may be inspected and copied in accordance with 15 CFR Part 4. Information about the inspection and copying of records at the facility may be obtained from Patricia L. Mann, International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377–3031.

Regulatory Flexibility Act

This proposed rule is not subject to the requirements of sections 603 and 604 of Title 5, United States Code, added by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), because it will not have a significant economic impact on a substantial number of small entities. There are some 75 zone grantees and 40 firms operating all or parts of zone facilities for grantees. Of some 1,500 firms using zones, about 600 use them on a full time basis. It is estimated that less than 100 small entities are included among the above firms. In all cases, however, the impact of the proposed rules would be favorable, as they reduce the present regulatory burden on these parties and simplify procedures.

Executive Order 12291

This proposed rulemaking does not involve a major rule as defined in Section 1(b) of E.O. 12291 because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The proposed rule will impose no additional reporting or record keeping burden on the public. Existing requirements for zone applicants, grantees, operators, and users, are simplified and there is an overall reduction of the burden on these parties, which are the ones mainly affected (Paperwork Reduction Act of 1980, Pub. L. 96–511).

List of Subjects in 15 CFR Part 400

Administrative practice and procedures, Foreign-trade zones, Freedom of information, Harbors, Penalties, Imports, Customs duties and inspection.

For the reasons set out in the preamble, it is proposed to revise 15 CFR Part 400 as follows:

PART 400—FOREIGN-TRADE ZONES IN THE UNITED STATES

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400.800 Operations in zones subject to customs supervision.
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400.1003 Format for zone schedules.
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[Reserved]

400.1100 [Reserved]

Violations of Act or Regulations

400.1200 Fine imposed for violation of act or regulations.
400.1201 Revocation of grant.
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Rules of Procedure and Practice

400.1300 Board headquarters.
400.1301 Executive Secretary: Functions and authority.
400.1302 Committee of Alternates.
400.1303 Board meetings and the transaction of Board decision-making.
400.1304 Board decisions.
400.1305 Applications—processing and decision-making procedure.
400.1306 Reports on proposals or requests for Board decisions.
400.1307 Authorization for investigations and hearings.
400.1308 Revocations, nullifications, and relinquishments of grants.

Authority: Foreign-Trade Zones Act of June 18, 1934, (48 Stat. 998–1003; 19 U.S.C. 81a–81u), as amended by Pub. L. 566, 81st Congress, approved June 17, 1950, (64 Stat. 246, and Pub. L. 791, 85th Congress, approved August 28, 1958 (72 Stat. 945).

Definitions

§ 400.100 Act and regulations.

(a) "Act" means the Foreign-Trade Zones Act of June 18, 1934 (48 Stat. 998–1003; 19 U.S.C. 81a–81u), as amended by Pub. L. 566, 81st Congress, approved June 17, 1950 (64 Stat. 246, and Pub. L. 791, 85th Congress, approved August 28, 1958 (72 Stat. 945).

(b) "Regulations" means these regulations adopted by the Foreign-Trade Zones Board pursuant to the Act (15 CFR Part 400).

§ 400.101 Zone, subzone, zone project.

(a) "Zone" means "foreign-trade zone" and might as a general term include "subzone." Foreign-trade zones are restricted areas, under supervision of the U.S. Customs Service, which are considered outside the Customs territory of the United States when activated under zone procedures. They are the U.S. version of what are generally known internationally as Customs free trade zones. Located in or near U.S. Customs ports of entry, zones are operated under public utility principles by qualified corporations. Authority for establishing these facilities is granted by the Foreign-Trade Zones Board under the Act and Regulations. If the zone is designed to serve a special type of activity the term "special-purpose zone" may be used. When a zone consists of more than one site under the same grantee, the sites shall be considered part of the same zone project. Foreign and domestic merchandise may be moved into zones for operations not otherwise prohibited by law involving storage, exhibition, assembly, manufacture or other processing. The usual formal Customs entry procedures and payment of duties is not required on the foreign merchandise unless and until it enters Customs territory for domestic consumption, in which case the improper has a choice of paying duties either on the original foreign material or the finished product. Quota restrictions do not normally apply to foreign goods in zones, except that special procedures may apply when manufacturing is involved. Domestic goods moved into a zone for export may at the request of the exporter be considered exported upon entering the zone for purposes of excise tax rebates and drawback.

(b) "Subzones" are special-purpose ancillary zone sites authorized by the Board, through grantees of public zones, for operations by individual firms that cannot be accommodated within an existing zone, when it can be demonstrated that the activity, usually manufacturing, will result in a significant public benefit. They are considered non-contiguous extensions of zones for single users, usually at their own facilities and, in this sense, are private rather than public zone facilities. Separate zone sites within an industrial or commercial complex subject to common management and convenants may be considered contiguous, and thus a part of a zone, rather than as subzones.

(c) "Zone Project" means all of the zone and subzone sites under a single grantee, normally in a single port of entry area.

§ 400.102 Board; Secretary of Commerce.

(a) "Board" means the Foreign-Trade Zone Board established by the Act. The Board consists of the Secretary of Commerce, who serves as chairman and executive officer, the Secretary of the Treasury, and the Secretary of the Army. Each Board member designates an official of his Department, usually an Assistant Secretary, to serve as his Alternate (see, Section 400.1302).

(b) "Secretary" means the Secretary of Commerce.

§ 400.103 State.

"State" means any State of the United States, the District of Columbia, and Puerto Rico.

§ 400.104 Corporation.

"Corporation" means a public or private corporation.

(a) "Public corporation" means a State, political subdivision thereof, a municipality, a public agency of a State, political subdivision thereof, or municipality, or a corporate municipal instrumentality of one or more States.

(b) "Private corporation" means any corporation other than a public corporation.

(1) "Non-profit" private corporations are those organized and chartered for a public purpose that involves port or economic development and includes that of establishing zones (see, § 400.501(a)).

(2) "For-profit" private corporations applying for a grant of authority to establish a zone shall be organized and chartered for this purpose under a special act of the State or States in which the zone is to be located (See § 400.501(b)).

§ 400.105 Applicant.

"Applicant" means a corporation applying for a grant of authority to establish a foreign-trade zone or subzone, or a grantee applying for authority concerning an existing zone project.

§ 400.106 Grantee, operator, user.

(a) "Grantee" means a corporation which has been issued a grant of authority for establishing a foreign-trade zone or subzone. The authority to establish a zone includes the authority to operate ——— and the responsibility to ———

(b) "Operator" means a corporation, partnership, or person that operates a zone; noncontiguous, activated zone site; or, subzone. An operator's responsibilities and functions are covered in an operating agreement with the grantee, which can contract for the operation and maintenance of a zone or a zone activity, but cannot assign the grant of authority itself. Such agreements are subject generally to the Act and regulations and should include the terms between the parties concerning such matters as the time length of the agreement and termination provisions, as well as the responsibilities for dealing with U.S. Customs. The District Director's concurrence is required for the party designated "operator", to be recognized as such, and an understanding should be reached with Customs officials concerning bonding and liability.

(c) "User" means a person or firm using a zone or subzone. The user usually deals directly with the operator of the zone. A user that is the sole occupant of a noncontiguous site or a subzone may be designated by the grantee as an operator.

§ 400.107 Regional Commissioner; District Director.

(a) "Regional Commissioner" means the Regional Commissioner of Customs for the Customs Region in which the zone is located.

(b) "District Director" means the director of Customs for the district in which the zone or subzone is located.

§ 400.108 Resident Member BERH; District Engineer.

(a) "Resident Member BERH" means the Resident Member, Board of Engineers for Rivers and Harbors, Department of the Army. This official has been delegated authority by the Secretary of the Army to act on nondiscretionary zone matters.

(b) "District Engineer" means the engineer of the Department of the Army in whose district the zone is located.

§ 400.109 Examiner.

"Examiner" means an employee of one of the Board agencies designated under the regulations to conduct or participate in an investigation concerning the establishment or expansion of a zone or subzone or other matter requiring a fact-finding determination and recommendation for Board action.

Jurisdiction and Authority of the Board

§ 400.200 Authority of the Board.

The Board is authorized, subject to the provisions of the Act, and other laws of the United States applicable to zones to:

(a) Grant to corporations the privilege of establishing foreign-trade zones in or adjacent to ports of entry of the United States, if it finds that there is a need for zone services and an adequate plan for facilities and financing.

(b) Prescribes rules and regulations concerning zones.

(c) Approve the rates and charges of zone grantees and operators for zone users, subject to subject to public utility provisions of the Act and regulations.

(d) Require compliance with its regulations and the legal requirements of other federal, state and local agencies that are applicable to zones.

(e) Prescribe the form and manner for zone accounts.

(f) Require the submission annually, and at such other times as the Board may prescribe, of reports containing information on zone operations and finances.

(g) Inspect and examine the premises, operations or accounts of grantees and operators.

(h) Impose fines of not more than $1,000 per day for violations of the Act or of the regulations in this part.

(i) Revoke the grant of any corporation, after due notice and a public hearing, for repeated and willful violations of the Act.

(j) Make an annual report to the Congress on zone operations.

(k) Perform such other duties as may be necessary to administer the provisions of the Act.

§ 400.201 Cooperation with other agencies.

(a) The Board is authorized to cooperate with other federal, state and local agencies having jurisdiction in zones.

(b) By authority of the Act and Executive Order No. 7104, July 18, 1935, the executive departments and other establishments of the Government will furnish such records, papers, and information in their possession as may be required by the Board, and temporarily detail to the service of the Board such personnel as may be necessary to enable the Board to carry out its duties under the Act.

§ 400.202 Role of the Department of the Army.

(a) The role of the Department of the Army on the Board is more specialized than that of the other members. Through the Corps of Engineers, Army advises the Board on matters within its areas of expertise and responsibility.

(b) The Executive Secretary shall notify the Resident Member BERH of cases and matters as they are filed, requesting an advisory opinion or the assistance of a District Engineer when appropriate.

(c) Based upon his review of applications, the Resident Member BERH may, on request or at his own initiative, submit advisory opinions and other information to the Excecutive Secretary when appropriate.

(d) Some of the possible areas for Army's involvement in an advisory capacity are:

(1) Section 10 (Rivers and Harbors Act of 1899) permits for construction in navigable waters.

(2) Section 103 (Ocean Dumping Act) permits.

(3) Section 404 (Clean Waters Act) permits for fill materials in U.S. Waters.

(4) Advice on floodplain and environmental matters.

Number and Location of Zones

§ 400.300 Ports of entry entitled to at least one zone.

Every port of entry of the United States is entitled to establish at least one zone upon meeting the requirements of the Act and regulations. The use of zones is considered a privilege subject to the legal and public interest provisions.

§ 400.301 Multi-state and multi-city ports of entry.

When a port of entry covers more than one State, each of the States in the port of entry area shall be entitled to a zone, subject to the Act and regulations. When a port of entry covers more that one city separated by a navigable waterway, each of the cities shall be entitled to a zone subject to the Act and regulations.

§ 400.302 Additional zones in ports of entry.

(a) Once a zone project has been approved for a port of entry, additional projects under separate grantees (other than those provided for in § 400.301) may be authorized only if the Board finds that the existing project will not adequately serve the convenience of commerce. The burden of proof in establishing these facts shall be on the prospective grantee.

(b) When a zone grantee wishes to expand its zone to a noncontiguous site or sites, the proposal shall be submitted as an application for an expansion or boundary modification (See, § 400.605). Zone projects should be consolidated at single locations within a port of entry as much as possible.

§ 400.303 Location in relation to ports of entry.

Zones and subzones may be located only in or adjacent to ports of entry. The definition of "adjacent" is a location within 35 statute miles of a Customs port of entry. Because of the special nature of subzones, a more distant location may be considered "adjacent" for a proposed subzone if it is within 90 minutes driving time, as measured by a Customs officer, from the supervising Customs office. For purposes of this section, a Customs station designated by Customs regulations is considered a port of entry if it is staffed by at least one full-time Customs officer at the time the application is filed.

Economic, Financial, and Physical Requirements for Establishment of Zones

§ 400.400 General criteria: zones and subzones.

(a) An applicant for a zone (§ 400.600) must demonstrate to the satisfaction of the Board that its establishment will expedite and encourage commerce in a manner that is consistent with the public interest (See, § 400.807). In evaluating the proposed zone, general factors considered by the Board will include:

(1) The need for zone services in the port of entry in question, taking into account existing as well as projected international trade related activities and anticipated employment to be generated or sustained.

(2) Whether an adequate operation plan exists, including a suitable site and facilities, and proof of ability to finance the project.

(3) Local community and State government support, including (i) evidence that the zone project is compatible with the community's master plan or stated goals for economic development, (ii) the views of State and local public officials involved in related economic development programs; and, (iii) the views of persons and firms likely to be affected by proposed zone activity.

(b) The establishment of a zone shall normally be considered under the criteria of § 400.400. Proposals for manufacturing in zones or subzones that involve "public interest" questions, shall be reviewed under the criteria enumerated in § 400.807.

(c) In reviewing proposals for subzones (See, § 400.101(b)) the Board will, in addition to the economic factors for public zones, consider:

(1) Whether the operation can be accommodated in the public zone serving the area.

(2) Whether efforts have been made to accommodate the operation, such as enlarging the public zone area, the cost of locating in public zone not being a determining factor.

(3) The specific zone benefits sought, and whether alternative means or remedies are available.

(4) Whether convincing evidence has been presented as to a resulting significant public benefit, including export development and displacement or substitution of imports, usually measured in terms of new or sustained employment.

(d) When appropriate, the Board may approve zones, subzones or zone activity with restrictions, such as types of activity, procedures, and time.

(e) Proposals for new zones, zone expansions, subzones, or manufacturing, which involve operations exclusively for export shall be expedited, and there shall be presumption that such proposals are in the public interest.

(f) Proposals requiring expeditious or special treatment under federal law will be reviewed with special consideration given to the objectives of the programs involved.

§ 400.401 Operational and physical requirements.

(a) A zone plan shall include proof as to the ability to finance and operate the proposed zone, and an adequate infrastructure of facilities and services necessary to carry out the project, including cargo handling and storage/processing facilities, utilities, physical security, facilities for the U.S. Customs Service, and access to transportation systems.

(b) Physical security and access requirements shall be determined by the District Director, who shall consider the latest Customs Standards for Cargo Security in determining what is adequate under the circumstances. The District Director may deny admission of goods to any zone in which the security is considered inadequate. Adequate administrative facilities shall be provided for government officials by the grantee or operator.

Eligible Applicants

§ 400.500 Eligibility for zone grants of authority.

Public and private corporations, eligible under State law, may apply for grants of authority to establish and operate zones and subzones; but, the Board shall give preference to public corporations.

§ 400.501 State enabling legislation.

(a) The eligibility of public and non-profit corporations to apply for a grant of authority for zones and subzones shall be supported by enabling legislation of the legislature of the State in which the zone is to be located, indicating that the corporation, individually or as part of a class, is authorized to so apply.

(b) Private for-profit corporations so applying must be chartered under a special act of the legislative and organized for the purpose of establishing a zone or subzone.

Applications for Grants of Authority

§ 400.600 General.

Applications for grants of authority for zones shall consist of a cover letter and five exhibits. Standard letter sized paper (8½" x 11") shall be used, and the original shall be submitted with 12 copies, unless the Executive Secretary determines that fewer or more copies are needed. The application shall be addressed to the Secretary of Commerce, Chairman, Foreign-Trade Zone Board, U.S. Department of Commerce, Washington, D.C. 20230, c/o the Executive Secretary.

§ 400.601 Form and content.

The following requirements shall apply to the cover letter and five exhibits:

(a) *Cover letter.* The cover letter shall be signed by an authorized officer of the corporation and bear the corporate seal. The cover letter shall:

(1) Describe the corporation and its eligibility to apply.

(2) Make a specific statement as to the type of authority requested from the Board.

(3) Give a brief description of the proposed site and facilities and the larger project of which the zone is a part.

(4) Provide a summary as to the project background, including surveys and studies.

(5) Make a brief statement concerning the need for the zone as a service to the business community.

(6) Make a brief statement as to relationship of the project to the community's and state's overall economic development plans and objectives.

(7) Make a brief statement as to how the project will be operated and financed.

(8) Provide any additional pertinent information needed for a complete summary description of the proposal.

(b) *Exhibits.* Applications for grants of authority shall contain the following exhibits:

(1) *Exhibit 1—Authority to apply.* This exhibit shall include: (i) A certified copy of State enabling legislation (See, Sec. 400.501). (ii) A copy of pertinent sections of the applicant's charter or organization papers. (iii) A certified copy of the resolution of the governing body of the corporation authorizing the official signing the application.

(2) *Exhibit 2—Site description.* This exhibit shall include: (i) A detailed description of the zone or subzone site, including size, location, address, and a legal description of the area proposed for approval. (ii) A summary description of the larger project of which the zone is a part, including type, size, location and address. (iii) A statement as to whether the zone is within or adjacent (see § 400.303) to a Customs port of entry. (iv) A description of zone facilities and services, including dimensions and types of existing and proposed structures. (v) A description of existing or proposed site qualifications including: land-use zoning, relationship to floodplain, infrastructure, utilities, security, and access to transportation services. (vi) A description of current activities carried on in or contiguous to the project. (vii) If part of a port facility, a summary of port and transportation services and facilities. If not, description of transportation systems indicating connections from local and regional points of arrival to the zone. (viii) A statement as to the possibilities and plans for zone expansion.

(e) *Exhibit 3—Operation and financing.* This exhibit shall include: (i) A statement as to site ownership; and, if not owned by the applicant or proposed operator, evidence as to their legal right to use the site on a long-term basis. (ii)

A discussion of the operational plan; and, when the zone or a portion thereof will be operated by other than the grantee, the name and qualifications of the proposed operator, a summary of the process used in selecting the operator, and the type of operating agreement. (iii) A brief explanation of the plans for providing facilities and physical security. (iv) A summary of the plans for financing capital and operating costs, including a statement as to the source and use of funds. (v) The estimated time schedule for construction and activation. (vi) A summary as to anticipated cash flow projections on an annual basis for the first three years of operation.

(4) *Exhibit 4—Economic justification.* This exhibit shall include: (i) A statement of community's overall economic goals and strategies, in relation to those of the region and state. (ii) A reference to the plan or plans on which the goals are based and how they relate to the zone project. (iii) An economic profile of the community including indentification and discussion of dominant sectors in terms of percentage of employment or income, area resources and problems, economic imbalances, unemployment rates, area foreign trade statistics, and area port facilities and transportation networks. (vi) A statement as to the role and objectives of the zone project. (v) A discussion of the anticipated economic impact, direct and indirect, of the zone project, including references to public costs and benefits, employment, the U.S. balance of trade, and environmental impact. (vi) A statement as to the need for zone services in the community, with information on surveys of business, and specific expressions of interest from proposed zone users, with letters of intent from those firms that are considered prime prospects. (vii) Any proposed manufacturing and processing operations shall be described with information as to the nature and scope of the operation and production process, materials and components used, an indication of which will be foreign sourced, zone benefits anticipated and how they will affect the firm's plans, and the economic impact of the operation on the community. Because the Board will consider the broader impact of manufacturing operations in relation to competing domestic industries, the applicant should also address this area particularly where the operations involve import-sensitive products.

(5) *Exhibit 5—Maps.* Three full-sized original maps in the three categories listed below shall be submitted, with letter sized reductions provided when possible for the copies of application. One of the original sets shall be sent to the district director of Customs. (i) State and county maps showing the general location of the zone in terms of the areas transportation network. (ii) A U.S. Geodetic Survey map, or the equivalent, showing in red the location of the proposed zone. (iii) A detailed blueprint of the zone or subzone area showing zone boundaries in red, with dimensions and metes and bounds, or other legal description, and showing existing and proposed structures. The applicant shall retain the master drawing.

(c) *Additional information.* The Board or the Executive Secretary may require additional information needed to adequately evaluate a proposal.

§ 400.602 Amendments.

The Board or the Executive Secretary may authorize amendments to applications. When substantive changes are made after formal notice has been given, further public notice shall be given and comments invited when appropriate.

§ 400.603 Drafts.

Prior to the submission of a formal application a draft should be submitted to the Executive Secretary for review by his office so that comments and suggestions can be made.

§ 400.604 Formal acceptance, filing, and public notice.

(a) Applications submitted by eligible corporations shall be reviewed for filing sufficiency by the Executive Secretary. Upon determining that the application is correct as to form and complete as to information and material required, the Executive Secretary shall formally accept the application and assign a docket number and filing date, and the applicant shall be so advised.

(b) Subsequent to the assignment of a docket number, public notice will be given in the **Federal Register**. The notice will contain the name and address of the applicant, a general description of the project and its location, information as to a public hearing, if one is to be held, and information concerning the open record period during which interested parties may communicate their views to the Board.

(c) Expeditious and special treatment shall be given to applications required to receive such treatment under other federal laws. These cases shall not be delayed because of their numbering sequence.

§ 400.605 Applications for zone expansions, subzones, relocations and boundary modifications.

(a) Applications that involve a significant expansion of zone operations, including the establishment of additional zone or subzone sites, shall be submitted and processed in the same manner as an original application for a grant of authority, except that the information called for in the various exhibits may be condensed and reference may be made to information in the original application.

(b) Other applications, not involving a significant expansion of zone operations, including proposals for minor revisions of zone boundaries or relocations, may be submitted in a condensed format as determined by the Executive Secretary. Such proposals may be administratively approved by the Executive Secretary, providing they have the concurrence of the District Director of Customs, or his representative. In determining whether the application can be processed under subsection (b), the Executive Secretary shall consider whether the zone plan approved by the Board is being significantly revised or that the change is designed to accomplish an expansion of operations beyond that contemplated in proposals previously approved by the Board.

§ 400.606 Confidential information.

Information that is considered proprietary or confidential shall not be submitted as part of an application or for the public record. The Board reserves the right to consider any submitted information and to include it as part of the public record. When the Board or the Executive Secretary determines that proprietary or confidential information is essential for a decision, such information may be requested and given business confidential treatment. The parties submitting such material shall mark each page "business confidential" at the top.

Conditions Applicable to Grants of Authority

§ 400.700 Conditions applicable to grants of authority.

(a) Grants of authority issued by the Board for the establishment of zones or subzones, including those already issued, shall be subject to the Act and regulations; and, the following general conditions:

(1) The Executive Secretary shall be notified by the grantee or operator for approval prior to the commencement of

any manufacturing operations not approved as part of the application.

(2) Implementation of the project shall commence within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee or operator shall obtain all necessary permits from Federal, State, and municipal authorities; if a zone project is not activated and in operation within 5 years of the date of the grant of authority, the grant shall be null and void (for grants outstanding on the date this regulation is adopted, time shall commence as of the date the regulation is adopted).

(3) Officers and employees of the United States shall have free and unrestricted access throughout the foreign-trade zone site in the performance of their official duties.

(4) The grant shall not be construed to relieve the Grantee, operator or zone users from liability for injury or damage to the person or property of others occasioned by the construction, operation, maintenance, or use of said zone, and in no event shall the United States be liable therefor.

(5) The approval of the District Director shall be obtained before the commencement of operations of any portion of the approved zone area or zone facilities. "Activation" means approval for operations by the grantee and District Director. Areas in a zone which are not activated shall be considered a part of U.S. Customs territory. The zone grantee and District Director shall keep a current layout drawing or plan of the approved zone area showing the portions that are activated, and maintain a file showing required approvals. Approved areas also may be deactivated or reactivated pursuant to this approval process. The Executive Secretary shall be advised as changes occur and furnished with a copy of the current layout.

(6) Should the grantee fail to comply with any of the conditions of a grant of authority, the Board may declare it null and void. In such cases the Board shall issue an order to show cause why the action it contemplates should not be taken, and the grantee shall have 30 days in which to answer.

(b) The Board may also adopt special conditions and restrictions.

§ 400.701 Disposition of grant prohibited.

(a) Grants of authority shall not be sold, conveyed, transferred, set over, or assigned. This provision does not prevent a zone grantee from contracting with qualified parties for operation of a zone or zone activities. Also, the provision does not preclude private ownership of zone land and facilities, providing the grantee retains the control necessary to carry out the project and its public service aspects. Should title to land or facilities be transferred after a grant of authority is issued, the grantee must retain such control by agreement. No consideration shall be paid over the market value for such land or facilities because of a grant of authority. Any violation of this section shall be grounds for revocation of the zone grant of authority or for termination of zone status on transferred land or facilities.

(b) A request shall be made to the Board, supported by appropriate documents, when a zone grantee wishes to have its zone grant reissued in the name of another qualified corporation.

Operations in Zones

§ 400.800 Operations in zones subject to customs supervision.

Zone operations are subject to the control of the U.S. Customs Service, exercised mainly through the District Director who shall be in charge of the zones within his district for purposes of enforcement of the requirements of the Act and regulations, the Board, and the Customs Service. Requirements for such matters as zone forms, inventory control systems, cargo security standards, and physical security shall be determined by the U.S. Customs Service. Customs regulations on foreign-trade zones are found in 19 CFR Part 146.

§ 400.801 Merchandise permitted in a zone.

Foreign and domestic merchandise of every description except such as is prohibited by law, may, without being subject to the customs laws of the United States, except as otherwise provided in the act and the regulations made thereunder, be brought into a zone.

(a) Merchandise which is specifically and absolutely prohibited by law shall not be admitted into a zone. Any merchandise so prohibited by law which is found within a zone shall be disposed of in the manner provided for in the laws and regulations applicable to such merchandise. A distinction is made between (i) merchandise which is specifically and absolutely prohibited by law on the grounds of policy or morals, such as immoral or subversive literature, obscene articles, or lottery matter, and (ii) conditionally admissible merchandise which may be imported under certain conditions, for example, articles which are subject to permits or licenses for the protection of economic or national security or which may be reconditioned to bring them into compliance with the laws administered by various Federal agencies. District Directors of Customs are required to exclude the first class of articles and may not permit them to be transferred to a zone if they are aware of their prohibited status, except that the District Director may permit the temporary deposit of any such merchandise in the zone pending final determination of its status. The transfer of articles of the second class to a zone is subject to any requirements of the Federal agency concerned. Unless otherwise prohibited, over-quota merchandise may be placed in a zone pending its right to transfer to customs territory pursuant to the applicable quota provisions.

(b) The application for the admission of merchandise into a zone shall be approved or disapproved by the District Director of Customs, as the representative of the Board, where the merchandise is not excluded by any other Federal agency having jurisdiction over the merchandise.

(c) Zone procedures may not be used to circumvent the requirements of U.S. antidumping and countervailing duty laws and regulations. Upon order of the Secretary of Commerce, or his designee, the Commissioner of Customs, or his designee, shall direct that an importer place goods in a specific status for this purpose, subject to appeal to the Board.

§ 400.802 Disposition of merchandise in a zone.

In general, merchandise lawfully brought into a zone, in accordance with these and other regulations made under the provisions of the Act, may be exported, destroyed, or sent into the customs territory of the United States in the original package or otherwise; but when foreign merchandise, and domestic merchandise whose identity has been lost, is sent from a zone into the customs territory of the United States, it shall be subject to the laws and regulations of the United States affecting imported merchandise.

§ 400.803 Manipulation, manufacture, and exhibition of merchandise.

In general, merchandise, lawfully brought into a zone may in accordance with these and other regulations made under the provisions of the act, be stored, sold, exhibited, broken up, repacked, assembled, distributed, sorted, graded, cleaned, mixed with foreign and domestic merchandise, or otherwise manipulated, or be manufactured, except as otherwise provided by the act.

(a) Permission for any manipulation, manufacture, or exhibition in a zone shall be obtained from the District

Director of Customs, as the representative of the Board, subject to such application and procedure prescribed by the Secretary of the Treasury for the protection of the revenue.

(b) In the event of the denial of any application by the District Director of Customs for any reason, the applicant, the grantee, or the operator of the zone may appeal the adverse ruling to the Board. If any revenue-protection considerations are involved in such an application, the Board shall be guided by the determinations of the Secretary of the Treasury with respect to them.

§ 400.804 Status of merchandise in a zone.

(a) For the purposes of the act and the regulations of this part, all merchandise within a zone, except merchandise in transit through a zone as provided in §146.14 of the customs regulations, and except merchandise temporarily transferred to a zone for manipulation as provided in paragraph (b) of this section, shall be given a zone status as: (i) Privileged foreign merchandise. (ii) Privileged domestic merchandise. (iii) Non-privileged foreign merchandise, (iv) Non-privileged domestic merchandise, or (v) Zone-restricted merchandise.

(b) Imported merchandise which has been entered and which has remained in continuous customs custody may be temporarily transferred to a zone for manipulation under customs supervision pursuant to section 562, Tariff Act of 1930, as amended, and for return to customs territory. Any such merchandise shall not be considered within the purview of the Foreign Trade Zone Act, but shall be treated in all respects as though remaining in customs territory. Therefore no zone form or procedure shall be considered applicable, but the merchandise shall remain subject in the zone to such requirements as are necessary for the enforcement of customs laws.

§400.805 Use of zone by carriers.

The cargo facilities and services of a zone are intended primarily for the use of vessels, vehicles, or aircraft lading or unlading zone merchandise, and their use for other purposes may be terminated by Commissioner of Customs if found to endanger the revenue, or by the Board if found to interfere with the primary uses of the zone.

§ 400.806 Subsequent importation of zone merchandise.

Articles produced or manufactured in a zone and exported therefrom shall, on subsequent importation into the customs territory of the United States, be subject to the import laws applicable to like articles manufactured in a foreign country, except that articles produced or manufactured in a zone exclusively with the use of domestic merchandise, the identity of which has been maintained in accordance with the second proviso of section 3 of the Act, as amended, may, on such importation, be entered as American goods returned.

§ 400.807 Public interest provision.

Pursuant to § 15(c) of the Act the Board has authority to restrict or prohibit any zone operation "that in its judgment is detrimental to the public interest, health or safety". (a) Adversely affected parties may submit complaints to the Board under this section, requesting the prohibition or restriction of a zone activity; or, the Board may conduct investigations on its own initiative. A complaint must contain information as to how the zone activity in question is or would be deterimental to the public interest, health or safety. When good cause is found by the Board or the Executive Secretary, the matter shall be investigated pursuant to these regulations. In deciding whether good cause exists special consideration shall be given to conducting investigations when the zone activity in question involves an "import sensitive" industry. In determining whether an industry is import sensitive, the Board and the Executive Secretary shall be guided by references to such industries in trade laws and regulations, land decisions of federal courts and agencies.

(b) In investigations under this section, either self-initiated or in response to complaints, the factors considered by the Board shall include:

(1) Whether the adverse effect is significant in relation to actual and potential public benefits.

(2) Whether additional exports from the U.S. will be created.

(3) Whether zone procedures will encourage activity related to import displacement or substitution.

(4) Whether employment and investment will be generated or sustained in the U.S.

(5) Whether zone activity will undermine a remedial action or program in effect because of an unfair trade practice, or materially or substantially harm an existing domestic industry.

(c) Zone activity may be approved for limited periods, subject to extension after a review as to whether the anticipated public benefits have materialized.

(d) Zone activity which is exclusively for export shall be presumed to be in the public interest.

(e) Interested parties shall have an opportunity to submit comments or participate in any public hearings or proceedings held on such investigations.

§ 400.808 Retail sales.

(a) No retail trade shall be conducted within activated zone space except under permits issued by the grantee and approved by the Board. Only domestic, duty-paid, and duty-free goods may be sold in such cases. In considering whether to approve requests under this section the Board shall consider the economic impact on the retail trade outside the zone in the port of entry area. No approval is required for sales involving domestic, or duty-paid food products sold within the zone or subzone to be consumed on premises by persons working therein. Grantees shall revoke permits when there is a violation of this restriction. The District Director of Customs shall determine which sales are to be classified as retail sales under this section, subject to review by the Board when a question arises. Appeals from his decision may be made to the Executive Secretary.

(b) Retail sales within non-activated, but approved zone areas, may be prohibited if found by the Board, the Executive Secretary, or the District Director, to be incompatible with zone operations.

§ 400.809 Residence within zone.

No person shall be allowed to reside within an activated zone area except federal, state, or municipal officers or agents whose resident presence is deemed necessary by the Board or the Customs Service.

§ 400.810 Controlled access to zones.

Plans for the controlled access of persons and vehicles to activated zone areas shall be subject to the approval of the District Director as part of his review for operational approval. All persons and vehicles entering such areas shall be subject to the requirements of the Customs Service and the zone schedule. Business hours shall be subject to the approval of Customs.

§ 400.811 Reimbursement—Customs Service and District Engineer.

(a) Zone grantees and operators shall reimburse the Customs Service for the cost of maintaining the additional services of the agency required in carrying out its supervisory functions. Reimbursement payments shall be made according to the regulations and procedures of the Customs Service.

(b) When the District Engineer has been directed by BERH to conduct an inspection or investigation on a zone matter, the District Engineer shall

approve a plan, from the applicant, grantee, or operator involved, for reimbursement to his agency for the cost of additional services.

§ 400.812 Construction of buildings and facilities.

Zone grantees, operators and users may construct buildings and facilities necessary to implement a zone plan approved by the Board, subject to: Uniform procedures established by the grantee in its zone regulations; these regulations, including the public utility requirements; and, the requirements of federal, State and local officials. This permission shall not constitute a vested right against the United States, and the consideration for the sale of any such buildings or facilities shall not be affected by zone status. The commencement of operations in any building or facility shall be subject to approval by the District Director of Customs (See § 400.700(a)(5)).

§ 400.813 Hours of business and service.

Hours of business and service, for Customs purposes, shall be the same as those prescribed in Customs regulations. (19 CFR Chapter 1)

Maintenance of Zones

§ 400.900 Structures and facilities to be maintained in good order.

The grantee or operator shall at all times maintain the structures and other facilities within the zone in good condition and so as not to endanger the life and health of employees of the United States and others who may be required to enter the zone.

Administration of Zones by Grantees and Operators

§ 400.1000 Administration of zones.

Zones shall be operated by or under the contractual oversight of zone grantees, subject to the requirements of the Act and regulations, the Board, the Customs Service, as well as those of other federal, State and local agencies having jurisdiction over the site and operation. Grantees are expected to insure that the reasonable zone needs of the business community are served by their zone projects.

§ 400.1001 Activation of space within approved zone areas.

Prior to the commencement of operations in an activated zone area the grantee shall obtain the operational approval of the District Director of Customs. This shall include a review of physical security, inventory control, bonding and documentary requirements.

§ 400.1002 Zone Schedules.

(a) Prior to the commencement of operations the grantee shall also submit to the Executive Secretary for approval a zone "schedule" (original and 1 copy) containing the internal rules and regulations for its zone, as well as the rates and charges (sometimes hereinafter referred to collectively as fees) for zone users. the Executive Secretary shall approve and file the schedule if it contains sufficient information for users concerning the operation of the facility and a statement of rates and charges that meets the Board's requirements. Upon approval the grantee shall be notified and shall maintain a copy of the schedule for public inspection at its offices and those of the operator. A copy shall also be furnished to the District Director of Customs, who may submit comments to the Executive Secretary.

(b) If a complaint is made by a zone user or prospect, or there is otherwise good cause to question whether zone or subzone fees are reasonable, fair and uniform, an investigation shall be directed by the Executive Secretary. The factors considered in reviewing reasonableness and fairness, shall include: The going rates and charges for like operations in the area and the extra costs of operating a zone, including return on investment. The fees for subzones shall be based upon actual services rendered by the grantee or operator, or reasonable out-of-pocket expenses.

(c) Grantees may assign the responsibility for preparing zone schedules to operators, but must approve them prior to submission.

(d) Amendments shall be approved and maintained in the same manner.

§ 400.1003 Format for zone schedules.

Zone schedules shall consist of typed, loose-leaf, numbered, letter-sized pages (approximately 8½" x 11"), enclosed in covers. As amendments are made and approved, the newly inserted pages shall show the amendment number. The following outline format shall be followed:

(a) A title page shall contain such information as, the name of the grantee and opertor(s), schedule identification information, information as to the sites covered, the date of the original schedule, and the name of the preparer.

(b) Administrative and organizational information, including the names of grantee and operating officials.

(c) Table of contents.

(d) Definitions, abbreviations, and symbols.

(e) Zone policy, rules and regulations.

(f) A section with rates and charges shall contain sufficient information so that rates and charges can be comparted with other like operations in the area, and so that it can be determined whether there is uniform treatment under like circumstances among zone users.

(g) A list of amendments and dates.

§ 400.1004 Accounts, records and reports.

(a) Zone accounts shall be maintained in accordance with generally accepted principles of accounting, and in compliance with the requirements of federal, State or local agencies having jurisdiction over the site or operation.

(b) Records and forms shall be prepared and maintained in accordance with the requirements of the Customs Service.

(c) Annual reports shall be made to the Board at the time and in the format prescribed by the Executive Secretary. These reports are used in the preparation of the Board's annual report to the Congress. The Board's report shall be prepared and submitted to the Congress by the Department of Commerce, with copies furnished to Board members upon its submission. (OMB Clearance 0625–0109)

§ 400.1005 Zones as public utilities.

The rates and charges for space, facilities and services within a zone shall be fair and reasonable, and the grantee shall afford uniform treatment under like conditions to all users. Subzone fees shall be related to actual services rendered or our-of-pocket expenses. When a report is made to the Board under Sec. 400.1002, the Board shall determine whether the rates and charges are fair and reasonable, unless an adjustment is made that eliminates the issue.

§ 400.1006 Inspection of zones.

In addition to the supervision of zones by Customs officials, representatives of the Board may inspect zones to determine whether its requirements are being met. Zone grantees and operators shall cooperate with such officials in obtaining access to facilities and records.

[Reserved]

§ 400.1100 [Reserved]

Violations of Act or Regulations

§ 400.1200 Fine imposed for violation of act or regulations.

In case of a violaltion of the Act or of any regulation under the Act by the grantee or operator, any officer, agent, or employee thereof responsible for

permitting any such violation shall be subject to a fine of not more than $1,000. Each day during which a violation continues shall constitute a separate offense.

§ 400.1201 Revocation of grant.

In the event of repeated willful violations by the grantee of any of the provisions of the Act, the Board may revoke the grant after 4 months' notice to the grantee and after affording it an opportunity to be heard. The testimony taken before the Board shall be reduced to writing and filed in the records of the Board, together with the decision reached thereon.

§ 400.1202 Procedure for revocation.

In the conduct of any proceeding for the revocation of a grant the Board may compel the attendance of witnesses, the giving of testimony, and the production of documentary evidence; and for such purposes may invoke the aid of the district courts of the United States.

§ 400.1203 Appeal from revocation order.

An order issued by the Board revoking the grant shall be final and conclusive, unless within 90 days after its service the grantee appeals to the circuit court of appeals for the circuit in which the zone is located by filing with the clerk of said court a written petition praying that the order of the Board be set aside. Such order shall be stayed pending the disposition of appellate proceedings by the court. The clerk of court shall notify the Board, which will furnish transcript of the record in the proceedings held before it, the charges, the evidence, and the order revoking the grant. The Board record on the matter shall be considered by the court as evidence.

Rules of Procedure and Practice

§ 400.1300 Board headquarters.

The headquarters and administrative office of the Board is the Office of the Executive Secretary, Foreign-Trade Zones Board, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

§ 400.1301 Executive Secretary: Functions and authority.

The Executive Secretary, who also serves as the principal operating official of the Board and director of the Commerce Department's Foreign-Trade Zones Staff, shall have the following functions and authority to:

(a) Represent the Board in administrative, regulatory, and operational matters.

(b) Execute and implement Board Orders and provisions of the Act and regulations.

(c) Make recommendations, and other zone matters requiring Board action.

(d) Provide information on the zone program to public officials, the business community, and the general public.

(e) Arrange for meetings of the Board.

(f) Maintain custody of the seal, records, files and correspondence of the Board.

(g) Designate an acting Executive Secretary to act in his absence.

(h) Authorize the movement of "zone-restricted merchandise" valued at less than $50,000 into Customs territory for entry subject to Customs regulations, upon determining that such entry is in the public interest, if such action is supported by a recommendation from the Commissioner of Customs, or his designee.

(i) Authorize modifications to zone boundaries not involving significant expansions of zone operations, with the prior concurrence of the District Director of Customs, pursuant to Section 400.605(b).

(j) Determine the uniform format and content of annual reports from zone grantees.

(k) Approve manufacturing operations pursuant to § 400.1309.

(l) Perform such other duties as the Board or its regulations direct.

§ 400.1302 Committee of Alternates.

Each member of the Board shall designate an Alternate, usually an Assistant Secretary-level official of his Department, to serve on the Committee of Alternates, with authority to act for him under Departmental delegations of authority. The Commerce member shall be chairman, and the participation of the Commerce and Treasury members shall be necessary for a quorum. The Committee may hold meetings or hearings, open or closed, or otherwise conduct Board business at the request of the chairman. Meetings of the Committee may be considered Board meetings under § 400.1303, when a quorum with "full authority" is present. A majority of members shall constitute a quorum.

§ 400.1303 Board meetings and the transaction of board decisionmaking.

(a) Meetings of the Board will be held at the call of the chairman. All members will be informed of meetings, with a majority constituting a quorum. The Commerce and Treasury members, or their Alternates, must be present for a quorum. Summary minutes shall be kept of meetings unless the Chairman determines there shall be detailed or verbatim record.

(b) At the option of the Chairman, the Board may conduct its business, including voting, without an actual meeting, provided that no Board member has requested one. When business is so conducted, Board members or their Alternates may communicate their views and recommendations by such means as telephone and memorandum, but their votes shall be made in writing and submitted to the Executive Secretary for entry in the voting record. The Department of the Army's participation shall be subject to § 400.202.

(c) Final votes shall be recorded and a voting record maintained.

§ 400.1304 Board decisions.

(a) Board decisions shall be made on the basis of the record developed in the case or matter under consideration. When public participation has been invited the record shall be public. The Board's decisions shall be made in the form of Board Orders.

(b) Applications for the establishment of new zones or subzones, or significant expansions of zone operations pursuant to § 400.605(a), shall be given public notice in the **Federal Register** with an opportunity for comments by the applicant and from the public. Such comments shall be a part of the record.

§ 400.1305 Applications—processing and decision-making procedure.

(a) Applications under §§ 400.600 and 400.605(a).

(1) Upon receipt of an application under §§ 400.600 or 400.605(a), the Executive Secretary shall determine whether it contains the information and is in the format required by the regulations, and upon making such a determination shall file the proposal and assign a docket number and date. An examiner, usually a Commerce employee, shall be designated to investigate the proposal and prepare a report.

(2) Formal notice shall be given in the **Federal Register** by the Executive Secretary concerning the filing, inviting comments for the record from the applicant and the public. Public notice shall be given by applicants in local newspapers once they have been notified their application has been filed. A copy of the formal notice and application shall be sent by the Executive Secretary to the District Director of Customs and the Resident Member BERH.

(3) The Regional Commissioner, or his designee, shall submit a report on the Customs aspects of the proposal to the examiner to be made a part of the latter's report within 30 days after the record closes.

(4) The Resident Member BERH in consultation with the Executive Secretary shall determine whether the involvement of the District Engineer is appropriate, usually based upon an issue concerning the proposed site or operation over which Department of the Army has independent jurisdiction; and, when appropriate, the Resident Member BERH shall instruct the District Engineer as to the functions he is to perform, reports to be submitted to the Executive Secretary within 30 days of the closing of the application record.

(5) When the proposal is for a new zone project, a local public hearing will usually be scheduled as part of the examiner's investigation and announced in the **Federal Register** and local newspapers. The Customs adviser and the District Engineer, when appropriate, shall be invited to participate in such hearings.

(b) Other applications requiring a formal board decision.

(1) Applications, proposals and requests made to the Board for a decision, other than those referred to in §§ 400.600 or 400.605(a) shall be reviewed by the Executive Secretary for filing sufficiency, and if found in filing order shall be filed and assigned a docket number and date.

(2) Public notice shall be given in the **Federal Register** when public comments are appropriate, and the District Director and Resident Member BERH notified.

(3) An examiner may be designated, unless a report by the Executive Secretary or the Foreign-Trade Zones Staff is appropriate. A report shall be prepared for the Board by the Executive Secretary or the examiner.

(4) The Regional Commissioner or his designee shall submit comments, when appropriate.

(c) Applications not requiring formal board action.

(1) Applications not requiring formal Board action, such as those submitted under § 400.605(b), shall be processed by the Executive Secretary in accordance with these regulations.

(2) An administrative file of these cases shall be maintained.

§ 400.1306 Reports on proposals or requests for board decisions.

(a) Reports prepared by an examiner or by the Executive Secretary in a case or matter requiring a Board decision, and any advisory reports submitted as part of the process, shall contain findings of fact and non-binding recommendations for Board action.

(b) The reports shall be considered internal documents subject to release under the provisions of the Freedom of Information Act or by the Chairman of the Committee of Alternates.

§ 400.1307 Authorization for investigations and hearings.

(a) The Board, the Committee of Alternates, their Chairmen, the Executive Secretary, or an examiner may conduct or direct reviews, investigations, or hearings, closed or public, in order to obtain information and evidence needed for decisions or recommendations. The Board or Committee of Alternates Chairman may order the presentation of testimony or records when appropriate.

(b) When a public hearing is held, notice shall be given in the **Federal Register** and parties having a proper interest in the subject matter shall be given an opportunity to appear and submit oral or written testimony. Applicants will normally be the first parties to appear, followed by their witnesses, after which other interested parties may be called. The presiding officer may adopt time limitations. When appropriate, such hearings shall be transcribed and the transcript made available for public inspection as part of the public record.

§ 400.1308 Revocations, nullifications, and relinquishments of grants.

(a) Proceedings by the Board to revoke a zone or subzone grant of authority are subject to the procedures in §§ 400.1200–400.1203.

(b) Zone or subzone grants of authority may become null and void under § 400.700(a)(2) or be so declared under § 400.700(a)(6).

(c) Voluntary relinquishments of zone grants may be approved by the Board. If the zone has been in operation, users will be given an opportunity to comment on the proposal and the Board will consider the impact on users.

§ 400.1309 Requests for new manufacturing operations within approved zones and subzones.

(a) Zone grantees or operators, when authorized to do so by grantees, are required to notify the Executive Secretary pursuant to § 400.700(a)(1) for approval prior to the commencement of any manufacturing operations not approved as part of the application for the zone or subzone in which the operations are to be located. The guidance of the Customs Service shall be sought in determining whether an operation involves manufacture, and the factors enumerated in § 400.807(b) shall be considered.

(b) The purpose of the review or investigation conducted or directed by the Executive Secretary in these situations is to determine whether the operation in question is one that could or is likely to be the subject of a complaint to the Board under § 400.807, the "public interest" provision.

(c) If the proposed manufacturing operation involves a product that has been the subject of a past complaint resulting in restrictive Board action, or involves an "import sensitives" industry, the proposal shall not be approved without the concurrence of the Board, unless the manufacturing is for export only. Such concurrence may be given on a general basis to apply to like cases. In determining whether an industry is "import-sensitive", trade laws and regulations, and decisions of federal courts and agencies shall be referred to for guidance. When appropriate, public notice shall be given inviting comments and a hearing scheduled.

(d) When a product involved is subject a quantitative quota program, such as textiles, the Executive Secretary shall invite comments from the federal agency that administers the quota program.

(e) If the product involved is subject to special controls, such as petroleum, or under any other special circumstances, the Executive Secretary may make his action subject to the concurrence of the Board.

(f) Approvals or denials in these cases shall be made in a letter to the grantee. Denials may be appealed to the Board Approvals shall not preclude the filing of a complaint by an industry under § 400.807.

§ 400.1310 Ex parte evidence.

In making decisions in cases and on matters involving a public record the Board shall not consider *ex parte* evidence and arguments. If new information or evidence that could substantially affect a decision becomes known after the closing of the public record, and there is good cause why it was not submitted earlier, the record may be reopened by the Secretary, his Alternate, or the Executive Secretary so that interested parties have an opportunity to comment or submit evidence on the new information or evidence.

§ 400.1311 Additional or special rules of procedure and practice.

Additional or special rules of procedure and practice may be adopted by the Board when appropriate.

Public Information

§ 400.1400 Policy.

It is the policy of the Foreign-Trade Zones Board, consistent with the purposes of the Foreign-Trade Zones

Act and the role of the Board as a regulatory agency, to furnish the public with information pertaining to the establishment, operation and administration of foreign-trade zones in the United States, except such information as is exempted from disclosure under 5 U.S.C. 552, as amended.

§ 400.1401 Public information activities.

The Executive Secretary of the Board shall conduct the following public information activities of the Board:

(a) Preparation and release of material published by or for the Board, including public announcements, items for publication in the **Federal Register**, news releases, and reports.

(b) Clearance for release of informational material from other agencies referred to the Board for review.

(c) Release of general information pertaining to Board activities, rules and regulations and, at his discretion, information contained in Board records as necessary to further the regular information dissemination activities of the Board.

§ 400.1402 Availability of materials for inspection and copying.

(a) The Board shall utilize the facilities and services of the International Trade Administration Freedom of Information Records Inspection Facility, U.S. Department of Commerce, 14th and Pennsylvania, NW., Washington, D.C. 20230 (FOI facility), to make available for public inspection and copying the materials required by 5 U.S.C. 552(a)(2).

(b) Rules and procedures concerning the availability of materials and records for inspection and copying, and requirements for public inspection of records through the FOI facility are contained in Part 4 of this title.

§ 400.1403 Requests for identifiable records.

The Board will utilize the facilities and services of the FOI facility to make available for public inspection and copying identifiable records which have been determined to be disclosable pursuant to 5 U.S.C. 552(a)(3).

§ 400.1404 Determinations of availability of records.

In accordance with the rules and procedures of the FOI facility, a request for the determination of availability of a record of the Board will be referred to the Executive Secretary who shall comply with the procedures of Part 4 of this title.

400.1405 Security information.

Nothing in the regulations in §§ 400.1400–400.1405 should be construed to modify or supersede laws, rules, and regulations governing the release of information classified as security information.

Dated: December 29, 1982.

Lawrence J. Brady,

Assistant Secretary for Trade Administration, Chairman, Committee of Alternates Foreign-Trade Zones Board.

[FR Doc. 83-4270 Filed 2-17-83; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Ch. I

[Docket No. 79N-0147]

Quality Assurance in Nuclear Medicine; Withdrawal of Notice of Intent for Reconsideration

Correction

In FR Doc. 83–883 beginning on page 1734 in the issue of Friday, January 14, 1983, make the following correction:

On page 1735, first column, 13 lines from the top of the page, "(secs. 356, . . ." should have read "(secs. 356, 358, . . .".

BILLING CODE 1505-01-M

21 CFR Part 131

[Docket No. 83N-0010]

Butter and Whey Butter; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard of Identity

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the "Recommended International Standard for Butter and Whey Butter" (Codex Standard No. A–1) and to comment on the desirability of and need for U.S. standards of identity for these foods. The Codex standard was submitted to the United States for consideration of acceptance by the Food and Agriculture Organization/World Health Organization's Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. If the comments received do not support the need for U.S. standards of identity for these foods, FDA will not propose standards.

DATE: Comments by April 19, 1983.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Eugene T. McGarrahan, Bureau of Foods (HFF–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1155.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. Codex standards for milk and milk products, including butter and whey butter, are developed by the FAO/WHO Committee of Government Experts on the Code of Principles Concerning Milk and Milk Products, a subsidiary body of the Codex Alimentarius Commission. Under the FAO/WHO program, a large number of food standards have been developed and submitted to governments for acceptance.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country which concludes that it will not accept a Codex standard is requested to indicate the ways in which the requirements of the nonaccepting country differ from the recommended international standard. Member nations of the FAO/WHO Codex Alimentarius Commission are requested to notify the Technical Secretary, Committee on the Code of Principles Concerning Milk and Milk

Products, Animal Production and Health Division, FAO, Rome, Italy, of their decision. Should a sufficient number of governments accept the standard, the Secretariat of the Committee will notify the Codex Alimentarius Commission and request the publication of the standard by the Codex Alimentarius Commission as a worldwide standard in light of acceptances received.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies, it is necessary either to establish a U.S. standard under authority of section 401 of the act (21 U.S.C. 341), or to revise an existing standard to incorporate the provisions within the standard. At present, there are no U.S. standards of identity for butter and whey butter. Butter, however, is defined in section 201a of the act (21 U.S.C. 321a), as follows:

> For the purpose of this chapter 'butter' shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter, and containing not less than 80 per centum by weight of milk fat, all tolerances having been allowed for.

There is no comparable U.S. definition for whey butter.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)((3)), FDA is providing an opportunity for review and informal comment on: (1) The desirability of and need for U.S. standards of identity for butter and whey butter, (2) the specific provisions of the Codex standard, (3) additional or different requirements that should be in the U.S. standards of identity, if established, and (4) any other pertinent points.

FDA advises that, if comments received do not support the need for U.S. standards of identity for these foods, no standards will be proposed. If this decision is reached, the Technical Secretary for the Committee on the Code of Principles Concerning Milk and Milk Products will be informed that imported foods which comply with the requirements of the Codex standard may move freely in interstate commerce in this country, providing they comply with the applicable U.S. laws and regulations.

Because of the large number of countries, often with diverse food regulations, that are associated with the development of Codex standards, certain provisions of the Codex standards may not be consistent with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, certain basic labeling requirements such as declaration of the net quantity of contents, name of manufacturer, and country of origin, and other factors. These factors are not considered a part of U.S. food standards under section 401 of the act; rather, they are dealt with under the authority of other sections of the act.

The Codex standard for butter and whey butter specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA's policy is to employ the methods in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard of identity proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 131

Cream, Food standards, Milk, Yogurt.

The Codex standard under consideration is as follows:

Recommended International Standard for Butter and Whey Butter (Codex Standard No. A–1)

1. *Definitions:*

1.1 *Butter* is a fatty product exclusively derived from milk.

1.2 *Whey butter* is a fatty product derived from whey containing no other fat than milkfat.

2. *Essential Composition and Quality Factors:*

2.1 Minimum milkfat content: 80% m/m.

2.2 Maximum milk solids-not-fat content: 2% m/m.

2.3 Maximum water content: 16% m/m.

2.4 *Additions:*

2.4.1 Sodium chloride.

2.4.2 Cultures of harmless lactic acid producing bacteria.

3. *Food Additives:*

3.1 *Food Colours and Maximum Level:*

3.1.1 Annatto [1]—Not limited.

3.1.2 Beta-Carotene—Not limited.

3.1.3 Curcumin [1]—Not limited.

3.2 *Neutralizing Salts, Use, and Maximum Level:*

3.2.1 Sodium ortho-phosphate; the addition of these salts is restricted for the pE adjustment; 0.2% m/m singly or in combination expressed as anhydrous substances.

3.2.2 Sodium carbonate; the addition of these salts is restricted for the pE adjustment; 0.2% m/m singly or in combination expressed as anhydrous substances.

3.2.3 Sodium bicarbonate; the addition of these salts is restricted for the pE adjustment; 0.2% m/m singly or in combination expressed as anhydrous substances.

3.2.4 Sodium hydroxide; the addition of these salts is restricted for the pE adjustment; 0.2% m/m singly or in combination expressed as anhydrous substances.

3.2.5 Calcium hydroxide; the addition of these salts is restricted for the pE adjustment; 0.2% m/m singly or in combination expressed as anhydrous substances.

4. *Labelling:*

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1–1969), the following specific provisions apply:

4.1 *The Name of the Food:*

4.1.1 The name of the product shall be "butter" or "whey butter" as appropriate.

4.1.2 Where milk other than cow's milk is used for the manufacture of the product or any part thereof, a word or words denoting the animal or animals from which the milk has been derived should be inserted immediately before or after the designation of the product except that no such insertion need be made if the consumer would not be misled by its omission.

4.1.3 Butter may be labelled as to whether it is salted or unsalted according to national legislation.

4.2 *Net Contents:*

4.2.1 The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

4.3 *Name and Address:*

4.3.1 The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

4.4 *Country of Origin (Manufacture):*

4.4.1 The country of manufacture of the food shall be declared except that foods sold within the country of

[1] Temporarily endorsed by the Codex Committee on Food Additives.

manufacture need not declare the country of manufacture.

4.4.2 Where a food undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purpose of labelling.

5. *Methods of Sampling and Analysis:*

5.1 Sampling: according to FAO/WEO Standard 3.1, "Sampling Methods for Milk and Milk Products", paragraphs 2 and 6.

5.2 Determination of the acid value: according to FAO/WHO Standard 3.4, "Determination of the Acid Value of Fat from Butter".

5.3 Determination of the refractive index: according to FAO/WHO Standard 3.5, "Determination of the Refractive Index of Fat from Butter".

5.4 Determination of the salt content: according to FAO/WEO Standard 3.8, "Determination of the Salt (Sodium Chloride) Content of Butter".

5.5 Determination of water, solids-not-fat and fat content: according to FAO/WHO Standard 3.9, "Determination of water, solids-not-fat and fat contents of butter on one test portion". (Method being developed).)

Interested persons may, on or before April 19, 1983, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m, Monday through Friday.

Any comments submitted in support of establishing U.S. standards for butter and/or whey butter should be supported by appropriate information and data regarding impact on small business consistent with the provisions of the Regulatory Flexibility Act (Pub. L. 96–354). (Executive Order 12291 does not apply to regulations subject to the procedures for formal rulemaking in the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption.)

Dated: February 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-4197 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 182 and 184

[Docket No. 82N-0246]

Ascorbic Acid and Its Sodium and Calcium Salts, Erythorbic Acid and Its Sodium Salt, and Ascorbyl Palmitate; Proposed Affirmation of GRAS Status and Removal of Calcium Ascorbate From the List of GRAS Ingredients

Correction

In FR Doc. 83–881 beginning on page 1735 in the issue of Friday, January 14, 1983, make the following corrections:

1. On page 1735, first column, 11 lines from the bottom of the page, "(L-" should have read "L-".

2. On the same page, second column, under **SUPPLEMENTARY INFORMATION,** in the 12th line, "erythorbic acid isoascorbic acid)" should have read "erythorbic acid (D-isoascorbic acid)".

3. On page 1736, middle column, in footnote 2 at the bottom of the page, fourth line, "Live Sciences" should have read "Life Sciences".

4. Same page, third column, fourth complete paragraph, fourth line, "administered (L-ascorbid acid," should have read "administered L-ascorbic acid,".

5. On page 1738, first column,

"§ 182.3041 [Removed]

"b. By removing § 182.3043 *Erythorbic acid.*"

should have read

"§ 182.3041 [Removed]

"b. By removing § 182.3041 *Erythorbic acid*"

BILLING CODE 1505-01-M

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21 CFR Parts 182 and 184

[Docket No. 78N-0308]

Biotin; Proposed Affirmation of GRAS Status

Correction

In FR Doc. 83–880 beginning on page 1739 in the issue of Friday, January 14, 1983, make the following correction:

On page 1740, third column, in the third complete paragraph, fifth line, "50μg" should have read "50mg".

BILLING CODE 1505-01-M

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21 CFR Parts 182 and 184

[Docket No. 80N-0389]

Calcium Pantothenate, Sodium Pantothenate, and D-Pantothenyl Alcohol; Affirmation of GRAS Status of Calcium Pantothenate as a Direct Human Food Ingredient and Removal of Sodium Pantothenate and D-Pantothenyl Alcohol From GRAS Status

Correction

In FR Doc. 83–879 beginning on page 1742 in the issue of Friday, January 14, 1983, make the following corrections:

1. On page 1743, middle column, third complete paragraph, fourth line, "DL– or DL–" should have read "D– or DL–".

2. On the same page, third column, in the last paragraph, eighth line from the bottom of the page, "186(b)(1)" should have read "186.1(b)(1)". In the same column, in footnote 5, "Chumg" should have read "Chung".

BILLING CODE 1505-01-M

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21 CFR Parts 182 and 184

[Docket No. 8IN-0329]

Vitamin A; Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient

Correction

In FR Doc. 83–1057 beginning on page 1745 in the issue of Friday, January 14, 1983, make the following corrections:

1. On page 1747, third column, 10 lines from the bottom of the page "υ-" should have read "γ-".

2. On page 1750, third column, 25 lines from the top of the page, "hypervitaminosis" should have read "hyperostosis".

3. On page 1756, first column, 18 lines from the bottom of the page, "per ky" should have read "per kg".

BILLING CODE 1505-01-M

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21 CFR Part 357

[Docket No. 82N-0165]

Orally Administered Menstrual Drug Products for Over-the-Counter Human Use; Establishment of a Monograph

Correction

In the correction appearing on page 1758 of the issue for Friday, January 14, 1983, the fourth entry should have read:

4. On page 55083, the middle column, the sixth line from the bottom, the word "dosage" should read "dose".

BILLING CODE 1505-01-M

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21 CFR Part 740

[Docket No. 76N-0486]

Bubble Bath Products Label Warning; Proposed Stay of Effective Date, and Request for Comments, Data and Information

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed stay of effective date of a final rule and request for comments, data and information.

SUMMARY: The Food and Drug Administration (FDA) is proposing to stay the effective date of a regulation requiring a caution statement on labels of cosmetic bubble bath products and is reconsidering the regulation. The agency is inviting the submission of comments, data, and other information on how consumers may effectively be protected from irritation to the skin and urinary tract that might result from the misuse of cosmetic bubble bath products.

DATE: Comments, data, and other information by April 19, 1983.

ADDRESS: Comments, data, and information identified with the docket number in the heading above may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Heinz J. Eiermann, Bureau of Foods (HFF-440), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1530.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, FDA is announcing an interim stay of the bubble bath products label warning regulation pending a final decision on this proposed stay.

In the **Federal Register** of August 19, 1980 (45 FR 55172), FDA published a final regulation (21 CFR 740.17) requiring that labels of bubble bath products bear a prescribed caution statement and provide adequate directions for their safe use. The statement cautions that excessive use or prolonged exposure may cause irritation to skin and the urinary tract, and it urges consumers to discontinue use if rash, redness, or itching occurs and to consult a physician if irritation persists.

The caution statement and directions for safe use required by this regulation were proposed in the **Federal Register** of January 28, 1977 (42 FR 5368) in response to consumer complaints and reports in the medical literature of adverse reactions, including urogenital disorders, associated with the use of bubble bath products. FDA stated that, under certain conditions of use, particularly conditions of misuse, alkylarylsulfonate and other detergents serving as foaming agents in bubble bath products are capable of causing rash, redness, or itching of the skin or mucous membrane and, in severe cases, inflammation or infection. The medical and consumer reports of adverse reactions and the scientific data on which the agency based its proposed label warning requirement are cited in the preamble to the January 28, 1977 proposed regulation. The preamble to the August 19, 1980 final rule contains a full discussion of the issues raised in the 85 comments received in response to the proposed regulation.

On April 17, 1981, the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA), petitioned FDA to revoke the bubble bath label caution requirement (21 CFR 740.17) and, while FDA considered the merits of this petition, stay the effective date of the regulation.

CTFA made the following argument:

1. Administration policy (as exemplified by Executive Order 12291) supports a stay and withdrawal of the regulation in question, which places an unnecessary burden on industry.

2. FDA label warning regulations are justified only for material risks, which CTFA argued do not exist for bubble bath products.

3. Unnecessary warnings on bubble bath products would undermine the value of warnings on other products that do present serious risks.

4. FDA failed to address important comments in the **Federal Register** notice promulgating the final regulation.

5. FDA drew overly broad and irrational inferences from the record.

6. Requirement of a warning for all bubble bath products destroys manufacturers' incentives to develop less irritating products.

7. The regulation should be stayed to avoid unnecessary costs to manufacturers, many of which are small companies.

A similar petition requesting the same actions and stating essentially the same grounds was received on June 6, 1981, from the Independent Cosmetic Manufacturers and Distributors.

FDA is still concerned about the adverse effects on children of bubble bath products when not properly used. The agency has concluded, however, that the petitions raise issues that merit consideration. FDA has, therefore, decided to propose to stay the effective date of the regulation while reconsidering it. FDA wishes to receive comments on the proposed stay and information that will help the agency consider alternative ways of informing consumers of the risks associated with bubble bath products by means other than a regulatory requirement of a caution statement and directions for safe use on all bubble bath products.

Among possible alternatives to be considered is a revision in the regulation to impose such a requirement only on bubble bath products intended for use by children. Most adverse reactions, particularly urogenital reactions, associated with bubble bath products occur in children. Although the available data show that some adverse reactions have been associated with bubble bath products marketed for adult use, it is not clear whether the products caused the reported reactions in adults or in children. FDA invites submission of comments, data, and other information about this issue and about whether a revised regulation applicable only to products intended for use by children will provide adequate consumer protection taking into account the possibility of use (or misuse) of adult products for children's baths.

In addition, consistent with the purposes of Executive Order 12291, FDA will consider the possibility that the protection of consumers intended to be accomplished by the required caution statement and adequate directions for safe use may be achieved equally well by means other than regulatory requirements. Interested persons are invited to submit comments, data, and other information on this issue.

Any submission recommending an alternative regulatory approach should be accompanied by factual support for the alternative along with an explanation of how the alternative can achieve effective consumer protection. Further, FDA requests the submission of information on the costs that would be associated with the label requirements in the final regulation and with any alternatives suggested in comments.

As discussed in a notice in the **Federal Register** of July 5, 1982 (47 FR 29004), the agency is undertaking a systematic review of its existing rules for the purpose of identifying and eliminating any unnecessary regulatory burdens on the public as required by the Regulatory Flexibility Act (Pub. L. 96-354) and the Executive Order 12291. Among the regulations included for the agency's priority review is the regulation for bubble bath products. The agency emphasizes that this review will be completed promptly upon evaluation of

the comments and data received in response to this proposed interim stay of the regulation. At that time, FDA will determine what action to take, i.e., whether to stay the regulation, put it into effect at a future date to be set, propose to revoke the regulation and take no other action, propose to revoke the regulation while proposing a revised regulation, or do something else. This determination will be the subject of a future document.

Therefore, under 21 CFR 10.35 and the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602(a), 701(a), 52 Stat. 1041 as amended, 1054, 1055 (21 U.S.C. 321(n), 362(a), 371(a))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that § 740.17 *Bubble bath products* be stayed pending a final decision on this proposal.

Interested persons may, on or before April 19, 1983, submit to the Dockets management Branch (address above), written comments, data, and other information regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 4, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-4187 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1907

[Docket No. S-105]

Accreditation of Testing Laboratories; Extension of Comment Period

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for written comments and information requested in the advance notice of proposed rulemaking: "Accreditation of Testing Laboratories" (48 FR 270, January 4, 1983).

DATES: Written comments and information should be postmarked on or before March 15, 1983.,

ADDRESS: The written comments and information should be submitted in quadruplicate to the Docket Office, Docket No. S-105, Room S-6212, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, Director, Office of Information, and Consumer Affairs, Room N3637, U.S. Department of Labor—OSHA, 200 Constitution Avenue, N.W., Washington, D.C. 20210, (202) 523-8151.

SUPPLEMENTARY INFORMATION: On January 4, 1983, OSHA published in the **Federal Register** (48 FR 270) a notice, "Accreditation of Testing Laboratories," announcing its plan to revise its regulation (of the same name) at 29 CFR Part 1907.

In the notice, OSHA solicited information regarding the content, scope and format of a complete revision of 29 CFR Part 1907 and complementary changes to 29 CFR Part 1910. The written responses were to have been postmarked on or before February 15, 1983.

OSHA has received several requests to extend the comment period. In order to ensure that interested parties have sufficient time to prepare and submit information, comments and regulatory proposals related to this subject, as requested and encouraged by OSHA in the notice, OSHA has decided to extend the written comment period to March 15, 1983.

(Secs. 6 and 8, 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Sec. 107, 83 Stat. 96 (40 U.S.C. 333); 5 U.S.C. 553; 29 CFR part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059)

Signed at Washington, D.C., this 14th day of February 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-4110 Filed 2-17-83; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Withdrawal of Proposed Notice to Lessees and Operators of Federal Oil and Gas Leases in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Withdrawal of a proposed Notice to Lessees and Operators.

SUMMARY: The Minerals Management Service (MMS) published in the **Federal Register** on June 8, 1982 (47 FR 24752), a proposed Notice to Lessees and Operators (NTL) of Federal oil and gas leases in the Outer Continental Shelf (OCS) concerning the establishment of standardized requirements for shallow hazards surveys and subsequent analyses conducted prior to OCS exploratory drilling. A careful review and analysis of the comments received indicated that a national standardization of technical requirements for shallow hazards surveys on the OCS is not feasible. The proposed national NTL is being withdrawn.

SUPPLEMENTARY INFORMATION: Comments on the proposed OCS-wide shallow hazards NTL were received from 24 respondents from the oil and gas industry, State agencies, and environmental groups. The MMS appreciates the efforts of all commenters in responding to the proposed NTL. Comments were almost entirely negative, with objections raised to both technical and conceptual aspects.

A careful review and analysis of the comments received indicated that due to variations from region to region in water depth, climate, coastal environment, seabottom morphology, subbottom geologic structure, type of drilling required, and supporting infrastructure, a national standardization of technical requirements for shallow hazards surveys on the OCS is not feasible. Thus, the proposed national NTL is being withdrawn. The MMS will no longer pursue the concept of a national shallow hazards NTL.

It should be noted that a shallow hazards NTL's issued by the MMS regional offices are still in effect, although modifications to these regional NTL's may be necessary for compliance with the Department's streamlined OCS leasing program. Also, the Department of the Interior's new hazards analysis program as described in the Background section of the **Federal Register** Notice (47 FR 24751) is being implemented.

FOR FURTHER INFORMATION CONTACT: Wing L. Gee, Branch of Geologic and Geophysical Studies, Minerals Management Service, Reston, Virginia 22091, (703) 860-7571 or FTS 928-7571.

Dated: February 3, 1983.

Robert L. Rioux,

Associate Director for Offshore Minerals Management.

[FR Doc. 83-3850 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-MR-M

SELECTIVE SERVICE SYSTEM

32 CFR Parts 1656 and 1660

Selective Service Regulations; Alternative Service

AGENCY: Selective Service System.

ACTION: Proposed rule.

SUMMARY: Procedures to implement the program of alternative service under section 6(j) of the Military Selective Service Act (50 U.S.C. App. 456(j)) are revised to assure greater fairness and efficiency in its administration.

DATES: Comment Date: Written comments received on or before March 25, 1983 will be considered. Effective date: Subject to the comments received the amendments are proposed to become effective upon publication in the Federal Register of a final rule not earlier than March 25, 1983.

ADDRESS: Written comment to: Selective Service System, ATTN: General Counsel, Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435 Phone: (200) 724–1167.

SUPPLEMENTARY INFORMATION: These amendments to Selective Service Regulations are published pursuant to section 13(b) of the Military Selective Service Act (50 U.S.C. App. 463(b)). These Regulations implement section 6(j) of the Military Selective Service Act (50 U.S.C. App. 456(j)). This proposal replaces the proposal appearing at 47 FR 24599 (June 7, 1982) and the proposal appearing at 47 FR 43079 (September 30, 1982).

Various sections of 32 CFR Chapter XVI will be revised in separate rule making to bring them in consonance with this proposed rule.

The Proposed Concept of Alternative Service (46 FR 6998, January 22, 1981) has no stature and should not be considered in interpreting this proposal.

Interested persons are invited to submit written comments on the proposed regulations. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the General Counsel from 9:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612). I have determined that these regulations do not have significant economic impact on a substantial number of small entities.

List of Subjects in 32 CFR Part 1656

Armed forces—draft, Conscientious objection.

Dated: February 14, 1983.

Thomas K. Turnage,

Director.

PART 1660—[REMOVED]

32 CFR Part 1660, Alternate Service, is removed.

32 CFR Part 1656 is added to read as follows:

PART 1656—ALTERNATIVE SERVICE

Sec.

Authority: Sec. 6(j) Military Selective Service Act; 50 U.S.C. App. 456(j).

§ 1656.1 Purpose; definitions.

(a) The provisions of this part govern the administration of registrants in Class 1–W and the Alternative Service Program.

(b) The definitions of this paragraph shall apply in the interpretation of the provisions of this part:

(1) "Alternative Service (AS)." Civilian work performed in lieu of military service by a registrant who has been classified in Class 1–W.

(2) "Alternative Service Office (ASO)." An office to administer the Alternative Service Program in a specified geographical area.

(3) "Alternative Service Office Manager (ASOM)." The head of the ASO.

(4) "Alternative Service Work." Civilian work which contributes to the maintenance of the national health, safety or interest, as the Director may deem appropriate.

(5) "Alternative Service Worker (ASW)." A registrant who has been found to be qualified for service and has been ordered to perform alternative service (Class 1–W).

(6) "Civilian Review Board." A board to review appeals by ASWs of job assignments.

(7) "Creditable Time." Time that is counted toward an ASW's fulfillment of his alternative service obligation.

(8) "Director." The Director of Selective Service, unless used with a modifier.

(9) "Employer." Any institution, firm, agency or corporation engaged in lawful activity in the United States, its territories or possessions, or in the Commonwealth of Puerto Rico, that has been approved by Selective Service to employ ASWs.

(10) "Job Assignment." A job with an eligible employer to which an ASW is assigned to perform his alternative service.

(11) "Job Bank." A current inventory of alternative service job openings.

(12) "Job Matching." A comparison of the ASW's work experience, education, training, special skills, and work preferences with the requirements of the positions in the job bank.

(13) "Job Placement." Assignment of the ASW to alternative service work.

(14) "Open Placement." The assignment of ASW's without employer interview to employers who have agreed to employ all ASWs assigned to them up to an agreed number.

§ 1656.2 Order to perform alternative service.

The local board of jurisdiction shall order any registrant who has been classified in Class 1–O–Q to perform alternative service at a time and place to be specified by the Director.

§ 1656.3 Responsibility for administration.

(a) The Director in the administration of the Alternative Service Program shall establish and implement appropriate procedures to:

(1) Assure that the program complies with the Selective Service Law;

(2) Provide information to ASWs about their rights and duties;

(3) Find civilian work for ASWs;

(4) Place ASWs in jobs approved for alternative service;

(5) Monitor the work performance of ASWs placed in the program;

(6) Order reassignment and authorize job separation;

(7) Issue certificates of completion;

(8) Specify the location of Alternative Service Offices;

(9) Specify the geographical area in which the ASOs shall have jurisdiction over ASWs;

(10) Establish Civilian Review Boards and panels and provide for the selection and appointment of members thereof;

(11) Refer to the Department of Justice, when appropriate, any ASW who fails to perform satisfactorily his alternative service;

(12) Perform all other functions necessary for the administration of the Alternative Service Program; and

(13) Delegate any of his authority to such office, agent or person as he may designate and provide as appropriate for the subdelegation of such authority.

(b) The Region Director shall be responsible for the administration and operation of the Alternative Service Program in his Region as prescribed by the Director.

(c) The State Director shall perform duties for the administration and operation of the Alternative Service Program in his State as prescribed by the Director.

(d) The ASOM shall perform duties for the administration and operation of the Alternative Service Program as prescribed by the Director.

(1) The ASO shall be an office of record that is responsible for the administration and operation of the Alternative Service Program in its assigned geographical area of jurisdiction.

(2) The staff of each ASO shall consist of as many compensated employees as shall be authorized by the Director.

(3) Appointment of civilians to ASO positions requiring direct dealing with ASWs will be made as soon as feasible.

(e) The manager of an area office shall perform duties for Alternative Service as prescribed by the Director.

§ 1656.4 Alternative service office: Jurisdiction and authority.

(a) Jurisdiction over the ASW will be transferred from the area office immediately after his classification in Class 1–W to the ASO that administers the Alternative Service Program in the area in which he is assigned to perform alternative service.

(b) The ASO shall:

(1) Evaluate and approve jobs and employers for Alternative Service;

(2) Order the ASW to report for alternative service work;

(3) Issue such orders as are required to schedule the ASW for job interviews;

(4) Issue such orders as are required to schedule the ASW for job placement;

(5) Monitor the ASW's job performance;

(6) Issue a certificate of satisfactory completion of the ASW's Alternative Service obligation;

(7) Return the ASW to the jurisdiction of the area office from which he was directed to perform Alternative Service; and

(8) Perform such other actions the Director may authorize as necessary to administer the Alternative Service Program.

§ 1656.5 Eligible employment.

(a) The Director will determine in accordance with the Selective Service Law which civilian employment programs or activities are appropriate for Alternative Service work.

(1) Employer which are considered appropriate for Alternative Service assignments are limited to:

(i) The U.S. Government or a state, territory or possession of the United States or a political subdivision thereof, the District of Columbia or the Commonwealth of Puerto Rico;

(ii) Organizations, associations or corporations primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health, welfare or environment, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association or corporation or for increasing the membership thereof.

(2) Employment programs or activities generally considered to be appropriate for Alternative Service work include:

(i) Health care services, including but not limited to hospitals, nursing homes, extended care facilities, clinics, mental health programs, hospices, community outreach programs and hotlines;

(ii) Educational services, including but not limited to teachers, teacher's aids, counseling, administrative support, parent counseling, recreation, remedial programs and scientific research;

(iii) Environmental programs, including but not limited to conservation and firefighting, park and recreational activities, pollution control and monitoring systems, and disaster relief;

(iv) Social services, including but not limited to sheltered or handicapped workshops, vocational training or retraining programs, senior citizens activities, crisis intervention and poverty relief;

(v) Community services, including but not limited to fire protection, public works projects, sanitation services, school or public building maintenance, correctional facility support programs, juvenile rehabilitation programs, and

(vi) Agricultural work.

(b) An organization desiring to employ ASWs is encouraged to submit a request in writing to the Director or an ASOM for approval. Such requests will be considered at any time.

(c) Selective Service shall negotiate employment agreements with prospective employers with the objective of obtaining an adequate number of agreements to assure the timely placement of all ASWs. Participating employers will provide prospective job listings to Selective Service.

(d) Selective Service shall also negotiate employment agreements with eligible employers wherein the employer will agree to hire a specified number of ASWs for open placement positions.

(e) As soon as a registrant is classified I-O-Q, he may seek his own alternative service work by identifying a job with an employer he believes would be eligible for Alternative Service and by having the employer advise the ASO in writing that he desires to employ the ASW. The acceptability of the job and employer so identified will be evaluated in accordance with § 1656.5 (a) of this part.

§ 1656.6 Overseas assignments.

Alternative Service job assignments outside the United States, its territories or possessions of the Commonwealth of Puerto Rico, will be allowed when:)

(a) The employer is deemed eligible to employ ASWs and is based in the United States, its territories or possessions, or the Commonwealth of Puerto Rico;

(b) The job meets the criteria listed in 1656.5(a);

(c) The ASW and the employer submit a joint application to Selective Service for the ASW to be employed in a specific job;

(d) The employer satisfies Selective Service that the employer has the capability to supervise and monitor the overseas work of the ASW; and

(e) International travel is provided without expense to Selective Service.

§ 1656.7 Employer responsibilities.

Employers participating in the Alternative Service Program are responsible for:

(a) Complying with the employment agreement with Selective Service;

(b) Providing a clear statement of duties, responsibilities, compensation and employee benefits to the ASW;

(c) Providing full-time employment for ASWs;

(d) Assuring that wages, hours and working conditions of ASWs conform with Federal, state and local laws;

(e) Providing adequate supervision of ASWs in their employ; and

(f) Providing nondiscriminatory treatment of ASWs in their employ.

§ 1656.8 Employment agreements.

(a) *Nature of Agreement.* Before any ASW is placed with an employer, Selective Service and the employer shall enter into an employment agreement that specifies their respective duties and responsibilities under the Alternative Service Program.

(b) *Restrictions on Selective Service.* The Selective Service System shall not act in any controversy involving ASW's wages, hours and working conditions except to the extent any of these subjects is specifically covered in § 1656.7, § 1656.9, or the employment agreement between Selective Service and the employer.

(c) *Investigating and Negotiating.* Whenever there is evidence that an employer appears to be in violation of §1656.7, Selective Service will investigate the matter. If the investigation produces substantial evidence of violations of § 1656.7, Selective Service will resolve the matter.

(d) *Termination of Employment Agreement.* If a resolution of a dispute cannot be reached by negotiation within a reasonable time, the Selective Service System shall terminate the employment agreement and shall reassign the ASW.

§1656.9 Alternative service worker's responsibilities.

(a) A registrant classified in Class 1–W is required to comply with all orders issued under this part.

(b) A registant classified in Class 1–W is liable to perform 24 months of creditable time toward completion of Alternative Service, unless released earlier by the Director.

§1656.10 Job placement.

(a) Selective Service will maintain a job bank for the exclusive purpose of placing ASWs in alternative service jobs.

(b) An ASW who has identified his own job in accordance with § 1656.5(e) of the Part may be assigned by the ASO in that job pending review of the job by Selective Service. If the job is then approved as Alternative Service Work in accordance with § 1656.5(a) the ASW will receive creditable time beginning with the date he was placed on the job by Selective Service. If the job is not approved he will not receive creditable time and will be placed by Selective Service in a position approved for Alternative Service Work. Selective Service must review the job within 30 calendar days of the time it assigned the ASW to begin work. If the elapsed time from date of placement to the date of Selective Service review exceed 30 days, the ASW will receive creditable time from the date of placement regardless of the final determination of employer eligibility made by Selective Service. If the placement is ultimately determined to be inappropriate for Alternative Service the ASW will be reassigned in accordance with § 1656.12.

(c) In making job interview referrals and in making assignments of ASWs to jobs, Selective Service will consider the compatibility of the ASW's skills, work experience, and preferences with the qualification criteria for the job.

(d) When an ASW is hired, the ASO will issue a Job Placement Order specifying the employer, the time, date and place to report for his alternative service work.

(e) The ASO will normally place the ASW in an alternative service job within 30 calendar days after classification in Class 1–W.

§ 1656.11 Job performance standards and sanctions.

(a) *Standards of Performance.* An ASW is responsible for adhering to the standards of conduct, attitude, appearance and performance demanded by the employer of his other employees in similar jobs. It there are not other employees, the standards shall conform to those that are reasonable and customary in a similar job.

(b) *Failure To Perform.* An ASW will be deemed to have failed to perform satisfactorily whenever:

(1) He refuses to comply with an order of the Director issued under this part;

(2) He refuses employment by an approved employer who agrees to hire him;

(3) His employer terminates the ASW's employment because his conduct, attitude, appearance or performance violates reasonable employer standards; or

(4) He quits or leaves his job without reasonable justification, and has not submitted an appeal of his job assignment to the Civilian Review Board.

(c) *Sanctions for ASW's Failure To Perform.* (1) The sanctions for failure to meet his Alternative Service obligation are job reassignment, loss of creditable time during such period and referral to the Department of Justice for failure to comply with the Military Selective Service Act.

(2) Prior to invoking any of the sanctions discussed herein, the ASO will conduct a review as prescribed in § 1656.17 of all allegations that an ASW has failed to perform pursuant to any of the provisions of § 1656.11(b).

§ 1656.12 Job reassignment.

(a) *Grounds for Reassignment.* The Director may reassign as ASW whenever the Director determines that:

(1) The job assignment violates the ASW's religious, moral or ethical beliefs or convictions as to participation in a war that led to his classification as a conscientious objector or violates § 1656.5(a) of this Part;

(2) An ASW experiences a change in his mental or physical condition which renders him unfit or unable to continue performing satisfactorily in his assigned job;

(3) An ASW's dependents incur a hardship which is not so severe as to justify a suspension of the Order to Perform Alternative Service under § 1656.15;

(4) The ASW's employer ceases to operate an approved program or activity;

(5) The ASW's employer fails to comply with the terms and conditions of these regulations or;

(6) Continual and severe differences between the ASW's employer and ASW remain unresolved;

(7) The sanctions authorized in § 1656.11 should be applied.

(b) *Who May Request Reassignment.* Any ASW may request reassignment to another job. An employer may request job reassignment of an ASW who is in his employ.

(c) *Method for Obtaining a Reassignment.* All requests for reassignment must be in writing with the reasons specified. The request may be filed with the ASO of jurisdiction at any time during an ASW's alternative service employment. An ASW must continue in his assigned job, if available, until the request for reassignment is approved.

§ 1656.13 Review of alternative service job assignments.

(a) Review of ASW job assignments will be accomplished in accordance with the provisions of this subsection.

(b) Whenever the ASW believes that this job assignment violates his religious, moral or ethical beliefs or convictions as to participation in war that led to his classification as a conscientious objector or is in violation of the provisions of this part he may request a reassignment by the ASOM, as provided for in § 1656.12.

(c) The ASOM shall reassign the ASW if the ASOM concludes that the ASW's work assignment violates his religious, moral or ethical beliefs or convictions as to participation in war which led to his classification as a CO or is in violation of the provisions of this Part.

(d) If the ASOM does not reassign the ASW, the ASW may, within 15 days after the date of mailing of the decision of the ASOM, request a review of his job assignment by a Civilian Review Board.

(e) The Director shall establish a Civilian Review Board for each ASO in whose area ASWs are working. The Civilian Review Board shall consist of not less than three members who will serve without compensation. The Director may establish panels. No person will be appointed to a Civilian Review Board who would be ineligible for appointment to a District Appeal Board. A member of a Civilian Review Board would be disqualified in any case that a member of a District Appeal Board would be disqualified under the provisions of § 1605.25(a), (b) of this chapter. Each Board, or panel thereof, shall elect a chairman and a vice-chairman at least every two years. A majority of the members of the Board when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member, unless disqualified, shall vote on every question. In case of a tie vote on a question, the Board shall postpone action until the next meeting. If the question remains unresolved at the next meeting, the Director will transfer the case to another board. If, through death, resignation, or other causes, the membership of the Board falls below the prescribed number of members, the Board or panel shall continue to function, provided a quorum of the prescribed membership is present at each official meeting.

(f) It shall be the function of the Civilian Review Board to determine whether or not an ASW's job assignment violates the ASW's religious, moral, or ethical beliefs or convictions as to participation in war which led to his classification as a conscientious objector or is in violation of the provisions in § 1656.5(a) of this part. In making the former determination, the Review Board must be convinced by the ASW that if the ASW performed the job, his convictions as to participation in war would be violated in a similar way as if the ASW had participated in war.

(g) The Civilian Review Board may affirm the assignment or order the reassignment of the ASW in any matter considered by it.

(h) Procedures of the Civilian Review Board are:

(1) Appeals to the Board shall be in writing, stating as clearly as possible the grounds for the appeal.

(2) The ASW may appear before the Board at his request. He may not be represented by counsel or present witnesses. The ASOM or his representative may represent the Selective Service System at the hearing and present evidence.

(3) The Board's determination will be based on all documents in the ASW's file folder and statements made at the hearing.

(4) The decision of the Board will be binding only in the case before it. A decision of a Board will not be relied upon by a Board in any other case.

(5) A decision of the Board is not subject to review within the Selective Service System.

§ 1656.14 Postponement of reporting date.

(a) *General.* The reporting date in any of the following orders may be postponed in accord with this section.

(1) Report for Job Placement;

(2) Report for a Job Interview; or

(3) Report to an Employer to Commence Employment.

(b) *Requests for Postponement.* A request for postponement of a reporting date specified in an order listed in (a) must be made in writing and filed prior to the reporting date with the office which issued the order. Such requests must include a statement of the nature of the emergency and the expected period of its duration.

(c) *Grounds for Postponement.* An ASW may, upon presentation of the appropriate facts in his request, be granted a postponement based on one or more of the following conditions:

(1) The death of a member of his immediate family;

(2) An extreme emergency involving a member of his immediate family;

(3) His serious illness or injury; or

(4) An emergency condition directly affecting him which is beyond his control.

(d) *Basis for Considering Request.* The ASW's eligibility for a postponement shall be determined by the office of jurisdiction based upon official documents and other written information contained in his file. Oral statements made by the ASW or made by another person in support of the ASW shall be reduced to writing and placed in the ASW's file.

(e) *Duration of Postponement.* The initial postponement shall not exceed 60 days from the reporting date in the order. When necessary, the Director may grant one further postponement, but the total postponement period shall not exceed 90 days from the reporting date in the order involved.

(f) *Termination of Postponement.*

(1) A postponement may be terminated by the Director for cause upon no less than ten days written notice to the ASW.

(2) Any postponement shall be terminated when the basis for the postponement has ceased to exist.

(3) It is the responsibility of the ASW promptly to notify in writing the office that granted the postponement whenever the basis for which his postponement was granted ceases to exist.

(g) *Effect of Postponement.* A postponement of the reporting date in an order shall not render the order invalid, but shall only serve to postpone the date on which the ASW is to report. The ASW shall report at the expiration or termination of the postponement.

(h) *Religious Holiday.* The Director may authorize a delay of reporting under any of the orders specified for an ASW whose date to report conflicts with a religious holiday historically observed by a recognized church, religious sect or religious organization of which he is a member. Any ASW so delayed shall report on the next business day following the religious holiday.

§ 1656.15 Suspension of order to perform alternative service because of hardship to dependents.

(a) Whenever, after an ASW has begun work, a condition develops that results in hardship to his dependent as contemplated by § 1630.30(a) of this chapter which cannot be alleviated by his reassignment under § 1656.12(a)(3) of this part, the ASW may request a suspension of Order to Perform Alternative Service. If the local board that ordered the ASW to report for Alternative Service determines he would be entitled to classification in Class 3–A, assuming that the ASW were eligible to file a claim for that class, further compliance with his order shall be suspended for a period not to exceed 365 days, as the local board specifies. Extensions of not more than 365 days each may be granted by the local board so long as the hardship continues until the ASW's liability for training and service under the Military Selective Service Act terminates.

(b) An ASW may file a request for the suspension of his Order to Perform Alternative Service with the ASO. This

request must be in writing, state as clearly as possible the basis for the request, and be signed and dated by the ASW. The ASW must continue working in his assigned job until his request for the suspension of his Order to Perform Alternative Service has been approved.

(c) Local boards shall follow the procedures established in Parts 1642 and 1648 of this chapter to the extent they are applicable in considering a request for the suspension of an Order to Perform Alternative Service.

§ 1656.16 Early release—Grounds and procedures.

(a) *General Rule of Service Completion.* An ASW will not be released from alternative service prior to completion of 24 months of creditable service unless granted an early release.

(b) *Reasons For Early Release.* The Director may authorize the early release of an ASW whenever the ASO determines that the ASW:

(1) Has failed to meet the performance standards of available alternative service employment because of physical, mental or moral reasons;

(2) No longer meets the physical, mental or moral standards that are required for retention in the Armed Forces based on a physical or mental examination at a MEPS or other location designated by Selective Service;

(3) Is planning to return to school and has been accepted by such school and scheduled to enter within 30 days prior to the scheduled completion of his alternative service obligation;

(4) Has been accepted for employment and that such employment will not be available if he remains in alternative service the full 24 months. Such early release shall not occur more than 30 days before the scheduled completion of his alternative service obligation; or

(5) Has enlisted in or has been inducted into the Armed Forces of the United States.

(c) *Reclassification and Records.* Upon granting an early release to an ASW, the Director will reclassify the ASW and transfer his records in accordance with § 1656.19 of this part.

§ 1656.17 Administrative complaint process.

(a) Whenever the ASOM learns that the ASW may have failed to perform satisfactorily his work (see 1656.11 (b)) or he receives a complaint by an employer or an ASW involving the ASW's work other than matters described in 1656.8(b) of this part, he shall take necessary action to:

(1) Interview, as appropriate, all parties concerned to obtain information relevant to the problems or complaints;

(2) Place a written summary of each interview in the ASW's file and employer's file;

(3) Inform the persons interviewed that they may prepare and submit to him within ten days after the interveiw their personal written statements concerning the problem;

(4) Place such statements in the ASW's file; and

(5) Resolve the matter.

(b) The employer or ASW may seek a review of the decision pursuant to § 1656.17(a)(5). Such request must be filed in writing with the ASO, for action by the State Director of Selective Service, within ten days after the date the notice of the decision is transmitted to the ASW and employer.

§ 1656.18 Computation of creditable time.

(a) Creditable time starts when the ASW begins work pursuant to an Order to Perform Alternative Service or 30 days after the issuance of such order, whichever occurs first. Creditable time will accumulate except for periods of:

(1) Work of less than 35 hours a week or an employer's full-time work week whichever is greater;

(2) Leaves of absence in a calendar year of more than 5 days in the aggregate granted by the employer to the ASW to attend to his personal affairs unless such absence is approved by the ASOM;

(3) Time during which an ASW fails or neglects to perform satisfactorily his assigned Alternative Service;

(4) Time during which the ASOM determines that work of the ASW is unsatisfactory because of his failure to comply with reasonable requirements of his employer;

(5) Time during which the ASW is not employed in an approved job because of his own fault; or

(6) Time during which the ASW is in a postponement period or his Order to Perform Alternative Service has been suspended.

(b) Creditable time will be awarded for periods of travel, job placement and job interviews performed under orders issued by Selective Service. Creditable time may be awarded for normal employer leave periods.

(c) Creditable time will be awarded to an ASW for the time lost after he leaves his job assignment following his request for reassignment on the basis of § 1656.13(b) of this part until he is reassigned pursuant to § 1656.13 (c) or (g) of this part. Creditable time for the corresponding period will be lost if neither the ASOM nor the Civilian Review Board orders the ASW's reassignment on the basis of § 1656.12(a)(1) of this part.

§ 1656.19 Completion of alternative service.

Upon completion of 24 months of creditable time served in alternative service or when released early in accordance with § 1656.16(b) (3) or (4):

(a) The ASW shall be released from the Alternative Service Program; and

(b) The Director shall issue to the ASW a Certificate of Completion and the registrant shall be reclassified in Class 4–W in accordance with § 1630.47 of this chapter, and

(c) The ASW's records shall be returned to the area office of jurisdiction after the ASW has completed his obligation or has been separated from the Alternate Service Program for any reason.

§ 1656.20 Expenses for emergency medical care.

(a) Claims for payment of actual and reasonable expenses for emergency medical care, including hospitalization, of ASWs who suffer illness or injury, and the transportation and burial of the remains of ASWs who suffer death as a direct result of such illness or injury will be paid in accordance with the provisions of this section.

(b) The term "emergency medical care, including hospitalization", as used in this section, means such medical care or hospitalization that normally must be rendered promptly after occurrence of the illness or injury necessitating such treatment. Discharge by a physician or facility subsequent to such medical care or hospitalization shall terminate the period of emergency.

(c) Claims will be considered only for expenses:

(1) For which only the ASW is liable and for which there is no legal liability for his reimbursement except in accord with the provisions of this section; and

(2) That are incurred as a result of illness or injury that occurs while the ASW is acting in accord with orders of Selective Service to engage in travel or perform work for his Alternative Service employer.

(d) No claim shall be allowed in any case in which the Director determines that the injury, illness, or death occurred because of the negligence or misconduct of the ASW.

(e) No claim shall be paid unless it is presented to the Director within one year after the date on which the expense was incurred.

(f) Cost of emergency medical care including hospitalization greater than usual and customary fees for service established by the Social Security Administration, will *prima facie* be considered unreasonable. Payment for

burial expenses shall not exceed the maximum that the Administrator of Veteran's Affairs may pay under the provisions of 38 U.S.C. 902(a) in any one case.

(g) Payment of claims when allowed shall be made only directly to the ASW or his estate unless written authorization of the ASW or the personal representative of his estate has been received to pay another person.

[FR Doc. 83-4102 Filed 2-17-83; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2297-1]

Approval and Promulgation of the Implementation Plans; Illinois and Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental Proposed Rulemaking.

SUMMARY: On December 17, 1982 (47 FR 56516 and 47 FR 56518), EPA proposed to approve an alternate control strategy (ACS) permit for Granite City Steel (GCS) and a State Consent Order for Great Lakes Steel (GLS), Divisions of the National Steel Corporation. These revisions provide alternate emission control strategies which require implementation of controls by December 31, 1982. EPA is today announcing the availability of the short-term ambient equivalence demonstration, presenting the results of EPA's review of these demonstrations, and soliciting additional public comment on these revisions.

DATE: Comments must be submitted on or before March 7, 1983.

ADDRESSES: Copies of these revisions, supplemental information, and EPA technical review are available for review during normal business hours at the following addresses: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Illinois Environmental Protection Agency, Division of Air Pollution Control, 2200 Churchill Road, Springfield, Illinois 62706 (Illinois SIP Revision Only). Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917 (Michigan SIP Revision Only).

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano (Illinois SIP), (312) 886-6035. Toni Lesser (Michigan SIP), (312) 886-6037.

SUPPLEMENTARY INFORMATION: On September 30, 1982, the Illinois Environmental Protection Agency (IEPA) submitted a proposed revision to the Illinois SIP in the form of an approved ACS permit for GCS. This ACS gives credit to GCS for providing greater control of fugitive particulate emissions from the facility's unpaved roadways and parking lots than is required by State regulations. This extra reduction in emissions from the roads and parking lots will be substituted for control of emissions from the blast furnace casthouse. This SIP revision waives installation of casthouse control equipment until 1986, and requires implementation of the ACS by December 31, 1982.

On June 24, 1982, the State of Michigan submitted a proposed revision to the Michigan SIP in the form of an alternate emissions control plan (AECP) Consent Order for GLS. The AECP calls for paving and cleaning certain plant roadways beyond the RACT-level of control reflected in Michigan's SIP for TSP and control of the electric arc furnace shop to the New Source Performance Standards level. These greater than RACT-level controls would be traded for less than RACT-level control at the No. 2 BOF Shop and the blast furnace casthouses. This AECP would result in reductions of particulate emissions in the Detroit (Wayne County) primary nonattainment area. The AECP requires that all controls be implemented by December 31 1982.

EPA stated in its December 17, 1982, proposed rulemaking notices (47 FR 56516 and 56518) that a short-term ambient equivalence demonstration was required for both GCS and GLS. The modeling analysis was scheduled to be completed during the public comment period of the proposed rulemaking and the public would be given an opportunity to review the results of the short-term modeling prior to EPA's final rulemaking on GCS and GLS.

EPA has issued a proposed Emission Trading Policy Statement (ETPS) (April 7, 1982; 47 FR 15076) which sets forth the general principles that EPA will use to evaluate emission trades such as the GLS and GCS proposals. To comply with requirements in the ETPS, National Steel performed a short-term ambient equivalence demonstration for both the GLS and GCS control strategies. The analysis employed the applicable EPA reference technique, the Industrial Source Complex Short Term (ISCST) air quality model, with one year of representative National Weather Service meteorological data. Per the requirments of EPA's proposed ETPS, the ISCST analyses included only the sources involved in the trades and was intended to determine if the strategies would result in a significant air quality impact (i.e. 10 ug/m^3, 24-hour average). The results of the ISCST modeling show that the GLS and GCS trades will not result in a significant increase in ambient 24-hour TSP concentrations on any day, at any receptor modeled. In fact the analyses indicate that the trades will result in a marked improvement in air quality on most days and in most locations. Consequently, based on results of the short-term and annual air quality analyses, EPA has determined that the proposed alternative emission control programs for GLS and GCS meet the requirements of EPA's ETPS. Also, the trades will not interfere with measures in the Illinois and Michigan TSP SIPs which are designed to lead to attainment and maintenance of the TSP NAAQS in the Granite City and Detroit primary nonattainment areas. For a detailed review of the GLS and GCS strategies the reader is referred to the December 17, 1982 (47 FR 56516 and 47 FR 56518) proposed rulemaking notices; EPA rationales for approval September 7, 1982, (GCS) and September 10, 1982 (GLS); and EPA's analyses of the short-term ambient equivalence demonstration, for GCS and GLS.

EPA is providing a fifteen-day comment period on this supplemental notice of proposed rulemaking. During this comment period, comments on all elements of the GCS and GLS SIP revisions will be considered. Public comment received on or before (15 days from the date of publication) will be considered in EPA's final rulemaking. When possible, comments should be submitted in triplicate. All comments will be available for inspection during normal business hours at the Region V office listed at the beginning of this notice. Please call the appropriate contact person listed at the beginning of this notice, before visiting the Region V office.

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

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have significant

economic impact on a substantial number of small entities. (See 46 FR 8709)

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act as amended)

Dated: January 26, 1983.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 83-4227 Filed 2-17-83; 8:45 am]

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40 CFR Part 52

[A-5-FRL 2282-7]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On September 2, 1982, the State of Ohio submitted a revision to the total suspended particulate (TSP) portion of its State Implementation Plan (SIP). This revision is in the form of individual variance permits for two coal-fired boilers and three PVC resin storage silos at the B.F. Goodrich Chemical Plant located in Avon Lake (Lorain County), Ohio. The State is requesting an alternative emission strategy "bubble" which would involve trading emission reductions between the boilers and the silos. The purpose of this notice is to discuss EPA's evaluation of the bubble strategy and to solicit public comment on EPA's proposed action.

DATE: Comments on this revision to the Ohio SIP and EPA's proposed action must be received by March 21, 1983.

ADDRESSES: Copies of this SIP revision are available at the following addresses:

Environmental Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216.

Comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, Air Programs Branch, EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: On April 7, 1982 (47 FR 15076), the Environmental Protection Agency issued a proposed Emissions Trading Policy Statement, General Principles for Creation, Banking, and use of Emission Reduction Credits. This statement indicated that it is the policy of EPA to encourage use of emissions trades to achieve more flexible, rapid and efficient attainment of national ambient air quality standards. This policy statement describes emissions trading, sets out general principles EPA will use to evaluate emissions trades under the Clean Air Act, and expands opportunities for States and industry to use these less costly control approaches. The April 7, 1982, notice indicates that, until EPA takes final action on its policy statement, state actions involving emission trades would be evaluated under the provisions set forth in the proposed policy statement.

In accordance with the provisions contained in the proposed Emissions Trading Policy Statement, the State of Ohio, on September 2, 1982, submitted to EPA a revision to the TSP portion of its SIP. This revision is in the form of variance permits for two coal-fired boilers (B006 and B007) and three PVC resin storage silos (P013, P014 and P015) located at the B.F. Goodrich Chemical Plant in Avon Lake, Lorain County, Ohio. The State is requesting an alternative emission strategy "bubble" which would involve trading emissions between the boilers and the silos. B.F. Goodrich is located in the portion of Lorain County that is designated for the secondary national ambient air quality standard for particulates (40 CFR 81.336).

Under the Emissions Trading Policy Statement, an acceptable Reasonably Available Control Technology (RACT) baseline for the emission sources involved in the trade must be established. The permits which form the basis of this revision regulate TSP emissions from the coal-fired boilers and resin storage silos by Rules 10 and 11, respectively, of Chapter 3745-17 of the Ohio Administrative Code (OAC). On September 21, 1982 (47 FR 41584), in its general rulemaking on the Ohio TSP SIP, EPA proposed approval of the generic emission limits contained in these rules as being representative of RACT. Thus, these limits are an appropriate RACT baseline for the bubble trade. EPA notes that the limits in Rules 10 and 11, as they apply to B.F. Goodrich, are identical to the limits in the existing federally approved SIP.

Under the bubble, B.F. Goodrich will achieve a greater emission reduction than if it had complied with RACT under Rules 10 and 11. To achieve this reduction, B.F. Goodrich will operate the PVC silos 25.0 pounds per hour below the RACT baseline. Emissions from the coal-fired boilers will be 8.8 pounds per hour above the RACT baseline. Thus, the net decrease in emissions from this bubble will be 16.2 pounds per hour.

The State submitted modeling which indicates that the trade will not significantly increase ambient TSP levels. In the initial analysis, annual and 24-hour concentrations were computed using the EPA reference model for this source (MPTER) and the five most recent, available years of representative meteorological data (1973-1977 Cleveland/Buffalo). A subsequent analysis to address a revision in the bubble emissions used MPTER and the worst-case year from the initial modeling (1977). Both analyses demonstrate that the bubble will provide an air quality benefit. Thus, the bubble satisfies the requirements of a Level II analysis under the Emissions Trading Policy.

EPA believes that these variance permits, which incorporate the "bubble" concept, are consistent with EPA's proposed Emission Trading Policy Statement, and EPA is, therefore, proposing to approve the B.F. Goodrich "bubble".

At this time, EPA is only proposing action on the variance permits for B.F. Goodrich Chemical Plant. EPA is not proposing further action on OAC Rule 3745-17-10 and 11. Rulemaking on the adequacy of these rules will be discussed in a separate rulemaking after review of public comments received in response to EPA's September 21, 1982, Notice of Proposed Rulemaking on the Ohio TSP SIP.

EPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comments received on or before March 21, 1983 will be considered in EPA's final rulemaking. All comments will be available for inspection during normal business hours at the Region V office listed at the front of this notice.

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

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

(Sec. 110 of the Clean Air Act, as amended).

List of Subjects in 40 CFR Part 52

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

Dated: December 29, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-4228 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[A-5-FRL No. 2283-2]

Michigan; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is proposing to approve a revision to the Michigan State Implementation Plan (SIP) which would reduce the Detroit seven-county ozone demonstration area (presently consisting of Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair and Washtenaw Counties) to a three-county demonstration area consisting of Wayne, Oakland and Macomb Counties. EPA's action is based upon a revision request which was submitted by the State.

DATE: Comments must be received on or before March 21, 1983.

ADDRESSES: Copies of the redesignation request and the supporting technical information are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser,Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May 6, 1980 (45 FR 29796), EPA approved Michigan's Part D SIP control strategy for ozone with the exception of Michigan Rules 336.1603 and 336.1606, which were conditionally approved. Michigan's SIP defined the Detroit area for ozone to consist of: Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne Counties. This area was chosen to coincide with the seven-county Regional Planning and Development District established in 1974. However, the existing seven-county area goes beyond what is minimally required according to U.S. EPA policy (April 4, 1979; 44 FR 20376). This policy requires that the area used for urban area SIPs include the central city and surrounding closely settled areas defined by the 1970 census, plus any adjacent fringe areas of development. The 1970 Bureau of Census maps identify the urbanized area of Detroit to be confined primarily within the three counties of Wayne, Oakland and Macomb. (1970; Census Population, No. of Inhabitants, Michigan; PC(1) A24, Michigan.)

On September 1, 1982, the State of Michigan formally requested that EPA propose approval of the reduction of the size of the ozone demonstration area for Southeast Michigan from the present seven counties (Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair and Washtenaw) to include only the three counties of Wayne, Oakland and Macomb Counties. Under this proposed revision, Livingston, Monroe, St. Clair and Washtenaw counties would remain nonattainment, but would be considered to be rural nonattainment. Therefore, any control requirements that apply to ozone nonattainment areas would still apply to these four counties. Michigan's designation of rural nonattainment for these four counties was based on the EPA guidance that a county may be designated rural if it has no urbanized areas of 200,000 or more people (according to 1970 Census). The only urbanized area in these four counties is Ann Arbor, and the 1970 population of the Ann Arbor urbanized area was 178,605.

Michigan also provided evidence in its request showing that the reduction of size of the ozone demonstration area would have minimal impact on air quality. Michigan is retaining the nonattainment designation of the other four counties and is thus retaining the RACT I and II regulations in these counties. The only potential emissions impact of Michigan's request is that RACT III regulations and regulations for major non-Control Technique Guideline (CTG) sources might not be enacted in these counties. EPA requires these regulations in ozone nonattainment areas for which the State received an extension of the attainment date to 1987, but not in other nonattainment areas. However, this potential impact on emissions is likely to have a small, if any, impact on air quality. First, Michigan has found that RACT III and major non-CTG sources contribute only a small portion of the overall seven county inventory. Second, these sources, particularly those in Ann Arbor, are located such that they are not likely to have significant air quality impact in the same area that Detroit sources have their principal impact. Third, Michigan may choose to adopt RACT III and non-CTG regulations statewide (as was done with the RACT I and II regulations), in which case Michigan's request would have no air quality impact.

EPA proposes approval of Michigan's request to reduce the Detroit seven county attainment demonstration area presently consisting of Wayne, Oakland, Macomb, Livingston, Monroe, St. Clair and Washtenaw to a three-county demonstration are consisting of Wayne, Oakland and Macomb Counties. U.S. EPA also proposes to approve Michigan's request to classify Livingston, Monroe, St. Clair and Washtenaw Counties as rural nonattainment. The existing control requirements of reasonably available control technology (RACT) I and II are statewide regulations and will not be affected by this classification.

EPA is providing a 30-day comment period on this notice of proposed rulemaking. Public comment received on or before (30 days from the date of publication) will be considered in EPA's final rulemaking. When possible, comments should be submitted in triplicate. All comments will be available for inspection during normal business hours at the Region V office listed at the beginning of this notice.

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

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

List of Subjects in 40 CFR Part 52

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

(Sec. 110 of the Clean Air Act, as amended)

Dated: December 29, 1982.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 83-4229 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3130

Amendment to the National Petroleum Reserve in Alaska; Oil and Gas Leasing Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend the regulations in 43 CFR Part 3130 to clarify the provisions regarding antitrust review requirements for leasing in the National Petroleum Reserve—Alaska. Several minor editorial changes would also be made to conform to changes that have been made in the general regulations in 43 CFR Part 3100 relating to oil and gas leasing and to reflect other changes. For example, references to the U.S. Geological Survey would be deleted to reflect the recent consolidation of leasing functions into the Bureau of Land Management.

DATE: Comments on this proposed rulemaking postmarked or delivered by March 21, 1983, will be considered by the Department of the Interior in formulating the final rule.

ADDRESS: Comments should be sent to: Director (140), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jan Daniels (202) 343-7753.

SUPPLEMENTARY INFORMATION: The proposed rulemaking would amend the regulations implementing the provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), that authorize an oil and gas leasing program for the National Petroleum Reserve—Alaska. Specifically, the rulemaking would amend § 3130.1(b) to make it clear that a successful bidder would not forfeit its one-fifth deposit if the Department of Justice determines that lease issuance may create or maintain a situation inconsistent with the antitrust laws.

The proposed rulemaking would also clarify that a successful bidder would not forfeit its one-fifth deposit if information required by the Attorney General is not available for submission to the Department of Justice.

The proposed rulemaking would specifically provide that a listing of the specific information that a successful bidder is required to submit to the Department of Justice would not be published as part of the notice of sale but would be published independently at the same time as the notice of sale is published. Because Attorney General review is not a requirement imposed by the Department of the Interior, it is inappropriate for the listing of required information to appear as an integral part of the notice of sale.

Section 3132.5(f) would be amended to specify that failure of a successful bidder to meet applicable Department of the Interior regulations would result in forfeiture of its deposit.

Sections 3132.3 and 3132.5(e) would be amended to delete reference to the term "deferred bonus." Since all bonus payments are made prior to lease issuance, this reference is no longer necessary in the existing regulations.

The principal author of this proposed rulemaking is Jan Daniels, Division of Oil, Gas, and Geothermal, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and 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.).

The changes made by this proposed rulemaking will facilitate leasing in the National Petroleum Reserve—Alaska by making changes that the Department of the Interior found to be burdensome and unneeded based upon the experience of the first lease sale in the National Petroleum Reserve—Alaska.

The changes made by the proposed rulemaking will be equally applicable to all those who hold leases in the National Petroleum Reserve—Alaska, regardless of their size, with all applicants having to file any information requested by the Attorney General to allow completion of the required antitrust review.

There are no additional information collection requirements in this proposed rulemaking beyond those contained in Part 3130 of the final regulations, which were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1004-0067 and 1004-0066.

List of Subjects in 43 CFR Part 3130

Alaska, Mineral royalties, Oil and gas reserves, Public lands mineral resources, Surety bonds.

Under the authority of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504 et seq.), and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) except for sections 202 and 603 thereof.

PART 3130—[AMENDED]

It is proposed to amend Part 3130, Subchapter A, Chapter D, Title 43 of the Code of Federal Regulations, as set forth below:

§ 3130.0-5 [Amended]

1. Section 3130.0-5 is amended by:

A. Revising paragraph (e) to read:

* * * * *

(e) "Secretary" means the Secretary of the Interior.

§ 3130.1 [Amended]

2. Section 3130.1 is amended by:

a. Revising paragraph (b) to read as follows:

* * * * *

(b) In advance of each competitive lease sale, the Attorney General shall notify the Secretary of his/her preliminary determination of the information each successful bidder shall be required to submit for review purposes. The Secretary shall make available to the public the Attorney General's information requirements at the same time as, but independent of, the publication of the notice of sale. A successful bidder shall submit any required information never submitted to the Attorney General and, with respect to any required information previously submitted, a reference thereto, together with a statement of any and all changes in the information since the date of the previous submission. The successful bidder shall submit the required information within 60 days of the bid opening. Should the successful bidder fail to submit the required information within the time provided, the bid shall be declared unacceptable and shall be returned to the bidder, and the deposit submitted with the bid shall be

refunded. In cases where a bid has been declared unacceptable, the Secretary may offer the lease to the next highest qualified bidder therefor.

* * * * *

b. Amending paragraph (c)(1) by inserting a comma after the word "lease", by inserting the phrase "by the Attorney General" after the word "required" and by removing the phrase "under this section".

c. Revising paragraph (d) to read as follows:

* * * * *

(d) If, during the 30-day review period, the Attorney General notifies the Secretary that issuance of the lease contract or operating agreement to the successful bidder would create or maintain a situation inconsistent with the antitrust laws, the Secretary shall not issue the requested document, shall declare the bid unacceptable and shall return the bid document and refund the deposit submitted with the bid. In cases where a bid has been declared unacceptable, the Secretary may offer the lease to the next highest qualified bidder therefor.

§ 3130.3 [Amended]

3. Section 3130.3 is amended by removing the words "Director, U.S. Geological Survey", and replacing them with the words "authorized officer"; and by changing the reference "§ 3100.3" to "§ 3100.2".

§ 3130.5 [Amended]

4. Section 3130.5 is amended by changing the reference "§ 3102.1–2" to "section 3102".

§ 3130.6 [Amended]

5. Section 3130.6 is amended by removing the word "Leasing" from the heading and capitalizing the first letter of the word "maps".

§ 3130.6–1 [Amended]

6. Section 3130.6–1 is amended by removing the word "Leasing" from the heading, by capitalizing the first letter of the word "maps" in the heading and by removing the word "leasing" from the text.

§ 3130.6–2 [Amended]

7. Section 3130.6–2(a) is amended by inserting the phrase "or designated special areas" immediately after the phrase "upland navigable water areas" and before the comma.

§ 3131.2 [Amended]

8. Section 3131.2 is amended by;

A. Amending paragraph (a) by removing the phrase, "with a copy to the Regional Conservation Manager, U.S. Geological Survey".

B. Amending paragraph (b) by removing the phrase "Regional Conservation Manager".

§ 3131.3 [Amended]

9. Section 3131.3 is amended by removing the phrase "and shall be attached to" from the third sentence.

§ 3132.2 [Amended]

10. Section 3132.2 is amended by:

A. Amending paragraph (b) by removing the words "a certified or cashier's check, bank draft, U.S. currency or any other form of payment approved by the Secretary for".

B. Removing paragraph (c) and redesignating existing paragraph (d) as parapraph (c).

§ 3132.3 [Amended]

11.Section 3132.3 ia amended by:

A. Amending paragraph (a) by removing the words "including deferred bonuses" and removing the word "made" and replacing it with the word "submitted" in the first sentence; by removing the second sentence in its entirety; and amending the third sentence by removing the words "Bureau of Land Management" and replacing them with "Minerals Management Service".

B. Amending paragraph (b) by removing the phrase "U.S. Geological Survey" and replacing it with the phrase "Minerals Management Service".

§ 3132.5 [Amended]

12. Section 3132.5 is amended by:

A. Amending paragraph (b) by substituting the word "may" for the words "reserves the right to";

B. Amending paragraph (e) removing the words "unless deferred" from the third sentence;

C. Amending paragraph (f) by inserting the words "Department of the Interior" between the words "applicable" and "regulations", and the phrase "under Section 3132 of this title" immediately after the word "regulations" and before the comma.

§ 3136.1 [Amended]

13. Section 3136.1 is amended by removing the phrase "Are linquishment" from the last sentence and replacing it with the words "A relinquishment", and removing the phrase "Director, U.S. Geological Survey" and replacing it with the words "authorized officer".

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 21, 1982.

[FR Doc. 83–4170 Filed 2–17–83; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 6492]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, National Flood Insurance Program, (202) 287–0237, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the

second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance—flood plains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Scottsdale, city, Maricopa County	Indian Bend Wash	At downstream corporate limits	*1,189
			Upstream of Thomas Road	*1,226
			Upstream of Camelback Road	*1,245
			Upstream of Indian Bend Road	*1,283
			At upstream corporate limits	*1,299
			Approximately 700 feet upstream of upstream corporate limits.	*1,302
		Granite Reef Wash	At downstream corporate limits	*1,196
			Upstream of McDowell Road	*1,214
			At upstream corporate limits	*1,227
		Wash B	Approximately 6,100' downstream of 124th Street	*1,446
			Just downstream of Granite Reef Aqueduct (approximately 1,100' downstream of 124th Street).	*1,506
	Maps available for inspection at the office of the Director of Engineering Services, City Hall, 3939 Civic Center Plaza, Scottsdale, Arizona.			
	Send comments to Honorable Herbert R. Drinkwater, Mayor of Scottsdale, 3939 Civic Center Plaza, Scottsdale, Arizona 85251.			
Florida	City of Crystal River, Citrus County	Gulf of Mexico	At the intersection of State Highway 44 and NE. Seventh Avenue.	*8
			At the intersection of SW. Paradise Point Road and SE. Fourth Avenue.	*9
			At the intersection of Spruce Street and Hibiscus Avenue.	*11
			At the intersection of Azalea Avenue and Hickory Street.	*12
	Maps available for inspection at City Hall, 123 Northwest Highway 19, Crystal River, Florida 32629.			
	Send comments to Mayor Herbert Williams or Mr. John Morrison, City Manager, City Hall, 123 Northwest Highway 19, Crystal River, Florida 32629.			
Florida	Dade County (unincorporated areas)	Atlantic Ocean	At the intersection of Collins Avenue and Biscayne Street.	*9
			100 feet north of Bear Cut Bridge along Crandon Blvd	*13
			100 feet east of Pabel Point	*18
		Biscayne Bay	At the intersection of 150th Street and North Bay Road.	*6
			At the intersection of S. Miami Avenue and U.S. Highway 41.	*12
	Maps available for inspection at Metro Dade County Department of Environmental Resources Management, 909 SE 1st Avenue, 4th Floor, Brickell Plaza, Miami, Florida.			
	Send comments to Mr. Merritt R. Stierheim, Dade County Manager, Courthouse, 2nd Floor, 73 W. Flagler Street, Miami, Florida 33130.			
Florida	Unincorporated areas of Dixie County	Steinhatchee River	Approximately 500 feet upstream of U.S. Highways 19, 98, and 27A (State Highway 55).	*24
		Suwannee River	Just downstream of Seaboard Coastline Railroad	*22
			Just upstream of State Highway 340	*28
		Gulf of Mexico	Approximately 100 feet northeast of Otter Sink Camp	*11
			Intersection of State Highway 358 and State 361	*12
			Approximately 100 feet north of Thompson Lake	*13
			Just downstream of State Highway 361 (Rocky Creek)	*13
			Intersection of old railroad grade and State Highway 349.	*17
			Just downstream of State Highway 358 (Steinhatchee River).	*17
			Approximately 500 feet east of Bumblebee Island	*19
			Approximately 1,000 feet northeast of Bowlegs Point	*20
			Approximately 1,000 feet east of Sand Point	*21
			Approximately 500 feet northeast of Drum Point	*22
	Maps available for inspection at Dixie County Clerk's Office, County Courthouse, State Route 351, Cross City, Florida 32628.			
	Send comments to Mr. Edward Osten, Chairman of Dixie County Commission or Mr. Joe Hubert Allen, Auditor for Building Commissioners, Dixie County Courthouse, P.O. Drawer 4J, Cross City, Florida 32628.			
Florida	City of Horseshoe Beach, Dixie County	Gulf of Mexico	Intersection of First Street and East First Avenue	*18
			Intersection of Fifth Street and West Eighth Avenue	*19
			Intersection of Eighth Street and State Highway 351	*20
	Maps available for inspection at City Hall, Horseshoe Beach, Florida 32648.			
	Send comments to Mayor James M. Kelley or Ms. Francis Cherry, City Clerk, City Hall, P.O. Box 273, Horseshoe Beach, Florida 32648.			

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Key Colony Beach (City), Monroe County	Atlantic Ocean	At the center of intersection of 1st Street and 2nd Street.	*9
			At the center of intersection of 12th Street and Ocean Drive West.	*11
			350 feet southwest from the center of intersection of 12th Street and Ocean Drive West.	*14
		Florida Bay	At the center of intersection of North Street and 8th Street.	*9

Maps available for inspection at City Hall, Key Colony Beach, Florida.

Send comments to Honorable Gerald D. Partney, P.O. Box 141, Key Colony Beach, Florida 33051.

Florida	Key West (city), Monroe County	Atlantic Ocean and Gulf of Mexico	At the center of intersection of Seminary Street and Leon Street.	*8
			At the center of intersection of Steven Avenue and Atlantic Boulevard.	*11

Maps available for inspection at City Hall, Key West, Florida.

Send comments to Honorable Dennis J. Wardlow, P.O. Box 1550, Key West, Florida.

Florida	Layton (city), Monroe County	Florida Bay	At the center of intersection of Long Key Drive and U.S. Highway 1.	*11
			150 feet north from the center of intersection of North Layton Drive and U.S. Highway 1.	*15
		Atlantic Ocean	At the center of intersection of Sands Lane and South Layton Drive.	*11

Maps available for inspection at City Hall, Layton, Florida.

Send comments to Honorable Del Layton, P.O. Box 778, Layton, Florida 33001.

Florida	Monroe County (unincorporated areas)	Atlantic Ocean	At the center of intersection of State Highway South 939 and State Highway South 939A.	*9
			At the confluence of Largo Sound and North Sound Creek.	*15
			At the confluence of Pumpkin Creek and Turtle Harbor Channel.	*19
		Florida Bay	At Palm Island	*12
			At the confluence of Whale Harbor Channel and Windley Harbor near U.S. Highway 1.	*17
		Gulf of Mexico	At Douglas Key	*12

Maps available for inspection at Chief Building Official Office, Public Service Building, Stock Island, Key West, Florida.

Send comments to Honorable Kamil H. Lewin, P.O. Box 1680, Key West, Florida 33040.

Florida	Unincorporated areas of Taylor County	Fenholloway River	Just upstream of U.S. Highway 19	*42
			Just downstream of Secondary Road 2	*48
		Spring Creek	Approximately 1,100 feet upstream of U.S. Highway 98	*25
		Steinhatchee River	Just upstream of U.S. Highway 19 and 98, Alternate 27.	*23
		Gulf of Mexico	Econfina River approximately 5.3 miles upstream of mouth.	*12
			State Highway 14 at Econfina Landing	*17
			East of Jack Lee Island at State Highway 361	*21

Maps available for inspection at Taylor County Coordinator's Office County Courthouse, Jefferson Street, Perry, Florida 32347.

Send comments to Mr. Edward Henry, Chairman, County Commission or Mr. Edward L. Allen, County Coordinator, Taylor County Courthouse, P.O. Box 620, Perry, Florida 32347.

Florida	Unincorporated areas of Wakulla County	Gulf of Mexico/Dickson Bay	At the intersection of Buckhorn Creek and State Highway 372.	*12
			Just south of the intersection of Tide Creek and State Highway 10.	*16
		Gulf of Mexico/Oyster Bay	At the intersection of county dump road and State Highway 365.	*17
			At the intersection of State Highway 367 and county dump road.	*20
		Gulf of Mexico/Apalachee Bay	At the confluence of Shepherd Spring, Gander and West Goose Creeks.	*21
			State Highway 59 and Lighthouse Pool	*23

Maps available for inspection at Building Inspector's Office or the Planning Department, Wakulla County Courthouse Annex, Church Street, Crawfordville, Florida 32327.

Send comments to Mr. J. D. Turner, Wakulla County Chairman or Mr. Buddy Abbott, County Building Inspector, Wakulla County Courthouse, P.O. Box 337, Crawfordville, Florida 32327.

Georgia	Unincorporated areas of Bryan County	Ogeechee River	Approximately 200 feet upstream of Morgan Bridge	*25
			Just upstream of Interstate Highway 16 west bound bridge.	*35
			Just downstream of U.S. Highway 80 bridge	*43
		Black Creek	Just upstream of U.S. Highway 280 bridge	*43
			Approximately 200 feet upstream of Interstate Highway 16 westbound bridge.	*56
		Mill Creek	Approximately 100 feet upstream of State Highway 623.	*45
		Atlantic Ocean/Ogeechee River	Along State Highway 63 just outside of Richmond Hill (southwest corporate limits) on the east side of the Highway.	*12

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At Richmond Hill Park where State Highway 144 spur intersects an unnamed road linking Fort McAllister to Savage Island.	*15
		Atlantic Ocean	At the east end of Belleview toward the waterfront where it intersects a dirt road.	*16
			At Kilkenny where Kilkenny Road meets Kilkenny Creek.	*17
		Atlantic Ocean/Jerico River, Laurel View River, Medway River.	Just east of Interstate Highway 95 where the highway meets Jerico River.	*13
			At Fancy Hale where State Highway 63 intersects a dirt road coming from the north.	*14
Maps available for inspection at County Commissioner's Office, County Courthouse, Pembroke, Georgia 31321.				
Send comments to Mr. Carlton Gill, Chairman, Bryan County Commission or Mr. Jay Williams, County Building Inspector, County Courthouse, P.O. Box 428, Pembroke, Georgia 31321.				
Georgia	City of Fort Oglethorpe, Catoosa County	Black Branch	Just downstream of State Highway 2A, Battlefield Parkway.	*705
			Just downstream of Van Cleve	*715
		Tributary No. 1 to Black Branch	Just downstream of Elaine Circle	*714
		Tributary No. 2 to Black Branch	Just downstream of LaFayette Road (U.S. Highway 27).	*736
			Just downstream of Old Fayette Road	*740
			Just upstream of Coffman Drive	*752
		Tributary No. 3 to Black Branch	Just downstream of Cross Street	*718
		West Chickamalga Creek	Just downstream of southern corporated limits (upstream crossing).	*682
Maps available for inspection at City Hall, Codes Enforcement Office, 201 Forest Road, Fort Oglethorpe, Georgia 30742.				
Send comments to Mayor John Norris or Mr. Jerry Robbins, City Manager, City Hall, 201 Forest Road, Fort Oglethorpe, Georgia 30742.				
Georgia	Unincorporated areas of Hall County	Chattahoochee River	Approximately 0.5 mile downstream of the county line between Hall and Habersham Counties.	*1,109
		East fork Little River	Just upstream of Honeysuckle Road	*1,105
			Approximately 175 feet upstream of F. Gailey Road	*1,283
			Approximately 300 feet downstream of State Highway 283.	*1,301
		West fork Little River	Just upstream of Highland Road	*1,088
			Just upstream of Bethel Road	*1,208
			Just downstream of State Highway 283	*1,232
		Wahoo Creek	Approximately 400 feet upstream of Hubert Stephens Road.	*1,100
			Approximately 300 feet upstream of George Barnes Road.	*1,151
		Wahoo Creek tributary	Just downstream of Gilstrap Mill Road	*1,176
		Flat Creek	Approximately 100 feet upstream of McEver Road	*1,102
			Approximately 125 feet downstream of Jones and Dale Road.	*1,140
		Flat Creek tributary	Approximately 700 feet upstream of confluence with Flat Creek.	*1,165
		Balus Creek	Approximately 350 feet upstream of McEver Road	*1,087
			Just upstream of Mundy Mill Road	*1,111
		Balus Creek tributary	Approximately 1,500 feet upstream of confluence with Balus Creek.	*1,103
		Mud Creek	Just downstream of McEver Road	*1,132
			Just upstream of Southern Railway	*1,140
		Caney Fork	Approximately 100 feet upstream of Tanners Mill Road	*853
			Just downstream of Pine Vale Road	*948
Maps available for inspection at Planning Department, City-County Administration Building, 300 Green Street, Gainesville, Georgia 30503.				
Send comments to Mr. Henry Ward, Chairman, Board of County Commissioners or Mr. Harry Hayes, Planning Director, P.O. Box 1435, Gainesville, Georgia 30503.				
Georgia	Unincorporated areas of Henry County	Big Cotton Indian Creek	Just upstream of Crombly Road	*640
			Just upstream of State Highway 138	*697
		Little Cotton Indian Creek	Just upstream of State Highway 155	*678
			Just upstream of U.S. Highway 23 (State Highway 42)	*697
		Palmer Creek	Just upstream of Southern Railway	*700
			Just upstream of State Highway 351	*736
		Reeves Creek	Just upstream of Rock Quarry Road	*710
			Approximately 200 feet upstream of Tye Road	*715
		Rum Creek	Just upstream of Rock Quarry Road	*711
			Just upstream of Lake Spivey Dam	*786
		Line Creek	Just downstream of Chestnut Creek Road	*757
		James Creek	Just upstream of Old Stockbridge Conyers Road	*714
		Brush Creek	Just upstream of Brush Creek Road	*709
		Panther Creek	Just upstream of U.S. Highway 23/State Highway 42	*750
		Walnut Creek	Just upstream of State Highway 155	*706
			Just upstream of State Road 192	*768
		South River	Just upstream of Butler Bridge Road	*592
			Just upstream of State Highway 20	*614
Maps available for inspection at County Administrator's Office, Henry County Courthouse, 345 Phillips Drive, McDonough, Georgia 30253.				
Send comments to Mr. Edward Whiddon, Chairman, Henry County Commission or Mr. Ron Rabun, County Administrator, Henry County Courthouse, 345 Phillips Drive, McDonough, Georgia 30253.				
Illinois	(V) Central City, Marion County	Crooked Creek	About 0.8 mile downstream of Illinois Central and Gulf Railroad.	*466
			At confluence of Raccoon Creek	*471
Maps available for inspection at the Central City Village Hall, 141 North Harrison Street, Centralia, Illinois.				
Send comments to Honorable Charles Woolbright, Village President, Village of Central City, Central City Village Hall, 141 North Harrison Street, Centralia, Illinois 62801.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(C) Chester, Randolph County	Mississippi River	About 1.9 miles downstream of State Highway 51	*389
			About 1.45 miles upstream of State Highway 51	*391
Maps available for inspection at Mayor's Office, Municipal Building 1330 Swanwick Street, Chester, Illinois.				
Send comments to Honorable Stanley A. Madeski, Mayor, City of Chester, Municipal Building, 1330 Swanwick Street, Chester, Illinois 62233.				
Illinois	(V) Hawthorn Woods, Lake County	Indian Creek	About 600 feet downstream of confluence of west branch Indian Creek.	*730
			Just downstream of Elgin, Joliet and Eastern Railroad	*762
		North Flint Creek	Just upstream of Briarwood Drive	*836
			Just upstream of Echo Lake Road	*852
		West branch Indian Creek	Mouth at Indian Creek	*731
			Just upstream of Gilmer Road	*757
			About 700 feet downstream of Elgin, Joliet and Eastern Railroad.	*792
		Forest Lake drain	About 1,550 feet downstream of Gilmer Road	*729
			Just downstream of Gilmer Road	*732
			Just upstream of Gilmer Road	*737
			About 600 feet upstream of Old McHenry Road	*782
Maps available for inspection at the Clerk's Office, Village Hall, Two Lagoon Drive, Hawthorn Woods, Illinois.				
Send comments to the Honorable Robert Luedtke, Village President, Village of Hawthorn Woods, Village Hall, Two Lagoon Drive, Hawthorn Woods, Illinois 60047.				
Illinois	(V) Jerome, Sangamon County	Jacksonville branch	Just downstream of Iles Avenue	*569
			Just downstream of Chatham Road	*575
Maps available for inspection at the Municipal Building, Village of Jerome, 2901 Leonard Street, Springfield, Illinois.				
Send comments to the Honorable Vernon L. Shontz, Village President, Village of Jerome, Municipal Building, 2901 Leonard Street, Springfield, Illinois 62704.				
Illinois	(V) Kingston, De Kalb County	South branch Kishwaukee River	About 1,600 feet downstream of Main Street	*788
			About 0.8 mile upstream of Main Street	*792
Maps available for inspection at the Village Clerk's Office, Village Hall, Kingston, Illinois.				
Send comments to the Honorable Walter Lyle, Village President, Village of Kingston, Village Hall, Kingston, Illinois 60145.				
Illinois	(V) Kingston Mines, Peoria County	Illinois River	Within corporate limits	*457
Maps available for inspection at Kingston Mines Post Office, Kingston Mines, Illinois.				
Send comments to the Honorable Steven Hedge, Village President, Village of Kingston Mines, Village Hall, Kingston Mines, Illinois 61539.				
Illinois	(V) Lake-In-The-Hills, McHenry County	Crystal Creek	Just downstream of Algonquin-Huntley Road	*771
			Just downstream of Apache Trail Dam	*784
			Just upstream of Apache Trail Dam	*794
			About 1 mile upstream of Plum Street	*828
			About 1,500 feet upstream of upstream corporate limit (about 2.5 miles upstream of Plum Street).	*872
		Woods Creek	Just downstream of Algonquin-Huntley Road	*782
			Just upstream of Hilltop Drive	*796
			Just downstream of Randall Road	*830
		Woods Creek tributary	At confluence with Woods Creek	*830
			Just downstream of Randall Road	*832
		Lake-In-The-Hills	Shoreline	*828
Maps available for inspection at the Village Administrator's Office, Village Hall, 1111 Crystal Lake Road, Lake-In-The-Hills, Illinois 60102.				
Send comments to Honorable Kenneth Olsen, Village President, Village of Lake-In-The-Hills, Village Hall, 1111 Crystal Lake Road, Lake-In-The-Hills, Illinois 60102.				
Illinois	(V) Rockwood, Randolph County	Mississippi River	Downstream corporate limits	*385
			Upstream corporate limits	*386
Maps available for inspection at the Rockwood Post Office, Rockwood, Illinois.				
Send comments to Honorable Hazel Smith, Village President Pro-Tem, Village of Rockwood, Village Hall, Rockwood, Illinois 62280.				
Illinois	(V) St. Joseph, Champaign County	Salt Fork	About 0.52 mile downstream of Conrail	*664
			About 650 feet upstream of (new) U.S. Route 150	*665
Maps available for inspection at the Village Hall, St. Joseph, Illinois.				
Send comments to Honorable B. J. Hacker, Village President, Village of St. Joseph, Village Hall, 207 East Lincoln Street, St. Joseph, Illinois 61873.				
Illinois	(V) Sherman, Sangamon County	Sangamon River	About 800 feet downstream of Interstate Loop 55	*529
			About 3,500 feet upstream of Illinois Central Gulf Railroad.	*531
Maps available for inspection at the Sherman County Bank, Sherman, Illinois.				
Send comments to Honorable Sherwood N. Zimmerman, Village President, Village of Sherman, 509 Emory Drive, Sherman, Illinois 62684.				
Illinois	(C) Vienna, Johnson County	Little Cache Creek	About 1.1 miles downstream of U.S. Route 45	*365
			About 0.85 mile upstream of State Route 146	*370
Maps available for inspection at the Clerk's Office, Vienna Village Hall, Vienna, Illinois.				
Send comments to Honorable Scott Oborn, Mayor, City of Vienna, P.O. Box 516, Vienna, Illinois 62995.				
Indiana	(T) Carthage, Rush County	Big Blue River	About 1,000 feet upstream of County Road 800 North	*866
			Just downstream of Conrail	*875
Maps available for inspection at the Town Hall, Carthage, Indiana.				
Send comments to Honorable Kenneth Land, Town Board Chairman, Town of Carthage, Town Hall, Carthage, Indiana, 46115.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) Huntertown, Allen County	Willow Creek	About 1,200 feet downstream of Golf Course Road	*820
			About 550 feet upstream of Hunter Street	*828
		Willow Creek branch No. 7	About 1,350 feet downstream of Lima Road	*835
			About 950 feet upstream of Lima Road	*840
		Willow Creek branch No. 8	About 500 feet upstream of confluence with Willow Creek.	*820
			About 2,000 feet upstream of confluence with Willow Creek.	*823

Maps available for inspection at the Town Hall, Huntertown, Indiana.

Send comments to Honorable Wilber Spangle, Town Board President, Town of Huntertown, Town Hall, Huntertown, Indiana, 45748.

Indiana	(C) Seymour, Jackson County	East fork White River	At confluence of Heddy Run	*560
			About 1.7 miles upstream of U.S. Highway 31–A	*579
		Heddy Run	At mouth	*560
			Just upstream of 600 East Road	*564
		Von Fange ditch	About 0.2 mile upstream of Sixth Street	*571

Maps available for inspection at City Hall, 222 North Chestnut Street, Seymour, Indiana.

Send comments to Honorable Christopher Morts, Mayor, City of Seymour, City Hall, 222 North Chestnut, Seymour, Indiana 47274.

Indiana	(Uninc.) Vigo County	Wabash River	At Sullivan-Vigo County line	*456
			At Vermillion-Parke-Vigo County line	*481
		Sugar Creek	Mouth at Wabash River	*469
			At Edgar-Vigo County line	*510
		Otter Creek	Mouth at Wabash River	*479
			Just upstream of 79th Street	*514
		South fork Lost Creek	At mouth	*518
			Just downstream of U.S. Highway 40	*522
		Gundy ditch	About 0.1 mile downstream of Devanold Road	*494
			Just upstream of Devanold Road	*500
			Just downstream of Rio Grande Road	*512
		Honey Creek	Mouth at Wabash River	*465
			Just downstream of State Road 46	*524
		Little Lost Creek	About 0.1 mile upstream from mouth	*511
			Just downstream of Fort Harrison Road	*534
		Thompson ditch	Mouth at Honey Creek	*483
			About 250 feet downstream of Margaret Avenue	*498
		Lost Creek	Just upstream of city of Terre Haute corporate limits	*509
			About 0.7 mile upstream of Chamberlain Road near confluence of unnamed tributary.	*547
		North branch Otter Creek	Mouth at Otter Creek	*514
			Just downstream of Vigo-Clay County Line	*564
		Sulphur Creek	Just downstream of Roberts Road	*507
			Just downstream of Vigo-Clay County line	*547
		South fork Sulphur Creek	About 0.15 mile upstream from mouth	*526
			Just downstream of Vigo-Clay County line	*554
		East Little Sugar Creek	About 0.1 mile downstream of Paris Road	*474
			About 0.32 mile upstream of 10 West Road near unnamed road.	*528
		Unnamed tributary to Honey Creek	About 0.35 mile from mouth	*505
			About 1.25 miles upstream of Eaton Road	*540
		Unnamed tributary to East Little Sugar Creek.	At mouth	*484
			About 0.37 mile upstream of Cusick Road	*501
		Shallow flooding	Near intersection of Kidder Road and Rigney Road	#2
			East of U.S. Highway 41 between Thompson ditch and Honey Creek.	#2
			South of Thompson ditch between U.S. 41 and 7th Street.	#2

Maps available for inspection at the County Courthouse, 201 Cherry Street, Terre Haute, Indiana.

Send comments to Honorable John Scott, Chairman of the County Commissioners, Vigo County, 201 Cherry Street, Courthouse Annex, Terre Haute, Indiana 47807.

Massachusetts	Newton, city, Middlesex County	Charles River	Most downstream corporate limits	*7
			Upstream Bemis Dam (Remnants)	*20
			Upstream Commonwealth Avenue (State Route 30)	*39
			Upstream of Cordingly Dam	*64
			Upstream of Sudbury Aqueduct	*90
			Most upstream corporate limits	*91
		South Meadow Brook	Downstream Needham Street	*110
			Upstream of Dedham Street	*114
		Paul Brook	Downstream of Mildred Road	*115
			Upstream of Old Field Road	*117
			Upstream of Hagen Road	*120
		Cheese Cake Brook	Upstream of Eddy Street	*36
			Downstream of Dunstan Street	*39
			Upstream of Dunstan Street	*41

Maps available for inspection at the City Hall, Planning Department, 1000 Commonwealth Avenue, Newton, Massachusetts.

Send comments to Honorable Theodore Mann, Mayor of Newton, City Hall, 1000 Commonwealth Avenue, Newton, Massachusetts 02159.

Michigan	(Twp) Bridgeport, Saginaw County	Lull drain	Just upstream Sheridan Road	*595

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 300 feet upstream Grand Trunk Western Railroad.	*601
		King drain	Just upstream Sheridan Road	*595
			Just downstream of Dixie Highway	607
		Cass River	About 1.8 miles downstream Chessie System	*595
			About 0.36 miles upstream Chessie System	*597

Maps available for inspection at the Township Hall, 6206 Dixie Highway, Bridgeport, Michigan.

Send comments to Honorable Steve Ciolek, Supervisor, Charter Township of Bridgeport, Township Hall, 6206 Dixie Highway, Bridgeport, Michigan 48722.

Michigan	(V) Estral Beach, Monroe County	Lake Erie	Within the corporate limits	*578

Maps available for inspection at the Village Clerk's Office, Village Hall, 7194 Lakeview, Estral Beach, Michigan.

Send comments to Honorable John Powell, Village President, Village of Estral Beach, Village Hall, P.O. Box 107, 7194 Lakeview, Estral Beach, Michigan 48166.

Michigan	(C) Greenville, Montcalm County	Flat River	About 0.66 mile downstream of South Fairplains Street	*795
			Just downstream of Franklin Street Dam	*810
			Just upstream of Franklin Street Dam	*817
			About 0.93 mile upstream of Hillcrest Street	*819

Maps available for inspection at City Hall, 411 South Lafayette Street, Greenville, Michigan.

Send comments to Honorable Marcus Hansen, Mayor, City of Greenville, City Hall, 411 South Lafayette Street, Greenville, Michigan 48838.

Michigan	(C) Ionia, Ionia County	Grand River	About 0.6 mile downstream of State Highway 66	*644
			About 0.1 mile upstream of Cleveland Street	*646

Maps available for inspection at City Hall, 114 North Kidd Street, Ionia, Michigan.

Send comments to Honorable Fred Thwaites, Mayor, City of Ionia, City Hall, 114 North Kidd Street, Ionia, Michigan 48846.

Michigan	(V) Lake Angelus, Oakland County	Lake Angelus, Lake Mohawk	Within corporate limits	*953

Maps available for inspection at the Village President's Office, Lake Angelus, Michigan.

Send comments to Honorable Raymond Hayes, Village President, Village of Lake Angelus, Village Hall, 45 Gallogly Road, Lake Angelus 48056.

Michigan	(V) Ontonagon, Ontonagon County	Ontonagon River	About 2,000 feet downstream of State Highway 64	*605
			Just upstream of State Highway 64	*609
			About 1.2 miles upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*611

Maps available for inspection at the Village Hall, 311 North Steel Street, Ontonagon, Michigan.

Send comments to Honorable Kirk Gieshu, Village President, Village of Ontonagon, Village Hall, 311 North Steel Street, Ontonagon, Michigan 49953.

Michigan	(C) Saginaw, Saginaw County	Saginaw River	About 1.55 miles downstream of Sixth Avenue	*589
			About 1.15 miles upstream of Center Street	*594
		King drain	With corporate limits	*594
		Lull drain	About 0.7 mile upstream of Washington Road	*594
			Just upstream of Grand Trunk Western Railroad	*601

Maps available for inspection at the City Hall, 1315 South Washington Avenue, Saginaw, Michigan.

Send comments to Honorable Ronald Bushey, Mayor, City of Saginaw, City Hall, 1315 South Washington Avenue, Saginaw, Michigan 48601.

Michigan	(C) Sylvan Lake, Oakland County	Sylvan Lake	Shoreline	*931

Maps available for inspection at the City of Manager's Office, City Hall, 1820 Inverness Avenue, Sylvan Lake, Michigan.

Send comments to Honorable Betty B. Wilson, Mayor, City of Sylvan Lake, City Hall, 1820 Inverness Avenue, Sylvan Lake, Michigan 48053.

Mississippi	City of Bay St. Louis, Hancock County	Gulf of Mexico/Mississippi Sound, Bay St. Louis.	Intersection Leopold Street and North Beach Boulevard.	*13
			Intersection of Cedar Point and Dunbar Avenue	*15

Maps available for inspection at City Hall, Second Street, Bay Louis, Mississippi 39520

Send comments to Mayor Larry Bennett or Mr. Wilmer Seymour, Mayor Pro-Tem, City Hall, P.O. Box 310, Bay St. Louis, Mississippi 39520

Mississippi	City of Biloxi, Harrison County	Gulf of Mexico/Mississippi Sound	Intersection of Pine Street and U.S. Highway 90	*14
			Intersection of Howard Avenue and Myrtle Street	*12
		Back Bay of Biloxi	Intersection of Bay Side Drive and Glenview	*11

Maps available for inspection at Planning Commission Office, Dantzler House, 1028 West Beach Boulevard, Biloxi, Mississippi 39533

Send comments to Mr. Roy Benbow, Executive Planner, Planning and Zoning Commission, Dantzler House, 1028 West Beach Boulevard, Biloxi, Mississippi 39533.

Mississippi	City of Gulfport, Harrison County	Gulf of Mexico/Mississippi Sound	Intersection of Jones Park Drive and 20th Avenue	*14
			Intersection Jones Park Drive and Marine Life Drive	*15
		Bernard Bayou	Intersection W. Pine Street and Mill Street	*11

Maps available for inspection at City Hall, 2309 15th Street, Gulfport, Mississippi 39501.

Send comments to Mayor Jack Barnett or Mr. Arvah Hopkins, Administrative Assistant, City Hall, P.O. Box 1780, Gulfport, Mississippi 39501.

Mississippi	Unincorporated areas of Hancock County	Gulf of Mexico/Mississippi Sound	Intersection Lakeshore Road and Chicago Street	*14
			Intersection of Lakeshore Road and Louisville and Nashville Railroad.	*13
		Gulf of Mexico/St. Louis Bay	Intersection of Hau Street and IKI Place	*12
			Intersection of Chapman Road and Beverly Drive	*11
			Intersection of Noma Drive and Nele Place	*10
			Intersection of Walnut Drive and Fir Drive	*9
		Mill Creek	At Hancock County boundary	*71
		Shiloh Creek	Approximately 2,000 feet upstream of confluence with Cypress Creek.	*87

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		White Cypress Creek	Just downstream of county road approximately 2,300 feet upstream of confluence with Hickory Creek.	*67
		Necaise Creek	Just downstream of county road approximately 8,000 feet upstream of confluence with Hickory Creek.	*119
		Anner Creek	Approximately 2,800 feet upstream of confluence with Hickory Creek.	*102
		Hickory Creek	At Hancock County boundary	*135
			Just upstream of Highway 43	*57
		Orphan Creek	Just upstream of Route 603	*72
			Just upstream of Highway 43	*44
		Bayou Bacon	Just upstream of Route 603	*96
			Just upstream of Highway 43	*43
		Catahoula Creek	At Hancock County boundary	*143
			Just upstream of Highway 43	*67
		Crane Creek	Just upstream of county road approximately 12,000 feet upstream of confluence with Wolf River.	*109
		Wolf River	At downstream county boundary	*88
		Bayou La Salle	Just upstream of Highway 43	*13
		Bayou La Terre	Just upstream of county road approximately 18,000 feet upstream of confluence with Rotten Bayou.	*19
		Pearl River	At confluence with Rones Bayou	*20
			Just downstream of Highway 11	*19
			Just downstream of Interstate 10	*11

Maps available for inspection at Hancock County Courthouse, Main Street, Bay St. Louis, Mississippi 39520.

Send comments to Mr. Alton Keller, President, County Board of Supervisors, P.O. Box 152 or Mr. John Scafied, County Planning Commission Attorney, P.O. Drawer 71, Bay St. Louis, Mississippi 39520.

Mississippi	City of Long Beach, Harrison County	Gulf of Mexico/Mississippi Sound	Intersection of White Harbor Road and U.S. Highway 90.	*16
			Intersection of Shelter Rock Drive and U.S. Highway 90.	*13

Maps available for inspection at City Hall, City Clerk's Office, 201 Jeff Davis Avenue, Long Beach, Mississippi 39560.

Send comments to Mayor Glen W. Mitchell, or Mr. Lewis Elias, Mayor Pro-Tem, City Hall, P.O. Box 378, Long Beach, Mississippi 39560.

Mississippi	City of Pass Christian, Harrison County	Gulf of Mexico/Mississippi Sound	Intersection of Shadow Lawn Boulevard and Beach Boulevard.	*13
			Intersection of Cedar Avenue and Beach Boulevard West.	*16
		St. Louis Bay/Johnson Bayou	Intersection of Long Avenue and Francis Street	*12

Maps available for inspection at City Hall, 200 West Scenic Drive, Pass Christian, Mississippi 39573.

Send comments to Mayor Gordon Bishop, or Ms. Kim McDonald, City Secretary, City Hall, P.O. Drawer 358, Pass Christian, Mississippi 39573.

Mississippi	City of Waveland, Hancock County	Gulf of Mexico/Mississippi Sound	At the intersection of Gulf Drive and Sears Avenue	*12
			At the intersection of South Beach Boulevard and Dane Road.	*17
		Gulf of Mexico/St. Louis Bay	At the intersection of Avenue B and Erie Street	*9

Maps available for inspection at City Hall, 301 Coleman Avenue, Waveland, Mississippi 39576.

Send comments to Mayor John Longo or Ms. Barbara Rappold, City Secretary, City Hall, P.O. Box H, Waveland, Mississippi 39576.

New Jersey	Bedminster, township, Somerset County	Lamington River	Confluence with north branch Raritan River	*88
			Lamington Road (upstream side)	*96
			Lamington River Road (upstream side)	*106
			Interstate Route 78 (upstream side)	*115
			Lamington Road (second crossing) (upstream side)	*130
			Black River Road (first crossing) (upstream side)	*150
			McCansmil Road (upstream side)	*166
			Confluence of Herzog Brook	*194
			Approximately 2,650 feet upsteam of Herzog Brook	*206
			Access road (upstream side)	*224
			Approximately 470 feet downstream of the upstream corporate limits.	*241
			Upstream corporate limits	*254
		North branch Raritan River	Confluence of Chambers Brooks	*80
			Confluence of Lamington River	*88
			Confluence of Middle Brook	*96
			Kline Mill Road (upstream side)	*103
			U.S. Routes 202 and 206 (upstream side)	*117
			Approximately 3,900 feet upstream of the AT&T access roads.	*127
			U.S. Route 202 (upstream side)	*139
			Peapack Road (upstream side)	*153
			Upstream corporate limits	*162
		Chambers Brook	Downstream corporate limits	*80
			Airport Road (upstream side)	*85
			Country Club Road (upstream side)	*107
			Approximately 1,100 feet downstream of Interstate Route 287.	*124
			Approximately 620 feet upstream of Interstate Route 287.	*144
			Upstream Routes 202 and 206 (upstream side)	*171
			Upstream corporate limits	*190
		Middle Brook	Confluence with north branch Raritan River	*96
			Confluence of Hoopstick Brook	*101
			Upstream dam (second)	*121
			Lamington Road (upstream side)	*137

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Foot bridge (upstream side)	*163
			Upstream dam (fourth)	*176
			Approximately 1,420 feet upstream of 4th dam	*196
			Approximately 85 feet upstream of Spook Hollow Road.	*213
		Clucas Brook	Confluence with north branch Raritan River	*104
			Approximately 7,200 feet upstream of confluence with north branch Raritan River.	*124
			Approximately 60 feet upstream of Lamington Road	*149
		Peapack Brook	Confluence with north branch Raritan River	*152
			Upstream corporate limits	*163
		Herzog River	Confluence with Lamington River	*194
			Approximately 60 feet upstream of Pottersville Road	*220
		Hoopstick Brook	Confluence with Middle Brook	*101
			Foot bridge (upstream side)	*122
			Approximately 50 feet upstream of Lamington Road	*136

Maps available for inspection at the Municipal Building, Hillside Avenue, Bedminster, New Jersey.

Send comments to Honorable Paul Gavin, Mayor of Bedminster Township, Municipal Building, Hillside Avenue, Bedminster, New Jersey 07921.

New Jersey	Margate City, city, Atlantic County	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*15
			Entire beach thorofare shoreline within community	*10

Maps available for inspection at the Municipal Building, Washington and Ventnor Avenues, Margate City, New Jersey.

Send comments to Honorable William H. Ross, III, Mayor of Margate City, Washington and Ventnor Avenues, Margate City, New Jersey 08402.

New York	Croton-on-Hudson, village, Westchester County	Croton River	Upstream of U.S. Route 9	*8
			Downstream of first crossing of Quaker Bridge Road	*34
			Upstream corporate limits	*50
			Hudson River Entire shoreline within community	*8

Maps available for inspection at the Municipal Building, Van Wyck Street, Croton-on-Hudson, New York.

Send comments to Honorable Richard Herbek, Village Manager, Municipal Building, Van Wyck Street, Croton-on-Hudson, New York 10520.

New York	Mill Neck, village, Nassau County	Oyster Bay Harbor	Entire shoreline within community	*15
		Mill Neck Creek	Shoreline from Bayville Bridge to approximately 1,700 feet northwest of Cleft Road.	*14
			Shoreline from approximately 1,700 feet northwest of Cleft Road to Cleft Road.	*13
		Beaver Lake	Entire shoreline within community	*12
		Beaver Brook	Entire shoreline within community	*12

Maps available for inspection at the Village Hall, Frost Mill Road, Mill Neck, New York.

Send comments to Honorable John C. Jansing, Mayor of Mill Neck, Village Hall, Box 351, Frost Mill Road, Mill Neck, New York 11765.

New York	New York, city, Queens, New York, Bronx, Richmond, and Kings Counties.	Bronx River	Confluence with East River	*13
			Upstream of Tremont Avenue	*14
			Upstream of Zoological Garden/Dam No. 3	*38
			Upstream of Botanical Garden/Dam No. 4	*58
			Upstream of Gun Hill Road	*63
			Upstream of East 233d Street	*68
			Upstream corporate limits	*74
		Atlantic Ocean	Shoreline at B Sixth Street extended	*11
			Shoreline at Beach 204th Street extended	*14
		East River	Shoreline at 20th Street extended	*12
			At confluence with Upper Bay	*13
			Shoreline at confluence of Bronx Kill	*15
			At confluence with Long Island Sound	*20
		Gravesend Bay	Entire shoreline within community	*13
		Jamaica Bay	Entire shoreline within community	*10
		Little Neck Bay	Entire shoreline within community	*17
		Long Island Sound	Shoreline at City Island Avenue extended	*17
			Shoreline at northeast corner of Hunters Island	*20
		Raritan Bay	Entire shoreline within community	*14
		Rockaway Inlet	Shoreline at Beach 184th Street extended	*10
			Shoreline at Rockaway Point Boulevard extended	*13
		Upper Bay	Entire shoreline within community	*13
		The Narrows	Shoreline at Swan Street extended	*12
			Shoreline at Sand Lane extended	*13
		Lower Bay	Shoreline at Norton Point	*13
			Entire shoreline of Hoffman Island	*14

Maps available for inspection at the offices of the Borough Engineers.

Send comments to: Bronx County: Mr. James Carsolio, Bronx Borough Engineer, 851 Grand Concourse, Bronx, New York 10451; Kings County: Mr. Roger Bennett, Brooklyn Borough Engineer, 209 Joralemon Street, Brooklyn, New York 11201; New York County: Mr. Anthony Gulotta, Manhattan Borough Engineer, Municipal Building, 20th floor, One Center Street, New York, New York 10007; Queens County: Mr. James Golia, Queens Borough Engineer, 120-55 Queens Boulevard, Kew Gardens, New York 11424; Richmond County: Mr. William Drinnan, Staten Island Borough Engineer, Borough Hall, Staten Island, New York 11424.

New York	Saddle Rock, village, Nassau County	Little Neck Bay	Shoreline at southern corporate limits	*13
			Shoreline at Candy Lane extended	*15
			Shoreline of Udalls Mill Pond	*13

Maps available for inspection at 34 Forest Road, Great Neck, New York.

Send comments to Honorable Leonard Einisburg, Mayor of Saddle Rock, 5 Stevenson Road, Great Neck, New York 11023.

North Carolina	Town of Beaufort, Carteret County	Atlantic Ocean/Bogue Sound/Taylors Creek.	At intersection of Front Street and Craven Street	*9

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At intersection of Broad Street and Craven Street	*7
			At intersection of Front Street and Leonda Drive	*8
		Atlantic Ocean/Bogue Sound/ Town Creek.	At intersection of Turner Street and West Beaufort Road.	*7
		Atlantic Ocean/Back Sound/ Turner Creek.	Along State Route 1304 Marshalls Road east of a point located 200 feet on the east of its intersection with Sycamore Drive.	*7
Maps available for inspection at Town Hall, 215 Pollock Street, Beaufort, North Carolina 28516.				
Send comments to Mayor Joyce Fulford or Mr. Erskine Blankenship, Town Administrator, Town Hall, Beaufort, North Carolina 28516.				
North Carolina	Town of Cape Carteret, Carteret County	Atlantic Ocean/Bogue Sound/Deer Creek.	At intersection of Loma Linda Drive and Yucca Loop	*10
			At intersection of Edgewater Court and Liveoak Avenue.	*10
		UAtlantic Ocean/White Oak River/ U Pettiford Creek.	1,500 feet from the intersection of Star Hill Drive and Apollo drive.	*8
Maps available for inspection at Town Hall, Cape Carteret, 204 McLean Drive, Cape Carteret, North Carolina 28584.				
Send comments to Mayor C. A. Stevens or Larry Stell, Chairman of the Planning Board, Town Hall, Cape Carteret, North Carolina 28584.				
North Carolina	Town of Morehead City, Carteret County	Bogue Sound	Approximately 300 feet southwest of the intersection of Savannah Avenue and Sound Drive.	*10
			Intersection of East Coral Avenue and South Shore Drive.	*9
		Crab Point throughfare	Approximately 4,200 feet east of intersection of fourth Street and Bridges Street.	*6
		Calico Bay/newport River	At intersection of SR1179 (Loop Road) and North Yaupon Terrace.	*7
Maps available for inspection at Town Hall, 706 Arendell Street, Morehead City, North Carolina 28557				
Send comments to Mayor Edward S. Dickson or Mr. C. W. Sewell, Building Inspector and Zoning Administrator, Town Hall, Morehead City, North Carolina 28557.				
North Carolina	Town of Newport, Carteret County	Atlantic Ocean/Bogue Sound/ Newport River/Deep Creek.	At Church Street	*10
		Bogue Sound/Newport River/Deep Creek, Little Deep Creek.	At the corporate limits	*11
		Bogue Sound/Newport River	At Chatham Street (U.S. Highway 70)	*10
Maps available for inspection at Town Hall, Newport, North Carolina 28570.				
Send comments to Mayor Derryl Garner or Ms. Beverly McCarvill. Town Clerk, Newport, North Carolina 28750.				
North Carolina	Town of Swansboro, Onslow Conunty	Atlantic Ocean/White Oak River	Front Street extended, east of its intersection with Corbett Avenue (State Route 24).	*10
			At intersection of Church Street and Water Street and Water Street.	*11
			At intersection of Spring Street and Walnut Street	*10
Maps available for inspection at Town Hall, Church Street, Swansboro, North Carolina 28584.				
Send comments to Mayor Andy Ennett or Ms. Patty Sue Chandler, Town Clerk, Town Hall, Church Street, Swansboro, North Carolina 28584.				
Ohio	(C) Bellaire, Belmont County	Ohio River	Downstream corporate limit	*656
			Upstream corporate limit	*658
		Indian Run	Mouth at Ohio River	*656
			About 100 feet upstream of 41st Street	*700
		Pinch Run	Within corporate limits	*656
		McMahon Creek	Within corporate limits	*656
Maps available for inspection at the Community Development Office, City Hall, 32nd and Belmont Streets, Bellaire, Ohio.				
Send comments to Honorable Mary E. Fitch, Mayor, City of Bellaire, City Hall, 32nd and Belmont Streets, Bellaire, Ohio 43906.				
Ohio	(V) Clarington, Monroe County	Ohio River	About 0.35 mile downstream of confluence of Sunfish Creek (at downstream corporate limit).	*624
			About 0.36 mile upstream of confluence of Stillhouse Run (at upstream corporate limit).	*644
		Sunfish Creek	About 0.5 mile upstream of mouth	*642
Maps available for inspection at the Village Hall, Market Street, Clarington, Ohio.				
Send comments to Honorable Jess Morris, Mayor, Village of Clarington, Village Hall, Market Street, Clarington, Ohio 43915				
Ohio	(C) Delaware, Delaware County	Delaware Run	Just downstream of Henry Street	*863
			Just downstream of Chessie System	*892
			Just upstream of Chessie System	*899
			About 800 feet upstream of State Route 37	*930
		Olentangy River	About 5,000 feet downstream of Olentangy Avenue	*844
			About 1.63 miles upstream of east Central Avenue	*872
Maps available for inspection at the Building Inspector's Office, City Hall, One South Sandusky, Delaware, Ohio				
Send comments to Honorable Harold Weller, City Manager, City of Delaware, City Hall, One South Sandusky, Delaware, Ohio 43015.				
Ohio	(V) Rayland, Jefferson County	Ohio River	About 0.72 mile downstream of confluence of Short Creek.	*663
			About 0.22 mile upstream of confluence of Short Creek.	*664
		Short Creek	Within community	*663
Maps available for inspection at the Mayor's Office, Village Hall, Rayland, Ohio.				
Send comments to Honorable Bartok, Mayor, Village of Rayland, Village Hall, 195 Main Street, Rayland, Ohio 43943.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	City of Camden, Kershaw County	Big Pine Tree Creek	At the Southern Railway (flooding controlled by backwater effects from the Wateree River).	*151
		Little Pine Tree Creek	Just downstream of Haile Street extension	*155
		Camp Creek	Just upstream of Five Bridges Road	*189
			Just upstream of confluence of tributary CCI	*195
		Tributary CCI	Just upstream of confluence with Camp Creek	*195
Maps available for inspection at City Administrator's Office, City Hall, 100 Lyttleton Street, Camden, South Carolina 29020.				
Send comments to Mayor James Anderson or Mr. Max Pauling, City Hall, 1000 Lyttleton Street, Camden, South Carolina 23020.				
South Carolina	Horry County, unincorporated area	Atlantic Ocean	Intersection of Stanley Drive and Fourth Street	*14
			Intersection of Stanley Drive and Second Street	*15
			Approximately 800 feet seaward of Elizabeth Drive and Cypress Avenue intersection along Cypress Avenue.	*16
			Intersection of Seabreeze Drive and Rainbow Drive	*15
			Approximately 150 feet seaward of Hawes Avenue and Waccaman Drive intersection along Hawes Avenue (extended).	*16
			Approximately 300 feet seaward of Hawes Avenue and Waccaman Drive intersection along Hawes Avenue (extended).	*18
			Approximately 400 feet seaward of Hawes Avenue and Waccaman Drive intersection along Hawes Avenue (extended).	*22
			Town of Surfside Beach southern corporate limits at Melody Lane and Lakeside Drive intersection.	*15
			Approximately 150 feet seaward of Melody Lane and South Ocean Boulevard intersection along Melody Lane (extended).	*18
			Approximately 400 feet seaward of Melody Lane and South Ocean Boulevard intersection along Melody Lane (extended).	*22
			Town of Surfside Beach northern corporate limits at 17th Avenue North and Dogwood Drive North intersection.	*15
			Approximately 400 feet seaward of 17th Avenue North and North Ocean Boulevard intersection along 17th Avenue North (extended).	*22
			Intersection of Woodview Lane and Dogwood Drive at Long Bay Estates.	*14
			Intersection of Ocean Boulevard and Dogwood Drive at Long Bay Estates.	*16
			Approximately 400 feet seaward of Ocean Boulevard and Dogwood Drive intersection along Dogwood Drive (extended) at Long Bay Estates.	*22
			City of Myrtle Beach southern corporate limits at State Route 73.	*14
			Mouth of Singleton Swash just north of city of Myrtle Beach northern corporate limits.	*20
			Singleton Lake at Lake Arrowhead Road Bridge	*13
			Town of Briarcliffe Acres southern corporate limits at shoreline.	*20
			Town of Briarcliffe Acres southern corporate limits inland.	*13
			Mouth of White Point Creek	*20
			Mouth of Little River	*13
			Northern county boundary	*14
		Waccamaw River	Southern county boundary	*7
			Bull Creek	*7
			Old River	*7
			Peartree Landing	*7
			Pitch Landing	*8
			U.S. Route 501 bridge upstream	*12
			State Route 544 bridge upstream	*14
			5,000 feet upstream of State Route 544 bridge	*15
		Kingston Lake Swamp	State Route 905 bridge	*14
			Confluence with Crab Tree Swamp	*14
		Little River	At mouth	*13
			At Mullet Creek	*13
		Intracoastal Waterway	Town of North Myrtle Beach southern corporate limits	*11
			Sea Mountain Highway bridge	*10
			Interstate Route 501 bridge	*7
			State Route 544 bridge	*7
			Confluence with Waccamaw River	*7
Maps are available for inspection at: Horry County Building Inspection Department, 101 Sealy Street, Conway, South Carolina; Chapin Memorial Library, 300 Fourteenth Avenue North, Myrtle Beach, South Carolina; Surfside Branch Library, 1032 Tenth Avenue North, Surfside Beach, South Carolina; Grand Strand Branch Library, 799 Second Avenue North, North Myrtle Beach, South Carolina; Aynor Branch Library, South Main Street, Aynor, South Carolina; and Loris Branch Library, 4316 Main Street, Loris, South Carolina.				
Send comments to Mr. John Hatchell, Horry County Administrator, P.O. Box 1236, Conway, South Carolina 29582.				
South Carolina	Unincorporated areas of Kershaw County	Wateree River	Just upstream of confluence of town Creek	*143
			Just downstream of Interstate Highway 20	*150

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 200 feet upstream of Seaboard Coastline Railroad.	*155
			Just downstream of Wateree Lake Dam	*175
		Swift Creek	Just downstream of State Highway 261	*144
			Just downstream of County Road 562	*185
		Town Creek	Just upstream of Southern Railway	*145
			Just upstream of Interstate Highway 20	*169
		Big Pine Tree Creek	Just downstream of Interstate Highway 20	*150
			Just downstream of County Road 131	*170
		Little Pine Tree Creek	Just upstream of State Road 132	*174
		Bolton branch	Just downstream of Old Ferry Road	*160
			Just downstream of U.S. Highway 1 and 601	*166
		Five and Twenty Creek	Just upstream of County Road 36	*159
		Camp Creek	Just downstream of U.S. Highway 1 and 601	*160
			Just downstream of of Chestnut Ferry Road	*172
		Tributary WR-1	Just downstream of County Road 35	*221
		Sanders Creek	Just upstream of State Highway 97	*202
			Just upstream of U.S. Highway 521 and 601	*234

Maps available for inspection at Kershaw County Courthouse, County Administrator's Office, Room 202, Camden, South Carolina 29020.

Send comments to Mr. James Burgess, County Administrator, or Mr. Max Rush, County Tax Assessor, Kershaw County Courthouse, Room 202, Camden, South Carolina 29020.

South Carolina	City of Laurens, Laurens County	Little River	Approximately 200 feet upstream of East Earley Avenue.	*549
			Just downstream of Hillcrest Drive	*566
		Tributary LR-1	Approximately 120 feet upstream of East Main Street	*564
			Approximately 70 feet downstream of Fleming Street	*575
		Tributary LR-2	Approximately 80 feet downstream of South Harper Street (U.S. Highway 221).	*572
		Tributary LR-3	McDowell Street (extended)	*571
		Reedy Fork Creek	Just downstream of Church Street	*567
			Just downstream of Anderson Drive	*573
		Tributary RF-1	Just upstream of Sunset Park Road	*576
		Burnt Mill Creek	Approximately 200 feet upstream of U.S. Highway 221	*583
		Scout branch	Just upstream of Parkview Drive	*612
			Just downstream of Pamela Lane	*634
			Just upstream of Pamela Lane	*641

Maps available for inspection at Building and Zoning Administrator's Office, City Hall, Public Square, Laurens, South Carolina 29360.

Send comments to Mayor Bob Dominick or Mr. Paul Whillette, City Administrator, City Hall, P.O. Box 519, Laurens, South Carolina 29360.

South Carolina	Town of McClellanville, Charleston County	Atlantic Ocean/Intracoastal Waterway.	Intersection of Lofton Court and Pinckney Street	*13
			Intersection of Oak Street and Venning Street	*13
			Intersection of Society Road and Pinckney Street	*12

Maps available for inspection at Town Clerk's Office, Town Hall, 405 Pinckney Street, McClellanville, South Carolina 29458.

Send comments to Mayor Rutledge Leland or Ms. Priscilla Parker, Town Clerk, Town Hall, P.O. Box 181, McClellanville, South Carolina 29458.

Tennessee	Unincorporated areas of Gibson County	North fork of Forked Deer River	Just upstream of Route 54	*313
			Just upstream of U.S. Highway 45W Bypass	*316
		North fork of Forked Deer River tributary one.	Just upstream of U.S. Highway 45W Bypass	*322
		North fork of Forked Deer River tributary two.	At confluence with north fork of Forked Deer River	*312
		North fork of Forked Deer River tributary three.	Approximately 1,500 feet upstream of the confluence with north fork of Forked Deer River at county road.	*320
		Little Sugar Creek	Just upstream of U.S. Highway 45W (State Route 5)	*345
			Just upstream of U.S. Highway 45W Bypass	*353
		Lick Creek	Just downstream of eastern corporate limits	*332
		Barnett Branch	Just upstream of Gibson Wells Road	*335
		Duffy Creek	Just upstream of State Route 5	*352
		Unnamed tributary to middle fork of Forked Deer River.	Approximately 8,000 feet upstream of confluence with middle fork of Forked Deer River.	*330
		Town Creek	Approximately 200 feet upstream of the Illinois Central Gulf Railroad.	*349

Maps available for inspection at County Executive's Office, Gibson County Courthouse, Trenton, Tennessee 38382.

Send comments to Mr. Ronnie Riley, County Executive, or Mr. Charles Lovell, Administrative Assistant, Gibson County Courthouse, Trenton, Tennessee 38382.

Vermont	Hardwick, town and village, Caledonia County	Lamoille River	Downstream corporate limits	*784
			Upstream of Town Road 41	*789
			Upstream of Lake Hardwick Dam	*803
			Upstream of Cottage Street	*817
			Upstream of Main Street	*829
			Upstream of Lamoille Valley Railroad (downstream crossing).	*886
			Upstream of Lamoille Valley Railroad (upstream crossing).	*944
			Upstream of Town Road 31	*968
			Upstream of Town Road 30	*974
			Upstream of Town Road 28	*1,046
			Upstream of State Route 16	*1,074
			Upstream of Town Road 62	*1,131
			Upstream corporate limits	*1,157
		Cooper Brook	Confluence with Lamoille River	*812
			Upstream of Elm Street	*815

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of State Route 14 (most downstream crossing).	*818
			Upstream corporate limits	*834
		Nichols Brook	Confluence with Cooper Brook	*818
			Approximately 1,000 feet downstream of Town Road 48.	*868
			Upstream of Town Road 48	*900
			Downstream of Mackville Dam	*913
			Upstream of Mackville Dam	*929

Maps available for inspection at the Town Hall, Town Offices, Hardwick, Vermont.

Send comments to Honorable Michael Smith, Town Manager, Town Hall, Box 523, Hardwick, Vermont 05843.

Wisconsin	(V) Soldiers Grove, Crawford County	Baker Creek	Mouth at Kickapoo River	*731
			About 1,500 feet upstream from confluence of unnamed tributary to Baker Creek.	*775
		Johnson Valley Creek	Mouth at Kickapoo River	*726
			About 2,300 feet upstream from B Street	*750
		Kickapoo River	About 900 feet downstream of confluence of Johnson Valley Creek.	*726
			About 4,200 feet upstream from A Street	*735
		Sheridan Creek	Mouth at Baker Creek	*755
			Eastern corporate limit	*807
		Unnamed tributary to Baker Creek	Mouth at Baker Creek	*763
			Southern corporate limit	*902

Maps available for inspection at the Village Clerk's Office, Village Hall, Soldiers Grove, Wisconsin.

Send comments to Honorable S. Robert Peterson, Village President, Village of Soldiers Grove, P.O. Box 121, Soldiers Grove, Wisconsin 54655.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: January 28, 1983.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 83-4041 Filed 2-17-83; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

45 CFR Parts 1010, 1061, and 1064

Removal of Former Community Services Regulations Regarding Civil Rights, Character of Specific Programs, and Delegate Agency Appeals

AGENCY: Office of Community Services, HHS.

ACTION: Proposed rule.

SUMMARY: The Office of Community Services (OCS) proposes to remove former Community Services Administration (CSA) regulations which used to govern ongoing, programmatic CSA grantee activities. As CSA was abolished effective October 1, 1981 and all former CSA grants affected by the rule will have expired by April 30, 1983, these regulations relating only to ongoing, programmatic grantee activities are unnecessary. The removal of these regulations removes obsolete material, leaving in effect only those former CSA regulations which may still be relevant to closeout.

DATE: Comments must be received by March 21, 1983.

ADDRESS: Comments should be directed to Dr. Harvey R. Vieth, Director, Office of Community Services, Department of Health and Human Services, 1200 19th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Meyer, telephone 202–653–9233.

SUPPLEMENTARY INFORMATION: The three Parts to be removed are Parts 1010, 1061, and 1064.

Parts 1010 contains CSA civil rights regulations which are obsolete, since all former CSA grants are now in the closeout stage, during which no further services are delivered to which these regulations could apply.

All transition and block grants funded by OCS are subject to the Departmental civil rights regulations, including 45 CFR Parts 80, 81, 84, 90, 91.

Part 1061 governs the conduct of specific categorical programs funded under Sections 222 and 231 of the repealed Economic Opportunity Act of 1964. All such grants are in the process of closeout and these regulations have no effect on closeout activities.

Part 1064 implemented Section 604(1) of the repealed Economic Opportunity Act of 1964, which provided that an agency which applied for funding as a delegate agency of a Community Action Agency (CAA), for a subsequent funding period, could appeal to CSA if the CAA rejected, or failed to act on, the application. Thus the remedy was prospective only, and because the authority of OCS to provide funding directly to CAAs in transition states ended as of September 30, 1982 (see 42 U.S.C. 9911), the appeal authority is no longer relevant.

Regulatory Impact and Regulatory Flexibility Act

As these changes merely remove obsolete regulations, this proposed rule will not meet the criteria for a major rule under Executive Order 12291 and a regulatory impact analysis is not required. This rule also will not have a significant impact on a substantial number of small entities. Accordingly, the Secretary hereby certifies that a regulatory flexibility analysis under the

Regulatory Flexibility Act (5 U.S.C. Ch. 6) is not required.

(Sec. 682(e), Pub. L. 97–35, 95 Stat. 519 (42 U.S.C. 9911): Statement of Organization, Functions and Delegations of Authority, Office of Community Services, 46 FR 49211)

PARTS 1010, 1061 AND 1064—[REMOVED]

For the reasons set forth in the preamble, Title 45 of the Code of Federal Regulations is proposed to be amended by removing Parts 1010, 1061, and 1064.

Dated: December 16, 1983.

Harvey R. Vieth,

Director, Office of Community Services.

Dated: January 19, 1983.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 83–4273 Filed 2–17–83; 8:45 am]

BILLING CODE 4150–04–M

Notices

Federal Register
Vol. 48, No. 35
Friday, February 18, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Burley Tobacco; 1983–84 National Marketing Quota for Burley Tobacco

AGENCY: Notice of Determination of 1983–84 Marketing Quota.

SUMMARY: The purpose of this notice is to announce determinations with respect to the 1983 crop of burley tobacco in accordance with the Agriculture Adjustment Act of 1938, as amended. The Secretary of Agriculture has determined that the 1983–84 national marketing quota for burley tobacco shall be 647 million pounds. The Secretary is required by statute to announce the 1983–84 national marketing quota by February 1, 1983. This notice also proclaims that marketing quotas will be in effect for burley tobacco for three marketing years beginning October 1, 1983. A referendum of producers of burley tobacco will be held by mail ballot from February 28 to March 3, 1983 inclusive, to determine whether they favor or oppose such quotas for the three year period.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Analysis Division, ASCS, Room 3736, South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice of determination is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, (hereinafter referred to as the "Act") in order to announce for the 1983–84 marketing year for burley tobacco the following:

1. The amount of the reserve supply level;
2. The amount of the total supply;
3. The amount of the national marketing quota;
4. The national factor; and
5. The national reserve:

A. For establishing marketing quotas for new farms, and

B. For making corrections and adjusting inequities in marketing quotas for old farms.

Since the 1982–83 marketing year is the last of the three consecutive years for which marketing quotas previously proclaimed on a poundage basis will be in effect, section 319(b) of the Act provides that the Secretary shall proclaim marketing quotas for burley tobacco on a poundage basis for the next three marketing years.

The determinations by the Secretary as set forth in this notice have been made on the basis of the latest available statistics of the Federal Government, and after consideration of data, views, and recommendations received from burley tobacco producers and others pursuant to a Proposed Notice of Determination which was published on October 29, 1982 (47 FR 49046).

Discussion of Comments

During the comment period, 11 written (responses) were received from producers, members of the trade including trade associations, and farm groups. Five of the 6 comments which made specific recommendations with respect to the size of the 1983–84 marketing quota recommended a 5 percent reduction in the quota, noting that supplies were excessive. The other response commented that the 1983–84 marketing quota should be maintained at the same level as the 1982–83 marketing quota and level of support for burley tobacco should be the same as the level of support for the 1982 crop. The other 5 responses made comments which were not related to the marketing quota, including one which objected to the whole price support program.

A meeting was held in the burley tobacco producing area to give producers and others a further opportunity to express their views. Eight of the 16 persons in attendance who expressed views favored a 5 percent reduction in quota; one opposed an increase; one favored maintaining the quota at last year's level; one favored a quota that would induce production of 650 million pounds; and 5 made no specific recommendations. Their comments were based upon the existing excess supply of burley tobacco.

Section 319(c) of the Act provides that the national marketing quota which is determined for burley tobacco for any marketing year shall be the amount of burley tobacco which is produced in the United States which the Secretary estimates will be utilized domestically and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 percent of such estimated domestic utilization and exports. For each marketing year for which marketing quotas are in effect under section 319, the Secretary in his discretion may establish a reserve

(hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 percent of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) of the Act provides, in part, that the farm marketing quota for the 1983–84 marketing year shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for the 1983–84 marketing year. However, such national factor shall be not less than 95 percent.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other domestic conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for current trends in such consumption. A "normal year's exports" is defined in section 301(b)(12) of the Act as the average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The reserve supply level is 1,672 million pounds, based on a normal year's domestic consumption of 495 million pounds and a normal year's exports of 140 million pounds. The average domestic usage for the past 10 marketing years is 502 million pounds. The 10-year average for exports is 106 million pounds. Exports have averaged 126 million pounds during the past 3 marketing years and are expected to continue their upward trend in the future as foreign manufacturers upgrade their blends. In view of these data and estimates, a reserve supply level of 1,672 million pounds is reasonable.

The total supply for the 1982–83 marketing year (carryover stocks as of October 1, 1982 plus estimated marketings of the 1982 crop) is 1,851 million pounds. This is 179 million pounds above the reserve supply level.

Total disappearance for the 1983–84 marketing year is estimated at 615 million pounds. While it would appear appropriate to establish a national marketing quota for the 1983–84 marketing year at less than 615 million pounds, section 319(e) of the Act provides that the sum of the farm marketing quotas for such marketing year cannot be less than 95 percent of the farm marketing quotas for the previous marketing year. Accordingly, the national marketing quota for burley tobacco for the marketing year beginning October 1, 1983 is determined to be 647 million pounds. The sum of the preliminary farm marketing quotas for farms eligible for the 1983–84 marketing year is 680,297,245 pounds. A quota of 647 million pounds, less a national reserve of 700,000 pounds, results in a national factor for burley tobacco for the 1983–84 marketing year of 0.95.

Since the Secretary is required by statute to announce the 1983 national marketing quota by February 1, 1983, this notice is effective on February 1, 1983.

Determinations

Accordingly, the Secretary has made the following determinations with respect to burley tobacco:

Proclamation of National Marketing Quotas

Since the 1982–83 marketing year is the last of 3 consecutive marketing years for which marketing quotas previously proclaimed will be in effect for burley tobacco, a national marketing quota for such kind of tobacco for each of the 3 marketing years beginning October 1, 1983, October 1, 1984, and October 1, 1985 is hereby proclaimed.

Method and Period for Holding Referendum

It is hereby determined that a referendum will be conducted by mail ballot during February 28–March 3, 1983 inclusive. If more than 66⅔ percent of those voting favor quotas, then quotas will be in effect for the next three marketing years beginning October 1, 1983.

Determinations for the 1983–84 Marketing Year

For burley tobacco for the marketing year beginning October 1, 1983:

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1983, is hereby determined and announced in the amount of 647 million pounds.

(b) *National factor.* The national factor is 0.95.

(c) *National reserve.* The national reserve for the 1983–84 marketing year which is used for the purpose of making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 700,000 pounds.

(Secs. 301, 319, 375, 52 Stat. 38, as amended, 85 Stat. 23, 52 Stat. 66, as amended, 7 U.S.C. 1301, 1314e, 1375)

Signed at Washington, D.C. on February 15, 1983.

John R. Block,

Secretary.

[FR Doc. 83-4280 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-05-M

Cigar Filler and Maryland Tobaccos; 1983–84 National Marketing Quota for Cigar Filler (Type 41) and Maryland Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service, Agriculture (USDA).

ACTION: Notice of Determination of 1983–84 Marketing Quota.

SUMMARY: The purpose of this notice is to announce determinations with respect to the 1983 crops of cigar filler (type 41) and Maryland tobaccos in accordance with the Agricultural Adjustment Act of 1938, as amended. The Secretary of Agriculture has determined that the 1983 acreage allotment is 14,263 acres for cigar-filler (type 41) and 38,072 acres for Maryland tobacco. This notice also proclaims marketing quotas for these tobaccos for three marketing years beginning October 1, 1983. Separate referenda of producers of these kinds of tobacco will be held by mail ballot from February 28–March 3, 1983 inclusive, to determine whether they favor or oppose such quotas for the three year period.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Analysis Division, ASCS, Room 3736-South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187.

Maryland tobacco growers have not had marketing quotas since 1965 and cigar-filler tobacco growers have never approved marketing quotas. Since neither Maryland nor cigar-filler tobacco

growers are expected to approve quotas for the next three marketing years, a Preliminary Regulatory Analysis Statement has not been prepared. If growers of either kind of tobacco should approve quotas, a Final Regulatory Impact Statement describing the options considered in developing the final notice and the impact of implementing each option would be made available on request from Robert Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Under section 312(a) of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), the Secretary is required to proclaim not later than February 1 of any marketing year with respect to any kind of tobacco, other than Flue-cured tobacco, a national marketing quota for any kind of tobacco for each of the next 3 succeeding marketing years if the Secretary determines that a marketing quota previously proclaimed for such marketing year is not in effect because of disapproval by producers in a referendum. Such is the case with respect to cigar filler (type 41) and Maryland tobaccos.

The Act also requires the Secretary to announce the reserve supply level and the total supply for these tobaccos for the marketing year beginning October 1, 1982, and to announce for the 1983–84 marketing year the amounts of the national marketing quotas, national acreage allotments, and national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for cigar filler (type 41) and Maryland tobaccos.

These determinations have been made on the basis of the latest available statistics of the Federal Government, and after consideration of data, views, and recommendations received from tobacco producers and others pursuant to a Proposed Notice of Determination which was published on December 10, 1982 (47 FR 55505).

Pursuant to the provisions of section 317(c) it has been determined that acreage-poundage quotas will not be announced for the 1983–84 marketing year for these kinds of tobacco since such quotas would not result in a more effective marketing program for such kinds of tobacco.

Discussion of Comments

No comments making specific recommendations on the amount of the 1983–84 national marketing quota with respect to either cigar-filler (type 41) or Maryland tobaccos were received.

In keeping with the Secretary's obligations to maintain an adequate supply of these kinds of tobacco, acreage allotments of 14,263 acres and 38,072 acres have been announced for the 1983–84 marketing year for cigar-filler (type 41) and Maryland tobaccos, respectively.

Provisions

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota is the total quantity of a kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. This amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet marketing demands or to avoid undue restrictions of marketings in adjusting the total supply to the reserve supply level.

Definitions

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for current trends in such consumption. A "normal year's exports" is defined in section 301(b)(12) of the Act as the average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for current trends in such exports.

Cigar-Filler (Type 41) Tobacco

The yearly average quantity of cigar-filler (type 41) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1982–83 marketing year was approximately 24.5 million pounds. The average annual quantity of cigar-filler (type 41) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1982–83 marketing year was 0.3 million pounds (farms sales weight basis). Since both domestic use and exports have shown no predominant trend during this 10-year period, 25.0 million pounds have been used as a normal year's domestic consumption and 0.3 million pounds have been used as a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) the Act results in a reserve supply level of 72.8 million pounds.

Manufacturers and dealers reported stocks of cigar-filler (type 41) tobacco held on October 1, 1982, of 52.3 million pounds. The 1982 cigar-filler (type 41) tobacco crop is estimated to be 25.4 million pounds. Therefore, the total supply of cigar-filler (type 41) tobacco for the 1982–83 marketing year is 77.7 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total approximately 27.4 million pounds. By deducting this disappearance from the total supply, a carryover of 50.3 million pounds for the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 22.5 million pounds. This represents the quantity of cigar-filler (type 41) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Increasing the quota by 20 percent in accordance with section 312(b) of the Act to 27.0 million pounds is necessary to avoid undue restriction of marketings. This results in the 1983–84 national marketing quota of 27.0 million pounds. In accordance with section 313(g) of the Act, the 1983–84 national marketing quota divided by the 1978–82, 5-year national average yield of 1,893 pounds per acre results in a 1983 national acreage allotment of 14,263.07 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 1.00 is determined by dividing the national acreage allotment less a national reserve of 65 acres by the total of the 1983 preliminary farm acreage allotments. The Preliminary farm acreage allotments reflects the factors specified in section 313(g) for apportioning the national acreage allotment, less reserve, to old farms.

Maryland Tobacco

The yearly average quantity of Maryland tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1982–83 marketing year was approximately 20.6 million pounds. The average annual quantity of Maryland tobacco produced in the United States and exported during the 10 marketing years preceding the 1982–83 marketing year was 10.1 million pounds (farm sales weight basis). Domestic consumption has shown an upward trend while exports have declined. Accordingly, 23.0 million pounds have been used as a normal year's domestic consumption and 9.0 million pounds have been used as a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) of the act results in a reserve supply level of 82.1 million pounds. Carryover stocks of Maryland tobacco held by manufacturers and dealers on January 1, 1983, are estimated to be 41.0 million pounds. The 1982 Maryland tobacco crop is estimated to be 37.6 million pounds. Therefore, the total supply of Maryland tobacco for the 1982–83 marketing year is 78.6 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total approximately 36.0 million pounds. By deducting this disappearance from the total supply, a carryover of 42.6 million pounds for the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 39.5 million pounds. This represents the quantity of Maryland tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Increasing the quota by 20 percent in accordance with section 312(b) of the Act to 47.4 million pounds is necessary to avoid undue restriction of marketings. This results in the 1983–84 national marketing quotas of 47.4 million pounds.

In accordance with section 313(g) of the Act, the 1983–84 national marketing quota, divided by the 1978–82, 5-year national average yield of 1,245 pounds per acre, results in a 1983 national acreage allotment of 38,072.29 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 240 acres, by the total of the 1983 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less reserve, to old farms.

Reasons for Immediate Implementation

Since section 312 of the Act requires that the amount of the national marketing quotas for the 1983–84 marketing year cigar for filler and Maryland tobacco must be announced by February 1, 1983, it is hereby determined that no further public rulemaking is required. Therefore, this notice shall become effective February 1, 1983.

Determination; Proclamations of National Marketing quotas

Since the 1982–83 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for cigar-filler tobacco (type 41) and Maryland tobacco, a national marketing quota for each such kind of tobacco for each of the 3 marketing years beginning October 1, 1983, October 1, 1984, and October 1, 1985 is hereby proclaimed.

Method and Period for Holding Referenda

It is hereby determined and announced that separate referenda of farmers engaged in 1982 production of cigar filler (type 41) and Maryland tobaccos will be conducted by mail ballot during the period February 28–March 3, 1983 inclusive. If more than 66⅔ percent of those voting favor quotas, then quotas will be in effect for the next three marketing years beginning October 1, 1983.

Determinations for the 1983–84 Marketing Year

For cigar filler (type 41) tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for cigar-filler (type 41) tobacco is 72.8 million pounds.

(b) *Total supply.* The total supply of cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1982, is 77.7 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler (type 41) tobacco for the marketing year beginning October 1, 1983, is 50.3 million pounds.

(d) *National marketing quota.* The amount of cigar-filler (type 41) tobacco which will make available during the marketing year beginning October 1, 1983 a supply of cigar-filler (type 41) tobacco equal to the reserve supply level of such tobacco is 22.5 million pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 22.5 million pounds would result in undue restriction of marketings during the 1983–84 marketing year. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler (type 41) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1983, is 27.0 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 14,263.07 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 1.00.

(g) *National reserve.* The national acreage reserve is 65.0 acres, of which 15.0 acres are made available for 1983 new farms, and 50.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

For Maryland tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 82.1 million pounds.

(b) *Total supply.* The total supply of Maryland tobacco is 78.6 million pounds.

(c) *Carryover.* The estimated carryover of Maryland tobacco for the

marketing year beginning October 1, 1983 is 42.6 million pounds.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1983, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 39.5 million pounds. It is determined, however, that a national marketing quota in the amount of 39.5 million pounds would result in undue restriction of marketings during the 1983–84 marketing year in adjusting the total supply to the reserve supply level. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1983, is 47.4 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 38,072.29 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 1.00.

(g) *National reserve.* The national acreage reserve is 240.00 acres, of which 40.00 acres are made available for 1983 new farms, and 200.00 acres are made available for making corrections and adjusting inequities in old farm allotments.

(Secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Signed at Washington, D.C., on February 15, 1983.

John R. Block,

Secretary.

[FR Doc. 83-4381 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-05-M

Fire-Cured (Type 21), Virginia Sun-Cured, Cigar-Binder (Types 51 and 52), and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55); 1983–84 National Marketing Quotas and Acreage Allotments for Fire-Cured (Type 21), Virginia Sun-Cured, Cigar-Binder (Types 51 and 52), and Cigar-Filler and Binder (Types 42, 43, 44, 53, 54, and 55) Tobaccos

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Determination of 1983–84 Marketing Quota and Acreage Allotments.

SUMMARY: The purpose of this notice is to announce determinations with respect to the 1983 crops of fire-cured (type 21), Virginia sun-cured, cigar-binder, and cigar-filler and binder tobaccos. In addition to other determinations, USDA has declared national acreage allotments for the following kinds of tobaccos: Fire-cured (type 21), 9,342 acres; Virginia sun-cured, 1,263 acres; cigar-binder (types 51 & 52), 2,405 acres; cigar-filler and binder (types 42–44 & 53–55), 12,879 acres.

A referendum for Virginia sun-cured tobacco will be held during the period February 28–March 3, 1983, by mail to determine whether or not these producers favor quotas for the next three marketing years.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Analysis Division, ASCS, Room 3736 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Under section 312(a) of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), the Secretary is required to proclaim not later than February 1 of any marketing year with respect to any kind of tobacco, other than flue-cured tobacco, a national marketing quota for any kind of tobacco for each of the next 3 marketing years if such marketing year is the last year of three consecutive years for which marketing quotas previously proclaimed will be in effect. Such is the case with respect to Virginia sun-cured tobacco. The Act also requires the Secretary to announce the reserve supply level and the total supply of fire-cured (type 21), Virginia sun-cured, cigar-binder, and cigar-filler and binder tobaccos for the marketing year beginning October 1, 1982, and to announce for the 1983–84 marketing year the amounts of the national marketing quotas, national acreage allotments, and national acreage factors for apportioning the national acreage allotments (less reserves) to old farms, and the amounts of the national reserves and parts thereof available for (a) new farms and (b) making corrections and adjusting inequities in old farm allotments for fire-cured (type 21), Virginia sun-cured, cigar-binder, cigar-filler and binder tobaccos.

These determinations have been made on the basis of the latest available statistics of the Federal Government, and after consideration of data, views, and recommendations received from tobacco producers and others in response to a Proposed Notice of Determination which was published on December 10, 1982 (47 FR 55503).

Pursuant to the provisions of section 317(c) of the Act, it has been determined that acreage-poundage quotas will not be announced for the 1983–84 marketing year for any of these kinds of tobacco since such quotas would not result in a more effective marketing quota program for such kinds of tobacco.

Discussion of Comments

Nine written responses were received. A summary by kind of tobacco is as follows:

Fire-cured (type 21) tobacco: Two comments were received recommending that quotas remain unchanged.

Virginia sun-cured (type 37) tobacco: One comment was receive recommending quotas remain unchanged.

Cigar binder (types 51–52) tobacco: Two comments were received recommending that quotas remain unchanged.

Cigar-filler and binder (type 42–44; 53–55) tobacco: Four comments were received. Two recommended that quotas be reduced but gave not specific level.

One recommended that quotas remain the same. The other comment did not

concern to the amount of the national quota.

There were no comments with respect to the method or period for holding the referendum.

Statutory Provisions

Section 312(b) of the Act provides, in part, that the amount of the national marketing quotas is the total quantity of a kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. Since producers of these kinds of tobacco generally produce less than their respective national acreage allotments, it is determined that a larger quota would be necessary to make available production equal to the reserve supply level. The amount of the national marketing quota so announced may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the resrve supply level.

Definitions

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, floods, or other adverse conditions, as well as in years of plenty. The "'normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for current treands in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for current trends in such exports.

Fire-Cured (Type 21) Tobacco

The yearly average quantity of fire-cured (type 21) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1982–83 marketing year was approximately 1.9 million pounds. The average annual quantity of fire-cured (type 21) tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1982–83 marketing year was 3.6 million pounds (farm sales weight basis). Domestic use has shown an upward, while there does not seem to be a pattern to exports. Accordingly, a normal year's domestic consumption has been set at 2.6 million pounds while a normal year's exports has been set at 3.6 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 13.6 million pounds.

Manufacturers and dealers reported stocks of fire-cured (type 21) tobacco held on October 1, 1982, of 8.9 million pounds. The 1982 fire-cured (type 21) tobacco crop is estimated to be 5.5 million pounds. Therefore, the total supply of fire-cured (type 21) tobacco for the 1982–83 marketing year is 14.4 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total approximately 5.0 million pounds. By deducting this disappearance from the total supply, a carryover of 9.4 million pounds for the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 4.2 million pounds. This represents the quantity of fire-cured (type 21) tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because less than 48 percent of the announced national marketing quotas during the past 5 marketing years has been produced, it is hereby determined that a national marketing quota of 8.78 million pounds is necessary to make available production of 4.2 million pounds. Increasing the quota by 20 percent in accordance with section 312(b) of the Act to 10.5 million pounds is necessary to avoid undue restriction of marketings. This results in the 1983–84 national marketing quota of 10.5 million pounds.

In accordance with section 313(g) of the Act, the 1983–84 national marketing quota, divided by the 1978–82, 5-year national average yield of 1,124 pounds per acre, results in a 1983 national acreage allotment of 9,341.64 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 55.0 acres, by the total of 1983 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less the national reserve, to old farms.

Virginia Sun-Cured Tobacco

The yearly average quantity of Virginia sun-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1982–83 marketing year was approximately 700 thousand pounds. The average annual quantity produced in the United States and exported during the same period was approximately 180 thousand pounds (farm-sales weight basis). Both domestic use and exports have shown a downward trend. Accordingly, 661 thousand pounds have been used as a normal year's domestic consumption and 176 thousand pounds have been used as a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 2,213 thousand pounds.

Manufacturers and dealers reported stocks of Virginia sun-cured tobacco held on October 1, 1982, of 1,575 thousand pounds. The 1982 Virginia sun-cured tobacco crop is estimated to be 741 thousand pounds. Therefore, the total supply of Virginia sun-cured tobacco for the 1982–83 marketing year is 2,316 thousand pounds. During the 1982–83 marketing year, it is estimated that disappearance will total approximately 600 thousand pounds. By deducting this disappearance from the total supply, a carryover of 1,716 thousand pounds for the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 497 thousand pounds. This represents the quantity of Virginia sun-cured tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because less than 40 percent of the announced national marketing quotas over the past 5 years have been produced, it is hereby determined that a national marketing quota of 1,252 thousand pounds is necessary to make available production of 497 thousand pounds. Increasing the quota by 20 percent in accordance with section 312(b) of the Act to 1,502 thousand pounds is necessary to avoid undue restriction of marketings. This results in

a national marketing quota of 1,502 thousand pounds.

In accordance with section 313(g) of the Act, the 1983–84 national marketing quota, divided by the 1978–82, 5-year national average yield of 1,189 pounds per acre, results in a 1983 national acreage allotment of 1,263.25 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 1.0 is determined by dividing the national acreage allotment, less a national reserve of 9.0 acres, by the total of the 1983 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act of apportioning the national acreage allotment, less the national reserve, to old farms.

Cigar-Binder (Types 51 and 52) Tobacco

The yearly average quantity of cigar-binder (types 51 & 52) tobacco produced in the United States, which is estimated to have been consumed in the United States during the 10 years preceding the 1982–83 marketing year, was approximately 2.6 million pounds. The average annual quantity of cigar-binder tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1982–83 marketing year was .1 million pounds (farm-sales weight basis). Domestic use has shown an upward trend, while exports have remained relatively steady. Accordingly, 3.1 million pounds have been used as a normal year's domestic consumption and .1 million pounds have been used as a normal year's exports. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 9.1 million pounds.

Manufacturers and dealers reported stocks of cigar-binder tobacco held on October 1, 1982 of 7.1 million pounds. The 1982 cigar-binder crop is estimated to be 3.1 million pounds. Therefore, the total supply of cigar-binder tobacco for the 1982–83 marketing year is 10.2 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total about 2.5 million pounds. By deducting the estimated disappearance during the 1982–83 marketing year from the total supply, a carryover of 7.7 million pounds at the beginning of the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 1.4 million pounds. This represents the quantity of cigar-binder tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because less than 40 percent of the announced national marketing quotas over the past 5 years has been produced, it is hereby determined that a national marketing quota of 3.6 million pounds is necessary to make available production of 1.4 million pounds. Use of the authority of the Secretary in section 312(b) of the Act to increase the computed quota by 20 percent to 4.3 million pounds is necessary in order to avoid undue restriction of marketings. This results in a national marketing quota of 4.3 million pounds.

In accordance with section 313(g) of the Act, the 1983–84 national marketing quota of 4.3 million pounds, divided by the 1978–82, 5-year national average yield of 1,788 pounds per acre, results in a 1983 national acreage allotment of 2,404.92 acres.

Pursuant to the provisions of Section 313(g) of the Act, a national acreage factor of 0.74 is determined by dividing the national acreage allotment, less a national reserve of 12 acres, by the total of the 1983 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national allotment, less the national reserve, to old farms.

Cigar-Filler and Binder Tobacco

The yearly average quantity of cigar-filler and binder tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1982–83 marketing year was approximately 23.1 million pounds. The average annual quantity of cigar-filler and binder tobacco produced in the United States and exported from the United States during the 10 marketing years preceding the 1982–83 marketing year was less than .1 million pounds. Domestic use is erratic, while exports are steady.

Accordingly, a normal year's domestic consumption has been set at 27.4 million pounds while a normal year's exports has been set at 0.5 million pounds. Application of the formula prescribed by section 301(b)(14)(B) the Act results in a reserve supply level of 79.3 million pounds.

Manufacturers and dealers report stocks of cigar-filler and binder tobacco held on October 1, 1982 of 64.4 million pounds. The 1982 cigar-filler and binder crop is estimated to be 23.2 million pounds. Therefore, the total supply of cigar-filler and binder tobacco for the 1982–83 marketing year is 87.6 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total about 23.5 million pounds. By deducting this disappearance from the total supply, a carryover of 64.1 million pounds at the beginning of the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 15.2 million pounds. This represents the quantity of cigar-filler and binder tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because about 75 percent of the announced national marketing quotas over the past 5 years have been produced, it is hereby determined that the 1983–84 national marketing quota of 20.2 million pounds is necessary to make available production of 15.2 million pounds. Increasing the quota by 20 percent in accordance with section 312(b) of the Act of 24.2 million pounds, is necessary to avoid undue restriction of marketings. This results in the 1983–84 national marketing quota of 24.2 million pounds.

In accordance with section 313(g) of the Act, the 1983–84 national marketing quota of 24.2 million pounds, divided by the 1978–82, 5-year national average yield of 1,879 pounds per acre, results in the 1983–84 national acreage allotments of 12,879.19 acres.

Pursuant to the provisions of section 313(g), a national acreage factor of 0.85 is determined by dividing the national acreage allotment, less a national reserve of 55 acres, by the total of the 1983 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less the national reserve, to old farms.

Reasons for Immediate Implementation

Since section 312 of the Act requires that the amount of the national marketing quotas for the 1983–84 marketing year for the minor kinds of tobacco be announced by February 1, 1983, it is hereby determined that no further public rulemaking is required. Therefore, this notice shall become effective February 1, 1983.

Determination; Proclamations of National Marketing Quotas

Since the 1982–83 marketing year is the last of 3 consecutive years for which marketing quotas previously proclaimed will be in effect for Virginia sun-cured tobacco, a national marketing quota for such kind of tobacco for each of the 3 marketing years beginning October 1, 1983, October 1, 1984, and October 1, 1985 is hereby proclaimed.

Method and Period for Holding Referendum

It is hereby determined and announced that a referendum of farmers engaged in 1982 production of Virginia sun-cured tobacco will be conducted by mail ballot during the period February 28–March 3, 1983 inclusive. If more than 66⅔ percent of those voting favor quotas, then quotas will be in effect for the next three marketing years beginning October 1, 1983.

Determinations 1983–84 Marketing Year

For Virginia sun-cured tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 2,213 thousand pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1982 is 2,316 thousand pounds.

(c) *Carryover.* The estimated carryover of Virgina sun-cured tobacco for the marketing year beginning October 1, 1983, is 1,716 thousand pounds.

(d) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1983, a supply equal to the reserve supply level of such tobacco is 497 thousand pounds. Because producers have been producing less than 40 percent of the announced national acreage allotment over the past 5 years, it is hereby determined that a national marketing quota of 1,252 thousand pounds is necessary to make available production of 497 thousand pounds. Accordingly, a national marketing quota of 1,252 thousand pounds is hereby announced. It is further determined, however, that a national marketing quota in the amount of 1,252 thousand pounds would result in undue restriction of marketings during the 1983–84 marketing year. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for sun-cured (type 37) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1983, is 1,502 thousand pounds.

(e) *National acreage allotment.* The national acreage allotment is 1,263.25 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 1.0.

(g) *National reserve.* The national acreage reserve is 9 acres, of which 5.0 acres are made available for 1983 new farms, and 4.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

For fire-cured (type 21) tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for fire-cured (type 21) tobacco is 13.6 million pounds.

(b) *Total supply.* The total supply of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1982, is 14.4 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (type 21) tobacco for the marketing year beginning October 1, 1983, is 9.4 million pounds.

(d) *National marketing quota.* The amount of fire-cured (type 21) tobacco which will make available during the marketing year beginning October 1, 1983 a supply equal to the reserve supply level of such tobacco is 4.2 million pounds. Because producers have been producing less than 48 percent of the announced national marketing quota during the past 5 marketing years, it is national marketing quota of 8.78 million pounds is hereby announced.

It is further determined, however, that a national marketing quota in the amount of 8.78 million pounds would result in undue restriction of marketings during the 1983–84 marketing year. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured (type 21) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1983 is 10.5 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 9,341.64 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments is 1.0.

(g) *National reserve.* The national acreage reserve is 55 acres, of which 15.0 acres are made available for 1983 new farms, and 40.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

For cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply for cigar-filler and binder (types 42–44, 53–55) tobacco is 79.3 million pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1982 is 87.6 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and binder (types 42–44, 53–55) tobacco for the marketing year beginning October 1, 1983 is 64.1 million pounds.

(d) *National marketing quota.* The amount of cigar-filler and binder (types 42–44, 53–55) tobacco which will make available during the marketing year beginning October 1, 1983, a supply equal to the reserve supply level of such tobacco is 15.2 million pounds. Because producers have been producing about 75 percent of the announced national acreage allotment over the past 5 years, it is hereby determined that a national marketing quota of 20.2 million pounds is necessary to make available production of 15.2 million pounds. Accordingly, a national marketing quota of 20.2 million pounds is hereby announced. It is further determined, however, that a national marketing quota in the amount of 20.2 million pounds would result in undue restriction of marketings during the 1983–84 marketing year in adjusting the total supply to the reserve supply level. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for cigar-filler and binder (types 42–44, 53–55) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1983, is 24.2 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 12,879.19 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 0.85.

(g) *National reserve.* The national acreage reserve is 55 acres, of which 50 acres are made available for 1983 new farms, and 5 acres are made available for making corrections and adjusting inequities in old farm allotments.

For cigar-binder (types 51 & 52) tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for cigar-binder (types 51 & 52) tobacco is 9.1 million pounds.

(b) *Total supply.* The total supply of cigar-binder (types 51 & 52) tobacco for the marketing year beginning October 1, 1982 is 10.2 million pounds.

(c) *Carryover.* The estimated carryover of cigar-binder (types 51 & 52) tobacco for the marketing year beginning October 1, 1983 is 7.7 million pounds.

(d) *National marketing quota.* The amount of cigar-binder (types 51 & 52) tobacco which will make available during the marketing year beginning October 1, 1983 a supply equal to the

reserve supply level of such tobacco is 1.4 million pounds. Because producers have been producing less than 40 percent of the announced national acreage allotment over the past 5 years, it is hereby determined that a national marketing quota of 3.6 million pounds is necessary to make available production of 1.4 million pounds. Accordingly, a national marketing quota of 3.6 million pounds is hereby announced. It is further determined, however, that a national marketing quota in the amount of 3.6 million pounds would result in undue restriction of marketings during the 1983–84 marketing year in adjusting the total supply to the reserve supply level. Accordingly, such amount is hereby increased by 20 percent.

Therefore, the amount of the national marketing quota for cigar-binder (types 51 & 52) tobacco in terms of the total quantity of such tobacco which may be marketed during the year beginning October 1, 1983, is 4.3 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 2,404.92 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 0.74.

(g) *National reserve.* The national acreage reserve is 12.0 acres of which 5.0 acres are made available for new farms, and 7.0 acres are for making corrections in adjusting inequities in old farm allotments.

(Secs. 301, 312, 373, 52 Stat. 38, as amended. 46, as amended, 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1375)

Signed at Washington, D.C., on February 15, 1983.

John R. Block,

Secretary.

[FR Doc. 83-4278 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-05-M

Fire-Cured (Types 22 & 23) and Dark Air-Cured (Types 35 & 36) Tobacco; 1983–84 National Marketing Quotas and Acreage Allotments for Fire-Cured; (Types 22 & 23) and Dark Air-Cured (Types 35 & 36) Tobaccos

AGENCY: Agricultural Stablilization and Conservation Service, USDA.

ACTION: Notice of determination of 1983–84 marketing quotas and acreage allotments.

SUMMARY: The purpose of this notice is to announce determinations with respect to the 1983 crops of fire-cured (types 22 & 23) and dark air-cured (types 35 & 36) tobaccos. In addition to other determinations, USDA has established national acreage allotments for fire-cured (types 22 & 23) tobacco of 22,466 acres, and dark air-cured (types 35 & 36) tobacco of 9,679 acres; and poundage quotas for fire-cured (Types 22 & 23) tobacco of 39.9 million pounds, and dark air-cured (types 35 & 36) tobacco of 17.2 million pounds. Both acreage allotments and poundage quotas represent about a 15 percent reduction in quotas for fire-cured (types 22 & 23) tobacco and about a 20 percent reduction in quotas for dark air-cured (types 35 & 36) tobacco. Separate referenda for fire-cured (types 22 & 23) and dark air-cured (types 35 & 36) tobaccos will be held during the period February 28–March 3, 1983, by mail to determine which type of marketing restriction these producers prefer.

EFFECTIVE DATE: February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Agricultural Economist, Analysis Division, ASCS, Room 3736 South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. The Final Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert L. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) an annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases; Number 10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This notice of determination is issued in accordance with the Agricultural Adjustment Act of 1938, as amended, (hereinafter referred to as the "Act") and announces for the 1983–84 marketing year for fire-cured (types 22 & 23) and dark air-cured (types 35 & 36) tobaccos the following:

1. The amount of the reserve supply levels;
2. The amount of the total supplies;
3. The amount of the national marketing quotas;
4. The amount of the national acreage allotments;
5. The national factors:
   A. For acreage adjustments,
   B. For poundage adjustments;
6. The national average yield goals;
7. The national yield factors; and
8. The national reserve (in both acres and pounds)
   A. For establishing marketing quotas for new farms, and
   B. For making corrections and adjusting inequities in old farms.

Section 312 of the Act provides that the Secretary shall proclaim marketing quotas for fire-cured (types 22 & 23) and dark air-cured (types 35 & 36) tobaccos on both an acreage basis and a poundage basis for the 1983–84 marketing year. During the period February 28–March 3, 1983 inclusive, a referendum of producers engaged in the 1982 production of each of such kinds of tobacco will be held to determine whether they favor farm marketing quotas on a poundage basis for the three marketing years beginning October 1, 1983, instead of quotas on an acreage basis for the two marketing years beginning October 1, 1983. If 50 percent or more of the producers voting in such referenda approve marketing quotas on a poundage basis, such quotas will be in effect for the three marketing years beginning October 1, 1983. If poundage quotas are not approved by at least 50 percent of the producers voting in such referenda, quotas on an acreage basis will be in effect for the two marketing years beginning October 1, 1983.

These determinations have been made on the basis of the latest available statistics of the Federal Government, and after consideration of data, views, and recommendations received from tobacco producers and others pursuant to a Proposed Notice of Determination published on December 12, 1982 (47 FR 56522).

Discussion of Comments

Six written responses were received. Some responses contained recommendations on more than one kind of tobacco. A summary by kind of tobacco is as follows:

Fire-cured (types 22 & 23): Three of the 4 comments received recommended that quotas be reduced 10 percent. The fourth comment recommended that quotas remain unchanged.

Dark air-cured (types 35 & 36): Four of the six comments received recommended quotas be reduced 20 percent; one recommended a 5 percent reduction; and one recommended no change in quotas.

There were no comments regarding the method or period for holding the referenda.

Acreage Provisions

Section 312(b) of the Act provides, in part, that the amount of the national marketing quota is the total quantity of a kind of tobacco which may be marketed which will make available during such marketing year a supply of such tobacco equal to the reserve supply level. Section 312(b) also provides the amount of the national marketing quota so determined may, not later than the following March 1, be increased by not more than 20 percent if the Secretary determines that such increase is necessary in order to meet market demands or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level.

Poundage Provisions

Section 319(c) of the Act defines "national marketing quota" for various kinds of tobacco including fire-cured (types 22 & 23) and dark air-cured (types 35 & 36) for a marketing year as the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply. The maximum downward adjustment is 5 percent of estimated domestic use and exports.

National Average Yield Goal

The Act provides that when a marketing quota program for these kinds of tobacco is first established under section 319(c), such farm yields determined with respect to fire-cured (types 22 & 23) and dark air-cured (types 35 & 36) tobaccos shall be adjusted proportionately so that the weighted average of the farm yields is equal to the national average yield goal of each respective kind of tobacco.

Other Definitions

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic use and 65 percent of a normal year's exports as an allowance for a normal year's carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the average quantity produced and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for the current trends in such consumption.

A "normal year's exports" is defined in section 301(b)(12) of the Act as the average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which the quota must be announced (1982–83), adjusted for current trends in such exports.

Since different methods are used to determine marketing restrictions and different determinations are made with respect to marketing quotas on an acreage basis or on a poundage basis, the amount of such quotas would normally be different. However, in order to avoid influencing the outcome of the referenda to determine whether producers favor marketing quotas on an acreage or poundage basis, the national average yield goal will be used to adjust yields with respect to marketing quotas on a poundage basis in order that the amount of tobacco which could be marketed without penalty under either an acreage or poundage basis would be similar. Such calculations do not take into consideration the 10 percent which could be marketed under a poundage basis and which would otherwise be excluded from the succeeding year's quota.

Accordingly, the national poundage quota, insofar as practicable, shall equal the national marketing quota as determined under section 312 of the Act.

Fire-Cured (Types 22 & 23) Tobacco

The yearly average quantity of fire-cured (types 22 & 23) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1982–83 marketing year was about 15.3 million pounds. The average annual quantity of fire-cured (types 22 & 23) tobacco produced in the United States and exported during the 10 marketing years preceding the 1982–83 marketing year was 19.8 million pounds (farm-sales weight basis). Domestic use and exports are very irregular. Accordingly, a normal year's domestic consumption has been established at 21.0 million pounds and a normal year's exports at 22.0 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 98.7 million pounds.

Manufacturers and dealers reported stocks of fire-cured (types 22 & 23) tobacco on October 1, 1982, of 62.5 million pounds. The 1982 fire-cured (types 22 & 23) crop is estimated to be 43.6 million pounds. Therefore, the total supply of fire-cured (types 22 & 23) tobacco for the marketing year beginning October 1, 1982, is 106.1 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total approximately 34.0 million pounds. By deducting this disappearance from the total supply, a carryover of 72.1 million pounds for the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 26.6 million pounds. This represents the quantity of fire-cured (types 22 & 23) tobacco which may be marketed which will make available during the 1983–84 marketing year a supply equal to the reserve supply level. Because less than 80 percent of the announced national marketing quotas over the past 5 years has been produced, it is hereby determined that a national marketing quota for the 1983–84 marketing year of 33.25 million pounds is necessary to make available production of 26.6 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1983–84 national marketing quota must be increased in order to avoid undue restriction of marketings. This results in a national marketing quota for the 1983–84 marketing year of 39.9 million pounds.

The national acreage allotment for the 1983–84 marketing year is determined to be 22,466.22 acres. In accordance with section 313(g) of the Act, the national marketing quota for the 1983–84 marketing year has been divided by the 1978–82, 5-year national average yield of 1,776 pounds per acre, to obtain a national acreage allotment of 22,466.22 acres, for the 1983–84 marketing year.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 0.85 is determined by dividing the national acreage allotment for the 1983–84 marketing year less a national reserve of 75 acres, by the total of the 1983 preliminary farm acreage allotments.

The preliminary farm acreage allotments reflect the factors specified in section 313(g) of the Act for apportioning the national acreage allotment, less reserve, to old farms.

The sum of preliminary farm marketing quotas as determined in accordance with section 319(e) of the Act, prior to any adjustment in the national average yield goal, for fire-cured (types 22 & 23) tobacco for use in determining the national marketing quota for the 1983–84 marketing year is 47,672,733 pounds.

The application of a national yield factor, in accordance with section 319(d) of the Act reduces the sum of preliminary farm marketing quotas to 42,009,212 pounds. The yield factor, which is .8812, was calculated by dividing the national average yield goal of 1,595 pounds per acre by the weighted average of the preliminary farm yields of 1,810 pounds.

The revised sum of preliminary farm marketing quotas multiplied by the national factor of 0.95 results in a national marketing quota for 1983–84 marketing year of 39.9 million pounds.

Dark Air-cured Tobacco

The yearly average quantity of dark air-cured tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 years preceding the 1982–83 marketing year was approximately 14.4 million pounds. The average annual quantity produced domestically and exported during this period was 2.3 million pounds (farm-sales weight basis). Exports have shown a downward trend while domestic use has been erratic. Accordingly, 16.5 million pounds have been used as a normal year's domestic consumption and 202 million pounds have been used as a normal year's exports. Application of the formula required by section 301(14)(B) of the Act results in a reserve supply level of 51.4 million pounds.

Manufacturers and dealers reported stocks of dark air-cured tobacco held on October 1, 1982, of 37.9 million pounds. The 1982 dark air-cured crop is estimated to be 18.6 million pounds. Therefore, the total supply for the marketing year beginning October 1, 1982, is 56.5 million pounds. During the 1982–83 marketing year, it is estimated that disappearance will total approximately 16.0 million pounds. By deducting this disappearance from the total supply, a carryover of 40.5 million pounds for the 1983–84 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1983 is 10.9 million pounds. This represents the quantity of dark air-cured tobacco which may be marketed which will make available during such marketing year a supply equal to the reserve supply level. Because only about 76 percent of the announced national marketing quotas over the past 5 years has been produced, it is hereby determined that a national marketing quota for the 1983–84 marketing year of 14.3 million pounds is necessary to make available production of 10.9 million pounds. In accordance with section 312(b) of the Act, it has been further determined that the 1983–84 marketing quota must be increased by 20 percent to 17.2 million pounds in order to avoid undue restriction of marketings. This results in the 1983–84 national marketing quota of 17.2 million pounds.

In accordance with section 313(g) of the Act, the 1983–84 national marketing quota, divided by the 1978–82, 5-year national average yield of 1,777 pounds per acre, results in a national acreage allotment of 9,679.23 acres.

Pursuant to the provisions of section 313(g) of the Act, a national acreage factor of 0.80 is determined by dividing the national acreage allotment, less a national reserve of 80.0 acres, by the total of the 1983 preliminary farm acreage allotments. The preliminary farm acreage allotments reflect the factors specified in section 313(g) for apportioning the national acreage allotment, less the national reserve, to old farms.

The sum of preliminary farm marketing quotas as determined by section 319(e) of the Act prior to any adjustment in the national average yield goal, for dark air-cured tobacco for use in determining the marketing quota for the 1983–84 marketing year is 21,857,774 pounds.

The application of a national yield factor, in accordance with section 319(d) of the Act reduces the sum of preliminary farm marketing quotas to 18,102,608 pounds. The yield factor, which is 0.8282, was calculated by dividing the national average yield goal of 1,509 pounds per acre by the weighted average of the preliminary farm yields of 1,822 pounds, as determined in accordance with section 319(d) of the Act.

The revised sum of preliminary farm marketing quotas multiplied by the national factor of 0.95 results in a national marketing quota for 1983–84 marketing year of 17.2 million pounds.

Reasons for Immediate Implementation

Since section 312 of the Act requires that the amount of the national marketing quotas for the 1983–84 marketing year for the minor kinds of tobacco be announced by February 1, 1983, it is hereby determined that no further public rulemaking is required. Therefore, this notice shall become effective February 1, 1983.

Determination; Proclamations of National Marketing Quotas

Marketing quotas on an acreage basis and a poundage basis for fire-cured and dark air-cured tobaccos for each of the 3 marketing years beginning October 1, 1983, October 1, 1984, and October 1, 1985 are hereby proclaimed.

Method and Period for Holding Referenda

It is hereby determined and announced that separate referenda of farmers engaged in 1982 production of fire-cured and dark air-cured tobaccos will be conducted by mail ballot during the period February 28–March 3, 1983 inclusive. If more than 50 percent of those voting favor marketing quotas on a poundage basis, then quotas on a poundage basis will be in effect for the next three marketing years beginning October 1, 1983. If less than 50 percent of those voting favor marketing quotas on a poundage basis, then quotas on an acreage basis will be in effect for the next two marketing years beginning October 1, 1983.

Determinations for the 1983–84 Marketing Year

For fire-cured (types 22 & 23) tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for fire-cured (types 22 & 23) tobacco is 98.7 million pounds.

(b) *Total supply.* The total supply of fire-cured (types 22 & 23) tobacco for the marketing year beginning October 1, 1982, is 106.1 million pounds.

(c) *Carryover.* The estimated carryover of fire-cured (types 22 & 23) tobacco for the marketing year beginning October 1, 1983, is 72.1 million pounds.

(d) *National marketing quota.* The amount of fire-cured (types 22 & 23) tobacco which will make available during the marketing year beginning October 1, 1983, a supply equal to the reserve supply level of such tobacco is 26.6 million pounds. Because producers have been producing less than 80

percent of the announced national marketing quota during the past 5 marketing years, it is hereby determined that a national marketing quota for the 1983–84 marketing year of 33.25 million pounds is necessary to make available production of 26.6 million pounds. Accordingly, the 1983–84 national marketing quota of 33.25 million pounds is hereby announced. It is further determined, however, that the 1983–84 national marketing quota in the amount of 33.25 million pounds would result in undue restriction of marketings during the 1983–84 marketing year. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the 1983–84 national marketing quota for fire-cured (types 22 & 23) tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1983, is 39.9 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 22,466.22 acres.

(f)(1) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 0.85.

(2) *National factor based on poundage.* The national factor based on poundage for use in determining farm marketing quotas on a poundage basis for the 1983–84 marketing year is 0.95.

(g) *National yield factor.* The national yield factor for use in calculating farm marketing quotas on a poundage basis for the 1983–84 marketing year is 0.8812.

(h) *National average yield goal.* The national average yield goal for use in determining farm marketing quotas on a poundage basis for the 1983–84 marketing year is 1,595 pounds per acre.

(i) *National reserve.* The national reserves 75.0 acres (119,625 pounds), of which 15.0 acres (23,925 pounds) are made available for 1983 new farms, and 60.0 acres (95,700 pounds) are made available for making corrections and adjusting inequities in old farm allotments.

For dark air-cured tobacco for the marketing year October 1, 1983:

(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 51.4 million pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the 1983–84 marketing year beginning October 1, 1982, is 56.5 million pounds.

(c) *Carryover.* The estimated carryover of dark air-cured tobacco for the 1983–84 marketing year beginning October 1, 1983, is 40.5 million pounds.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the 1983–84 marketing year beginning October 1, 1983, a supply equal to the reserve supply level of such tobacco is 10.9 million pounds. Because producers have been producing only about 76 percent of the announced national marketing quota during the past 5 marketing years, it is hereby determined that the 1983–84 national marketing quota of 14.3 million pounds is necessary to make available production of 10.9 million pounds. Accordingly, the 1983–84 national marketing quota of 14.3 million pounds is hereby announced. It is determined, however, that a national marketing quota in the amount of 14.3 million pounds would result in undue restriction of marketings during the 1983–84 marketing year. Accordingly, such amount is hereby increased by 20 percent. Therefore, the amount of the 1983–84 national marketing quota for dark air-cured (types 35 & 36) tobacco in terms of the total quantitiy of such tobacco which may be marketed during the marketing year beginning October 1, 1983, is 17.2 million pounds.

(e) *National acreage allotment.* The national acreage allotment is 9,679.23 acres.

(f)(1) *National acreage factor.* The national acreage factor for use in determining farm acreage allotments for the 1983–84 marketing year is 0.80.

(2) *National factor based on poundage.* The national factor based on poundage for use in determining farm marketing quotas for the 1983–84 marketing year is 0.95.

(g) *National yield factor.* The national yield factor for use in determining farm marketing quotas on a poundage basis for the 1983–84 marketing year is .8282.

(h) *National average yield goal.* The national average yield goal for use in determining farm marketing quotas on a poundage basis for the 1983–84 marketing year is 1,509 pounds per acre.

(i) *National reserve.* (1) In accordance with section 319(c) of the Act, the national reserve is 120,720 pounds, of which 15,090 pounds are made available for 1983 new farms, and 105,630 pounds are made available for making corrections and adjusting inequities in old farm allotments. (2) In accordance with 313(g) of the Act the National Acreage Reserve is 80.0 acres, of which 10.0 acres are made available for the 1983 new farms, and 70.0 acres are made available for making corrections and adjusting inequities in old farm allotments.

(Sec. 301, 312, 319, 375, 52 Stat. 38, as amended, 46, as amended; 85 Stat. 23, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1312, 1313, 1314(e), 1375).

Signed at Washington, D.C. on February 15, 1983.

John R. Block,

Secretary.

[FR Doc. 83-4279 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Ochoco National Forest Grazing Advisory Board; Notice of Meeting

The Ochoco National Forest Grazing Advisory Board will meet at 10:00 a.m., April 15, 1983, in the Forest Supervisor's Office, Federal Building, Prineville, Oregon.

The purpose of this meeting is to discuss subjects concerning the development of allotment plans and utilization of range betterment funds as presented by board members, permittees, and the general public.

The meeting will be open to the public. Persons who wish to attend should notify Jack Royle, P.O. Box 490, Prineville, Oregon 97754; phone (503) 447–6247. Written statements may be filed with the committee before or after the meeting.

Dated: February 8, 1983.

William L. McCleese,

Forest Supervisor.

[FR Doc. 83-4247 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-11-M

Stanislaus National Forest Grazing Advisory Board; Meeting

The Stanislaus National Forest Grazing Advisory Board will meet at 8:00 a.m., on March 23, 1983, in Conference Room–A, of the Forest Supervisor's Office, 19777 Greenley Road, Sonora, California. The purpose of this meeting is to consider: (1) Priorities for use of range betterment funds, and (2) allotment management plans. This is the Board's second semi-annual meeting.

The meeting will be open to groups and individuals who have an interest in range management. Persons who wish to attend should notify me at 19777 Greenley Road, Sonora, California 95370; (209) 532–3671. Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation.

Dated: February 8, 1983.

Blaine L. Cornell,

Forest Supervisor.

[FR Doc. 83-4243 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

February 11, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

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

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

New

- Animal and Plant Health Inspection Service

9 CFR 85 Pseudorabies (Reporting)
On occasion
Farms: 75,000 responses; 12,000 hours; not applicable under 3504(h)
Dr. R. Good (301) 436-8487

- Animal and Plant Health Inspection Service

9 CFR 85 Pseudorabies (Recordkeeping)
On occasion
Farms: 75,000 responses; 1,275 hours; not applicable under 3504(h)
Dr. R. Good (301) 436-8487

- Forest Service

Volunteer Application
Nonrecurring
Individuals or households: 60,000 responses; 15,000 hours; not applicable under 3504(h)
Stan Gaylord (202) 382-1725

Revised

- Agricultural Marketing Service

Potatoes Grown in Idaho and Malheur County, Oregon—Marketing Order 945
On occasion
Farms and businesses: 10,663 responses; 106,388 hours; not applicable under 3504(h)
Charles W. Porter (202) 447-2915

Extension

- Animal and Plant Health Inspection Service

National Poultry Improvement Plan (Recordkeeping)
On occasion
State and local government, businesses; 10,983 responses; 870 hours; not applicable under 3504(h)
R. D. Schar (301) 344-2227

- Animal and Plant Health Inspection Service

National Poultry Improvement Plan (Reporting)
VS Form 9-2, 9-3, 9-4, 9-5, 9-6, 9-7, 10-3
On occasion, annually
State and local government and businesses: 23,191 responses; 2,055 hours; not applicable under 3504(h)
R. D. Schar (301) 344-2227

Reinstatement

- Agricultural Stabilization and Conservation Service

7 CFR—1446—General Regulations: 1982-85 Crops Peanut Warehouse Storage
Loans and Handler Operations
ASCS-1007, ASCS-1030
On Occasion
Farms: 768,192 responses; 192,880 hours; not applicable under 3504(h)
James Davis (202) 447-7413.

Marshall L. Dantzler,

Acting Statistical Clearance Officer.

[FR Doc. 83-4216 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-01-M

Soil Conservation Service

Hoyle Creek Watershed, Oklahoma; Record of Decision

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of Availability of a Record of Decision.

SUMMARY: Roland R. Willis, responsible Federal official for projects administered under the provisions of Pub. L. 83-566, 16 U.S.C. 1001-1008, in the State of Oklahoma, is hereby providing notification that a record of decision to proceed with the installation of the Hoyle Creek Watershed project is available. Single copies of this record of decision may be obtained from Roland R. Willis at the address shown below.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, USDA Agricultural Center Building, Stillwater, Oklahoma, 74074, telephone (405) 624-4360.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 11, 1983.

Donald R. Vandersypen,

Assistant State Conservationist (WR).

[FR Doc. 83-4291 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-16

Moodys Road Critical Area Treatment RC&D Measure, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Moodys Road Critical Area Treatment RC&D Measure, Cherokee County, Oklahoma.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, State Office, Agricultural Center Building, Stillwater, Oklahoma, 74074, telephone 405-624-4360.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns stabilizing eroding areas along county roadsides. The planned works of improvement include construction of a vegetative waterway with a rock riprap inlet.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of

copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: February 7, 1983.

Billy R. Littlefield,

Assistant State Conservationist.

[FR Doc. 83-4248 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-16-M

San Diego-Rosita Creeks Watershed, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the San Diego-Rosita Creeks Watershed, Duval and Jim Wells Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Billy C. Griffin, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telepone (817) 774-1214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Billy C. Griffin, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood prevention. The planned works of improvement include the installation of a dike.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Billy C. Griffin.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: February 4, 1983.

Billy C. Griffin,

State Conservationist.

[FR Doc. 83-4249 Filed 2-17-83; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Steel Products From the Republic of Korea; Countervailing Duty Orders

AGENCY: International Trade Administration, Commerce.

ACTION: Countervailing Duty Orders; Certain Steel Products from the Republic of Korea.

SUMMARY: In separate investigations, the U.S. Department of Commerce (the Department) and the U.S. International Trade Commission (ITC) have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, and exporters in the Republic of Korea (Korea) of certain steel products and that these imports are materially injuring a U.S. industry. Therefore, all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 12, 1982, the date of publication of our preliminary determinations, are liable for the possible assessment of countervailing duties. Further, a cash deposit of estimated countervailing duties must be posted on all such entries made on or after publication of these orders in the **Federal Register**.

Effective Date: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, or Steven Lim, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, D.C. 20230, telephone: (202) 377-1276.

SUPPLEMENTARY INFORMATION: On October 12, 1982, we published our preliminary determinations that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Korea of certain steel products (47 FR 44807). On December 27, 1982, we published our final affirmative countervailing duty determinations on these imports (47 FR 57535).

On February 8, 1983, the ITC notified us in accordance with section 705(d) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1671d(d)), that it had determined that an industry in the United States is being materially injured by reason of imports of certain steel products from Korea. Therefore, all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after October 12, 1982, the date of publication of our preliminary determinations, are liable for the possible assessment of countervailing duties.

I am directing the U.S. Customs Service to assess countervailing duties in accordance with section 706(a)(1) and 751 of the Act and to require a cash deposit equal to the amount of the estimated net subsidy for all entries of certain steel products imported from Korea as defined in Appendix 1. These orders apply to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice. The amount to be deposited for each product and company is listed in Appendix 2 of this notice.

The products covered by these countervailing duty orders are:

- Small diameter welded carbon steel pipes and tubes.
- Hot-rolled carbon steel plate.
- Hot-rolled carbon steel sheet.
- Galvanized carbon steel sheet.

These products are fully described in Appendix 1 of this notice.

I hereby make public these countervailing duty orders with respect to certain steel products from Korea pursuant to section 706 of the Act (19 U.S.C. 1671e) and § 355.36 of the Commerce Regulations (19 CFR 355.36). The Department intends to complete an administrative review of these orders under section 751 of the Act.

Dated: February 10, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

Appendix I

Description of Products

For purposes of these investigations:

1. The term *"hot-rolled carbon steel plate"* covers carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 of an inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615, or 607.94, of the *Tariff Schedules of the United States Annotated ("TSUSA");* and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.11 of the TSUSA. Semi-finished products of solid rectangular cross section with a width at least four times the thickness in the cast condition or processed only through primary mill hot-rolling are not included.

2. The term *"hot-rolled carbon steel sheet"* covers the following hot-rolled carbon steel products. Hot-rolled carbon steel sheet is a hot-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 8 inches in width and in coils or if not in coils under 0.1875 of an inch in thickness and over 12 inches in width; as currently provided for in items 607.6610, 607.6700, 607.8320, 607.8342, or 607.9400 of the *Tariff Schedules of the United States Annotated "TSUSA". PLEASE NOTE THAT THE DEFINITION OF HOT-ROLLED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEMS 607.6610 AND 607.8320).*

3. The term *"Galvanized carbon steel sheet"* covers hot- or cold-rolled carbon steel sheet which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710, 608.0730, 608.11 or 608.13 of the *Tariff Schedules of the United States Annotated ("TSUSA"). NOTE THAT THE DEFINITION OF GALVANIZED CARBON STEEL SHEET INCLUDES SOME PRODUCTS CLASSIFIED AS "PLATE" IN THE TSUSA (ITEMS 608.0710 AND 608.11).* Hot- or cold-rolled carbon steel sheet which has been coated or plated with metal other than zinc is not included.

4. The term *"small diameter welded carbon steel pipes and tubes"* covers welded carbon steel pipes and tubes with walls not thinner that 0.065 of an inch, of circular cross section and 0.375 of an inch or more in outside diameter but not more than 16 inches as currently provided for in items 610.3208, 610.3209, 610.3231, 610.3232, 610.3241, 610.3244, and 610.3247, of the *Tariff Schedules of the United States Annotated ("TSUSA").* Pipes or tubes suitable for use in boilers, superheaters, heat exchangers, condensers, and feedwater heaters, or conforming to A.P.I. specifications for oil well tubing, with or without couplings, cold drawn pipes and tubes and cold-rolled pipes and tubes with wall thickness not exceeding 0.1 inch are *not included.*

Appendix 2

Product and manufacturer/producer/exporter	Ad valorem rate
Small diameter welded carbon steel pipes and tubes:	
Masan tube	1.86
POSCO (Dong Jin)	1.88
Other manufacturers investigated	0.00
All other manufacturers/producers/exporters	1.88
Hot-rolled carbon steel plate:	
All manufacturers/producers/exporters	1.88
Hot-rolled carbon steel sheet:	
All other manufacturers/producers/exporters	1.88
Galvanized carbon steel sheet:	
POSCO (Dong Jin)	1.74
Union Steel	1.36
All other manufacturers/producers/exporters	1.74

[FR Doc. 83-4206 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-25-M

Postponement of Final Determination; Tool Steel From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final determination.

SUBJECT: The Department of Commerce hereby extends the period for its final determination with respect to the antidumping investigation of tool steel from the Federal Republic of Germany (FRG). The final determination will be made no later than May 27, 1983.

EFFECTIVE DATE: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Wilson, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-5288.

SUPPLEMENTARY INFORMATION: On January 5, 1983, the Department of Commerce determined preliminarily that tool steel from FRG was being sold, or was likely to be sold, at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act). We announced our determination in the Federal Register on January 12, 1983 (48 FR 1334).

An exporter who accounted for a significant proportion of exports of the merchandise which is the subject of this investigation requested that the Department extend the period for final determination. This request is in accordance with section 735(a)(2)(A) of the Act (19 U.S.C. 1673d (a)(2)(A)).

Accordingly, the period for determination in this case is hereby postponed. Final determination will be made not later than May 27, 1983.

Dated: February 10, 1983.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-4206 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-25-M

Subcommittee on Export Administration of the President's Export Council; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: In accordance with Section 10(a)(2) of the Federal advisory committee Act, 5 U.S.C. App. (1976), notice is hereby given that a closed meeting of the Subcommittee on Export Administration of the President's Export Council will be held on Wednesday, February 23, 1983.

The Subcommittee on Export Administration was initially established on June 1, 1976. Executive Order 12399 of December 31, 1982 continued the Subcommittee until December 31, 1984.

The Subcommittee provides advice on matters pertinent to those portions of the Export Administration Act of 1979 that deal with United States policies of encouraging trade with all countries with which the United States had diplomatic or trading relations, and of controlling trade for national security and foreign policy reasons.

TIME AND PLACE: The meeting will take place from 9:30 a.m. to 3:30 p.m., February 23, 1983, at the Main Commerce Building, Room 6043, 14th Street and Constitution Avenue, NW., Washington, D.C.

AGENDA: *Executive Session.* Discussion of matters properly classified under Executive Order 12356, dealing with matters pertaining to the control of exports for national security, foreign policy or short supply reasons under the Export Administration Act.

SUPPLEMENTARY INFORMATION: The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 2, 1983, pursuant to Secton 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in Executive Session should be exempt from the provisions of the Federal

Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 522b(c)(1) and properly classified under Executive Order 12356.

A copy of the Notice of Determination to close the Subcommittee's meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone (202) 377–4217.

For further information contact: Ms. Debbie Kappler, Office of the Assistant Secretary for Trade Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1455) of Ms. Elisabeth Vermilye, President's Export Council Room 3213 (202–377–1125).

Dated: February 9, 1983.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

[FR Doc. 83–4217 Filed 2–17–83; 8:45 am]

BILLING CODE 3510–25–M

Subcommittee on Export Administration of the President's Export Council; Renewal

AGENCY: International Trade Administration, Commerce.

ACTION: The purpose of this notice is to announce the renewal of the Subcommittee on Export Administration of the President's Export Council.

SUPPLEMENTARY INFORMATION: The Subcommittee was originally established as a subordinate committee of the President's Export Council pursuant to the provisions of Section 3 of Executive Order 11753 on June 1, 1976.

SUMMARY: The Subcommittee is being renewed pursuant to Executive Order 12399 of December 31, 1982. The Subcommittee advises on matters pertinent to those portions of the Export Administration Act of 1979 (50 U.S.C. App. 2401, et seq.) that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations, and of controlling trade for national security, foreign policy, and short supply reasons.

Representatives shall be balanced among large and small firms with interests in exporting and export control matters. To the extent possible, such representatives shall be from all parts of the country. They shall be appointed by the Secretary of Commerce and will serve at his discretion.

FOR FURTHER INFORMATION CONTACT: John Boidock, Director, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, Telephone (202) 377–4188 or Ms. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, (202) 377–4217.

Dated: February 3, 1983.

Dennis C. Boyd,

Executive Director, Information Resources Management.

[FR Doc. 83–4011 Filed 2–17–83; 8:45 am]

BILLING CODE 3510–CW–M

Portland Hydraulic Cement From Japan; Postponement of Preliminary Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary antidumping determination.

SUMMARY: The preliminary determination of portland hydraulic cement from Japan is being postponed, and we intend to issue it not later than April 21, 1983.

EFFECTIVE DATE: February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Link, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Telephone: (202) 377–0189.

SUPPLEMENTARY INFORMATION: On October 13, 1982, we announced our initiation of an antidumping investigation to determine whether portland hydraulic cement from Japan is being, or is likely to be, sold in the United States at less than fair value within the meaning of the antidumping law (47 FR 46558). The notice stated that we would issue a preliminary determination by March 2, 1983.

As detailed in the notice of initiation of the antidumping investigation, the petition alleges that imports from Japan of portland hydraulic cement are being, or are likely to be, sold in the United States in less than fair value. On February 3, 1983, counsel for the petitioners, Kaiser Cement Company, *et al.*, requested that the Department extend the period for the preliminary determination until 210 days after the date of receipt of the petition in accordance with section 733(c)(1)(A) of the Tariff Act of 1930, as amended.

We have determined that additional time is necessary to make the preliminary determination. Accordingly, the period for determination in this case is hereby extended. We intend to issue a preliminary determination not later than April 21, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: February 9, 1983.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83–4278 Filed 2–17–83; 8:45 am]

BILLING CODE 3510–25–M

Portland Hydraulic Cement From Australia; Postponement of Preliminary Antidumping Determination

AGENCY: International Trade Administration, Commerce

ACTION: Postponement of preliminary antidumping determination.

SUMMARY: The preliminary determination of portland hydraulic cement from Australia is being postponed, and we intend to issue it not later than April 21, 1983.

EFFECTIVE DATES: February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Ms. Terry Link, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Telephone: (202) 377–0189.

SUPPLEMENTARY INFORMATION: On October 13, 1982, we announced our initiation of an antidumping investigation to determine whether portland hydraulic cement from Australia is being, or is likely to be, sold in the United States at less than fair value within the meaning of the antidumping law (47 FR 46558). The notice stated that we would issue a preliminary determination by March 2, 1983.

As detailed in the notice of initiation of the antidumping investigation, the petition alleges that imports from Australia of portland hydraulic cement are being, or are likely to be, sold in the United States at less than fair value. Because of the number and complexity of the transactions to be considered, we believe that this case is extraordinarily complicated in accordance with section 733(c)(1)(B) of the Tariff Act of 1930, as amended (the Act), and additional time is necessary to make the preliminary determination. We intend to issue a preliminary determination not later than April 21, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: February 9, 1983.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-4277 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-25-M

Export Trading Company Contact Facilitation Service and Fee Schedule

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce announces a pricing change in its Export Trading Company Contact Facilitation Service.

FOR FURTHER INFORMATION CONTACT: Donald Huber, (202) 377-4533.

SUPPLEMENTARY INFORMATION: As a part of the Department's active role in supporting and promoting U.S. exports, under Pub. L. 97-290 the International Trade Administration (ITA) established a Contact Facilitation Service for U.S. suppliers and export trading companies. This service helps U.S. producers identify and contact newly formed ETCs and aids ETCs to identify possible clients for their services. On December 23, 1982, ITA published a notice in the **Federal Register** (47 FR 57311) containing addresses, fees and instructions on how to register for this service. The previously established fee of $25 for registration and $25 to search the data base, plus $5 per contact found, has been changed. Registration is now free. Search requests will cost $50, plus $5 per contract found.

Paul Padwo,

Acting Deputy Assistant Secretary for Trade Information and Analysis

[FR Doc. 83-4252 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council's Scientific and Statistical Committee and Advisory Panel; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), has established a Scientific and Statistical Committee and an Advisory Panel, which will meet jointly to examine and provide recommendations on the policy to be adopted by the Council regarding area closures as a management tool in the Caribbean Fishery Conservation Zone, with specific reference to the Shallow-Water Reef Fish Fisdhery Management Plan and to discuss other related fishery matters.

DATES: The public meeting will convene on Tuesday, March 16, 1983, at approximately 9:30 a.m., and will adjourn at approximately 3:30 p.m., and will take place at the Federal Building, Room G-59, Carlos Chardon Avenue, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Bldg., Hato Rey, Puerto Rico 00918; telephone (809) 753-4926.

Dated: February 15, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-4285 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico Fishery Management Council's Stone Crab Subpanel and South Atlantic Fishery Management Council's Spiny Lobster Subpanel; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: The published notice (February 11, 1983, 48 FR 6381), of a joint public meeting of the Gulf of Mexico Fishery Management Council's Spiny Lobster and Stone Crab Subpanels should be amended as follows:

The Gulf of Mexico and South Atlantic Fishery Management Councils, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), have established subpanels. The Gulf of Mexico's Stone Crab and the South Atlantic's Spiny Lobster Subpanels will meet jointly to review the National Marine Fisheries Service's proposals for a new statistical reporting system utilizing logbooks in the spiny lobster fishery.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; telephone (813) 228-2815.

Dated: February 10, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-4286 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Comments on Foreign Fishing Applications

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Opportunity for public comments on foreign fishing applications received by the Mid-Atlantic Fishery Management Council.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended). As required by the Act, Section 204(b)(5), the Council announces that the public may comment on any and all foreign fishing applications received by the Council on or before March 7, April 4, and/or May 2, 1983.

The Council's staff will be available between 9 a.m. and noon on March 7, April 4, and May 2, 1983, to receive comments which may be made in person at the Council's Headquarters Office, Federal Building, Room 2115, 300 South New Street, Dover, Delaware, between the above-stated hours. In addition, written comments must be mailed in time to be received and reviewed by the Council on March 7, April 4, and/or May 2, 1983.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, Delaware 19901; telephone (302) 674-2331.

Dated: February 15, 1983.

Joe P. Clem,

Acting Chief, Operations Coordination Group, National Marine Fisheries Service.

[FR Doc. 83-4284 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Dr. Bruce Mate (126C).

b. Address: Marine Science Center, Oregon State University, New Port, Oregon 97365.

2. Type of Permit: Scientific research.

3. Name and Number of Animals:

Harbor seal (Phoca vitulina); 1,000/yr (5,000).

Northern elephant seal (Mirounga angustirostris); 1,000/yr (5,000).

Northern sea lion (Eumetopias jubatus); 3,000/yr (15,000).

California sea lion (Zalophus californianus); 1,000/yr (5,000).

Short-finned pilot whale (Globicephala macrorhynchus); 1,000/yr (5,000).

4. Type of Take: Intentional harassment by generating sound in areas of marine mammal/fisheries conflict to test efficiency of the technique.

5. Location of Activity: California, Oregon, Washington, and Alaska.

6. Period of Activity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammals Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 91668, Juneau, Alaska 99802;

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, N.E., BIN C15700, Seattle, Washington 98115.

Dated: February 15, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-4283 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.

Title: Census Employment Inquiry.

Form number: Agency—BC-170; OMB—0607-0139.

Type of request: Reinstatement.

Burden: 3,000 respondents; 500 reporting hours.

Needs and uses: This form is used as preliminary application and screening for prospective employees for special censuses.

Affected public: Applicants for special census employment.

Frequency: On occasion.

Respondent's obligation: Voluntary.

OMB Desk officer: Timothy Sprehe, 395-4814.

Agency: Bureau of the Census.

Title: Methods Development Survey/Random Digit Dialing Phase.

Form number: Agency—MDS/RDD-1 and MDS/RDD-2; OMB—0607-0199.

Type of request: Revision.

Burden: 11,580 respondents; 6,022 reporting hours.

Needs and uses: This survey instrument provides a means for testing various labor force concepts for the purpose of improving the quality and reliability of the employment and unemployment statistics collected in Current Population Survey.

Affected public: Individuals or households.

Frequency: Monthly.

Respondent's obligation: Voluntary.

OMB Desk officer: Timothy Sprehe, 395-4814.

Agency: Economic Development Administration (EDA).

Title: Application for Technical Assistance from Non-government Applicants.

Form number: Agency—ED-357NG; OMB—0610-0024.

Type of request: Reinstatement.

Burden: 45 respondents; 450 reporting hours.

Needs and uses: This program provides technical assistance to reduce unemployment and raise income in distressed areas enabling local areas to counteract internal and external factors causing economic distress. The information collected is used by EDA staff to obligate and disburse U.S. Government funds in the economic development program.

Affected public: Businesses or other institutions (except farms).

Frequency: On occasion.

Respondent's obligation: Required to obtain or retain benefit.

OMB Desk officer: Timothy Sprehe, 395-4814.

Agency: Economic Development Administration.

Title: Midland Employer Survey.

Form number: Agency—ED-375Q.

Type of request: New.

Burden: 25 respondents; 13 reporting hours.

Needs and uses: The interviews are required to collect information on the impact of a private sector job search club set up to assist displaced steelworkers. The information will be used to explore the policy potential of such clubs.

Affected public: Employers in the area of a major steel layoff.

Frequency: Nonrecurring.

Respondent's obligation: Voluntary.

OMB Desk officer: Timothy Sprehe, 395-4814.

Agency: International Trade Administration.

Title: Investment Experience of U.S. Business in Egypt.

Form number: None.

Type of request: New.

Burden: 50 respondents; 25 reporting hours.

Needs and uses: The proposed study will provide information to Egyptian government officials on U.S. business perceptions and experience of investing in Egypt. The purpose is to assist Egyptian officials in encouraging increased U.S. investment in Egypt. The study also will aid U.S. Government officials in supporting U.S. business efforts in Egypt.

Affected public: Firms investing in oil and gas production, chemicals, textiles, agribusiness, and other manufacturing.

Frequency: Nonrecurring.

Respondent's obligation: Voluntary.

OMB Desk officer: Ken Allen, 395-3785.

Agency: National Oceanic and Atmospheric Administration.

Title: Foreign Fishing Vessel Permit Application.

Form number: Agency—NOAA 88-120; OMB—0648-0069.

Type of request: Revision.

Burden: 1,200 respondents; 360 reporting hours.

Needs and uses: Applications are required to issue permits and to assign identifying numbers to vessels. Information from the applications is used to monitor vessel activities and used in computerized data management.

Affected public: Businesses or other institutions (except farms).

Frequency: Annually.

Respondent's obligation: Required to obtain or retain benefit; mandatory.

OMB Desk officer: Ken Allen, 395–3785.

Agency: Office of the Secretary.

Title: Monthly Report from Business.

Form number: None—letter format.

Type of request: New.

Burden: 40 respondents; 360 reporting hours.

Needs and uses: The Secretary of Commerce will use these reports for early judgmental reading of business conditions in key industries. As appropriate, the Secretary will transmit this information to senior administration economic advisors.

Affected public: Chief executive officers or presidents of major corporations.

Frequency: Monthly.

Respondent's obligation: Voluntary.

OMB Desk officer: Ken Allen, 395–3785.

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377–4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-4306 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing Import Restraint Levels for Certain Wool and Man-Made Fiber Textile Products From the Socialist Republic of Yugoslavia

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain wool and man-made fiber textile products imported from Yugoslavia, effective on January 1, 1983.

SUMMARY: The Bilateral Wool and Man-made Fiber Textile Agreement of October 26 and 27, 1978, between the Governments of the United States and the Socialist Republic of Yugoslavia, establishes levels of restraint for certain wool and man-made fiber textile products in Category 443/643, produced or manufactured in Yugoslavia and exported during the twelve-month period which began on January 1, 1983. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Category 443/643 in excess of 16,995 dozen.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 22, 1983.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

Dated: February 15, 1983.

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977, and December 22, 1981; and pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of October 26 and 27, 1978, between the Governments of the United States and the Socialist Republic of Yugoslavia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on February 22, 1983 and for the twelve-month period beginning on January 1, 1983 and extending through December 31, 1983, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products, in Category 443/643, in excess of the following level of restraint:

Category	12-Mo level of restraint[1]
443/643	16,995 dozen of which not more than 8,099 dozen shall be in Cat. 443.

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1982.

Wool and man-made fiber products in Category 443/643 which have been exported to the United States prior to the January 1, 1983 shall not be subject to this directive.

Textile products in Category 443/643 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of October 26, and 27, 1978, between the Governments of the United States and the Socialist Republic of Yugoslavia, which provide, in part, that: (1) within the group limit the specific limit may be exceeded by no more than five percent in any agreement period; and (2) the group limit may be exceeded for carryover and carryforward not to exceed 11 percent of the applicable limit.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Yugoslavia and with respect to imports of wool and man-made fiber textile products from Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-4304 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on State Jurisdiction and Responsibilities Under the Commodity Exchange Act; Meeting

This is to give notice, pursuant to Section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I, § 10(a), that the Commodity Futures Trading Commission's Advisory Committee on State Jurisdiction and Responsibilities under the Commodity Exchange Act ("Advisory Committee") will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, D.C., headquarters located at Room 532, 2033 K Street, N.W., Washington, D.C.

20581, on March 24, 1983, beginning at 9:00 a.m. and lasting until 5:00 p.m. The agenda will consist of discussion of: The Futures Trading Act of 1982, and its effect on Commission programs and future Commission regulations, as they relate to state enforcement efforts.

The purpose of this meeting is to solicit the views of the Committee on the actions that should be considered by the Commission to effectuate those provisions of the Futures Trading Act of 1982 that relate to state enforcement efforts. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on such matters as state enforcement of the Commodity Exchange Act and enforcement of general state criminal and civil antifraud laws. The purposes and objectives of the Advisory Committee are more fully set forth at 47 FR 17608 (April 23, 1982).

The meeting is open to the public. The Co-Chairman of the Advisory Committee, Dennis A. Dutterer, the General Counsel, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: The Advisory Committee c/o Mr. Dutterer, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, before the meeting. Members of the public who wish to make oral statements should also inform Mr. Dutterer in writing at the latter address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, D.C. on February 15, 1983.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 83-4295 Filed 2-17-83; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through November 31, 1985, of information collection requirements in regulations implementing the flammability standards for clothing textiles and for vinyl plastic film. These regulations are codified at 16 CFR Part 1610 and Part 1611, the prescribe requirements for testing and recordkeeping by persons and firms issuing guaranties of items subject to the Standard for the Flammability of Clothing Textiles and the Standard for the Flammability of Vinyl Plastic Film.

Information About the Proposed Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Standard for the Flammability of Clothing Textiles, 16 CFR Part 1610; Standard for the Flammability of Vinyl Plastic Film, 16 CFR Part 1611.

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of goods manufactured or imported.

General description of respondents: Manufacturers and importers of all articles of wearing apparel, except children's sleepwear, and of all fabrics intended for use in those products

Estimated number of respondents: 10,000.

Estimated average number of hours per response: Records, 20 minutes; testing, 1½ hours.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503 (telephone: (202) 395-7313), not later than March 7, 1983. Copies of the proposed collection of information are available from Russell Smith, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492-6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: February 11, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-4218 Filed 2-17-83; 8:45 am]

BILLING CODE 6355-01-M

Notification of Proposed Collection of Information

AGENCY: Consumer Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for extension of approval through December 31, 1985, of information collection requirements in a regulation applicable to electrically operated toys and children's articles. The regulation, published at 16 CFR Part 1505, is intended to reduce or eliminate unreasonable risks of death or injury to children from electrocution, electric shock, and electrical or thermal burns. The regulation sets forth criteria which will be used to determine if an electrically operated toy or children's article is banned from sale or distribution under provisions of the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*). Additionally, § 1505.4(a) of this regulation requires manufacturers of the electrically operated toys and children's articles subject to its provisions to establish a quality assurance program and to maintain records concerning that program. The records required by the regulation must describe the manufacturer's quality assurance program; contain the results of all inspections and tests conducted in accordance with that program; and set forth specified information about the manufacture, distribution, and sales of the toys and children's articles subject to the regulation.

Information About the Proposed Collection of Information

Agency address: Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

Title of information collection: Electrically operated toys, 16 CFR 1505.4(a)(3).

Type of request: Extension of approval.

Frequency of collection: Varies depending upon volume of products manufactured, imported, or sold, and amount of testing performed.

General description of respondents: Manufacturers and importers of electrically operated toys and children's articles.

Estimated number of respondents: 40.

Estimated average number of hours per response: Records, 4 hours; testing, 16 hours.

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of

Management and Budget, Washington, D.C. 20503 (telephone; (202) 395–7313), not later than March 7, 1983. Copies of the proposed collection of information are available from Russell Smith, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: February 11, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83–4210 Filed 2–17–83; 8:45 am]

BILLING CODE 6355–01–M

Notification of Proposed Collection of Information

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1981 (44 U.S.C. 3501 *et seq.*), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval of a collection of information in the form of a survey of upholstered furniture manufacturers.

The purpose of this survey is to determine which manufacturers are using certain materials which are believed to improve resistance of upholstered furniture to cigaretts ignition in their production of upholstered furniture items. The information obtained from this survey will be used to select samples of upholstered furniture from manufacturers' regular production for testing by the Commission to measure resistance of those furniture items to cigarette ignition.

Members of the Commission staff will conduct this survey by interviewing representatives of upholstered furniture manufacturers at a trade show at High Point, North Carolina, in April of 1983.

Information about the Proposed Collection of Information.

Agency address: Consumer Product Safety Commission, 1111 18th Street NW., Washington, D.C. 20207.

Title of information collection: Incorporation of UFAC Phase 2 in Upholstered Furniture.

Type of request: Approval of a new plan.

Frequency of collection: One time.

General description of respondents: Manufacturers of upholstered furniture.

Estimated number of respondents: 200.

Estimated average number of hours per response: .2 hours (12 minutes).

Comments: Comments on this proposed collection of information should be addressed to Gwen Pla, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, telephone: (202) 395–7313. Copies of the proposed collection of information are available from Russell Smith, Office of Budget and Program Implementation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone: (301) 492–6529.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: February 11, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83–4230 Filed 2–17–83; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Institute of Technology Subcommittee of the Air University Board of Visitors; Meeting

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting at 1 p.m. on 13 March 1983 in room 2004 (ten seats available), building 125, Wright-Patterson Air Force Base, Ohio.

The purpose of the meeting is to give the subcommittee the opportunity to present to the Commandant, Air Force Institute of Technology, a report of findings and recommendations concerning the Institute's educational programs. The findings of the subcommittee will also be reported to the Commander, Air University, at the next regularly scheduled meeting of the Air University Board of Visitors.

For further information on this meeting, contact Captain Peter Macchia, Assistant Chief, Instructional Technology, Directorate of Educational Plans and Programs, Air Force Institute of Technology, (513) 255–5760 or 3791.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83–4256 Filed 2–17–83; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Science Board; Open 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: Friday, 11 March 1983.

Time: 0830–1700 hours (Open).

Place: The Pentagon, Washington, D.C.

Agenda: The Army Science Board 1983 Summer Study Panel examining the Army's Future Development Goal will meet to kick off this study effort. The study organization and milestones will be determined at this time in order that the group may effectively address the objectives of this study: (1) to develop ideas as to how the Army can nurture an environment at all levels within which innovative personnel can look toward the future, and (2) to make a fresh assessment of where the Army should be headed in all of the functional areas (doctrine, force structure, manning, training, equipping, and mobilizing) in the 21st Century. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. In order to be able to accommodate prospective attendees, Helen M. Bowen, the ASB Administrative Officer, must be notified no later than 7 March 1983. For further information, call the ASB at (202) 697–9703 or 695–3039.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–4254 Filed 2–17–83; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Partially 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: Monday and Tuesday, 14 & 15 March 1983.

Times: 0830–1200 hours, 14 March 1983 (Closed); 1330–1630 hours, 14 March 1983 (Open); 0830–1330 hours, 15 March 1983 (Open); 1330–1700 hours, 15 March 1983 (Open).

Proposed agenda: The Army Science Board will hold its Spring General Membership Meeting to present and receive briefings as follows:

Monday, 14 March 1983

—Morning Session: The Army Plan, The Long Range RDA Plan, and The DARCOM Research (6.1) Plan.

—Afternoon Session: Equipping the Man, and West Point Presentations/ Tours on Science Research Lab, Physics and Chemistry Lab, and the Computer Aided Design Lab.

Tuesday, 15 March 1983

—Morning Session: ASB Business, Functional Subgroup Meetings (Planning, Concepts and Management Support; Weapons Systems; C^3I; Human Capabilities and Resources; Logistics and Support Systems; and Research and New Initiatives); Executive Review Board Meeting, and Summary/Wrap-Up Discussion.

—Afternoon Session: Organizational Planning Meetings of New ASB Study Efforts.

This meeting will be partially 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 morning session presentations on 14 March 1983 are all classified and preclude opening that portion of the meeting. The public may attend the open portions of the meeting. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. In order to accommodate prospective attendees, the Army Science Board Administrative Officer, Helen Bowen, must be notified *no later than 9 March 1983.* Call (202) 697–9703 or 695–3039 for further information.

Helen M. Bowen,

Administrative Officer.

[FR Doc. 83–4215 Filed 2–17–83; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975 the Naval Discharge Review Board commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C. area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following Naval Discharge Review Board itinerary for February through June 1983 has been approved, but remains subject to modification if required:

February 28 through March 11, 1983, San Diego, CA
April 11 through April 22, 1983, Chicago, IL
May 16 through May 27, 1983, Dallas, TX
June 6 through June 10, 1983, San Francisco, CA

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer their residence, should file an application with the Naval Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Applicant forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and representatives will be mailed a notification of the date and place of their hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain Raymond A. Ways, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203. Telephone: (202) 696–4881.

Dated: February 10, 1983.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 83–4212 Filed 2–17–83; 8:45 am]

BILLING CODE 3810–AE–M

Office of the Secretary

Defense Science Board Task Force on Transition of Weapon Systems From Development To Production; Cancellation of Advisory Committee Meeting

The meeting of the Defense Science Board Task Force on Transition of Weapon Systems from Development to Production scheduled for 17 February 1983 as published in the **Federal Register** (Vol. 48, Tuesday, January 18, 1983, FR Doc. 83–1378) has been cancelled and will be rescheduled at a later date.

Dated: February 14, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 83–4233 Filed 2–17–83; 8:45 am]

BILLING CODE 3810–01–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electronic Devices (AGED) will meet in closed session on 29 March 1983, at AGED Secretariat Office, 1925 North Lynn Street, Suite 1000, Arlington, Va. 22209.

The Mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with Section 10(d) of Pub. L. No. 92–463, as amended, (5 U.S.C. App 1, 10(d) (1976)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

Dated: February 15, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83–4292 Filed 2–17–83; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Notice of deadline date for submitting appeals for funds and notice of average program expenditures by type of institution.

SUMMARY: The Secretary gives notice to institutions of higher education of the deadline date for filing an appeal of their initial allocation of funds (tentative awards) for award year 1983–84 funds under the National Direct Student Loan

(NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) programs. Regulations setting forth the procedures for calculating institutional awards and appeals of those awards for the three programs were published in the Federal Register on August 2, 1982 (47 FR 33398–33410). Under these programs, the Secretary allocates funds to institutions for students who need financial aid to meet the cost of postsecondary education.

The Secretary also announces the average 1981–82 expenditure of funds per enrolled student for NDSL, CWS, and SEOG programs by type of institution. These average expenditures are used in calculating the 1983–84 NDSL, CWS, or SEOG award of an institution that is participating in that program for the first or second time.

The NDSL, CWS, and SEOG programs are authorized by Parts E, C, and Subpart A–2, respectively, of title IV of the Higher Education Act of 1965.

(20 U.S.C. 1087aa–1087ii, 42 U.S.C. 2751–2756b; and 20 U.S.C. 1070b–1070b–3)

SUPPLEMENTARY INFORMATION: *Deadline Date For Submitting An Appeal.* The deadline date for submitting an appeal by an institution of higher education of its 1983–1984 tentative NDSL, CWS, or SEOG award is March 21, 1983.

Appeals Delivered By Mail. An appeal sent by mail must be addressed to Appeals, NDSL/CWS/SEOG, Post Office Box 23914, L'Enfant Plaza, Washington, D.C. 20024.

An institution must show proof of mailing its appeal by the deadline date. Proof of mailing consists of one of the following: (1) A legible mail receipt with the Date of mailing stamped by the U.S. Postal Service, (2) a legibly dated U.S. Postal Service postmark; or (3) any other proof of mailing acceptable to the Secretary.

If an appeal is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service. An institution should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an institution should check with is local post office. An institution is encouraged to use certified or at least first-class mail.

Appeals Delivered By Hand. An appeal that is hand-delivered must be taken to the Department of Education, Office of Student Financial Assistance, Division of Program Operations, Campus and State Grant Branch, Room 4621, Regional Office Building 3, 7th and D Streets, SW., Washingon, D.C. The Campus and State Grant Branch will accept hand-delivered appeals between 8:00 a.m. and 4:30 p.m. daily (Eastern Standard Time), except Saturdays, Sundays, and Federal holidays.

An appeal that is hand-delivered will not be accepted after 4:30 p.m. on March 21, 1983.

Appeals. An institution that wishes to participate in the NDSL, CWS, or SEOG programs must submit an application for funds to the Secretary before an established closing date. The information provided on the application is evaluated against the appropriate funding criteria to determine the institution's appropriate funding level. Each institution is informed of this funding level. However, the regulations for each of the above programs permit an institution to appeal this funding level under the appeal procedures spelled out in the regulations. 34 CFR 674.7 for the NDSL program, 34 CFR 675.7 for the CWS program, and 34 CFR 676.7 for the SEOG program.

Failure to Enact Statutory Amendments To The SEOG And CWS Programs. Under section 413D(b) of the Higher Education Act, for the 1983–84 award year an institution that participated in the SEOG program during the 1979–1980 award year is entitled to receive at least the amount it expended during the 1979–80 award year before an institution that did not participate in the SEOG program during the 1979–80 award year receives any funds for the 1983–84 award year. Section 446(a) of the HEA contains a similar provision for the CWS program.

As a result, institutions that began their participation in the SEOG or CWS programs after the 1979–80 award year are advised that they may not receive any funds under either of these programs unless Congress makes certain amendments to the funding schemes of those programs.

To alleviate this problem, the Secretary has proposed amendments to the SEOG and CWS statutes that would enable him to allocate funds to institutions under each program in the manner in which such funds were allocated during the 1982–1983 award year.

Average 1981–82 Expenditure Of Funds Per Enrolled Student For NDSL, CWS, And SEOG Programs By Type Of Institution. Listed below are the types of institutions and the average program expenditure per enrolled student for each type of institution. This information is used to calculate the 1983–84 award of an institution that is participating in the NDSL, CWS or SEOG programs for the first or second time. However as noted above, if Congress does not enact the statutory amendments noted above, institutions participating for the first or second time in the SEOG or CWS programs may not receive any funds for the 1983–84 award year.

Type of institution	NDSL expenditure	SEOG	CWS Federal share
Cosmetology	$128	$76	$25
Business	184	78	39
Trade and technical	118	61	81
Art	98	47	108
Other proprietary	119	43	53
Other non proprietary	52	17	56

Applicable Regulations

The following regulations, published in the Federal Register on August 2, 1982 (47 FR 33398–33410), are applicable to the appeal process:

NDSL 34 CFR 674.6 and 674.7;

CWS 34 CFR 675.6 and 675.7;

SEOG 34 CFR 676.6 and 676.7.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Coates, Chief, Campus and State Grant Branch, Division of Program Operations, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 4621, ROB–3), Washington, D.C. 20202. Telephone (202) 245–2432.

(Catalog of Federal Domestic Assistance No. 84.038, National Direct Student Loan Program; 84.033, College Work-Study Program; and 84.007, Supplemental Educational Opportunity Grant Program)

Dated: February 16, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-4343 Filed 2-17-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Board on International Education Programs; Meeting

AGENCY: National Advisory Board on International Education Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule of a forthcoming meeting of the National Advisory Board on International Education Programs. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is also intended to notify the general public of their opportunity to attend.

DATE: March 10 and 11, 1983.

ADDRESS: The Capstone Conference Center, 17th Floor, the University of South Carolina, Columbia, South Carolina 29208.

FOR FURTHER INFORMATION CONTACT: Marguerite A. Follett or Gertha M. Basey, International Education Programs Office, ROB–3, Room 3923, 400 Maryland Avenue, S.W., Washington, D.C. 20202 (202) 245–7401 or 2356.

SUPPLEMENTARY INFORMATION: The National Advisory Board on International Education Programs is established under section 621 of the Higher Education Act of 1965 as amended by the Education Amendments of 1980 (Pub. L. 96–374; 20 U.S.C. 1131). The Committee is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90–247 as amended; 20 U.S.C. 1233 *et seq.*) and the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) which set forth the standards for the formation and use of advisory committees. The Board is established to advise the Secretary of Education.

The Board will:

(1) Advise the Secretary on geographic areas of special need or concern to the United States;

(2) Recommend innovative approaches which may help to fulfill the purposes of Title VI of the Higher Education Act of 1965;

(3) Inform the Secretary of activities which are duplicative of programs operated under other provisions of Federal law;

(4) Recommend changes which should be made in the operation of programs authorized under Title VI in order to ensure that the attention of scholars is attracted to international problems of the United States; and

(5) Advise the Secretary regarding the administrative and staffing requirements of the international education programs in the Department.

This meeting of the National Advisory Board on International Education Programs is open to the public. The proposed agenda includes a description of the current status of U.S. ED Title VI programs including the newly activated Part B of Title VI, Business and International Education Programs, as well as a program presentation regarding the RAND Report on Federal support for International Studies: The Role of NDEA, Title VI. The meeting will be held from 9:00 A.M. to 4:30 P.M. on the 10th of March and will continue from 9:00 A.M. to 4:30 P.M. on the 11th of March.

Records are kept on the Board's proceedings and are available for public inspection at the office of the National Advisory Board on International Education Programs from 8:00 A.M. to 4:30 P.M., ROB–3, 7th & D Streets, S.W., Room 3923, Washington, D.C.

Signed at Washington, D.C., On February 8, 1983.

Edward M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83–4291 Filed 2–17–83; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Oil-Tex Petroleum Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Oil-Tex Petroleum, Inc. at 520 South Post Oak Road, #820, Houston, Texas. This Proposed Remedial Order alleges pricing violations in the amount of $2,477,378.00 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Parts 205, 210, and 212, Subparts J and L during the time period March 1980 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7432. 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, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 31st day of January, 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83–4232 Filed 2–17–83; 8:45 am]

BILLING CODE 6450–01–M

Summa Energy Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Summa Energy Corporation at 5200 Lakeshore Drive, Wichita Falls, Texas 76310. This Proposed Remedial Order alleges pricing violations in the amount of $660,903.63 plus interest in connection with the resale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart L during the time period June 1979 through February 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James F. Murphy, Manager, Crude Reseller Program, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7432. 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, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas, on the 2nd day of February, 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83–4235 Filed 2–17–83; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER83–192–000 and ER81–736–000]

Central Illinois Public Service Co.; Order Accepting for Filing and Suspending Rate Schedule, Granting Interventions, Granting Waiver of Notice, Consolidating Dockets, and Establishing Hearing Procedures

Issued: February 10, 1983

On December 14, 1982, Central Illinois Public Service Company (CIPSCO) tendered for filing as an initial rate schedule an unexecuted service agreement with Mt. Carmel Public Utility Company (Mt. Carmel) under its transmission tariff.[1] Mt. Carmel recently terminated its firm power agreement with CIPSCO in order to begin purchasing power from Illinois Power Company (IP) as of January 1, 1983. While it was receiving firm power from CIPSCO, Mt. Carmel was served at two separate delivery points. However, CIPSCO states that the terms of its transmission tariff provide for service at only one delivery point and require the

[1] The applicable rate schedule designation is: *Central Illinois Public Service Company* Service Agreement Under FERC Electric Tariff Original Volume No. 5 (supersedes Service Agreement dated November 7, 1975, under FPC Electric Tariff Original Volume No. 3).

company to impose an excess facilities charge for company substation facilities used in connection with a second Mt. Carmel delivery point. Thus, under the proposed service agreement, CIPSCO would assess an excess facilities charge of $4,486/month. The parties have agreed to apply proposed settlement rates to the basic transmission service under the instant agreement,[2] and have agreed to commence service under the tariff on January 1, 1983. Therefore, CIPSCO requests waiver of the notice requirements to permit such an effective date.

Notice of the filing was published in the **Federal Register**, with responses due on or before January 13, 1983. IP filed a timely motion to intervene. IP objects to CIPSCO's characterization of the service agreement as an initial rate schedule and objects to the assessment of the excess facilities charge. According to IP, this charge is not authorized under the tariff and is inappropriate since all of CIPSCO's subtransmission costs are already reflected in the basic transmission rate. IP supports waiver of notice with respect to CIPSCO's proposed service agreement, except for the excess facilities charge. With respect to that charge, IP requests a five month suspension. On January 14, 1983, Mt. Carmel filed an untimely motion to intervene raising the same issues and requesting the same relief as IP. Mt. Carmel states its expectation that its interests will be represented by IP, but seeks independent intervenor status in the event that its interests diverge from those of IP.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), IP's motion to intervene serves to make it a party to this proceeding absent opposition within 15 days of its pleading. Given Mt. Carmel's status as the affected customer in this proceeding, the fact that its motion was only one day out of time, and the early stages of this case, we find that good cause exists to permit Mt. Carmel to intervene out of time. Accordingly, Mt. Carmel's motion to intervene will be granted.

Although CIPSCO characterizes the service agreement as an initial rate schedule, we note that transmission service has previously been provided to Mt. Carmel as part of the firm power service rendered by CIPSCO under its partial requirements rates. The proposed arrangement does not constitute an entirely new service to Mt. Carmel, but rather a change in the existing service agreement and the transfer of an existing customer from CIPSCO's partial requirements tariff to its transmission tariff.[3] Therefore, the submittal constitutes a change in rate schedule.

Our analysis indicates that CIPSCO's submittal has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed service agreement for filing and suspend its operation as ordered below.

In *West Texas Utilities Company*, Docket No. ER82–23–000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy primarily in the context of rate schedule filings involving contested increases in rate level. In the instant docket, the intervenors are not objecting to the proposed tariff transmission rate, but rather to the imposition of a separate charge for a second delivery point. Indeed, Mt. Carmel has agreed to the base transmission charge as filed. Furthermore, the intervenors support waiver of notice and a nominal suspension, with the exception of the excess facilities charge, in order to implement Mt. Carmel's new purchase arrangement with IP. Under these circumstances, we believe that good cause exists to waive the notice requirements as to impose a nominal suspension. We do not, however, agree that it is necessary or appropriate to bifurcate CIPSCO's filing for purposes of imposing a suspension period. To do so would apparently require CIPSCO to provide the transmission service requested by Mt. Carmel at two delivery points while foregoing a portion of the compensation for service at one of those points which CIPSCO claims to be cost supported and consistent with the terms of its tariff. In the event that the intervenors ultimately prevail on this issue, the refund provision imposed by this order should adequately protect their interests. Accordingly, we shall suspend CIPSCO's entire submittal to become effective, subject to refund, on January 1, 1983.

We find that common questions of law and fact may be presented in Docket No. ER81–736–000, and in this docket. As a result, we shall consolidate these dockets for purposes of hearing and decision.

The Commission orders: (A) Mt. Carmel's motion to intervene in this proceeding is hereby granted subject to the Commission's Rules of Practice and Procedure.

(B) CIPSCO's request for waiver of the notice requirements is hereby granted for good cause shown.

(C) CIPSCO's proposed transmission service agreement is hereby accepted for filing and suspended to become effective on January 1, 1983, subject to refund.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 therefore, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning CIPSCO's proposed service agreement.

(E) Docket No. ER83–192–000 is hereby consolidated with Docket No. ER81–736–000 for purposes of hearing and decision.

(F) The administrative law judge designated to preside in Docket No. ER81–736–000 shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Such conference shall be held for purposes of establishing procedures best suited for consideration of these consolidated dockets.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–4315 Filed 2–17–83; 8:45 am]

BILLING CODE 6717–01–M

[2] CIPSCO's transmission tariff is under investigation in Docket No. ER81–736–000. A settlement transmission rate of $1.93/KW was certified to the Commission. By order dated December 15, 1982, the Commission remanded the settlement agreement to the administrative law judge for further hearings. On January 13, 1983, CIPSCO filed with the Commission to implement the proposed settlement rate as the rate to be charged under the tariff. CIPSCO also included in its application a proposed increase in that charge to $2.02/KW. The Commission has not yet acted on that rate filing.

[3] We note that CIPSCO has also filed a notice of cancellation of Mt. Carmel's service agreement under the partial requirements tariff. Because the transmission service agreement will supersede the prior agreement, such a notice is unnecessary under § 35.15 of the Commission's regulations and no action will be taken with respect to it.

[Docket No. ER83-194-000]

Mississippi Power Co.; Order Accepting for Filing and Suspending rates, Noting Intervention, Granting Summary Disposition, and Establishing Hearing Procedures

Issued: February 10, 1983.

On December 15, 1982, Mississippi Power Company (MPC) tendered for filing revised rates applicable to wholesale service to three cooperative customers.[1] Based on a calendar 1983 test year, the proposed rates would increase revenues by approximately $3.2 million. The company requests an effective date of February 14, 1983.

Notice of MPC's filing was published in the Federal Register,[2] with comments due on or before January 13, 1983. A timely protest and motion to intervene was filed jointly by MPC's affected wholesale customers (Customers). The Customers request that the Commission suspend the proposed rates for five months, citing several cost of service issues.[3] In addition, the Customers allege that the company has failed to synchronize its fuel clause revenues and test year fuel expense. Accordingly, they request that the Commission summarily order MPC to refile its rates to reflect a proper synchronization.

On January 25, 1983, MPC filed an answer to the Customers' protest and motion to intervene. While not objecting to the Customers' intervention, the company disputes the allegations raised in their pleading and requests that any suspension be limited to one day. In response to the Customers' request for simmary disposition, MPC denies that it has improperly synchronized fuel revenues and expenses and therefore requests that summary disposition be denied.

Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene filed by the Customers serves to make them parties to this proceeding.

Concerning the issue of fuel clause synchronization, the Customers are correct in their assertion that MPC has improperly reconciled fuel clause revenues (on a lagging basis) and test period fuel expenses in connection with its rate design. By designing its rates reflecting fuel clause revenues based on non-synchronized fuel factors, the company has, in effect, developed rates which would produce some $207,000 more than MPC's own claimed revenue requirement as shown in its Period II cost of service Statement BK. This result represents a departure from the Commission's established practice of requiring that proposed rates be supported by the filing utility's test period cost of service. MPC's January 25 answer recognizes that precedent dictates fuel clause synchronization,[4] but evidences an apparent misunderstanding as to the proper mechanics for making the associated calculations and the source of error in MPC's approach. Thus, we shall grant the request for summary disposition and direct MPC to revise its rates accordingly, but we shall not require the company to submit its compliance filing until after the first prehearing conference is held in this docket. That conference should provide an opportunity to clarify any misconceptions under which MPC may be laboring.

Our preliminary review indicates that MPC's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Co.*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982). As noted there, where our preliminary review suggests that increased rates may be unjust and unreasonable, and may produce substantially excessive revenues as defined in *West Texas*, we will ordinarily suspend the rates for the maximum period. Because our preliminary review in this case indicates that MPC's rates may produce substantially excessive revenues, we shall therefore suspend MPC's rates for five months to become effective on July 14, 1983, subject to refund.

The Commission orders: (A) The Customers' motion for summary disposition as to fuel synchronization is hereby granted as noted in the body of this order. Within thirty (30) days after the first prehearing conference held in this docket, MPC shall file revised rates reflecting this determination.

(B) MPC's proposed rates, as modified by summary disposition, are hereby accepted for filing and suspended for five months from sixty days after filing, to become effective on July 14, 1983, subject to refund.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonabless of MPC's rates.

(D) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Mississippi Power Company, Rate Schedule Designations, Docket No. ER83-194-000

Filed: December 15, 1982.

FPC Electric Tariff, Original Volume No. 1

Sheet No.	Supersedes
(1) 10th Revised Sheet No. 3..	9th Revised Sheet No. 3.
(2) 11th Revised Sheet No. 4..	10th Revised Sheet No. 4.
(3) 2d Revised Sheet No. 9.....	1st Revised Sheet No. 9.

[FR Doc. 83-4309 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

[1] *See* Attachment A for rate schedule designations. The affected customers are Coast Electric Power Association, East Mississippi Electric Power Association, and Singing River Electric Power Association.

[2] 48 FR 692.

[3] The Customers challenge MPC's requested rate of return, stated capital structure, expense projections, rate base treatment of deferred income taxes, and stated fuel stocks.

[4] *See, e.g., Utah Power & Light Co.*, Opinion No. 113, 14 FERC ¶ 61,182 (1981); *Louisiana Power & Light Co.*, Opinion No. 110, 14 FERC ¶ 61,075 (1981); *Commonwealth Edison Co.*, Opinion No. 63 (Sept. 14, 1979); *Alabama Power Co.*, Opinion No. 54 (Aug. 1, 1979); *Delmarva power & Light Co.*, Initial Decision, 17 FERC ¶ 63,044 (1981); *Southern California Edison Co.*, Initial Decision, 3 FERC ¶ 63,033 (1978), *affirmed* Opinion No. 62 (Aug. 22, 1979).

[Docket No. RI73-60 (Refund Phase)]

Mitchell Energy Corp.; Filing of Proposal for Repayment of Refund Obligation

February 10, 1983.

On January 31, 1983, Mitchell Energy Corporation (Mitchell), 2001 Timberloch Place, The Woodlands, Texas 77380, filed a Proposal for Repayment of Refund Obligation in the above-captioned proceeding with the Federal Energy Regulatory Commission (Commission) pursuant to Rule 601 and 602 of the Commission's Rules of Practice and Procedure. The proposal provides for the method of repayment of Mitchell's refund obligation established by prior Commission Order.[1]

Mitchell proposes to retire the refund obligation by the sale to Natural Gas Pipeline Company of America (Natural), commencing on January 1, 1985, of up to 50 billion cubic feet (Bcf) of natural gas from newly dedicated acreage at a price at least 50 cents per MMBtu below a designated "competitive field price." Mitchell will be required to dedicate acreage over a five year period capable of producing 70 Bcf of gas. If Natural is unable, or unwilling, because of its purchasing policies, to contract for sufficient tendered properties in that time frame, then Mitchell will make certain defined cash payments to Natural. Once sufficient gas has been delivered, or payments made to Natural by Mitchell pursuant to this proposal, to retire the total refund obligation of $25 million, the proposed agreement shall terminate and Mitchell shall have fulfilled its refund obligation.

Mitchell states that the method of repayment is the result of informal conferences involving Mitchell, the Commission staff and Natural. Mitchell further states that the proposal is in the public interest, benefits Natural's customers, and fully discharges Mitchell's refund obligation.

A copy of Mitchell's proposal is on file in the Commission's Office of Public Information. Any person desiring to file comments on the proposed settlement offer may do so pursuant to Rule 602(f) on or before February 28, 1983. Reply comments are due March 10, 1983. All comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the person filing comments a party to the proceedings. Any person wishing to become a party to a proceeding must file a motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4308 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

[1] *Mitchell Energy Corporation*, Docket No. RI73-60, Order determining Refund Obligation on Remand and Ordering Refunds (September 15, 1977).

[Docket No. RI73-60-000 (Refund Phase)]

Mitchell Energy Corp.; Further Extension of Time

February 10, 1983.

On January 31, 1983, Mitchell Energy Cooperative (Mitchell) filed a motion for a further extension of time to make refunds and file a refund report in compliance with a letter order issued June 15, 1982, in the above-docketed proceeding by the Director, Office of NGPA Compliance. Mitchell requests that this extension be granted pending the Commission's consideration of the company's Proposal for Repayment of Refund Obligation which was recently filed in this proceeding.

Upon consideration, notice is hereby given that a further extension of time for the making of refunds and for the filing of a refund report is granted to and including April 11, 1983, and April 25, 1983, respectively.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4307 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-355-000]

Natural Gas Pipeline Co. of America; Continued Settlement Conference

February 10, 1983.

Take notice that the settlement discussions undertaken at the January 5 and February 2, 1983, conferences noticed herein will be resumed on February 17, 1983, at 1:30 p.m. in the offices of the Commission, 825 N. Capitol St., Washington, D.C. Additional materials are to be shared among the parties in the interim.

All parties may at their option attend, but mere attendance will not serve to make one a party to the proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4309 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 5965, 6442, 6230, 6589, 6590, 6591, 6755, 6702, 6809, 6810, 6811, 5865, 3503, 6175, 6206, 6231, 6434, 6267, 6433, 6435, 6246, 6442, 6245, 6267]

Salmon River Basin (Idaho); Public Notice of FERC Staff's Attending Public Meeting

February 10, 1983.

Various applications seeking authorization to develop the hydroelectric potential of the Salmon River and its tributaries have been filed with the Federal Energy Regulatory Commission. Public notices have been published and comments have been received from interested Federal and State agencies. Petitions to intervene by the National Marine Fisheries Service, the National Wildlife Federation and the Idaho Wildlife Federation have been granted.

A public meeting will be held on March 4 and 5, 1983, in Boise, Idaho to: (1) Determine the significant issues related to the processing of the pending applications; (2) identify and eliminate from detailed study the issues which are not significant; (3) to allocate assignments for developing, processing and analyzing required data among appropriate persons and agencies; and (4) provide an opportunity for interested persons to express their opinions to the FERC Staff.

The meetings will take place at 9:00 a.m. on March 4 and 5, 1983 in the Gold Room, 4th Floor, Idaho State House, Boise, Idaho.

Questions regarding FERC Staff attendance should be directed to Richard A. Azzaro, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426. Telephone Number 202-357-8493.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4310 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 3, 1983.

JD NO	JA DKT	API NO	F	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION									
-PAN EASTERN EXPLORATION COMPANY		RECEIVED: 01/14/83		JA: KS					
8317992	K-82-0185	1512900000		108		JENSEN #1-17	HUGOTON	18.0	PANHANDLE EASTERN
8317993	K-82-0183	1518900000		108		KELLY #1-15	HUGOTON	18.0	PANHANDLE EASTERN
8317991	K-82-0184	1512900000		108		LEEPER #1-21	HUGOTON	18.0	PANHANDLE EASTERN
8317994	K-82-0186	1518900000		108		MORGAN #1-33	HUGOTON	18.0	PANHANDLE EASTERN
8317990	K-82-0182	1518900000		108		NIX #1-3	HUGOTON	18.0	PANHANDLE EASTERN
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-CITIES SERVICE COMPANY		RECEIVED: 01/17/83		JA: NM					
8318000		3002527921		103		STATE DT #1	JALMAT YATES - 7 RIVE	70.0	
-GULF OIL CORPORATION		RECEIVED: 01/17/83		JA: NM					
8317997		3002511919		108		VINSON RAMSAY (NCT-B) #10	JUSTIS BLINEBRY	10.2	EL PASO NATURAL G
-MARATHON OIL COMPANY		RECEIVED: 01/17/83		JA: NM					
8318002		3002527261		103		W TURNER #4	DRINKARD	100.0	GETTY OIL CO
-PHILLIPS PETROLEUM COMPANY		RECEIVED: 01/17/83		JA: NM					
8318003		3002527424		103		E VACUUM GB/SA UNIT TRACT 2083 #002	VACUUM GB/SA	1.0	EL PASO NATURAL G
8317999		3002500000		108-ER		EAST VACUUM GB/SA UNIT #1		0.0	EL PASO NATURAL G
-WARREN PETR CO A DIV OF GULF OIL CO		RECEIVED: 01/17/83		JA: NM					
8317996		3002526286		108		ALICE PADDOCK #8	WANTZ GRANITE WASH	5.3	EL PASO NATURAL G
8317995		3002525599		108		DRINKARD (NCT-B) #6	WANTZ ABO	3.4	EL PASO NATURAL G
8317998		3002506814		108		J N CARSON (NCT-A) #5	PADDOCK	3.7	EL PASO NATURAL G
-WESTERN OIL PRODUCERS INC		RECEIVED: 01/17/83		JA: NM					
8318001		3002500000		103		STATE MTS #1	SCHARB	27.4	WARREN PETROLEUM
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BEREA OIL AND GAS CORPORATION		RECEIVED: 01/17/83		JA: NY					
8318055	4548	3101316868		107-TF		M BURNSIDE UNIT #1	GERRY	14.0	COLUMBIA GAS TRAN
8318075	4681	3101317716		103		W JOSEPHSON #2	GERRY	16.0	COLUMBIA GAS TRAN
8318074	4682	3101317716		107-TF		W JOSEPHSON #2	GERRY	16.0	COLUMBIA GAS TRAN
-CHAUTAUQUA ENERGY INC		RECEIVED: 01/17/83		JA: NY					
8318060	4603	3101317823		107-TF		EADES #1	SHERMAN	12.0	COLUMBIA GAS TRAN
8318063	4597	3101317899		107-TF		GIBBS #2	SHERMAN	12.0	COLUMBIA GAS TRAN
8318061	4601	3101317890		107-TF		GRISWOLD #1	SHERMAN	12.0	COLUMBIA GAS TRAN
8318064	4515	3101317887		107-TF		MORRIS #2	SHERMAN	12.0	COLUMBIA GAS TRAN
8318059	4616	3101317796		107-TF		PERSONS #1	SHERMAN	12.0	COLUMBIA GAS TRAN
8318062	4589	3101317919		107-TF		REED #1	SHERMAN	12.0	COLUMBIA GAS TRAN
-ENVIROGAS INC		RECEIVED: 01/17/83		JA: NY					
8318056	4614	3101317790		107-TF		A KOPTA #5	STEBBINS CORNERS	18.0	COLUMBIA GAS TRAN
-EYE PETROLEUM ASSOCIATES		RECEIVED: 01/17/83		JA: NY					

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318065	4518	3102917881		103		MAMMOSER #2	LAKE SHORE	12.0	NATIONAL FUEL GAS
8318066	4615	3102917882		103		SESSANA #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
-J F S INC				RECEIVED:	01/17/83	JA: NY			
8318078	4676	3102960371		108		JFS INC WELL #2	LAKEVIEW	0.0	NATIONAL FUEL GAS
8318077	4677	3102904563		108		JFS INC WELL #3	LAKEVIEW	0.0	NATIONAL FUEL GAS
8318076	4678	3102904858		108		JFS INC WELL #4	LAKEVIEW	0.0	NATIONAL FUEL GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	01/17/83	JA: NY			
8318070	4620	3100917888		107-TF		ALLAN SCHLEGEL #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318072	4583	3100917835		107-TF		AMELIA S ROTE #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318069	4539	3100916919		107-TF		ARTHUR BUGENHAGEN #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318068	4551	3100916423		107-TF		BAIRD #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318050	4673	3100917793		107-TF		FRANK KEWLEY #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318053	4672	3100917793		103		FRANK KEWLEY #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318048	4668	3100917992		107-TF		FREDONIA MIRWALD #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318047	4669	3100917992		103		FREDONIA MIRWALD #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318052	4670	3100917756		103		KLEINDIENST #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318049	4671	3100917756		107-TF		KLEINDIENST #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318067	4554	3100917794		107-TF		LETTIE VAN ETTEN #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318054	4675	3100916965		103		PHARR UNIT #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318051	4674	3100916965		107-TF		PHARR UNIT #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318073	4585	3100916920		107-TF		ROBERT CLARK #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8318071	4618	3100916931		107-TF		WILLIAM HOJNACKI #1	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-NEW GAS DRILLING CO				RECEIVED:	01/17/83	JA: NY			
8318079	4691	3101317848		103		MILITELLO #1	LAKE SHORE	12.0	NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP				RECEIVED:	01/17/83	JA: NY			
8318058	4532	3101317849		107-TF		A HANSON #2	GERRY	20.0	COLUMBIA GAS TRAN
-4-R INVESTMENT CO				RECEIVED:	01/17/83	JA: NY			
8318057	4589	3101317921		107-TF		M J ELDERKIN #1	GERRY	20.0	NATIONAL FUEL GAS

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OKLAHOMA CORPORATION COMMISSION

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-ALTMAN OPERATING CO				RECEIVED:	01/13/83	JA: OK			
8317909	19341	3508300000		108		WHELPTON #1	MARSHALL	10.0	EASON OIL CO
-AMR PRODUCTION CO				RECEIVED:	01/13/83	JA: OK			
8317900	18751	3502920295		102-2		SELLS #1-4	UNNAMED	147.0	
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	01/13/83	JA: OK			
8317924	19091	3507323082		103		BENGS 1-15	SOONER TREND	9.0	PHILLIPS PETROLEU
8317923	19092	3504722774		103		MACK-MILACEK 2-15	SOONER TREND	4.0	PHILLIPS PETROLEU
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:	01/14/83	JA: OK			
8317934	19089	3507322982		103		GEORGE 1-17	SOONER TREND	20.0	PHILLIPS PETROLEU
8317935	19090	3504722547		103		P BINGHAM 1-30	SOONER TREND	12.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:	01/14/83	JA: OK			
8317938	19224	3505920642		108		CANFIELD GAS UNIT #3	NORTHWEST LOVEDALE	11.0	CITIES SERVICE GA
-ARKULES ENERGY ASSOCIATES				RECEIVED:	01/14/83	JA: OK			
8317980	14125	3503722920		102-4		ANTHIS #1	SLICK	0.0	PHILLIPS PETROLEU
8317981	14126	3503722757		102-4		THOMPSON #1	SLICK	0.0	PHILLIPS PETROLEU
-AUTUMN ENERGY CORP				RECEIVED:	01/14/83	JA: OK			
8317957	19067	3503700000		103		HARRIOTT #1		0.0	KRUMME OIL CO
-BERRY OIL & GAS CO				RECEIVED:	01/13/83	JA: OK			
8318019	19018	3503722590		103		KOCH #3		5.5	ARCO OIL & GAS CO
-BLUE QUAIL ENERGY INC				RECEIVED:	01/14/83	JA: OK			
8317932	19079	3501721943		103		BORNEMAN #1	BORNEMAN	131.8	CONOCO INC
-BOGERT OIL CO				RECEIVED:	01/14/83	JA: OK			

JD NO	DA TKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317982	15824	3507323403		102-2	103	RUMBLE BEE RANCH #1-8	SOONER TREND	450.0	PHILLIPS PETROLEU
8317966	18749	3507323459		102-2		OPPEL 1-2	SOONER TREND	90.0	PHILLIPS PETROLEU
-BOSWELL ENERGY CORP				RECEIVED:	01/13/83	JA: OK			
8317922	19101	3508121620		103		STRICKER #1-2	E SKELLYVILLE	0.0	KERR MCGEE CORP
-BRACKEN EXPLORATION CO				RECEIVED:	01/13/83	JA: OK			
8318040	18846	3503920526		102-4		REINHARD #1-8	STAFFORD	190.0	
8318039	18847	3504321485		102-4		SIGMAN #1-32	SOUTH HUCMAC	69.0	
8318041	18844	3503920531		102-4		STRATTON FARMS #1-5	STAFFORD	403.0	
-BRAXTON OIL AND GAS CORP				RECEIVED:	01/14/83	JA: OK			
8317967	18995	3500721557		108		BARBY #2	MOCANE-LAVERNE	10.0	INTER NORTH INC
-BROCK HYDROCARBONS INC				RECEIVED:	01/13/83	JA: OK			
8317921	19102	3504722514		103		PECK #1-33	NE ENID	0.0	
-CABOT PETROLEUM CORP				RECEIVED:	01/13/83	JA: OK			
8318029	18667	3500700000		108		STURDIVAN-STATE #1	UNDESIGNATED	17.5	NATURAL GAS PIPEL
-CAYMAN EXPLORATION CORP				RECEIVED:	01/13/83	JA: OK			
8317905	09023	3509321919		103		ALVA THOMASON #17-1		0.0	NORTH WEST CENTRA
-CHAMPLIN EXPLORATION INC				RECEIVED:	01/14/83	JA: OK			
8317977	18733	3504321361		102-4		SINGLETON #3	NORTHEAST KREMLIN	0.0	CRA INC
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/13/83	JA: OK			
8318042	18783	3515100000		108		BOND-HOFER #1	STATE LINE	9.0	PANHANDLE EASTERN
8317902	18145	3508300000		103		SARAH HAMMOND #4	CASHION	0.0	CITIES SERVICE GA
-CHEYENNE PETROLEUM COMPANY				RECEIVED:	01/13/83	JA: OK			
8317927	19025	3506321514		103		ELROD #1-15		0.0	TRANSOK PIPE LINE
-CITIES SERVICE COMPANY				RECEIVED:	01/13/83	JA: OK			
8317926	19036	3500721846		103		GIRK "B" #7 (UPPER MORROW)	N W MOCANE	132.0	COLORADO INTERSTA
-CITIES SERVICE COMPANY				RECEIVED:	01/14/83	JA: OK			
8317954	19037	3500721846		103		GIRK "B" #7 (UPPER CHESTER)	N W MOCANE	165.0	COLORADO INTERSTA
-CLARK RESOURCES INC				RECEIVED:	01/14/83	JA: OK			
8317963	18736	3505320914		102-4		HAMILTON 6-1		50.0	CITIES SERVICE GA
-COOK OPERATING CO				RECEIVED:	01/13/83	JA: OK			
8318045	18670	3511720373		108		STATE "A" #A-1	UNKNOWN	12.3	H J D CATTLE CO
8318028	18671	3511720730		108		STATE "A" A-2	UNKNOWN	7.9	H J D CATTLE CO
8318027	18672	3511720978		108		STATE "A" A-3		7.6	H J D CATTLE CO
8318030	18673	3511720998		108		STATE "A" A-5	UNKNOWN	6.9	H J D CATTLE CO
8318031	18675	3511720423		108		STATE "C" #C-2	UNKNOWN	9.5	H J D CATTLE CO
8318046	18674	3511720367		108		STATE "C" C-1	UNKNOWN	4.5	H J D CATTLE CO
-DYCO PETROLEUM CORPORATION				RECEIVED:	01/13/83	JA: OK			
8317911	19324	3504320988		108		WILSON-MOORE #1-27	LEEDY N	0.0	DELHI GAS PIPELIN
-EDINGER INC				RECEIVED:	01/13/83	JA: OK			
8317928	19624	3503120513		103		MAYHUGH #1	HANBURY	8.0	COMANCHE NATURAL
-EDINGER INC				RECEIVED:	01/14/83	JA: OK			
8317974	18994	3503120833		103		CHA-YAH 1-A	HANBURY	12.0	COMANCHE NATURAL
8317960	19071	3503120459		103		OTIPPOBY #1	HANBURY	0.0	COMANCHE NATURAL
-EMPIRE EQUIPMENT CO				RECEIVED:	01/14/83	JA: OK			
8317961	19072	3507300000		103		COUGHLAN #2	EAST LOYAL	30.0	
-ENERGY RESERVES GROUP INC				RECEIVED:	01/13/83	JA: OK			
8318032	19035	3509121687		103		SHIRLEY BADGER UNIT #3	WEST WELLSTON	51.5	SUN GAS CO
-F HOWARD WALSH JR				RECEIVED:	01/14/83	JA: OK			
8317965	18746	3501521305		102-2		GREEN #1		507.0	TENNESSEE GAS PIP
-FULLER PETROLEUM INC				RECEIVED:	01/13/83	JA: OK			
8318017	19040	3508321792		103		RAINS #1	NORTH THACKERVILLE	72.0	UNION TEXAS PETRO
8318018	19039	3508520569		103		RAINS #2	NORTH THACKERVILLE	36.0	UNION TEXAS PETRO
-GETTY OIL COMPANY				RECEIVED:	01/13/83	JA: OK			

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JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317920	19106	3507720242	103		WHITE "J" #2	KINTA	146.0	ARKANSAS LOUISIAN
-GLENCO PETROLEUM CORP			RECEIVED:	01/14/83	JA: OK			
8317976	18452	3506321504	103		TEDDY BEAR #1		197.1	GLENCO PIPELINE C
-GULF OIL CORPORATION			RECEIVED:	01/13/83	JA: OK			
8317916	19382	3505900000	108		R F MCCLUNG #1	LAVERNE	9.0	COLORADO INTERSTA
-GULF OIL CORPORATION			RECEIVED:	01/14/83	JA: OK			
8317972	18914	3507323569	103		F OPPEL JR #2-30	OMEGA SOUTH	72.0	ONG WESTERN INC
8317930	19076	3513700000	108		SADLER #1	SOUTH MARLOW	14.0	ARKANSAS LOUISIAN
-HARPER OIL COMPANY			RECEIVED:	01/14/83	JA: OK			
8317937	19219	3501520587	108		SALYER #1	WEST COGAR	0.0	OKLAHOMA GAS & EL
-HAWKINS OIL & GAS INC			RECEIVED:	01/14/83	JA: OK			
8317971	18913	3500722345	103		ISAAC #1-7	LORENA EXT	3.7	
-HY-CARB ENERGY INC			RECEIVED:	01/14/83	JA: OK			
8317936	19212	3515320076	108		BAKER UNIT #3	NORTH WOODWARD	18.0	INTER NORTH INC
-IMPERIAL PETROLEUM INC			RECEIVED:	01/13/83	JA: OK			
8318037	18853	3511721557	102-4		DOLLIE NO 1	JENNINGS	0.0	MIDAMERICA GAS LI
-JEFFERSON-WILLIAMS ENERGY CORP			RECEIVED:	01/14/83	JA: OK			
8317968	18999	3505320883	103		WILBUR DESTER #1	DEER CREEK SOUTH	100.0	ARKANSAS LOUISIAN
-JOHN A TAYLOR			RECEIVED:	01/14/83	JA: OK			
8317955	19042	3508720435	103		MOTTINGER #1		0.0	SUN EXPLORATION &
-JOHN L COX			RECEIVED:	01/14/83	JA: OK			
8317953	19034	3504521060	103		STATE #1-33	SOUTH MAY	0.0	PANHANDLE EASTERN
-JUMAS OIL PART CORP			RECEIVED:	01/13/83	JA: OK			
8318043	18719	3510720313	108		BELL DOUGLAS #1	NATURA	13.2	PHILLIPS PETROLEU
8317912	19271	3510700000	108		THORNBURGH #3	LYONS QUINN	0.0	PHILLIPS PETROLEU
-JUMAS OIL PART CORP			RECEIVED:	01/14/83	JA: OK			
8317944	19259	3511100000	108		SIEGRIST #1	HENRYETTA	4.8	PHILLIPS PETROLEU
-LADD PETROLEUM CORPORATION			RECEIVED:	01/14/83	JA: OK			
8317973	18968	3504721820	108		VOTH #2	N E ENID	11.3	CITIES SERVICE GA
-LARIO OIL & GAS COMPANY			RECEIVED:	01/14/83	JA: OK			
8317986	19051	3504921940	103		C BURR #10	WEST WHITEBEAD	97.1	BUCKEYE NATURAL G
8317956	19047	3504921921	103		C BURR #4	WEST WHITEBEAD	43.3	BUCKEYE NATURAL G
8317984	19048	3504921922	103		C BURR #5	WEST WHITEBEAD	16.1	BUCKEYE NATURAL G
8317983	19049	3504921912	103		C BURR #7	WEST WHITEBEAD	57.7	BUCKEYE NATURAL G
8317985	19052	3504921935	103		C BURR #8	WEST WHITEBEAD	77.0	BUCKEYE NATURAL G
-LEMA PETROLEUM INC			RECEIVED:	01/14/83	JA: OK			
8317943	19253	3510720890	108		HENDRIX #1	LYONS-QUINN	20.0	PHILLIPS PETROLEU
-MAGANA OIL CO			RECEIVED:	01/13/83	JA: OK			
8318025	19003	3514723548	103		FOSTER # B-2A		109.5	BARON PIPELINE IN
8318024	19005	3514722829	103		FOSTER # M-2		438.0	BARON PIPELINE IN
8318033	19019	3514722830	103		FOSTER # M-3		474.5	BARON PIPELINE IN
8317898	19020	3514723476	103		FOSTER #B-1		146.0	BARON PIPELINE IN
8317929	19021	3514723609	103		FOSTER #B-3		146.0	BARON PIPELINE IN
8318020	19016	3514722828	103		FOSTER #M-1		20.1	BARON PIPELINE IN
8318023	19006	3514723354	103		FOSTER #M-6		255.5	BARON PIPELINE IN
8318022	19014	3514723355	103		FOSTER #5-A		109.5	BARON PIPELINE IN
8318021	19015	3514723480	103		SCHEER #M-2		219.0	CITIES SERVICE GA
-MAGANA OIL CO			RECEIVED:	01/14/83	JA: OK			
8317947	19008	3514723477	103		FOSTER #B-2		100.4	BARON PIPELINE IN
8317951	19013	3514723355	103		FOSTER #M-5		273.8	BARON PIPELINE IN
8317950	19012	3514723479	103		SCHEER #M-1		328.5	CITIES SERVICE GA
8317948	19010	3514700000	103		SCHEER NO M-3		69.4	CITIES SERVICE GA
8317946	19007	3514723478	103		SHEER #1-A		109.5	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8317949	19011	3514723353		103		WARREN FOSTER #M-4		146.0	BARON PIPELINE IN
-MARLIN OIL CORPORATION				RECEIVED:	01/14/83	JA: OK			
8317979	16059	3507322432		102-4	103	EARL #1	SOONER TREND	548.0	PHILLIPS PETROLEU
-MGF OIL CORP				RECEIVED:	01/13/83	JA: OK			
8317901	18487	3505121228		103		METHVIN 1-12	SOUTH NORGE	4.3	ARKANSAS LOUISIAN
-MOBIL OIL CORP				RECEIVED:	01/13/83	JA: OK			
8317925	19080	3501900000		108		C F ADAMS #26	SHO VEL TUM	1.3	LONE STAR GAS CO
8317908	19371	3501900000		108		C F ADAMS #27	SHO VEL TUM	3.0	OKLAHOMA NATURAL
8317910	19339	3513700000		108		JOHN W WILSON #36	SHO VEL TUM	0.3	GETTY OIL CO
-MORAN EXPLORATION INC				RECEIVED:	01/14/83	JA: OK			
8317931	19078	3504521052		103		HAGEN #1	WILDCAT	0.0	PHILLIPS PETROLEU
-NORTHWEST OIL CO				RECEIVED:	01/14/83	JA: OK			
8317952	19031	3502720475		103		STATE "D" #3	WEST NORMAN	0.0	SUN GAS CO
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	01/13/83	JA: OK			
8317907	20274	3515120258		108		REDGATE #2-1	S E FAIRVALLEY	0.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/13/83	JA: OK			
8318044	18695	3504721553		108		DRYDEN A #1	SOONER TREND	5.4	PANHANDLE EASTERN
8318016	19001	3501721751		103		SCHWEITZER A #1	WEST OKARCHE	5.4	
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/14/83	JA: OK			
8317945	19263	3504721610		108		SWART "A" #1	SOONER TREND	13.0	PANHANDLE EASTERN
-PRESTON CARTER OIL CO				RECEIVED:	01/14/83	JA: OK			
8317970	18898	3510900000		108		SCHROEDER #1	MUNGER	13.0	
-PUBLISHERS PETROLEUM				RECEIVED:	01/13/83	JA: OK			
8318036	18980	3508321917		103		KELLOGG #1		180.0	BUCKEYE GAS PROCE
-QUAD OPERATING COMPANY				RECEIVED:	01/13/83	JA: OK			
8317915	19387	3511100000		108		LIBERTY GLASS #1	MOUNDS	8.0	PRODUCTION SYSTEM
-SAMEDAN OIL CORPORATION				RECEIVED:	01/14/83	JA: OK			
8317964	18741	3501521321		102-2		CURTIS #28-1	ATOKA	0.0	EL PASO NATURAL G
-SEARCH DRILLING CO				RECEIVED:	01/14/83	JA: OK			
8317962	19074	3515321307		103		BAIRD #1-11	N W SHARON	93.0	PHILLIPS PETROLEU
-SENTRY PETROLEUM CORP				RECEIVED:	01/13/83	JA: OK			
8318038	18852	3511900000		102-4		MARCO #4	YALE - QUAY	12.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	01/14/83	JA: OK			
8317939	19246	3510700000		108		MCCLAIN #1	IRON POST	4.0	KERR-MCGEE CORP
8317942	19249	3509321930		108		NICHOLS #1-31	ORION	17.8	PHILLIPS PETROLEU
8317940	19247	3515130010		108		WILSON #1-11	N E LOVEDALE	14.8	EL GRANDE PIPELIN
8317941	19248	3515130044		108		WILSON #1-15	N E LOVEDALE	3.6	EL GRANDE PIPELIN
-STEVE JERNIGAN INC				RECEIVED:	01/13/83	JA: OK			
8317903	16970	3501722190		102-2		VIRDIN ROYCE #1	CONCHO FIELD	0.0	PHILLIPS PETROLEU
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/13/83	JA: OK			
8317899	18752	3501521299		102-2		MELVIN CHISUM #1	WILDCAT	3869.0	EL PASO NATURAL G
-T C CRAIGHEAD				RECEIVED:	01/14/83	JA: OK			
8317959	19070	3508321987		103		WEHLING 6-1	LUCIEN	18.3	EASON OIL CO
-TED STEWART				RECEIVED:	01/13/83	JA: OK			
8317906	19077	3511123457		108		STEWART 1-A		21.0	PHILLIPS PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	01/13/83	JA: OK			
8317917	19377	3507336056		108		AGNES F IVEN 2-6	SOONER TREND	5.0	CONTINENTAL OIL C
8318026	22477	3500920404		107-DP		BLACKBURN #1-15	S NEW LIBERTY	300.0	TRANSWESTERN PIPE
8317913	19395	3507320507		10P		BLANCHE CLEMENTS 1-17	SOONER TREND	4.0	EXXON OIL CO USA
8317918	19378	3507330395		108		GEORGE GREEN #1-30	SOONER TREND	35.6	CONTINENTAL OIL C
8317914	19394	3505300000		108		STAGGERS 1-A	LAMONT EAST	5.5	CRA INC
-TENNECO OIL COMPANY				RECEIVED:	01/14/83	JA: OK			
8317958	19069	3512920726		103		MERRICK #1-9	S E STRONG CITY	378.0	DELHI GAS PIPELIN

JD NO	JA DKT	API NO	F	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-TEXAS INTERNATIONAL PET CORP				RECEIVED:	01/14/83	JA: OK			
8317933	19081	3504321382		103		DEAN #1-A	WILDCAT	0.0	
-TEXOMA NATURAL GAS & OIL CORP				RECEIVED:	01/13/83	JA: OK			
8317919	19111	3503723332		103		BROWN #2 037-69225	NORTH KELLYVILLE	11.0	COLORADO GAS COMP
-THE WIL-MC OIL CORP				RECEIVED:	01/13/83	JA: OK			
8318034	18993	3510321605		103		CURTIS #1	POLO	129.6	AMINOIL U S A INC
-TXO PRODUCTION CORP				RECEIVED:	01/14/83	JA: OK			
8317975	17319	3506120378		102-4	103	MITCHELL "G" #1	KINTA	755.0	DELHI GAS PIPELIN
-W R HENDRICKSON				RECEIVED:	01/13/83	JA: OK			
8317904	15534	3511100000		108		MOSS #1		0.0	PHILLIPS PETROLEU
-WAYLAND CHITWOOD				RECEIVED:	01/14/83	JA: OK			
8317978	13533	3503120677		108		SCHOOL LAND #1	PUNKIN CENTER	1.8	MANN INDUSTRIES I
8317968	13524	3503120697		108		SCHOOL LAND #5	PUNKIN CENTER	1.8	MANN INDUSTRIES I
8317989	13532	3503120696		108		SCHOOL LAND #6	PUNKIN CENTER	1.8	MANN INDUSTRIES I
8317987	13531	3503120698		108		SCHOOL LAND #7	PUNKIN CENTER	1.8	MANN INDUSTRIES I
-WOODS PETROLEUM CORPORATION				RECEIVED:	01/14/83	JA: OK			
8317969	16191	3504321227		102-4	103	GAIL B GORE #28-1	PUTNAM	182.5	MICHIGAN WISCONSI
-101 ENERGY CORP				RECEIVED:	01/13/83	JA: OK			
8318035	18992	3507322091		103		TURNER 32-1	SOONER TREND	32.0	EASON OIL CO
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-MARMAC RESOURCES CO				RECEIVED:	01/17/83	JA: OK 8			
8318004		3511300000		103		CONNIE 1B	PERSHING	0.0	PHILLIPS PETROLEU
8318005		3511300000		103		CONNIE 4B	PERSHING	0.0	PHILLIPS PETROLEU
8318014		3511300000		103		PERSHING 10A	PERSHING	0.0	PHILLIPS PETROLEU
8318015		3511300000		103		PERSHING 11A	PERSHING	0.0	PHILLIPS PETROLEU
8318006		3511300000		103		PERSHING 2A	PERSHING	0.0	PHILLIPS PETROLEU
8318007		3511300000		103		PERSHING 3A	PERSHING	0.0	PHILLIPS PETROLEU
8318008		3511300000		103		PERSHING 4A	PERSHING	0.0	PHILLIPS PETROLEU
8318009		3511300000		103		PERSHING 5A	PERSHING	0.0	PHILLIPS PETROLEU
8318010		3511300000		103		PERSHING 6A	PERSHING	0.0	PHILLIPS PETROLEU
8318011		3511300000		103		PERSHING 7A	PERSHING	0.0	PHILLIPS PETROLEU
8318012		3511300000		103		PERSHING 8A	PERSHING	0.0	PHILLIPS PETROLEU
8318013		3511300000		103		PERSHING 9A	PERSHING	0.0	PHILLIPS PETROLEU

SOURCE DATA FOR THIS NOTICE 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, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4311 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 10, 1983.

JD NO	JA DKT	API NO	SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MICHIGAN DEPARTMENT OF NATURAL RESOURCES							
-GRACE PETROLEUM CORPORATION		RECEIVED: 01/20/83		JA: MI			
8318299		2112532842	102-4	JAMES R GOODFELLOW 5-12	ADDISON 12	0.0	MICHIGAN CONSOLID
8318298		2112532541	102-4	MELVIN LANPHAR 3-12	ADDISON "12"	0.0	MICHIGAN CONSOLID
-KULKA & SCHMIDT INC		RECEIVED: 01/20/83		JA: MI			
8318297		2104500000	102-4	BOSWORTH UNIT #1-22A	EATON RAPIDS "22"	146.0	BATTLE CREEK GAS
-SOUTHERN MICHIGAN PRODUCTION CO		RECEIVED: 01/20/83		JA: MI			
8318296		2102500000	102-4	WALTER-LAVOY #1-15	LEE 15-C	365.0	MICHIGAN GAS UTIL
NORTH DAKOTA INDUSTRIAL COMMISSION							
-BELCO PETROLEUM CORPORATION		RECEIVED: 01/19/83		JA: ND			
8318286	672	3305300000	102-4	EDGAR BN 9-13	ROUGHRIDER	0.0	KOCH OIL CORP INC
-EDWIN L & BERRY R COX		RECEIVED: 01/19/83		JA: ND			
8318289	675	3305301476	102-4	BERTINUSON #1	PATENT GATE	600.0	
8318290	676	3305301568	102-4	BERTINUSON #11-30	PATENT GATE	400.0	
-MONSANTO OIL CO		RECEIVED: 01/19/83		JA: ND			
8318293	679	3301300928	103	ARTHUR #1	FLAXTON	63.0	CITIES SERVICE CO
8318287	673	3301300871	102-4	ELLITHORPE #1	NORTHEAST FOOTHILLS	638.4	CITIES SERVICE CO
8318294	680	3301300924	103	GWENDOLYN #1	FLAXTON	35.0	CITIES SERVICE CO
8318295	681	3301300900	103	JACOBSEN #1	FLAXTON	11.0	CITIES SERVICE CO
8318291	677	3301300881	103	STOEN #1	BLACK SLOUGH	644.6	CITIES SERVICE CO
-TXO PRODUCTION CORP		RECEIVED: 01/19/83		JA: ND			
8318292	678	3301300837	103	SAWYER STATE #1	RIVAL	36.0	CITIES SERVICE CO
-UNION TEXAS PETROLEUM		RECEIVED: 01/19/83		JA: ND			
8318288	674	3308900272	102-4	KUNTZ 9-1	NORTH BELFIELD	70.8	
OHIO DEPARTMENT OF NATURAL RESOURCES							
-ALTHEIRS OIL INC		RECEIVED: 01/17/83		JA: OH			
8318080		3412725720	103	107-TF R HUPP #1	HARRISON TOWNSHIP	6.0	NATIONAL GAS & OI
-APPALACHIAN EXPLORATION INC		RECEIVED: 01/17/83		JA: OH			
8318084		3410322825	107-TF	ESTATE OF S KELLER #1	WADSWORTH	4.4	YANKEE RESOURCES
8318087		3415320881	107-TF	GAMAUF-BENDER UNIT #4	COPLEY	43.8	YANKEE RESOURCES
8318085		3415320767	107-TF	J & T & E HAMMOND #3	COPLEY	8.8	YANKEE RESOURCES
8318086		3415320880	107-TF	L GAMAUE #3	COPLEY	45.6	YANKEE RESOURCES
8318088		3415321005	107-TF	R EMERY #3	COPLEY	7.3	YANKEE RESOURCES
8318089		3415321007	107-TF	R EMERY UNIT #2	COPLEY	9.1	YANKEE RESOURCES
8318083		3410322414	107-TF	S FARKAS #5	SHARON	4.0	YANKEE RESOURCES
-BOBBY ANDERSON		RECEIVED: 01/17/83		JA: OH			
8318081		3416727303 D	107-TF	TRITCHEL #4	WATERTOWN	7.3	COLUMBIA GAS TRAN
-CALLANDER & KIMBREL INC		RECEIVED: 01/17/83		JA: OH			

JD NO	JA CKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318090		3403124541	103	107-TF	CARL WRIGHT #1	DRESDEN	5.0	
-CARLTON OIL CORP			RECEIVED: 01/17/83 JA: OH					
8318091		3416726200	107-DV		TIDD #1	NEWPORT	50.0	
-CLARENCE SHERMAN			RECEIVED: 01/17/83 JA: OH					
8318175		3415722204	103	107-RT	ALBERT J BEACHY #6	BUCKS	5.5	EAST OHIO GAS CO
8318176		3415722218	103	107-RT	EARL & CAROL FLINNER #1	BUCKS	6.4	EAST OHIO GAS CO
8318174		3407523873	103	107-TF	NOAH TROYER #1	CLARK	9.1	EAST OHIO GAS CO
-CLINTON OIL CO			RECEIVED: 01/17/83 JA: OH					
8318093		3413322895	103	107-TF	E YOUNG #1-694	RAVENNA	10.0	
8318092		3411926491	103	107-TF	W HUGHES BARNES #1-766	UNION	10.0	
-DOLPHA ANDERSON			RECEIVED: 01/17/83 JA: OH					
8318082		3416727289	107-TF		MARGUERITE WOODRUFF #1	WATERTOWN	3.7	COLUMBIA GAS TRAN
-DOME ENERGICORP			RECEIVED: 01/17/83 JA: OH					
8318095		3409321179	107-TF		CASPER #2	COLUMBIA	7.0	COLUMBIA GAS TRAN
8318094		3409321171	107-TF		PDK CO #1	COLUMBIA	30.0	COLUMBIA GAS TRAN
-ELAN ENERGY INC			RECEIVED: 01/17/83 JA: OH					
8318096		3416922998	103	107-TF	ENOS WEAVER #2	PAINT	11.0	COLUMBIA GAS TRAN
-ENERGY DISTRIBUTORS INC			RECEIVED: 01/17/83 JA: OH					
8318097		3411522916	103	107-TF	MCHENRY #3	NTA YORK	10.0	NATIONAL GAS & OI
-ENTERPRISE ENERGY CORP			RECEIVED: 01/17/83 JA: OH					
8318099		3411522940	103	107-TF	FERGUSON #2	MANCHESTER	36.5	TEXAS EASTERN TRA
8318098		3407322654	103	107-TF	LAPP #1	WASHINGTON	18.2	COLUMBIA GAS TRAN
8318100		3416320782	103	107-TF	MCAFEE #1	SWAN	18.2	COLUMBIA GAS TRAN
-FORAKER PRODUCING COMPANY INC			RECEIVED: 01/17/83 JA: OH					
8318102		3411925564	107-TF		HAMPP #1	NEWTON	10.0	
8318103		3412724638	107-TF		LEWIS/PEABODY #1	PIKE	8.0	
8318101		3411924982	107-TF		SWINEHART/OHIO POWER #2	NEWTON	5.0	
-FRONTIER PETROLEUM LTD			RECEIVED: 01/17/83 JA: OH					
8318104		3416727298	107-DV		H D HELDMAN #2	INDEPENDENCE	10.0	COLUMBIA GAS TRAN
-GASEARCH INC			RECEIVED: 01/17/83 JA: OH					
8318107		3415522263	103	107-TF	BYLER #1	MESOPOTAMIA	20.0	
8318106		3409921319	103	107-TF	TROYER #1	BERLIN	20.0	COLUMBIA GAS TRAN
8318105		3409921317	103	107-TF	TROYER #2	BERLIN	20.0	COLUMBIA GAS TRAN
-GREGG PRICE CORP			RECEIVED: 01/17/83 JA: OH					
8318108		3407523775	107-TF		R J PATTERSON #1	PRAIRIE	12.0	COLUMBIA GAS TRAN
-H & K ENERGY CORP			RECEIVED: 01/17/83 JA: OH					
8318109		3412725687	103	107-TF	LUZADDER-HOLBERTH-MOONEY #1	PIKE	4.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO			RECEIVED: 01/17/83 JA: OH					
8318111		3411925699	103	107-TF	ANNA & VICTOR SELLERS #1	PERRY	10.0	COLUMBIA GAS TRAN
8318112		3412725762	103	107-TF	LEWIS & ELLA SAUM #1	MADISON	10.0	COLUMBIA GAS TRAN
-J D DRILLING CO			RECEIVED: 01/17/83 JA: OH					
8318114		3410522472	107-DV		GAYLE EDNA & ERNESTINE PRICE #1	LEBANON	8.0	COLUMBIA GAS TRAN
8318115		3410522476	107-DV		GAYLE H PRICE #1	LEBANON	9.0	COLUMBIA GAS TRAN
8318113		3410522376	107-DV		LEROY DONOHEW #1	LETART	6.0	COLUMBIA GAS TRAN
-JADOIL INC			RECEIVED: 01/17/83 JA: OH					
8318116		3403124748	107-TF		EVARD & MILDRED LOWE #2	CLARK	18.0	COLUMBIA GAS TRAN
-K S T OIL & GAS CO INC			RECEIVED: 01/17/83 JA: OH					
8318119		3415321256	103	107-TF	FIGGIE INTERNATIONAL #1	NORTHAMPTON	0.0	
8318120		3415321257	103	107-TF	FIGGIE INTERNATIONAL #2	NORTHAMPTON	0.0	
8318117		3415321023	103	107-TF	SCHLUETER #1	BATH	0.0	
8318118		3415321024	103	107-TF	SCHLUETER #2	BATH	0.0	
-KING DRILLING CO			RECEIVED: 01/17/83 JA: OH					
8318121		3410323089	107-TF		BETTY COOLMAN #2	GUILFORD	10.0	COLUMBIA GAS TRAN

JD NO	JA CRT	API NO	S	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LIBERTY OIL & GAS CORP				RECEIVED: 01/17/83 JA: OH					
8318126		3400922656		107-DV		B A WEAVER #2	CARTHAGE	18.0	COLUMBIA GAS TRAN
8318124		3400922579		107-DV		ELIZABETH PUTNAM #2	CARTHAGE	18.0	COLUMBIA GAS TRAN
8318127		3401522318		107-DV		LESTER KEATON #1	ORANGE	0.0	COLUMBIA GAS TRAN
-LIBERTY OIL&GAS CORP				RECEIVED: 01/17/83 JA: OH					
8318125		3400922580		107-DV		CHARLES D PUTNAM #2	CARTHAGE	18.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED: 01/17/83 JA: OH					
8318138		3415123107		107-TF		A KETTERER #2	LAKE	36.0	YANKEE RESOURCES
8318130		3405520385		107-TF		D OSMOND #2	BURTON	36.0	YANKEE RESOURCES
8318137		3413322909		107-TF		E & G MCCOY UNIT #1	NELSON	30.0	YANKEE RESOURCES
8318134		3413321211		107-TF		G SHOWALTER #6	WINDHAM	24.0	COLUMBIA GAS TRAN
8318139		3415521738		107-TF		G WALSH #1	MESOPOTAMIA	24.0	YANKEE RESOURCES
8318140		3415521739		107-TF		G WALSH #2	MESOPOTAMIA	24.0	YANKEE RESOURCES
8318133		3411926427		107-TF		H & B STARRETT #1-MD	MEIGS	24.0	ROVI RESOURCES CO
8318136		3413322907		107-TF		J GOTTHARDT #1	MIRAM	30.0	YANKEE RESOURCES
8318132		3411926340		107-TF		K & O ALEXANDER UNIT #3	HARRISON	18.0	COLUMBIA GAS TRAN
8318135		3413322834		107-TF		PORTAGE COUNTY UNIT #1	FRANKLIN	18.0	YANKEE RESOURCES
8318131		3411926215		107-TF		R & M TROUT UNIT #1	HARRISON	18.0	COLUMBIA GAS TRAN
8318129		3405520364		107-TF		S TIMMONS UNIT #1	AUBURN	36.0	YANKEE RESOURCES
8318128		3405520342		107-TF		T HESS #2	BURTON	36.0	YANKEE RESOURCES
-MID-ATLANTIC OIL CO				RECEIVED: 01/17/83 JA: OH					
8318142		3411522840		103	107-TF	DANA MORRIS ETAL #3	DANA MORRIS	1000.0	EAST OHIO GAS CO
8318143		3412122846		103	107-TF	L C HUGHES/NEELY #1	L C HUGHES/NEELY	1000.0	EAST OHIO GAS CO
8318144		3412122897		103	107-TF	R FARSON ETAL #1	R FARSON	1000.0	EAST OHIO GAS CO
-MORELAND OIL & GAS				RECEIVED: 01/17/83 JA: OH					
8318145		3405922764	D	107-TF		RUTH CAROTHERS #1	KIMBOLTON	10.0	EAST OHIO GAS
-NEW FRONTIER EXPLORATION INC				RECEIVED: 01/17/83 JA: OH					
8318147		3405923094		103	107-TF	JOHN MILLER #1	SPENCER	0.0	YANKEE RESOURCES
8318146		3419221606		103	107-TF	R KUGLER #2	UNION	0.0	COLUMBIA GAS TRAN
8318148		3415123779		103	107-TF	ROBERT ECREMENT #2	WASHINGTON	20.0	YANKEE RESOURCES
-OHIO NATURAL FUEL CO				RECEIVED: 01/17/83 JA: OH					
8318149B		3403124820	D	107-TF		HOLMES LIMESTONE #2	MONROE	20.0	COLUMBIA GAS TRAN
8318149A		3403124820		103		HOLMES LIMESTONE #2	MONROE	20.0	COLUMBIA GAS TRAN
8318150A		3403124906		103		HOLMES LIMESTONE #3	MONROE	18.0	COLUMBIA GAS TRAN
8318150B		3403124906	D	107-TF		HOLMES LIMESTONE #3	MONROE	18.0	COLUMBIA GAS TRAN
8318151A		3403124907		103		HOLMES LIMESTONE #4	MONROE	20.0	COLUMBIA GAS TRAN
8318151B		3403124907	D	107-TF		HOLMES LIMESTONE #4	MONROE	20.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC				RECEIVED: 01/17/83 JA: OH					
8318152		3411521628		107-TF		BARNETT #2	MEIGSVILLE	26.0	COLUMBIA GAS TRAN
8318154		3411522758		103	107-TF	HARSHBERGER #1	PENN	19.0	COLUMBIA GAS TRAN
8318155		3411522871		107-TF		HIPP #1	MALTA	20.0	COLUMBIA GAS TRAN
8318156		3411522967		107-TF		MORRIS HEIRS #5	CENTER	25.0	EAST OHIO GAS CO
8318153		3411522519		103	107-TF	R JUTTE #2	PENN	22.0	COLUMBIA GAS TRAN
-ORION ENERGY CORP				RECEIVED: 01/17/83 JA: OH					
8318157		3415723749		107-TF		TURKOVICH UNIT #1	GOSHEN	20.0	EAST OHIO GAS CO
-OXFORD OIL CO				RECEIVED: 01/17/83 JA: OH					
8318158		3411122170		107-DV		ALBERT HUPP #1	FRANKLIN	11.0	
8318161		3416923344		107-TF		DEWEY RUMBAUGH #1	CHESTER	10.0	
8318159		3411122761		107-DV		JAMES ROBINSON #1	FRANKLIN	11.0	
8318160		3411926414		107-TF		KARNES-COEN UNIT #2	HARRISON	11.0	
-PONDEROSA OIL COMPANY				RECEIVED: 01/17/83 JA: OH					
8318163		3407523909		107-TF		WILLIAM P HERMAN WELL #3	PRAIRIE	11.0	COLUMBIA GAS TRAN
8318162		3407523907		107-TF		WILLIAM P HERMAN WELL #4	PRAIRIE	12.0	COLUMBIA GAS TRAN

JD NO	JA CNT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-REPUBLIC STEEL CORP				RECEIVED: 01/17/83		JA: OH			
8318165		3409921509		103	107-TF	AMERICAN FIRE CLAY - A F C #3	GREEN	6.0	REPUBLIC STEEL CO
8318164		3409921505		103	107-TF	AMERICAN FIRE CLAY - AFC #2	GREEN	6.0	REPUBLIC STEEL CO
-RESOURCE EXPLORATION INC				RECEIVED: 01/17/83		JA: OH			
8318167		3406720240		107-RT		ARTHUR MILLESON #1	WASHINGTON	29.0	COLUMBIA GAS TRAN
8318171		3406721087		107-RT		FERGUSON #1	WASHINGTON	25.0	COLUMBIA GAS TRAN
8318168		3406720273		107-RT		HIRRIE GREEN #1	WASHINGTON	10.0	COLUMBIA GAS TRAN
8318169		3406720994		107-RT		LAUGHLIN #2	WASHINGTON	40.0	COLUMBIA GAS TRAN
8318170		3406721007		107-RT		POULSON #3	WASHINGTON	32.0	COLUMBIA GAS TRAN
8318166		3406720232		107-RT		RUBIN #1	WASHINGTON	30.0	COLUMBIA GAS TRAN
-RIMCO OPERATING INC				RECEIVED: 01/17/83		JA: OH			
8318172B		3416923152	D	107-TF		F LADRACH #1	PLAIN	12.0	COLUMBIA GAS TRAN
8318172A		3416923152		103		F LADRACH #1	PLAIN	12.0	COLUMBIA GAS TRAN
8318173		3416923216		103	107-TF	MORRIS #1	CHESTER	12.0	COLUMBIA GAS TRAN
-TATUM PETROLEUM OHIO INC				RECEIVED: 01/17/83		JA: OH			
8318177		3403124646		107-TF		AUGUSTA LOWER #1	MILLCREEK	750.0	COLUMBIA GAS TRAN
8318179		3407523279		107-TF		C FENDER-H MILLER 1982-1 LTD #1	CLARK	750.0	COLUMBIA GAS TRAN
8318178		3407523278		107-TF		C FENDER-R MILLER 1982-1 LTD #1	CLARK	850.0	COLUMBIA GAS TRAN
8318180		3407523487		107-TF		ELI E RABER 1982-1 LTD #1	CLARK	900.0	COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO				RECEIVED: 01/17/83		JA: OH			
8318181		3405923353		103	107-TF	ALLEN H/WINN L #1	WILLS	27.0	TENNESSEE GAS PIP
8318182		3405923358		103	107-TF	HOLLINGSWORTH M #1	JEFFERSON	27.0	TENNESSEE GAS PIP
-UNIVERSAL EXPLORATION				RECEIVED: 01/17/83		JA: OH			
8318183		3415321138		107-TF		GEORGE #2	NORTON	50.0	YANKEE RESOURCES
-VICTOR MCKENZIE				RECEIVED: 01/17/83		JA: OH			
8318141		3411926460		103	107-TF	WILLIAM DAVY #1	HOPEWELL	0.0	
-VIKING RESOURCES CORP				RECEIVED: 01/17/83		JA: OH			
8318188		3409921469		103	107-TF	HILLES UNIT #6	BERLIN	30.0	
8318184		3408520352		103	107-TF	KLYN #2	PERRY	30.0	
8318185		3408520409		103	107-TF	KLYN #7	PERRY	30.0	
8318186		3409921459		103	107-TF	POWELL/MORACCO UNIT #1	BERLIN	30.0	
8318189		3409921476		103	107-TF	REPICH #1	BERLIN	30.0	
8318187		3409921462		103	107-TF	SANDSTROM #1	BERLIN	30.0	
-WALTER & ALICE KLINGER				RECEIVED: 01/17/83		JA: OH			
8318122		3416722730		108		JOHN HENDERSHOT - #1	WATERTOWN TOWNSHIP	1.0	COLUMBIA GAS TRAN
8318123		3416722737		108		WALTER KLINGER #1	WATERTOWN TOWNSHIP	1.0	COLUMBIA GAS TRAN
-WAYNE HAMMOND				RECEIVED: 01/17/83		JA: OH			
8318110		3415723784		103	107-TF	E W & L C RICHARD #2	LAWRENCE	11.0	COLUMBIA GAS TRAN
-WHITNAM OIL & GAS CORP				RECEIVED: 01/17/83		JA: OH			
8318192		3416726016		107-TF		DALE & PHYLLIS HAUGHT #10	INDEPENDENCE	15.0	COLUMBIA GAS TRAN
8318193		3416726024		107-TF		HILLE HEIRS #1	INDEPENDENCE	15.0	COLUMBIA GAS TRAN
8318194		3416726878		107-TF		MARY & COMER HAUGHT #1	LUDLOW	15.0	COLUMBIA GAS TRAN
8318190		3416725965		107-TF		SWANEY #1	LAWRENCE	15.0	COLUMBIA GAS TRAN
8318191		3416726004		107-TF		U S A MCKINNON #2	LUDLOW	15.0	COLUMBIA GAS TRAN
-ZENITH OIL & GAS INC				RECEIVED: 01/17/83		JA: OH			
8318195		3411926497		107-TF		BURRIER #7	NASHPORT	1.0	NATIONAL GAS & OI
**********									
OKLAHOMA CORPORATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED: 01/17/83		JA: OK			
8318243	18881	3503920672		102-2		FRIZZELL UNIT #1	WEATHERFORD NW (ATOKA	359.0	SOUTHERN NATURAL
-ANADARKO PRODUCTION COMPANY				RECEIVED: 01/17/83		JA: OK			
8318203	18816	3500722292		102-4		ISSAC "A" #2	FLORIS	109.5	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME
8318249	19000	3500700000		108		JONES 1-25
-ANDOVER OIL COMPANY				RECEIVED:	01/17/83	JA: OK
8318234	18861	3507323225		103		OTTIS #20-1
-B J BROWN				RECEIVED:	01/17/83	JA: OK
8318244	18479	3509100000		108		PHELPS #1
8318226	18480	3509100000		108		TABOR #1
-BEARD OIL COMPANY				RECEIVED:	01/17/83	JA: OK
8318242	18862	3510920559		102-A		STAPLES #1
-BERRY OIL & GAS CO				RECEIVED:	01/17/83	JA: OK
8318250	19017	3503700000		103		SELLERS FRANK #2
-BOBBY ROWE ENERGY INC				RECEIVED:	01/17/83	JA: OK
8318245	17768	3511100000		108		KOERNER #1-B
-BUNKER EXPLORATION CO				RECEIVED:	01/17/83	JA: OK
8318217	21942	3505121243		107-DP		PORTER 1-13
-C F BRAUN & CO				RECEIVED:	01/17/83	JA: OK
8318199	18817	3512920757		102-A		YOXSIMER #1-15
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	01/17/83	JA: OK
8318233	18876	3503920592		102-2	103	C O ARNETT #1-17
8318225	18875	3509300000		108		H A LOGAN #1
8318235	18873	3504700000		108		MATHILDA VOGT #1
8318236	18872	3507300000		108		STATE C V H #1
-CHEROKEE RESOURCE MANAGEMENT				RECEIVED:	01/17/83	JA: OK
8318219	18954	3508121592		103		EVANS #1
8318220	18955	3508121732		103		EVANS #2
8318221	18956	3508121733		103		EVANS #3
8318222	18957	3508121734		103		EVANS #4
-CRAWLEY PETROLEUM CORPORATION				RECEIVED:	01/17/83	JA: OK
8318238	18862	3515120253		108		FARRIS-VEATCH #1
-DYCO PETROLEUM CORPORATION				RECEIVED:	01/17/83	JA: OK
8318228	18704	3504720954		108		BEGGS #1
8318227	18703	3504720886		108		BEGGS #2
-EDINGER INC				RECEIVED:	01/17/83	JA: OK
8318197	18930	3510320840		103		GEARY #1
-F C D OIL CORP				RECEIVED:	01/17/83	JA: OK
8318252	18915	3505320919		103		THORNE 1-20
-GRUY MANAGEMENT SERVICE CO				RECEIVED:	01/17/83	JA: OK
8318202	16389	3500700000		108		CORRELL #1
-GULF OIL CORPORATION				RECEIVED:	01/17/83	JA: OK
8318241	18885	3501121674		102-2		ERVAN YOST #1-24
-HARPER OIL COMPANY				RECEIVED:	01/17/83	JA: OK
8318200	18826	3501121721		102-2		MCEACHERN #1
-HB OIL & GAS INC				RECEIVED:	01/17/83	JA: OK
8318208	18814	3511921422		102-A		KINZIE #1
-HPC INC				RECEIVED:	01/17/83	JA: OK
8318205	18809	3503920318		102-2		COMBS #1
-JUNAS OIL PART CORP				RECEIVED:	01/17/83	JA: OK
8318237	18866	3510720225		108		FERGUSON #1
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	01/17/83	JA: OK
8318223	18958	3504700000		108		CHUCK #1-20
-LADD PETROLEUM CORPORATION				RECEIVED:	01/17/83	JA: OK
8318214	18966	3504721513		108		SIMPSON #2
-LARIO OIL & GAS COMPANY				RECEIVED:	01/17/83	JA: OK
8318251	19050	3504921936		103		C BURR #11

FIELD NAME	PROD	PURCHASER
COMO	4.6	INTER NORTH INC
	275.0	WARREN PETROLEUM
COALTON	3.6	PHILLIPS PETROLEU
COALTON	9.1	PHILLIPS PETROLEU
N CHOCTAW	474.0	BEARD OIL CO
	25.6	ARCO OIL & GAS CO
BEGGS	0.0	PHILLIPS PETROLEU
CHITWOOD	500.0	
S W ANGORA	730.0	DELHI GAS PIPELIN
S W LEEDY	0.0	
CHANEY DELL	10.0	CHAMPLIN PETROLEU
ENID	17.0	CHAMPLIN PETROLEU
SOONER TREND	15.0	PHILLIPS PETROLEU
SOUTH STROUD PRUE	23.4	SWAB CORP
SOUTH STROUD PRUE	27.0	SWAB CORP
SOUTH STROUD PRUE	25.2	SWAB CORP
SOUTH STROUD PRUE	19.8	SWAB CORP
N W OAKDALE	18.0	PANHANDLE EASTERN
	0.0	CHAMPLIN PETROLEU
	0.0	CHAMPLIN PETROLEU
EAST BILLINGS	33.0	ARCO OIL & GAS CO
SOUTH POND CREEK	65.7	C R A INC
MOCANE	20.0	INTER NORTH INC
SOUTH OMEGA	30.0	O N G WESTERN INC
SOUTHWEST LONGDALE	182.0	PANHANDLE EASTERN
GEORGIA	80.0	SUN GAS TRANSMISS
SOUTH THOMAS	600.0	TRANSOK PIPE LINE
LYONS-QUINN	7.2	PHILLIPS PETROLEU
E SPRING VALLEY	9.0	ARCO OIL & GAS CO
N E ENID	5.5	CITIES SERVICE GA
WEST WHITEBEAD	99.7	BUCKEYE NATURAL G

JD NO	DA EKT	API NO	S	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-MACK OIL CO				RECEIVED:	01/17/83	JA: OK			
8318246	18997	3505320657		103		MELOTT #1	N E HILLSDALE	54.0	
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	01/17/83	JA: OK			
8318247	18996	3515102186		103		MORRIS #1	S E WAYNOKA	26.0	MAGIC CIRCLE GAS
-MONEXCO				RECEIVED:	01/17/83	JA: OK			
8318196	18218	3500722022		102-4	103	MCADAMS "B" #2-29		0.0	PANHANDLE EASTERN
-NORTEX GAS & OIL CO				RECEIVED:	01/17/83	JA: OK			
8318248	18989	3505920691		103		CRAWFORD 32 #1	MOCANE-LAVERNE	198.0	INTERNORTH INC
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	01/17/83	JA: OK			
8318231	18829	3505135182		108		DAHL #1	CHICKASHA	14.1	ARKANSAS LOUISIAN
8318230	18801	3513900000		108		SHEIL #2	S GUYMON	0.0	PANHANDLE EASTERN
-PORTS OF CALL OIL CO				RECEIVED:	01/17/83	JA: OK			
8318206	18810	3510920583		102-2		BOYINGTON #7-1	YUKON	180.0	MOBIL OIL CORP
8318207	18811	3501521078		102-2		TIGER #15-1	E EAKLEY	275.0	DELHI GAS PIPELIN
-PUBLISHERS PETROLEUM				RECEIVED:	01/17/83	JA: OK			
8318216	18979	3501722194		103		SCHROEDER #1	NORTH CALUMET	180.0	PHILLIPS PETROLEU
-RICKS EXPLORATION CO				RECEIVED:	01/17/83	JA: OK			
8318212	18982	3515321118		103		D L BENNETT #29A	S W WOODWARD	9.0	PHILLIPS PETROLEU
-S K TUTHILL & B J BARBEE				RECEIVED:	01/19/83	JA: OK			
8318285	11689	3515321184		102-2		HOLIDAY #1-28	SOUTH FREEDOM	25.0	PANHANDLE EASTERN
-SENECA OIL COMPANY				RECEIVED:	01/17/83	JA: OK			
8318213	18805	3501722247		102-4	103	COLLETT #2-21		73.0	PHILLIPS PETROLEU
8318204	18806	3501722165		102-2		SHAFENBERG #1-20		167.9	PHILLIPS PETROLEU
8318218	18804	3501722179		102-4	103	SIMPSON #2-21		139.1	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:	01/17/83	JA: OK			
8318240	18886	3501900000		108		PRUITT #3C	SHOLEM ALECHEM	8.4	MOBIL OIL CORP
8318239	18887	3505920278		108		STINSON-DEXTER #2A	MOCANE LAVERNE	16.6	MICHIGAN WISCONSI
-SOHIO PETROLEUM CO				RECEIVED:	01/17/83	JA: OK			
8318210	18306	3505920255		108		CUMMINS #2	TONKAWA	5.0	MICHIGAN - WISCON
-STANTON ENERGY INC				RECEIVED:	01/17/83	JA: OK			
8318209	18990	3503723F33		103		PATTERSON #2		20.0	COLORADO GAS COMP
8318198	18989	3503723854		103		PATTERSON #3		20.0	COLORADO GAS COMP
-STAR RESOURCES INC				RECEIVED:	01/17/83	JA: OK			
8318215	18976	3510721392		103		SNELL HEIRS #18-2	E WELEETKA	365.0	PUBLIC SERVICE CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/17/83	JA: OK			
8318229	18766	3502700000		108		E HARRIS #2	WEST MOORE	0.4	OKLAHOMA NATURAL
-SUNDANCE ENERGY CORP				RECEIVED:	01/17/83	JA: OK			
8318211	18453	3504722961		103		ROSIE J #1		60.2	GRACE PETROLEUM
-TENNECO OIL COMPANY				RECEIVED:	01/17/83	JA: OK			
8318224	18858	3512920726		102-2		MERRICK #1-9	S E STRONG CITY	378.0	DELHI GAS PIPELIN
-THE GHK COMPANY				RECEIVED:	01/17/83	JA: OK			
8318232	18831	3503920589		102-2		KEPHART 1-20	NEW POOL	689.0	PANHANDLE EASTERN
8318201	18830	3503920626		102-2		NELLIE MCCONNELL 1-27	N W CANUTE	308.0	EL PASO NATURAL G
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	01/17/83	JA: WV			
8318256		4703301071		108		A-652	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8318269		4700100866		108		A-662	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8318255		4701701861		108		A-664	SOUTHWEST DISTRICT	0.0	CONSOLIDATED GAS
8318257		4703301085		108		A-673	UNION DISTRICT	0.0	CONSOLIDATED GAS
8318259		4703301146		108		A-694	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8318258		4703301152		108		A-701	EAGLE DISTRICT	0.0	CONSOLIDATED GAS

JD NO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318263		4704102490		108		A-703	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8318262		4703301933		108		A-704	EAGLE DISTRICT	0.0	CONSOLIDATED GAS
8318253		4700100991		108		A-711	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8318270		4703301184		108		A-722	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8318261		4703301259		108		A-742	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8318260		4703301253		108		A-750	UNION DISTRICT	0.0	CONSOLIDATED GAS
8318268		4709701961		108		A-754	WARREN DISTRICT	0.0	CONSOLIDATED GAS
8318254		4700101066		108		A-755	COVE DISTRICT	0.0	CONSOLIDATED GAS
8318264		4704102540		108		A-770	HACKERS CREEK DISTRIC	0.0	CONSOLIDATED GAS
8318265		4704102554		108		A-783	COURT HOUSE DISTRICT	0.0	CONSOLIDATED GAS
8318267		4709701917		108		A-795	UNION DISTRICT	0.0	CONSOLIDATED GAS
8318266		4704102685		108		A-821	HACKERS CREEK DISTRIC	0.0	CONSOLIDATED GAS
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	01/20/83	JA: WV			
8318318		4708300605		103		A-1049	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8318315		4704103165		103		A-1053	FREEMANS CREEK DISTRI	0.0	COLUMBIA GAS TRAN
8318316		4708300544		103		A-1099	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8318314		4709702404		103		A-1104	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8318324		4708300629		103		A-1137	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8318319		4704103170		103		A-1150	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8318322		4704103171		103		A-1179	FREEMANS CREEK DISTRI	0.0	CONSOLIDATED GAS
8318317		4708300603		103		A-1235	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8318323		4708300647		103		A-1237	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8318326		4700100862		108		A-643	PLEASANT DISTRICT	0.0	CONSOLIDATED GAS
8318325		4703301053		108		A-656	EAGLE DISTRICT	0.0	CONSOLIDATED GAS
8318320		4703301182		103		A-697	SARDIS DISTRICT	0.0	CONSOLIDATED GAS
8318321		4708505132		103		A-992	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
-APPCO OIL & GAS CORP				RECEIVED:	01/17/83	JA: WV			
8318272		4708505397		103		VERA LANGON #2	CLAY DISTRICT	27.0	CONSOLIDATED GAS
-ARABIE INC				RECEIVED:	01/20/83	JA: WV			
8318328		4708703542		107-DV		E L GREENLEAF #1	HARPER DISTRICT	24.0	ROARING FORK GAS
-BIG NINE OIL CO INC				RECEIVED:	01/17/83	JA: WV			
8318271		4704900729		108		HIGGINBOTHAM #4	MANNINGTON	3.6	PENNZOIL CO
-C & P OIL & GAS CO				RECEIVED:	01/20/83	JA: WV			
8318313		4703302678		103		C & P H-1	UNION DISTRICT	0.0	CONSOLIDATED GAS
-CAMERON OIL & GAS COMPANY				RECEIVED:	01/20/83	JA: WV			
8318336		4700500025		107-DV		GEORGE P ALDERSON #13	JULIAN - MADISON	36.0	COLUMBIA GAS TRAN
-CHESTERFIELD CORP				RECEIVED:	01/17/83	JA: WV			
8318277		4709702149		108		HANIFAN #1 47-097-2149		0.0	COLUMBIA GAS TRAN
-CITIES SERVICE COMPANY				RECEIVED:	01/17/83	JA: WV			
8318279		4703500309		108		STARCHER B #2	RAVENSWOOD	0.0	GAS TRANSPORT INC
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	01/17/83	JA: WV			
8318274		4704102055		108		ABRAM GASTON 12198	FREEMANS CREEK DISTRI	20.0	GENERAL SYSTEM PU
8318275		4704101969		108		ESTA G MOORE WN 11840	COLLINS SETTLEMENT	5.0	GENERAL SYSTEM PU
-DEVON ENERGY CORP				RECEIVED:	01/20/83	JA: WV			
8318331		4703501624		107-DV		HARRY W RILEY #996	RIPLEY	32.0	DEVON PIPELINE CO
-DORAN & ASSOCIATES INC				RECEIVED:	01/17/83	JA: WV			
8318280		4704920658		108		R LUCAS #1 KL-118	MANNINGTON	20.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	01/17/83	JA: WV			
8318282		4700121016		108		B-182	UNION	0.0	CONSOLIDATED GAS
8318273		4700107740		108		B-38	UNION	0.0	CONSOLIDATED GAS
-J & J ENTERPRISES INC				RECEIVED:	01/20/83	JA: WV			
8318303		4703321721		108		B-197	SARDIS	0.0	CONSOLIDATED GAS
8318310		4703302135		108		B-233 HAR-2135	UNION	0.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318308		4703302052		108		B-236 HAR-2052	UNION	0.0	CONSOLIDATED GAS
8318305		4703302015		108		B-240	TENMILE	0.0	CONSOLIDATED GAS
8318306		4703302016		108		B-241	TENMILE	0.0	CONSOLIDATED GAS
8318309		4703302053		108		B-244 HAR-2053	UNION	0.0	CONSOLIDATED GAS
8318304		4703301959		108		B-246	ELK	0.0	CONSOLIDATED GAS
8318307		4703302028		108		B-264	EAGLE	0.0	CONSOLIDATED GAS
8318300		4700101182		108		B-290	PLEASANT	0.0	CONSOLIDATED GAS
8318302		4701702768		108		J-46	NEW MILTON	0.0	CONSOLIDATED GAS
8318301		4701702467		108		J-57	WEST UNION	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	01/17/83	JA: WV			
8318283		4703302443		108		DESSIE MOORE S-313	EAGLE	5.0	CONSOLIDATED GAS
8318284		4703302467		108		SALERNO S-321	CLAY DISTRICT	10.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	01/20/83	JA: WV			
8318334		4700101581		103		ISAAC BOOTH S-372	PHILIPPI	30.0	COLUMBIA GAS TRAN
-LESLIE ROBINSON				RECEIVED:	01/20/83	JA: WV			
8318311		4702103492		108		HEWITT #2	R G HEWITT (STEER CRE	15.0	CONSOLIDATED GAS
-NATIONAL OPERATING INC				RECEIVED:	01/20/83	JA: WV			
8318330		4707301452		107-DV		WINCE H-1278	FRENCH CREEK	15.0	COLUMBIA GAS TRAN
-OIL & GAS ENERGY RESOURCES INC				RECEIVED:	01/20/83	JA: WV			
8318329		4707901079		107-DV		FORTH #2 47-079-1079	HURRICANE CREEK	9.0	COLUMBIA GAS TRAN
-PIGOTT & LANGFITT				RECEIVED:	01/17/83	JA: WV			
8318276		4701702850		108		MARY DAVIS BALL #1	MORGANS RUN	4.9	CONSOLIDATED GAS
-ROBERT P JACKSON				RECEIVED:	01/20/83	JA: WV			
8318335		4708502485		108		ROBERT P JACKSON - RIT 2485	GRANT	1.2	CONSOLIDATED GAS
-ROYAL OIL & GAS CORPORATION				RECEIVED:	01/20/83	JA: WV			
8318312		4700701560		103		DR E L FISHER #2	OTTERBEIN	23.0	COLUMBIA GAS TRAN
-TALLWOOD CORP				RECEIVED:	01/20/83	JA: WV			
8318337		4706700551		102-4		GEORGE RAGLAND #4	HAWKS NEST	20.0	EQUITABLE GAS CO
-TYRONE ENERGY INC				RECEIVED:	01/20/83	JA: WV			
8318333		4708300632		107-DV		JAMES LAROSA TYRONE ENERGY #10	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8318332		4708300469		107-DV		ROY A HOWES/TYRONE ENERGY #2	ROARING CREEK	0.0	COLUMBIA GAS TRAN
-VANDERBILT RESOURCES CORPORATION				RECEIVED:	01/20/83	JA: WV			
8318327		4701302595		108		KEITH I-575	ORMA	18.0	CONSOLIDATED GAS
-W S GAS & OIL ASSOCIATES				RECEIVED:	01/17/83	JA: WV			
8318278		4708504206		108		HATFIELD #1 (H-603)	GRANT DISTRICT	3.6	CONSOLIDATED GAS
-WILSON GAS COMPANY				RECEIVED:	01/17/83	JA: WV			
8318281		4709901726		108		WILSON #1		5.4	COLUMBIA GAS TRAN

SOURCE DATA FOR THIS NOTICE 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, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4312 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 10, 1983.

JD NO	JA DKT	API NO	F SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
KANSAS CORPORATION COMMISSION								
-HELMERICH & PAYNE INC			RECEIVED:	01/21/83	JA: KS			
8318479	K791053	1517500000	108-ER		JENKINS #1		0.0	INTER NORTH INC
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS								
-ARCO OIL AND GAS COMPANY			RECEIVED:	01/21/83	JA: NM			
8318485		3002504497	108		STATE "E" #1	EUNICE MONUMENT	2.4	PHILLIPS PETROLEU
-GULF OIL CORPORATION			RECEIVED:	01/21/83	JA: NM			
8318483		3002511904	108		ARNOTT RAMSAY (NCT-F) #7	JUSTIS BLINEBRY	5.4	EL PASO NATURAL G
8318482		3002504650	108		R R BELL (NCT-C) #2	EUNICE MONUMENT	1.8	PHILLIPS PETROLEU
-NORTHWEST PIPELINE CORPORATION			RECEIVED:	01/21/83	JA: NM			
8318489		3003922671	103		SAN JUAN 29-5 UNIT 37A	BLANCO MESAVERDE	176.9	NORTHWEST PIPELIN
-SUPERIOR OIL CO			RECEIVED:	01/21/83	JA: NM			
8318490		3002526958	103		SIMS #1	SOUTH BELL LAKE (MORR	0.0	TRANSWESTERN PIPE
-THOMPSON J CLEO & JAMES CLEO JR			RECEIVED:	01/21/83	JA: NM			
8318488		3001500000	103		HOVER STATE #5	GRAYBURG-SAN ANDRES	0.0	PHILLIPS PETROLEU
8318486		3001500000	103		HOVER STATE #6	GRAYBURG-SAN ANDRES	0.0	PHILLIPS PETROLEU
8318487		3001500000	103		MERRILL STATE #5	GRAYBURG-SAN ANDRES	100.0	PHILLIPS PETROLEU
-WARREN PETR CO A DIV OF GULF OIL CO			RECEIVED:	01/21/83	JA: NM			
8318481		3002506971	108		J N CARSON (NCT-A)#3	PADDOCK	13.9	EL PASO NATURAL G
8318480		3002504252	108		R R BELL (NCT-G) #2	EUNICE MONUMENT	7.0	EL PASO NATURAL G
-WARRIOR INC			RECEIVED:	01/21/83	JA: NM			
8318484		3002500000	108		STATE WE "D" #2	EUMONT YATES 7-RIVERS	3.2	WARREN PETROLEUM
OKLAHOMA CORPORATION COMMISSION								
-ADAMS PETROLEUM ENTERPRISES CORP			RECEIVED:	01/21/83	JA: OK			
8318498	19206	3513321955	103		BARTER #1	SASAKWA	200.0	KANOKLA ENERGY CO
8318524	16790	3513321679	103		REDBUD #1	SASAKWA	474.5	OKLAHOMA GAS & EL
-AGGIE OIL CO			RECEIVED:	01/21/83	JA: OK			
8318528	06809	3504900000	102-4		CASHION-TETER #1	PAULS VALLEY	182.5	WARREN PETROLEUM
-ANADARKO LAND & EXPLORATION CO			RECEIVED:	01/21/83	JA: OK			
8318504	19122	3503920652	103		ENGLES #1	SOUTH THOMAS	250.0	TRANSOK PIPELINE
-BEARD OIL COMPANY			RECEIVED:	01/21/83	JA: OK			
8318497	19201	3507323263	103		LILLIBRIDGE #2	DOVER-EAST	26.0	PHILLIPS PETROLEU
-BERRY PETROLEUM CORP			RECEIVED:	01/21/83	JA: OK			
8318514	19105	3501721925	103		MUEGGENBORG 1-25	NW PIEDMONT	0.0	PHILLIPS PETROLEU
-BROCK HYDROCARBONS INC			RECEIVED:	01/21/83	JA: OK			
8318526	18371	3515321330	103		VLOEDMAN #1-34	S E FORT SUPPLY	0.0	
-C & T RESOURCES			RECEIVED:	01/21/83	JA: OK			
8318536	19143	3510121425	103		BORUM 10-A	BELAND	1.0	ESPERANZA TRANSMI

JD NO	JA CAT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318534	19141	3510121380	103		BORUM B-A		1.0	ESPERANZA TRANSMI
8318535	19142	3510121424	103		BORUM B-A		1.0	ESPERANZA TRANSMI
-CZAR RESOURCES INC			RECEIVED:	01/21/83	JA: OK			
8318543	19156	3502720645	103		MORAVA D-1		35.8	CONOCO INC
-DAWN ENERGY CO			RECEIVED:	01/21/83	JA: OK			
8318509	19195	3504521047	103		OLIVER #1-17	MOCANE-LAVERNE	490.0	DELHI GAS PIPELIN
-DONALD C SLAWSON			RECEIVED:	01/21/83	JA: OK			
8318550	18758	3507323238	102-4		LOOSEN TRUST #1-31	WEST OKARCHE	150.0	PHILLIPS PETROLEU
-EAGLE MINERALS INC.			RECEIVED:	01/21/83	JA: OK			
8318499	19222	3508121737	103		SHAW #2		0.0	COLORADO GAS COMP
-F C D OIL CORP			RECEIVED:	01/21/83	JA: OK			
8318519	18916	3507323581	103		OLTMANNS 1-23	EAST COLUMBIA	24.1	EASON OIL CO
-GULF OIL CORPORATION			RECEIVED:	01/21/83	JA: OK			
8318538	19098	3509100000	108		MARY LEE DODD #1	STIDHAM	7.0	PHILLIPS PETROLEU
-HAMM PRODUCTION CO			RECEIVED:	01/21/83	JA: OK			
8318529	18639	3508320611	103		POST #1	S E MARSHALL	3.8	EASON OIL CO
-HOLDEN ENERGY CORP			RECEIVED:	01/21/83	JA: OK			
8318500	15653	3508500000	103		LOCKE #1	WEST ENVILLE	115.0	CIMARRON TRANSMIS
-INTERNATIONAL TECHNOLOGY RESOURCES			RECEIVED:	01/21/83	JA: OK			
8318501	17020	3509322339	103		VICTOR GEIS #1	N E OKEENE	150.0	CITIES SERVICE CO
-JAMES C MEADE			RECEIVED:	01/21/83	JA: OK			
8318520	18974	3515121298	103		EBERLY & MEADE IRWIN #1-12	S E WAYNOKA	100.0	MAGIC CIRCLE GAS
-JONES & PELLOW OIL CO			RECEIVED:	01/21/83	JA: OK			
8318495	19161	3504520648	108		DRAKE 10-1	S E SALON	1.2	INTER NORTH INC
-JUMAS OIL PART CORP			RECEIVED:	01/21/83	JA: OK			
8318532	19125	3510700000	108		THORNBURGH #1	LYONS QUINN	5.7	PHILLIPS PETROLEU
8318548	19155	3510700000	108		THORNBURGH #2	LYONNS QUINN	2.8	PHILLIPS PETROLEU
-KENNEDY & MITCHELL INC			RECEIVED:	01/21/83	JA: OK			
8318541	18747	3504520940	102-4		LARASON #36-563	UNDESIGNATED SE SW 33	500.0	INTER NORTH INC
-L L WILKINS ELECTRIC & OIL CO			RECEIVED:	01/21/83	JA: OK			
8318503	19114	3504921866	103		HAROLD #3	MAYSVILLE	36.0	WARREN PETROLEUM
-LONGHORN OIL & GAS CO			RECEIVED:	01/21/83	JA: OK			
8318545	19165	3504321188	103		K R CLINE #1	SOUTH ALEDO	150.0	PANHANDLE EASTERN
-LUBELL OIL CO			RECEIVED:	01/21/83	JA: OK			
8318547	19164	3506320599	108		LUBELL #3-4 CITY OF WETUMKA	WETUMKA	2.6	PUBLIC SERVICE CO
-MARSH OIL & GAS CO			RECEIVED:	01/21/83	JA: OK			
8318518	18890	3506321558	103		GEORGE #7-1		72.9	WELLHEAD ENTERPRI
-MOBIL OIL CORP			RECEIVED:	01/21/83	JA: OK			
8318494	19160	3513700000	108		SW VELMA SPRI 5-7 BEUL A WARDEN E&F	SHO VEL TUM	1.1	GETTY OIL CO
8318493	19159	3513700000	108		SW VELMA SPRINGER 9-1 DOAK ZIGLER 1	SHO VEL TUM	2.5	GETTY OIL CO
-MPS ENTERPRISES INC			RECEIVED:	01/21/83	JA: OK			
8318533	19133	3504722358	103		CHARLIE #1	SOONER TREND	50.0	PHILLIPS PETROLEU
-NONDORF OIL & GAS INC			RECEIVED:	01/21/83	JA: OK			
8318491	18770	3508520538	102-2		MARTIN 1-16	N E OSWALT	1.0	
8318492	18771	3508121682	102-2		REYNOLDS #1-33	SOUTHEAST ARLINGTON	93.8	EL PASO NATURAL G
8318530	18769	3508520517	102-2		WILLIAMS #1-7	N E OSWALT	1.0	
-P C RESOURCES INC			RECEIVED:	01/21/83	JA: OK			
8318544	19162	3513723186	103		LIVINGSTON #3	NORTH VELMA	75.0	MOBIL OIL CORP
-PETRO-ENERGY EXPLORATION INC			RECEIVED:	01/21/83	JA: OK			
8318525	18558	3504722817	103		SHADES #1-4	SOONER TREND	100.0	PANHANDLE EASTERN
-PHILLIPS PETROLEUM COMPANY			RECEIVED:	01/21/83	JA: OK			
8318511	19088	3513900000	108		KASER #4	GUYMON S-MORROW	0.0	PANHANDLE EASTERN
8318522	19087	3513900000	108		KASER #5	GUYMON S-MORROW	0.0	PANHANDLE EASTERN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318521	19085	3513900000		108		NORTON C #2	GUYMON-HUGOTON	0.0	MICHIGAN WISCONSI
8318531	19134	3501722314		103		SHUTTEE TRUST #2	CONCHO	0.0	ONG WESTERN INC
-RATLIFF EXPLORATION CO				RECEIVED:	01/21/83	JA: OK			
8318539	18665	3510920599		102-4	103	WILKERSON #1	WHEATLAND	0.0	CONOCO INC
-READ & STEVENS INC				RECEIVED:	01/21/83	JA: OK			
8318507	19131	3507100000		103		L B SHECKLER 1-A		400.0	CHASE EXPLORATION
-RESCO ENTERPRISES INC				RECEIVED:	01/21/83	JA: OK			
8318523	16731	3503723578		102-2		HUDGINS #1	W SAPULPA	15.0	COLORADO GAS COMP
-SAKET PETROLEUM CO				RECEIVED:	01/21/83	JA: OK			
8318505	19123	3510300000		103		HAGEMAN #1		145.0	ARCO OIL & GAS CO
-SAMEDAN OIL CORPORATION				RECEIVED:	01/21/83	JA: OK			
8318549	22553	3501521280		107-DP		L H FLANSBURG #1-1		1679.0	
-SENECA OIL COMPANY				RECEIVED:	01/21/83	JA: OK			
8318516	18772	3501722098		102-2	103	PRAIRIE ESTATES #1-34		18.3	PHILLIPS PETROLEU
8318517	18773	3501722049		102-2		TREECE #2-34		8.1	PHILLIPS PETROLEU
-SENTRY PETROLEUM CORP				RECEIVED:	01/21/83	JA: OK			
8318537	22648	3511921783		102-4		MARCO #3	YALE-QUAY	36.0	PHILLIPS PETROLEU
-SERVICE DRILLING CO				RECEIVED:	01/21/83	JA: OK			
8318512	19094	3508300000		103		IVA #1-33		0.0	CITIES SERVICE GA
-SILVER LAKE EXPLORATION				RECEIVED:	01/21/83	JA: OK			
8318540	18739	3507122391		103		JOHN COURTNEY #1	N E BLACKWELL	54.7	CHASE EXPLORATION
-STAR RESOURCES INC				RECEIVED:	01/21/83	JA: OK			
8318506	19126	3510721243		103		STAMFORD #1-26	WELEETKA	150.0	PUBLIC SERVICE CO
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/21/83	JA: OK			
8318527	18363	3512321687		103		L F KINLEY #4	FITTS	84.0	
-SWAN PETROLEUM CORP				RECEIVED:	01/21/83	JA: OK			
8318546	19166	3504521022		103		LARASON #1	S W FARGO	0.0	INTER NORTH INC
-TEXOMA NATURAL GAS & OIL CORP				RECEIVED:	01/21/83	JA: OK			
8318515	19112	3503723472		103		BROWN #3 037-69225	NORTH KELLYVILLE	11.0	COLORADO GAS COMP
8318502	19113	3503723674		103		BROWN #4 037-69225	NORTH KELLYVILLE	9.0	COLORADO GAS COMP
-TOMLINSON OIL CO INC				RECEIVED:	01/21/83	JA: OK			
8318496	19188	3500722228		103		BENJEGERDES #1	MOCANE-LAVERNE	24.8	INTER NORTH INC
-TRIGG DRILLING COMPANY INC				RECEIVED:	01/21/83	JA: OK			
8318508	19135	3508720774		103		D M BROOKS #2	SOUTH BLANCHARD	365.0	
-VULCAN ENERGY CORP				RECEIVED:	01/21/83	JA: OK			
8318510	19198	3507322708		103		SHABERG #1	SOONER TREND	109.5	PHILLIPS PETROLEU
-WHITMAR EXPLORATION CO				RECEIVED:	01/21/83	JA: OK			
8318542	18759	3507720248		102-4		MCCREERY #1-30	RED OAK - NORRIS	0.0	ARKANSAS LOUISIAN
-WILLIAM H DAVIS				RECEIVED:	01/21/83	JA: OK			
8318513	19095	3505320855		103		WAKITA TOWNSITE #1	WAKITA TREND	146.0	CITIES SERVICE GA
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ALCOVE INVESTMENTS				RECEIVED:	01/20/83	JA: PA			
8318387	18367	3700522744		103		LORAN B & CAROL A HALL #1	COWANSHANNOCK	30.0	APOLLO GAS CO
-ATLAS RESOURCES INC				RECEIVED:	01/20/83	JA: PA			
8318388	18443	3706327115		102-4		GLEN WILLIAMS #1	CHERRYHILL	60.0	COLUMBIA GAS TRAN
8318390	18445	3706327111		102-4		INDIANA SPORTSMENS CLUB #1	CHERRYHILL	116.0	COLUMBIA GAS TRAN
8318391	18557	3706327017	D	102-2		ST JOHNS U O CHURCH #2	GREEN	0.0	COLUMBIA GAS TRAN
8318389	18444	3706327100		102-4		VOLKAY #1	CHERRYHILL	193.0	COLUMBIA GAS TRAN
-BARON CREST ENERGY PROGRAM NO IV				RECEIVED:	01/20/83	JA: PA			
8318368	17016	3703120906		108		CARMEN FURRELL DREW #1	RIMERSBURG	1.5	NATIONAL FUEL GAS
8318369	17017	3703120907		108		CARMEN FURRELL DREW #2	EAST BRADY	1.5	NATIONAL FUEL GAS

JD NO	JD DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CABOT OIL & GAS CORP				RECEIVED:	01/20/83	JA: PA			
8318397	18581	3712132773		102-2		JOHN GILES #1	CANAL	50.0	TENNESSEE GAS PIP
8318396	18580	3712132773		107-TF		JOHN GILES #1	CANAL	50.0	TENNESSEE GAS PIP
8318395	18579	3712132914		102-2		ROLLIN ROUGH #1	CANAL	50.0	TENNESSEE GAS PIP
8318394	18578	3712132914		107-TF		ROLLIN ROUGH #1	CANAL	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	01/20/83	JA: PA			
8318384	18268	3704922009		107-TF		RONALD ABBOTT #1 82-17 ERI-22009	CONNEAUT	0.0	COLUMBIA GAS TRAN
-COWEN ASSOCIATES LTD II				RECEIVED:	01/20/83	JA: PA			
8318372	17313	3703921416		103		LAWRENCE BERKEBILE #1	LAWRENCE BERKEBILE	18.3	NATIONAL FUEL GAS
8318373	17314	3703921416		107-TF		LAWRENCE BERKEBILE #1	LAWRENCE BERKEBILE	18.3	NATIONAL FUEL GAS
-DORAN & ASSOCIATES INC				RECEIVED:	01/20/83	JA: PA			
8318371	17181	3706325652	D	108		R & P COAL #8 KJ-10	UPPER DEVONIAN SANDS	20.0	COLUMBIA GAS TRAN
8318370	17180	3706325651		108		R & P COAL 7 KJ-9	UPPER DEVONIAN SANDS	20.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	01/20/83	JA: PA			
8318380	17551	3704922106		107-TF		G GRUENWALD #1-A	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8318378	17547	3704922105		107-TF		R DALE #1-A	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8318379	17549	3704922054		107-TF		R TITUS #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8318381	17552	3704922001		107-TF		S REYDA #1	CLYMER	18.0	TENNESSEE GAS PIP
8318377	17546	3704922022		107-TF		W BEMIS #2	CLYMER	18.0	TENNESSEE GAS PIP
-EPSILON 1980 S T JOINT VENTURE				RECEIVED:	01/20/83	JA: PA			
8318338	11306	3706522296		108		O'HARRAH #1	WINSLOW	0.0	NATIONAL FUEL GAS
-MICON ENERGY GROUP LTD				RECEIVED:	01/20/83	JA: PA			
8318398	18662	3708339974		108		OVER THE HILL #OH-1	ADRIAN & MARGARET BOU	7.3	NATIONAL FUEL GAS
-MID-EAST OIL CO				RECEIVED:	01/20/83	JA: PA			
8318401	18715	3706324720		103		WAYNE R RHEA #1	PLUMVILLE	14.6	PEOPLES NATURAL G
8318400	18714	3706324721		103		WAYNE R RHEA #2	PLUMVILLE	15.7	PEOPLES NATURAL G
-MITCH-WELL ENERGY INC				RECEIVED:	01/20/83	JA: PA			
8318349	15754	3704921722		102-2		GUSTAVE W & PAULINE T WELZ #1	WATERFORD POOL	35.0	COLUMBIA GAS TRAN
8318350	15755	3704921122		107-TF		GUSTAVE W & PAULINE T WELZ #1	WATERFORD POOL	35.0	COLUMBIA GAS TRAN
8318348	15753	3704921773		107-TF		GUSTAVE W & PAULINE T WELZ #2	WATERFORD POOL	35.0	COLUMBIA GAS TRAN
8318347	15752	3704921723		102-2		GUSTAVE W & PAULINE T WELZ #2	WATERFORD POOL	35.0	COLUMBIA GAS TRAN
8318402	18873	3704921829		102-2		RONALD F & PATRICA D BURDICK #1	WATERFORD POOL	35.0	NATIONAL FUEL GAS
8318351	15970	3704921829		107-DV		RONALD F & PATRICIA D BURDICK #1	WATERFORD POOL	35.0	NATIONAL FUEL GAS
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/20/83	JA: PA			
8318393	18575	3703921735		107-TF		C J WALKER UNIT #1	CONNEAUT LAKE (MEDINA	411.0	TENNESSEE GAS PIP
8318392	18574	3703921735		103		C J WALKER UNIT #1	CONNEAUT LAKE (MEDINA	411.0	TENNESSEE GAS PIP
-MEA CROSS CO				RECEIVED:	01/20/83	JA: PA			
8318376	17361	3704921851		107-TF		CAMPBELL #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8318375	17360	3704921851		102-2		CAMPBELL #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8318344	15273	3704921831		102-2		DONALD & PATRICIA KOWALCZYK #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318343	15272	3704921831		107-TF		DONALD & PATRICIA KOWALCZYK #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318353	16133	3704921953		107-TF		GLOVER #3	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318352	16132	3704921953		102-2		GLOVER #3	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318357	16137	3704921948		107-TF		HANAS #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318356	16136	3704921948		102-2		HANAS #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318363	16911	3704922028		107-TF		HERBERT YAPLE #2	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318362	16910	3704922028		102-2		HERBERT YAPLE #2	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318365	16913	3704921966		102-2		JAMES RHEA #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318364	16912	3704921966		107-TF		JAMES RHEA #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318361	16909	3704922024		107-TF		JOSEPH BURAWA #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318360	16908	3704922024		102-2		JOSEPH BURAWA #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318355	16135	3704921902		107-TF		KREIGER #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318354	16134	3704921902		102-2		KREIGER #1	LEBOEUF	10.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318359	16139	3704921833	107-TF	LESIK #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318358	16138	3704921833	102-2	LESIK #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318342	15269	3704921854	102-2	LOUIS & RALPH BIZZARRO #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318341	15268	3704921854	107-TF	LOUIS & RALPH BIZZARRO #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318367	16915	3704921979	107-TF	MARJORIE RHEA #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318366	16914	3704921979	102-2	MARJORIE RHEA #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8318374	17358	3704921855	102-2	NITSCHKE #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8318345	15437	3704921589	102-2	PETER & GERTRUDE SIMON #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318346	15438	3704921589	107-TF	PETER & GERTRUDE SIMON #1	WATERFORD	10.0	NATIONAL FUEL GAS
-NYS NATURAL GAS COMPANY			RECEIVED:	01/20/83 JA: PA			
8318385	18351	3703921707	107-TF	FOX #2 - CRA - 21707	ATHENS	3.0	COLUMBIA GAS TRAN
8318386	18352	3703921707	103	FOX #2 - CRA 21707	ATHENS	3.0	COLUMBIA GAS TRAN
-PETRO EVALUATION SERVICES INC			RECEIVED:	01/20/83 JA: PA			
8318340	13697	3703900000	103	HITCHCOCK #2	CROSSINGVILLE	36.0	PETRO EVALUATION
8318339	13696	3703900000	107-TF	HITCHCOCK #2	CROSSINGVILLE	36.0	PETRO EVALUATION
-VICTORY DEVELOPMENT CO			RECEIVED:	01/20/83 JA: PA			
8318399	18713	3703321370	102-2	SAVAGE #1 CLE-21370	BURNSIDE	0.0	COLUMBIA GAS TRAN
-VINEYARD OIL & GAS CO			RECEIVED:	01/20/83 JA: PA			
8318383	17655	3704921824	102-2	OSBORNE #1	SUMMIT	18.0	NATIONAL FUEL GAS
8318382	17654	3704921824	107-TF	OSBORNE #1	SUMMIT	18.0	NATIONAL FUEL GAS
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM							
**********							
-ALPHA TWENTY-ONE PRODUCTION CO			RECEIVED:	01/20/83 JA: NM 4			
8318449	NM-1562-82	3002527206	103	BUCKSKIN FEDERAL #6	DOLLARHIDE-TUBB DRINK	12.0	EL PASO NATURAL G
-AMERADA HESS CORPORATION			RECEIVED:	01/20/83 JA: NM 4			
8318470	NM-1511-82	3003922926	103	JICARILLA APACHE "C" #3	PICTURED CLIFFS	416.5	EL PASO NATURAL G
8318469	NM-1525-82	3003922922	103	JICARILLA APACHE "D" #3	BALLARD PICTURED CLIF	29.2	EL PASO NATURAL G
-AMOCO PRODUCTION CO			RECEIVED:	01/20/83 JA: NM 4			
8318410	NM 0435-82	3002527473	102-4	FEDERAL CK #1	WILDCAT MORROW	273.0	EL PASO NATURAL G
8318467	NM-1546-82	3001522342	102-4	FEDERAL F COM #1	UNDESIGNATED WOLFCAMP	0.7	GAS CO OF NEW MEX
8318411	NM 0020-82ER	3003906012	108-ER	FRED PHILLIPS C #2	TAPACITO PICTURED CLI	0.0	NORTHWEST PIPELIN
8318468	NM 1539-82	3003922931	103	JICARILLA APACHE 102 #29A	BLANCO-MESAVERDE	35.0	GAS CO OF NEW MEX
-CHACE OIL COMPANY INC			RECEIVED:	01/20/83 JA: NM 4			
8318441	NM-1571-82	3003923047	103	JICARILLA #1-361-JV	SOUTH LINDRITH GALLUP	219.0	EL PASO NATURAL G
8318440	NM-1578-82	3003923024	103	JICARILLA 71-9	S LINDRITH GALLUP DAK	15.0	EL PASO NATURAL G
-CONOCO INC			RECEIVED:	01/20/83 JA: NM 4			
8318446	NM-1565-82	3003921506	103	AXI APACHE K #5A	AXI APACHE AREA	815.0	GAS CO OF NEW MEX
8318448	NM-1563-82	3001523363	103	FEDERAL 34 #2	SPRING	715.0	GAS CO OF NEW MEX
8318442	NM-1570-82	3002527599	103	HAWK A NO 9	NMFU-BLINEBRY	8.4	GETTY OIL CO
8318447	NM-1564-82	3003922999	103	NORTHEAST HAYNES #14	OTERO RANCH	547.0	EL PASO NATURAL G
8318443	NM-1569-82	3002527289	103	SEMU BLINEBRY #120	NMFU - BLINEBRY	0.0	WARREN PETROLEUM
8318445	NM-1566-82	3002527566	103	WARREN UNIT #91	NMFU - BLINEBRY	11.0	GETTY OIL CO
8318444	NM-1567-82	30025275P4	103	WARREN UNIT #93	NMFU - BLINEBRY	8.4	GETTY OIL CO
-CURTIS J LITTLE			RECEIVED:	01/20/83 JA: NM 4			
8318434	NM-1583-82	3004525394	103	WIEDEMER #1	FULCHER KUTZ PICTURED	36.0	EL PASO NATURAL G
8318433	NM-1584-82	3004525397	103	WIEDEMER #2	FULCHER KUTZ PICTURED	36.0	EL PASO NATURAL G
-DEPCO INC			RECEIVED:	01/20/83 JA: NM 4			
8318404	NM-1341-82	3003922916	103	MILES FEDERAL #1A	BLANCO MV/LARGO CHACR	360.0	
-DUGAN PRODUCTION CORP			RECEIVED:	01/20/83 JA: NM 4			
8318451	NM 1402-82	3004522938	103	BLANCO WASH #4	WHITE WASH MANCOS - D	3.5	EL PASO NATURAL G
-EL PASO EXPLORATION CO			RECEIVED:	01/20/83 JA: NM 4			
8318457	NM 1410-82	3003922979	103	JICARILLA 117E #5A	BLANCO MESAVERDE	150.0	NORTHWEST PIPELIN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318456	NM 1409-82	3003922980		103		JICARILLA 119N #4A	BLANCO MESAVERDE	100.0	NORTHWEST PIPELIN
8318458	NM 1412-82	3003922971		103		JICARILLA 123C #28E	BASIN DAKOTA	100.0	NORTHWEST PIPELIN
8318459	NM1413-82	3003922985		103		JICARILLA 152W #3E	BASIN DAKOTA	150.0	NORTHWEST PIPELIN
-EL PASO NATURAL GAS COMPANY				RECEIVED:	01/20/83	JA: NM 4			
8318414	NM-1606-82	3004520812		108		DAY A #12	BLANCO - PICTURED CLI	22.0	EL PASO NATURAL G
8318406	NM-1363-82	3003921218		108		JICARILLA C #12	SOUTH BLANCO - PICTUR	21.0	EL PASO NATURAL G
8318474	NM-1610-82	3004509246		108		LUDWICK #17	BASIN DAKOTA	17.0	EL PASO NATURAL G
8318475	NM 1426-82	3003923005		103		SAN JUAN 27-4 UNIT #150	BASIN DAKOTA	75.0	EL PASO NATURAL G
8318416	NM-1602-82	3003907218		108		SAN JUAN 28-4 UNIT #8	BLANCO - MESAVERDE	9.0	EL PASO NATURAL G
8318415	NM-1604-82	3003907137		108		SAN JUAN 28-6 UNIT #11	BLANCO - MESA VERDE	20.0	EL PASO NATURAL G
8318408	NM-1113-82	3003907339		108		SAN JUAN 28-6 UNIT #30	BLANCO - MESA VERDE	19.0	EL PASO NATURAL G
8318478	NM-1425-82	3003922210		107-TF		SAN JUAN 30-4 UNIT #39	BASIN DAKOTA	65.0	EL PASO NATURAL G
-ENERGY RESERVES GROUP INC				RECEIVED:	01/20/83	JA: NM 4			
8318430	NM-1588-82	3004523995		108		GALLEGOS CANYON UNIT P C #295	KUTZ WEST PICTURED CL	19.6	EL PASO NATURAL G
-GETTY OIL COMPANY				RECEIVED:	01/20/83	JA: NM 4			
8318473	NM 1642-82	3003922967		103		JICARILLA "B" #23E	BASIN DAKOTA	350.0	EL PASO NATURAL G
8318465	NM1551-82	3003922997		103		JICARILLA "B" #27	BALLARD PICTURED CLIF	250.0	EL PASO NATURAL G
8318466	NM1550-82	3003922930		103		JICARILLA "C" #32	OTERO CHACRA	80.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:	01/20/83	JA: NM 4			
8318407	NM-1336-82	3002526032		103		FELMONT FEDERAL #2	SALT LAKE MORROW SOUT	0.0	SOUTHERN UNION GA
-GULF OIL CORPORATION				RECEIVED:	01/20/83	JA: NM 4			
8318437	NM-1572-82	3001523772		102-2		LENTINI FEDERAL COM #1	NORTH LOVING MORROW	324.0	EL PASO NATURAL G
-LYNX PETROLEUM CONSULTANTS INC				RECEIVED:	01/20/83	JA: NM 4			
8318417	NM-1600-82	3002527861		103		LYNX FEDERAL #1	MALJAMAR	0.0	PHILLIPS PETROLEU
-MARTINDALE PETROLEUM CORPORATION				RECEIVED:	01/20/83	JA: NM 4			
8318464	NM1316-82	3002527287		103		DUNCAN FEDERAL #1	SANDHILLS GRAYBURG SA	16.0	GETTY OIL CO
-MERRION OIL & GAS CORP				RECEIVED:	01/20/83	JA: NM 4			
8318476	NM 1427-82	3004320653		103		BONANZA #8	CHACON DAKOTA	91.0	EL PASO NATURAL G
8318432	NM-1585-82	3003923009		103		CANYON LARGO UNIT #316	DEVILS FORK GALLUP	184.0	EL PASO NATURAL G
8318462	NM135282	3003922938		103		FIKES COM #2	DEVILS FORK GALLUP	243.0	EL PASO NATURAL G
-MESA PETROLEUM CO				RECEIVED:	01/20/83	JA: NM 4			
8318426	NM-159182107	3000561617		102-2	107-TF	CAMACK FEDERAL COM #9	PECOS SLOPE ABO	388.0	
8318425	NM-159282107	3000561731		102-2	107-TF	DEBBIE FEDERAL #8	UNDESIGNATED ABO	388.0	
8318439	NM-1576-82	3004525217		103		SOUTH BLANCO FEDERAL 26 #6	LYBROOK GALLUP EXT	72.0	GAS CO OF NEW MEX
-NORTHERN NATURAL GAS PRODUCING CO				RECEIVED:	01/20/83	JA: NM 4			
8318405	NM-1399-82	3004500000		108		NYE FEDERAL #3	BLANCO MESAVERDE GAS	19.4	EL PASO NATURAL G
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	01/20/83	JA: NM 4			
8318436	NM-1580-82	3003907963		108		ROSA UNIT #16	BLANCO MV	0.0	EL PASO NATURAL G
8318435	NM-1581-82	3003907838		108		SAN JUAN 30-5 UNIT 10	BLANCO MESAVERDE	0.0	NORTHWEST PIPELIN
-OXOCO PRODUCTION CORP				RECEIVED:	01/20/83	JA: NM 4			
8318429	NM-1590-82-A	3004524622		103		TRAIL CANYON #3	BLANCO MESA VERDE	112.0	NORTHWEST PIPELIN
8318427	NM-1590-82	3004524622		103		TRAIL CANYON #3	BASIN DAKOTA	26.0	NORTHWEST PIPELIN
-PERRY R BASS				RECEIVED:	01/20/83	JA: NM 4			
8318471	NM-145882102	3001523578		102-4		BIG EDDY UNIT #83	SAND POINT (ATOKA)	125.0	NATURAL GAS PIPEL
-READ & STEVENS INC				RECEIVED:	01/20/83	JA: NM 4			
8318413	NM-1611-82	3000561179		102-4		HARRIS FEDERAL #7	UND DIAMOND MOUND	164.0	EL PASO NATURAL G
-ROBERT L BAYLESS				RECEIVED:	01/20/83	JA: NM 4			
8318418	NM-1599-82	3003922914		103		AXI "A" #11	BALLARD PICTURED CLIF	36.0	GAS CO OF NEW MEX
8318419	NM-1598-82	3003922924		103		AXI "D" #5	BALLARD PIC CLIFFS	33.0	GAS CO OF NEW MEX
-SHERMAN F WAGENSELLER				RECEIVED:	01/20/83	JA: NM 4			
8318477	NM 1428-82	3003922863		103		MOBIL APACHE #17	SOUTH BLANCO PC	32.6	EL PASO GAS CO
8318472	NM 1926-82	3003922862		103		MOBIL APACHE 18 #1	SOUTH BLANCO PC	24.9	EL PASO GAS CO
-SOUTHLAND ROYALTY CO				RECEIVED:	01/20/83	JA: NM 4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318463	NM 1353-82	3004525382		103		HANKS #16E	BASIN	35.0	SOUTHERN UNION GA
8318422	NM-1594-82	3004508063		108		HARE #10	AZTEC	7.0	SOUTHERN UNION GA
8318423	NM-1595-82	3004507438		108		REID #13	AZTEC	12.0	SOUTHERN UNION GA
8318420	NM-1597-82	3004507337		108		REID #17	AZTEC PICTURED CLIFFS	7.3	SOUTHERN UNION GA
8318421	NM-1596-82	3004507292		108		REID #R	AZTEC PICTURED CLIFFS	4.5	SOUTHERN UNION GA
-STEVENS OPERATING CORP				RECEIVED:	01/20/83	JA: NM 4			
8318412	NM 038782107	3000561702		102-4	107-TF	MELVIN #1 (NM 32325)	WILDCAT ABO	66.0	TRANSWESTERN PIPE
-TENNECO OIL COMPANY				RECEIVED:	01/20/83	JA: NM 4			
8318452	NM 1405-82	3004525022		103		FLORANCE 126	UNDESIGNATED CHACRA	500.0	EL PASO NATURAL G
8318453	NM 1406-82	3004525302		103		OMLER A #11	UNDES CHACRA	500.0	EL PASO NATURAL G
8318454	NM 1407-82	3004525326		103		OMLER A #14	UNDES CHACRA	500.0	EL PASO NATURAL G
8318455	NM 1408-82	3004525303		103		OMLER A-12	UNDESIGNATED CHACRA	500.0	EL PASO NATURAL G
8318424	NM-1593-82	3004525261		103		RUSSELL 4E	BASIN DAKOTA	500.0	EL PASO NATURAL G
-WEXPRO COMPANY				RECEIVED:	01/20/83	JA: NM 4			
8318409	NM-0993-82	3004524992		103		GREG #1	BASIN-DAKOTA	31.7	EL PASO NATURAL G
-YATES PETROLEUM CORPORATION				RECEIVED:	01/20/83	JA: NM 4			
8318428	NM-1586-82	3001522365		107-RT		ALLISON "CQ" FED #3	UND CISCO	0.0	TRANSWESTERN PIPE
8318431	NM-1587-82	3001524133		103		ALLISON "CQ" FEDERAL #9	UND HOAG TANK MORROW	0.0	TRANSWESTERN PIPE
8318438	NM-1577-82	3001523371		103		BENSON DEEP UNIT #2	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
8318450	NM-155482102	3001523678		102-4	103	EASTERN SHORE "OV" FEDERAL #1	WILDCAT MORROW	0.0	TRANSWESTERN PIPE
8318460	NM1417-82	3001524049		103		LECHUGUILLA CANYON UNIT #9	WILDCAT MORROW	0.0	EL PASO NATURAL G
8318461	NM1418-82	3000520870		103		UNION "SI" FEDERAL #7	UND TOMAHAWK SA	0.0	CITIES SERVICE CO
-TENNECO OIL COMPANY				RECEIVED:	01/20/83	JA: OK 4			
8318403	OKA-1344-82	3503920776		103		WALKING WOMAN 1-31	NORTH WEATHERFORD	110.0	

SOURCE DATA FOR THIS NOTICE 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, OR SANDRA SPEAR (FERC) (202) 357-8681.

BILLING CODE 6717-01-C

The above 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 (MCV). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

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.**

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.3 mile rule)
102–3: New well (1000 ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old bcs lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CB: Coal seams
107–DV: Devonian shale
107–PR: 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.

[FR Doc. 83–4813 Filed 2–17–83; 8:45 am]

BILLING CODE 6717–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 10, 1983.

JD NO	JA I KT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
	OHIO DEPARTMENT OF NATURAL RESOURCES								
-ALL STATES OIL & PRODUCING CO INC		RECEIVED: 01/24/83 JA: OH							
8318551		3410323072		107-TF		JELEN #1	GRANGER	5.5	COLUMBIA GAS TRAN
8318552		3410323073		107-TF		JELEN WELL #2-A	GRANGER	5.5	COLUMBIA GAS TRAN
-APPALACHIAN EXPLORATION INC		RECEIVED: 01/24/83 JA: OH							
8318568		3415320505		107-TF		A CUNNINGTON #1	COPLEY	5.8	YANKEE RESOURCES
8318572		3415321137		107-TF		A R LOCKHART #2	COVENTRY	36.5	
8318554		3405923330		107-TF		A VANDERHILL #1	LIBERTY	45.6	FRUEKEL INC
8318560		3410322745		107-TF		C HAZEN #1	SHARON	7.3	YANKEE RESOURCES
8318553		3405923027		107-TF		CARLOS #1	MONROE	36.5	FRUEKEL INC
8318561		3410322826		107-TF		ESTATE OF S KELLER #2	WADSWORTH	4.4	YANKEE RESOURCES
8318556		3410322624		107-TF		J PATTERSON #1	SHARON	4.1	YANKEE RESOURCES
8318557		3410322625		107-TF		J PATTERSON #2	WADSWORTH	8.0	YANKEE RESOURCES
8318558		3410322626		107-TF		J PATTERSON #3	WADSWORTH	4.4	YANKEE RESOURCES
8318566		3415320792		107-TF		K WASIL #1	NORTON	62.0	YANKEE RESOURCES
8318565		3415320776		107-TF		L BETTS #1	COPLEY	365.0	YANKEE RESOURCES
8318569		3415320928		107-TF		OHIO SPORTSMEN CLUB #1	COPLEY	8.3	YANKEE RESOURCES
8318570		3415321004		107-TF		R EMERY #1	COPLEY	8.4	YANKEE RESOURCES
8318564		3415320743		107-TF		R HEMPHILL #1	COPLEY	46.8	YANKEE RESOURCES
8318571		3415321080		107-TF		RAIRICK #1	COPLEY	14.6	
8318562		3410322827		107-TF		S KELLER ESTATE #3	WADSWORTH	4.7	YANKEE RESOURCES
8318567		3415320794		107-TF		SOVARY-BURKHART #1	NORTON	7.8	YANKEE RESOURCES
8318559		3410322709		107-TF		W HARTLEY #1	WADSWORTH	11.0	YANKEE RESOURCES
8318563		3415320741		107-TF		W L VAN NOSTRAN #1	COPLEY	5.5	YANKEE RESOURCES
8318555		3410322547		107-TF		W MASON #1	SHARON	4.0	YANKEE RESOURCES
-B-J INC		RECEIVED: 01/24/83 JA: OH							
8318578B		3416923019	D	107-TF		A JOHNSON #1	MILTON	18.0	COLUMBIA GAS TRAN
8318578A		3416923019		103		A JOHNSON #1	MILTON	18.0	COLUMBIA GAS TRAN
8318573B		3407523410	D	107-TF		BENJAMIN GIAUQUE #1	RICHLAND	18.0	COLUMBIA GAS TRAN
8318573A		3407523410		103		BENJAMIN GIAUQUE #1	RICHLAND	18.0	COLUMBIA GAS TRAN
8318574B		3407523413	D	107-TF		E GIAUQUE #1	RICHLAND	18.0	COLUMBIA GAS TRAN
8318574A		3407523413		103		E GIAUQUE #1	RICHLAND	18.0	COLUMBIA GAS TRAN
8318576A		3407523821		103		ELMER GIAUQUE #2	RICHLAND	18.0	COLUMBIA GAS TRAN
8318576B		3407523821	D	107-TF		ELMER GIAUQUE #2	RICHLAND	18.0	COLUMBIA GAS TRAN
8318577B		3407523822	D	107-TF		ELMER GIAUQUE #3	RICHLAND	18.0	COLUMBIA GAS TRAN
8318577A		3407523822		103		ELMER GIAUQUE #3	RICHLAND	18.0	COLUMBIA GAS TRAN
8318575B		3407523414	D	107-TF		H HAWKINS #1	RICHLAND	18.0	COLUMBIA GAS TRAN
8318575A		3407523414		103		H HAWKINS #1	RICHLAND	18.0	COLUMBIA GAS TRAN
-BATES OIL & GAS INC		RECEIVED: 01/24/83 JA: OH							
8318583		3408322691	D	108		BERMAN FLESHMAN #1		2.4	COLUMBIA GAS TRAN
-BAUM-GILCREST JOINT VENTURE		RECEIVED: 01/24/83 JA: OH							
8318584		3413322944		107-TF		GILCREST #1	KENT	25.0	COLUMBIA GAS OF O

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-BERRESFORD ENTERPRISES INC				RECEIVED:	01/24/83	JA: OH			
8318588		3416725206		108		GAREN #1		2.0	
8318587		3416725110		108		GREGORY GREENE #1		1.0	
8318586		3416725035		108		GREGORY GREENE #2		1.0	
8318589		3416725983		108		ULLMAN #1		0.5	
-BKK PROSPECTING LTD				RECEIVED:	01/24/83	JA: OH			
8318582		3416727231		103		COU WHETSTONE #2	SALEM	10.0	COLUMBIA GAS TRAN
8318581		3416727229		103		COY WETSTONE #1	SALEM	10.0	COLUMBIA GAS TRAN
8318579		3412122777		103		MANTEL #1	JEFFERSON	10.0	COLUMBIA GAS TRAN
8318580		3412122778		103		MANTEL #2	JEFFERSON	10.0	COLUMBIA GAS TRAN
-BLACK RUN DEVELOPMENT CO				RECEIVED:	01/24/83	JA: OH			
8318590		3411926469		103		TYSON-KING #1	LICKING	7.3	NATIONAL GAS & OI
-CAMERON BROS				RECEIVED:	01/24/83	JA: OH			
8318594		3411926419		107-TF		KENNETH GREINER #2	WASHINGTON	11.0	
-CANECO RESOURCES CORP				RECEIVED:	01/24/83	JA: OH			
8318596		3416923428		107-TF		AMSTUTZ #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8318598		3416923448		107-TF		GEISER #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8318597		3416923438		107-TF		MAST #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8318595		3416923412		107-TF		SNAVELY #1	WILDCAT	0.0	COLUMBIA GAS TRAN
-CLINTON OIL CO				RECEIVED:	01/24/83	JA: OH			
8318599		3411926489		103	107-TF	R HITTLE UNIT #1-761	SALEM	10.0	
8318600		3411926534		103	107-TF	ROBERT MCBRIDE #2-720	CASS	10.0	
-DALTON & HANNA CO				RECEIVED:	01/24/83	JA: OH			
8318601		3415720248		108		GERALD F GRAFF #1		0.0	EAST OHIO GAS CO
-DAVID A WALDRON & ASSOC INC				RECEIVED:	01/24/83	JA: OH			
8318719		3415321224		103	107-TF	NITRAM #2	COPLEY	28.0	
-DUSTY DRILLING COMPANY INC				RECEIVED:	01/24/83	JA: OH			
8318602		3411521088		107-TF		POPE #1	DEERFIELD	12.0	COLUMBIA GAS TRAN
-EDCO DRILLING & PRODUCING INC				RECEIVED:	01/24/83	JA: OH			
8318603		3407522498		108		JACOB ED-1A		18.0	COLUMBIA GAS TRAN
8318604		3408322825		108		KAUFFMAN KB-2A		18.0	COLUMBIA GAS TRAN
-EDWARD H EVERETT CO				RECEIVED:	01/24/83	JA: OH			
8318608		3411923979		107-RT		L DOCKRAY #1	FALLS TWP	27.4	NATIONAL GAS & OI
-ELKHEAD GAS & OIL COMPANY				RECEIVED:	01/24/83	JA: OH			
8318605		3408320290		103		LEPLEY #2	BUTLER	50.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	01/24/83	JA: OH			
8318607		3400922658		103	107-TF	DRYDOCK COAL #18D	DOVER	27.3	COLUMBIA GAS TRAN
8318606		3400922520		103	107-TF	DRYDOCK COAL #20	DOVER	18.2	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC				RECEIVED:	01/24/83	JA: OH			
8318609		3415723751		103	107-TF	RALPH H ROMIG #1	RUSH	0.0	
-FAIRPOINT COAL CO				RECEIVED:	01/24/83	JA: OH			
8318610		3401320472		103		L ZACCAGNINI #3	RICHLAND	21.3	
-FOX OIL CO				RECEIVED:	01/24/83	JA: OH			
8318611		3416120063		103		C M THOMAS #	LIBERTY	60.0	WEST OHIO GAS CO
8318612		3416120073		103		L J RAABE #1	LIBERTY	60.0	WEST OHIO GAS CO
-GREEN GAS COMPANY				RECEIVED:	01/24/83	JA: OH			
8318613		3405321166		107-TF		MCFAUL #1	COLUMBIA	10.0	COLUMBIA GAS TRAN
-H I SNYDER OIL & GAS				RECEIVED:	01/24/83	JA: OH			
8318696		3415723112		108		CARRUTHERS #1	WASHINGTON	5.0	EAST OHIO GAS CO
8318697		3415723164		108		CARRUTHERS #2	WASHINGTON	5.0	EAST OHIO GAS CO
8318686		3415722407		108		DEEDS #1	DOVER	3.0	I F MFG
8318687		3415722411		108		DEEDS #2	DOVER	3.0	I F MFG
8318692		3415722907		108		OHIO INDUSTRIAL SUPPLY #1	WARREN	3.0	EAST OHIO GAS CO

JD NO	JA LRT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318688		3415722645	D	108		OHIO INDUSTRIAL SUPPLY #2	WARREN	3.0	EAST OHIO GAS CO
8318689		3415722669	D	108		OHIO INDUSTRIAL SUPPLY #3	WARREN	3.0	GREER STEEL
-H I SNYDER OIL & GAS DRLG PTNSP 76A		RECEIVED:		01/24/83		JA: OH			
8318690		3415722715		108		DEEDS #4	WASHINGTON	2.0	EAST OHIO GAS CO
8318691		3415722734	D	108		OHIO INDUSTRIAL SUPPLY #4	WASHINGTON	3.0	GREER STEEL
-H I SNYDER OIL & GAS DRLG PTNSP 77A		RECEIVED:		01/24/83		JA: OH			
8318695		3415723001		108		DEEDS #3	WASHINGTON	5.0	EAST OHIO GAS CO
8318694		3415722986		108		HURSEY #1	WASHINGTON	9.0	EAST OHIO GAS CO
8318693		3415722985		108		HURSEY #2	WASHINGTON	9.0	EAST OHIO GAS CO
-H I SNYDER OIL & GAS DRLG PTNSP 78A		RECEIVED:		01/24/83		JA: OH			
8318698		3415723171		108		HAGAN #1	WASHINGTON	7.0	EAST OHIO GAS CO
-JADOIL INC		RECEIVED:		01/24/83		JA: OH			
8318616		3403124097		107-TF		D R J FENDER #1	MILLCREEK	15.0	EAST OHIO GAS CO
8318618		3407523330		107-TF		DAN & ELLA YODER #1	CLARK	40.0	EAST OHIO GAS CO
8318617		3407521727		107-TF		DAVID AND FANNIE TROYER #1	CLARK	15.0	EAST OHIO GAS CO
8318615		3403123396		107-TF		P F & M V LORENZ #1	CRAWFORD	10.0	EAST OHIO GAS CO
8318619		3407522337		107-TF		PERRY & SAM MILLER #1	CLARK	5.0	EAST OHIO GAS CO
-JAMES R BERNHARDT		RECEIVED:		01/24/83		JA: OH			
8318585		3410323065		103	107-TF	LOOMIS #2	GRANGER	0.0	COLUMBIA GAS TRAN
-JEFFERSON OIL & GAS CO		RECEIVED:		01/24/83		JA: OH			
8318620		3412725655		107-TF		CROSSAN #2	FULTONHAM WEST	20.0	COLUMBIA GAS TRAN
-JERRY MOORE INC		RECEIVED:		01/24/83		JA: OH			
8318641		3403122981		103		LEWIS SHANNON #4	WARSAW	2.0	COLUMBIA GAS TRAN
-L & M OIL & GAS DEVELOPMENT CO		RECEIVED:		01/24/83		JA: OH			
8318622		3416923407	D	107-TF		LADRACH #2	PLAIN	10.0	COLUMBIA GAS TRAN
8318621		3416923382		107-TF		W-D INC (GANT/GROSJEAN) #1	CHESTER	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC		RECEIVED:		01/24/83		JA: OH			
8318623		3407522883		103		FRED KLOHA #1	RICHLAND	15.0	COLUMBIA GAS TRAN
8318624		3407523454		103		PAUL ZOLLARS #2	RICHLAND	15.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC		RECEIVED:		01/24/83		JA: OH			
8318626		3413322851		107-TF		D ROBERTS #1	WINDHAM	24.0	COLUMBIA GAS TRAN
8318628		3413322896		107-TF		F VINE #5	WINDHAM	24.0	COLUMBIA GAS TRAN
8318629		3413322900		107-TF		H CLARK UNIT #1	WINDHAM	12.0	COLUMBIA GAS TRAN
8318625		3413322823		107-TF		L A SHOWALTER #1	WINDHAM	18.0	COLUMBIA GAS TRAN
8318627		3413322894		107-TF		N CHAFFEE #1	WINDHAM	12.0	COLUMBIA GAS TRAN
-ONEAL PETROLEUM INC		RECEIVED:		01/24/83		JA: OH			
8318643		3411522392		107-TF		J ROGERS #1	PENN	12.0	COLUMBIA GAS TRAN
8318644		3411522635		107-TF		J ROGERS #2	PENN	19.0	COLUMBIA GAS TRAN
8318645		3411522667		107-TF		R MERCER #2	PENN	18.0	COLUMBIA GAS TRAN
-OXFORD OIL CO		RECEIVED:		01/24/83		JA: OH			
8318646		3411522829		107-TF		I P PORTER #1	DEERFIELD	12.0	
8318647		3411925914		107-TF		PAUL CUBBISON #1	UNION	11.0	
-PAUL J OBERMILLER		RECEIVED:		01/24/83		JA: OH			
8318642		3416923420		103	107-TF	RICHARD BAUMAN #3	MILTON	12.0	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP		RECEIVED:		01/24/83		JA: OH			
8318656		3405520375		107-TF		A P BARBER #1 GC-108	CLARIDON	22.5	EAST OHIO GAS CO
8318655		3405520373		107-TF		BLUM UNIT #1 GC-304	CLARIDON	30.5	EAST OHIO GAS CO
8318651		3405520332		107-TF		BURTON ARMSTRONG #1 GC-103	CLARIDON	35.6	EAST OHIO GAS CO
8318654		3405520372		107-TF		CROWLEY UNIT #1 GC-203	CLARIDON	15.7	EAST OHIO GAS CO
8318657		3405520381		107-TF		DEL BALSO SCHMIDT UNIT #2 GC-305	CLARIDON	27.2	EAST OHIO GAS CO
8318653		3405520363		107-TF		GEAUGA COUNTY INFIRMARY #1 GC-309	CLARIDON	26.2	EAST OHIO GAS CO
8318652		3405520353		107-TF		WILLIAM W OPPER #1 GC-105	CLARIDON	24.0	EAST OHIO GAS CO
-PINE TOP ESTATES PARTNERSHIP		RECEIVED:		01/24/83		JA: OH			

JD NO	JA PKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318658		3415321244		103	107-TF	LYNETT UNIT #1	BATH	0.0	EAST OHIO GAS CO
-POI ENERGY INC				RECEIVED: 01/24/83 JA: OH					
8318648		3405520387		103	107-TF	BAINBRIDGE INVESTMENTS #1	BAINBRIDGE	35.0	
8318649		3405520388		103	107-TF	SEAWORLD ETAL #2	BAINBRIDGE	45.0	
8318650		3413322918		103	107-TF	SEAWORLD INC #T-1	AURORA	55.0	
-POMINEX INC				RECEIVED: 01/24/83 JA: OH					
8318664		3409921537		103	107-TF	BIEBER UNIT #1	BOARDMAN	18.0	
8318663		3409921536		103	107-TF	BIEBER UNIT #2	BOARDMAN	18.0	
8318662		3409921535		103	107-TF	BIEBER UNIT #3	BOARDMAN	18.0	
8318661		3409921530		103	107-TF	HOLZBACH UNIT #1	CANFIELD	18.0	
8318660		3409921523		103	107-TF	URSULINE NUNS #2	CANFIELD	18.0	
-PONDEROSA OIL COMPANY				RECEIVED: 01/24/83 JA: OH					
8318665		3407522323		108		FERNANDO MATA #1		0.0	COLUMBIA GAS TRAN
8318666		3407522324		108		H WOLGAMOTT #1		0.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP				RECEIVED: 01/24/83 JA: OH					
8318668		3411926506		103	107-TF	C & L VERNON #1	ADAMS	11.0	COLUMBIA GAS TRAN
-QUALITY OIL & GAS CORP				RECEIVED: 01/24/83 JA: OH					
8318667		3409921312		107-TF		HAWKINS-GLEE #2	SMITH	45.0	EAST OHIO GAS CO
-R C POLING CO INC				RECEIVED: 01/24/83 JA: OH					
8318659		3416322785		103	107-TF	ROBERT SWANGER #1	SWAN	5.0	
-R GENE BRASEL DBA BRASEL & BRASEL				RECEIVED: 01/24/83 JA: OH					
8318592		3410521702		108		FLOYD CARSON #1		1.5	COLUMBIA GAS TRAN
8318593		3410521984		108		FLOYD CARSON #2		1.0	COLUMBIA GAS TRAN
8318591		3405320329		108		STELLA BURNETT #1		1.5	COLUMBIA GAS TRAN
-RIMCO OPERATING INC				RECEIVED: 01/24/83 JA: OH					
8318669		3416923269		103	107-TF	BEELER #1-A	PLAIN	12.0	COLUMBIA GAS TRAN
8318670		3416923271		103	107-TF	COEN #1	CHESTER	12.0	COLUMBIA GAS TRAN
8318674		3416923383		103	107-TF	HOOKWAY #2	CANAAN	12.0	COLUMBIA GAS TRAN
8318671		3416923280		103	107-TF	R MAIRS #1	WOOSTER	12.0	COLUMBIA GAS TRAN
8318673		3416923295		103	107-TF	RAUDEBAUGH #1	WAYNE	12.0	COLUMBIA GAS TRAN
8318672		3416923294		103	107-TF	SNYDER UNIT #1	CHESTER	12.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 01/24/83 JA: OH					
8318676		3416727225		103		LONGFELLOW #7	GRANDVIEW	14.6	
-SANTA FE DRILLING CO INC				RECEIVED: 01/24/83 JA: OH					
8318675		3416724022		103		HAROLD & DORA WEPPLER #2	FEARING	50.0	
-SHONGUM OIL & GAS INC				RECEIVED: 01/24/83 JA: OH					
8318678		3416923180		107-TF		BARKMAN ETAL #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8318679		3416923181		107-TF		BARKMAN ETAL #2	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8318680		3416923182		107-TF		DOROTHY SHAMMO #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8318681		3416923311		107-TF		EDWARD CHIRDON #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8318677		3416923119		107-TF		JAMES URWIN #1	SUGAR CREEK	12.0	EAST OHIO GAS CO
8318683		3416923396		107-TF		ROLAND FAIR #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8318682		3416923338		107-TF		RUSSELL BAER #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8318684		3416923422		107-TF		STEINER UNIT #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
-SOUTHERN TRIANGLE OIL CO INC				RECEIVED: 01/24/83 JA: OH					
8318685		3411521320		108		EUBANK #1	PELLICAN	2.9	EAST OHIO GAS COR
-TEXACO INC				RECEIVED: 01/24/83 JA: OH					
8318701		3411521193		108		C R PHILLIS UNIT #1	HACKNEY	7.8	TEXAS EASTERN TRA
8318702		3411521196		108		OMA SHERLOCK UNIT #1	HACKNEY	4.3	TEXAS EASTERN TRA
8318699		3411521173		108		ORA J STOUT #1	HACKNEY	7.4	TEXAS EASTERN TRA
8318700		3411521186		108		RALPH MORETZ UNIT #1	HACKNEY	3.8	TEXAS EASTERN TRA
-TIGER OIL INC				RECEIVED: 01/24/83 JA: OH					
8318704		3411922497		108		BURLINGAME #1		2.0	EAST OHIO GAS CO

JD NO	JA DKT	API NO	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318703		3405921191	108		C BELL #1		17.0	EAST OHIO GAS CO
8318705		3411922859	108		H CULBERTSON #1		2.0	EAST OHIO GAS CO
8318706		3412121542	108		OHIO POWER #2		1.0	EAST OHIO GAS CO
-TOWNER PETROLEUM CO			RECEIVED: 01/24/83 JA: OH					
8318708		3405923394	103	107-TF	BONIPHANT B #2	LONDONDERRY	27.0	TENNESSEE GAS PIP
8318707		3405923387	103	107-TF	FERGUSON D #1	LONDONDERRY	27.0	TENNESSEE GAS PIP
-TWINOAKS OIL & GAS			RECEIVED: 01/24/83 JA: OH					
8318709		3403124913	103		J SCHULER & D L WIDDER 1-A	MONROE	6.0	COLUMBIA GAS TRAN
-UNIVERSAL EXPLORATION			RECEIVED: 01/24/83 JA: OH					
8318710		3410323212	107-TF		JAMES E & K PACE #1	WADSWORTH	25.0	YANKEE RESOURCES
-VICTOR PETROLEUM CORP			RECEIVED: 01/24/83 JA: OH					
8318712		3407523899	103	107-TF	DAN R MILLER #1	CLARK	0.0	COLUMBIA GAS TRAN
8318711		3407523849	103	107-TF	N L RABER #1	CLARK	9.0	COLUMBIA GAS TRAN
-VIKING RESOURCES CORP			RECEIVED: 01/24/83 JA: OH					
8318717		3409921486	103	107-TF	HAWKINS UNIT #1	BERLIN	30.0	
8318713		3408520331	103	107-TF	HICKS #3	PERRY	30.0	
8318716		3408520354	103	107-TF	KLYN ##	PERRY	30.0	
8318714		3408520336	103	107-TF	LAKE COUNTY NURSERY #1	PERRY	30.0	
8318715		3408520338	103	107-TF	LAKE COUNTY NURSERY ##	PERRY	30.0	
-W B C CORP			RECEIVED: 01/24/83 JA: OH					
8318718		3400720142	108		TALKINGTON #1		2.3	EAST OHIO GAS CO
-W J LYDIC INC			RECEIVED: 01/24/83 JA: OH					
8318635		3411521601	108		BERNARD COMBS #1		6.0	YANKEE RESOURCES
8318632		3411122301	103		BUTLER #1	OHIO	40.0	COLUMBIA GAS TRAN
8318636		3411521622	108		ETHEL L WELCH #1		11.5	YANKEE RESOURCES
8318631		3411122230	103		HARP-LANCASTER 3A	JACKSON	35.0	COLUMBIA GAS TRAN
8318639		3411521634	108		JEFFERSON A TRACEY #1		10.0	YANKEE RESOURCES
8318630		3407523692	103		KINER 1-17-3	MECHANIC	36.0	COLUMBIA GAS TRAN
8318634		3411122899	103		KURTZMAN #1A	SALEM	40.0	COLUMBIA GAS TRAN
8318637		3411521624	108		MARK SPRAY #1		11.0	YANKEE RESOURCES
8318633		3411122814	103		MARTIN #1	LEE	50.0	COLUMBIA GAS TRAN
8318638		3411521625	108		SMITH #1		10.0	YANKEE RESOURCES
8318640		3411521709	108		WILKINSON #1		7.0	YANKEE RESOURCES
-WALLICK PETROLEUM CO			RECEIVED: 01/24/83 JA: OH					
8318720		3411926446	103	107-TF	HAROLD GAREY #1	CASS	10.0	NATIONAL GAS & OI
8318721		3411926463	103	107-TF	JOHN SHAW #2	CASS	10.0	NATIONAL GAS & OI
-WAYNE HAMMOND			RECEIVED: 01/24/83 JA: OH					
8318614		3415723788	103	107-TF	E W & L C RICHARD #1	LAWRENCE	7.3	COLUMBIA GAS TRAN
-ZENITH OIL & GAS INC			RECEIVED: 01/24/83 JA: OH					
8318722		3408924238	103		EMERINE #1	NASHPORT	1.5	NATIONAL GAS & OI

SOURCE DATA FOR THIS NOTICE 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, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4314 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-C

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 10, 1983.

JD NO	JA CKT	API NO	P SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
LOUISIANA OFFICE OF CONSERVATION							
-TXO PRODUCTION CORP			RECEIVED: 01/24/83	JA: LA			
8318783	82-1171	1706120320	102-A	WILKS #1	CLAY	56.9	ARKANSAS-LOUISIAN
NORTH DAKOTA INDUSTRIAL COMMISSION							
-MONSANTO OIL CO			RECEIVED: 01/24/83	JA: ND			
8318782	691	3301300895	103	ALFRED #1	FLAXTON	19.0	CITIES SERVICE CO
8318781	690	3301300931	103	ALFRED #2	FLAXTON	100.0	CITIES SERVICE CO
8318777	686	3301300887	103	BIRD #1	FLAXTON	8.3	CITIES SERVICE CO
8318775	684	3301300871	103	ELLITHORPE #1	MISSION CANYON	638.4	CITIES SERVICE CO
8318780	689	3301300901	103	JENSEN #1	FLAXTON	55.0	CITIES SERVICE CO
8318773	682	3301300925	103	JENSEN #2	FLAXTON	7.1	CITIES SERVICE CO
8318779	688	3301300917	103	MARVIN #1	FLAXTON	18.0	CITIES SERVICE CO
8318776	685	3301300935	103	MARVIN #2	FLAXTON	170.0	CITIES SERVICE CO
8318774	683	3301300930	103	MAVIS #1	FLAXTON	90.0	CITIES SERVICE CO
8318778	687	3301300910	103	SORUM #1	FLAXTON	100.0	CITIES SERVICE CO
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS							
-C & C OPERATING CORP			RECEIVED: 01/24/83	JA: NM			
8318763		3002500000	108	LEA OR STATE #1	ARKANSAS JUNCTION SAN	0.9	WARREN PETROLEUM
-GULF OIL CORPORATION			RECEIVED: 01/24/83	JA: NM			
8318764		3001520375	108	JONES "D" #2	ATOKA SAN ANDRES	1.3	PHILLIPS PETROLEU
8318762		3001520377	108	JONES "D" #4	ATOKA SAN ANDRES	1.2	PHILLIPS PETROLEU
-MESA PETROLEUM CO			RECEIVED: 01/24/83	JA: NM			
8318765		3000561735	102-B 107-TF	ERMA #1	WILDCAT ABO	150.0	
OKLAHOMA CORPORATION COMMISSION							
-A B OIL CO			RECEIVED: 01/24/83	JA: OK			
8318821	21419	3514723753	102-2	POOS 1-A	WILDCAT	72.0	MARION CORP
-ANDOVER OIL COMPANY			RECEIVED: 01/24/83	JA: OK			
8318837	19448	3501722141	103	ADAMS PARK #7-3		54.0	DELHI GAS PIPELIN
-BEARD OIL COMPANY			RECEIVED: 01/24/83	JA: OK			
8318820	19508	3507323648	103	LINDSEY #1	SOONER TREND-DOVER WE	55.0	PHILLIPS PETROLEU
-BOW VALLEY PETROLEUM INC			RECEIVED: 01/24/83	JA: OK			
8318793	19202	3504721982	10P	HANE 33-1		10.0	CITIES SERVICE CO
8318794	19203	3509320424	108	WARFIELD 1-32		7.2	AMINOIL USA INC
-BURL PETROLEUM CO INC			RECEIVED: 01/24/83	JA: OK			
8318813	16197	3510500000	103	BEARD #2		2.5	CITIES SERVICE GA
8318812	16198	3510500000	103	BEARD #3		2.5	CITIES SERVICE GA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318811	16397	3510500000		103		SCOTT #1		2.5	CITIES SERVICE GA
-CLARK OPERATING SERVICES INC				RECEIVED:	01/24/83	JA: OK			
8318805	19154	3511122647		103		EWELL #3-23	NUYAKA	31.0	PHILLIPS PETROLEU
-CLARK RESOURCES INC				RECEIVED:	01/24/83	JA: OK			
8318829	19337	3504723010		103		GOODWIN 15-1	SOONER TREND	50.0	EXXON CO USA
-EAGLE MINERALS INC.				RECEIVED:	01/24/83	JA: OK			
8318839	19450	350R121766		103		SHAW #4		0.0	COLORADO GAS COMP
-ENSERCH EXPLORATION INC				RECEIVED:	01/24/83	JA: OK			
8318810	16399	3514920222		103		E C WALTERS - CITY OF CLINTON #1-22	BURNS FLAT	0.0	NATURAL GAS PIPEL
-GEC PRODUCTION CO				RECEIVED:	01/24/83	JA: OK			
8318823	19332	3504722655		103		BRAINARD #1	RINGWOOD	0.0	PANHANDLE EASTERN
-GRAND RESOURCES INC				RECEIVED:	01/24/83	JA: OK			
8318830	19340	3504723080		103		MILACEK #2-14	SOONER TREND	0.0	WELLHEAD ENTERPRI
-HPC INC				RECEIVED:	01/24/83	JA: OK			
8318819	19507	3501722325		103		CLARK #1	WEST EL RENO	28.0	
8318814	19312	3503920746		103		DON MCNEIL #4	S E THOMAS	13.6	WESTERN FARMERS E
-HUNGERFORD OIL & GAS INC				RECEIVED:	01/24/83	JA: OK			
8318826	19444	3504723009		103		KIDD-MELHERTER #3		288.0	AMINOIL USA INC
8318825	19443	3504723009		103		ROY BEEBY #1		226.8	AMINOIL USA INC
-J WALTER DUNCAN JR				RECEIVED:	01/24/83	JA: OK			
8318816	19370	3501521392		103		WILLARD 1	SOUTH BINGER	190.0	PIONEER GAS PRODU
-JET OIL COMPANY				RECEIVED:	01/24/83	JA: OK			
8318785	19367	3504723051		103		OTJEN #2	WILSON	82.0	EASON OIL CO
-JONES & PELLOW OIL CO				RECEIVED:	01/24/83	JA: OK			
8318796	19257	3501922251		103		BUCK 17-1	TATUMS	100.0	AMINOIL USA INC
8318797	19258	3501922534		103		HUNSUCKER 11-4	TATUMS	100.0	MOBIL OIL CORP
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	01/24/83	JA: OK			
8318840	19453	3509321659		103		LAUGHBAUM #1	CHEYENNE VALLEY	182.0	TRANSOK PIPELINE
8318804	19196	3504700000		108		TOEWS #1-17	NORTH ENID	12.0	CHAMPLIN PETROLEU
-L E JONES PRODUCTION COMPANY				RECEIVED:	01/24/83	JA: OK			
8318815	19369	3501922482		103		BENSON #1	SHO-VEL-TUM	0.0	LONE STAR GAS CO
-MAGIC CIRCLE ENERGY CORP				RECEIVED:	01/24/83	JA: OK			
8318801	19353	3515121261		103		LYNN OSHEL #1	S W WAYNOKA	30.0	MAGIC CIRCLE GAS
8318802	19354	3515121223		103		VANDEVELDE #1	OAKWOOD	31.0	MAGIC CIRCLE GAS
-MAHAN-ROWSEY INC.				RECEIVED:	01/24/83	JA: OK			
8318832	19397	3504921913		103		SEARCY #4		36.0	WARREN PETROLEUM
-MONSANTO OIL CO				RECEIVED:	01/24/83	JA: OK			
8318841	21541	3504320419		108		THOMPSON #1	VICI S W	17.0	TRANSWESTERN PIPE
-MORGAN & STEINERT INC				RECEIVED:	01/24/83	JA: OK			
8318795	19244	3507323562		103		MARY #1	SOONER TREND	120.0	EXXON CO USA
-O G OIL CO				RECEIVED:	01/24/83	JA: OK			
8318799	19284	3514722512		103		GUINN #B-10	GUINN LEASE	4.6	BARTLESVILLE GATH
8318798	19283	3514722511		103		GUINN #B-11	GUINN LEASE	1.7	BARTLESVILLE GATH
8318800	19285	3514722513		103		GUINN #B-9	GUINN LEASE	0.7	BARTLESVILLE GATH
-P-T LTD 80				RECEIVED:	01/24/83	JA: OK			
8318808	18438	3504722380		108		VAVERKA 25-1	SOONER TREND	15.0	WELLHEAD ENTERPRI
-PATHFINDER PETROLEUM CORP				RECEIVED:	01/24/83	JA: OK			
8318806	18928	3508321861		103		TOWLE #1	SOONER TREND	0.0	EASON OIL CO
-PETRO-ENERGY EXPLORATION INC				RECEIVED:	01/24/83	JA: OK			
8318836	19442	3504723023		103		LEGRAND #1-1	SOUTH DOUGLAS	100.0	WELLHEAD ENTERPRI
-PETROMARK EXPLORATION INC				RECEIVED:	01/24/83	JA: OK			
8318807	18722	3507323550		103		WHITE 4-1	SOONER TREND	7.5	CITIES SERVICE GA
-RANDALL POGUE				RECEIVED:	01/24/83	JA: OK			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318803	19365	3512321665		103		DUNCAN #1	NORTH ADA	54.0	ARKANSAS LOUISIAN
-RH OPERATING CO				RECEIVED:	01/24/83	JA: OK			
8318788	19409	3510524006		108		COYLE #10	SOUTH COFFEYVILLE	6.0	RH OPERATING CO
8318790	19411	3510524007		108		COYLE #11	SOUTH COFFEYVILLE	6.0	RH OPERATING CO
8318792	19413	3510524004		108		COYLE #8	SOUTH COFFEYVILLE	6.0	RH OPERATING CO
8318791	19412	3510524005		108		COYLE #9	SOUTH COFFEYVILLE FIE	6.0	RH OPERATING CO
8318787	19408	3510523778		108		E SMITH #29	SOUTH COFFEYVILLE	6.0	RH OPERATING CO
8318789	19410	3510523959		108		KING #3	SOUTH COFFEYVILLE FIE	6.0	RH OPERATING CO
8318838	19416	3503520255		106		VANNESS #32-3	NORTH CRAIG	6.0	TRANS-GAS CO
8318842	19415	3503520282		108		VANNESS #32-4	NORTH CRAIG	6.0	TRANS-GAS CO
8318828	19414	3503520991		108		VANNESS #32-5	NORTH CRAIG	6.0	TRANS-GAS CO
8318827	19406	3503520990		108		VANNESS #32-6	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
-STANTON ENERGY INC				RECEIVED:	01/24/83	JA: OK			
8318835	19440	3511921935		103		ED KELLY #1		90.0	COLORADO GAS COMP
-STAR RESOURCES INC				RECEIVED:	01/24/83	JA: OK			
8318831	19342	3510721242		103		WALKER #1-24	N E WELEETKA	20.0	PUBLIC SERVICE CO
-STEVE JERNIGAN INC				RECEIVED:	01/24/83	JA: OK			
8318809	16972	3509322452		103		EDINGFIELD #1-18		0.0	DELHI GAS PIPELIN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	01/24/83	JA: OK			
8318824	19333	3507323110		103		BARNES GAS UT # 2U	LACEY SE (VIOLA)	361.0	ARKLA OIL CO
-TENNECO OIL COMPANY				RECEIVED:	01/24/83	JA: OK			
8318833	19405	3507323345		103		LEFLER 1A-30	OKARCHE NORTH	11.0	DELHI GAS PIPELIN
8318834	19436	3505300000		108		STAGGERS 2-4	LAMONT EAST	5.5	CRA INC
8318822	22789	3500920353		107-DP		SWEET #1-21	S NEW LIBERTY	200.0	TENNESSEE GAS PIP
-TEXACO INC				RECEIVED:	01/24/83	JA: OK			
8318817	19501	3513723018		103		HATTIE HARRELL "D" #1	DOYLE POOL	293.6	TENNESSEE GAS PIP
8318818	19502	3513723018		103		HATTIE HARRELL "D" 1	DOYLE POOL	62.9	TENNESSEE GAS PIP
-TXO PRODUCTION CORP				RECEIVED:	01/26/83	JA: OK			
8318885	17319	3506120378		103		MITCHELL "G" #1	KINTA	755.0	DELHI GAS PIPELIN
-VIERSEN & COCHRAN				RECEIVED:	01/24/83	JA: OK			
8318786	19368	3501721984		103		SPURLIN #3-14	EAST EL RENO	150.0	DELHI GAS PIPELIN
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VIRGINIA DEPARTMENT OF LABOR & INDUSTRY									
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-PHILADELPHIA OIL COMPANY				RECEIVED:	01/26/83	JA: VA			
8318844		4505120464		103		WILMA C HELTON #P-123 .	NORA	196.4	KENTUCKY WEST VIR
8318843		4505120462		103		WILMA C HELTON #P-124	NORA	46.3	KENTUCKY WEST VIR
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED:	01/24/83	JA: WV			
8318761		4701900156		108		POCAHONTAS LAND CO #20 - 166071	LOUP CREEK	4.0	ELKEM METALS CO
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	01/24/83	JA: WV			
8318760		4704300788		108		L R SWEETLD ETAL - 802432	W VA FIELD AREA B	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	01/24/83	JA: WV			
8318746		4703302377		108		A O SWIGER WN 12538	EAGLE	23.0	GENERAL SYSTEM PU
8318745		4704700833		108		CONSOLIDATED COAL CO 12656	ELKHORN DISTRICT	22.0	GENERAL SYSTEM PU
8318748		4700100384		108		IRA MCBEE WN-10968	PLEASANT	23.0	GENERAL SYSTEM PU
8318747		4703300704		108		LAVINA MCMILLAN WN 11546	UNION DISTRICT	13.0	GENERAL SYSTEM PU
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	01/27/83	JA: WV			
8318886		4704700271		108		OLGA COAL CO WN-10555	SANDY RIVER	23.0	GENERAL SYSTEM PU
-J & J ENTERPRISES INC				RECEIVED:	01/24/83	JA: WV			
8318727		4703302175		108		B-235	UNION	0.0	CONSOLIDATED GAS

JD NO	JA CRT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318739		4703322333		108		B-239	UNION	0.0	CONSOLIDATED GAS
8318740		4703322356		108		B-242	UNION	0.0	CONSOLIDATED GAS
8318733		4704102745		108		B-273	COURTHOUSE	0.0	CONSOLIDATED GAS
8318734		4700121183		108		B-275	PLEASANT	0.0	CONSOLIDATED GAS
8318728		4703322640		108		B-326	TENMILE	0.0	CONSOLIDATED GAS
8318729		4703322660		108		B-328	TENMILE	0.0	CONSOLIDATED GAS
8318731		4703302347		108		B-331	ELK	0.0	CONSOLIDATED GAS
8318730		4703322790		108		B-341	TENMILE	0.0	CONSOLIDATED GAS
8318732		4703302389		108		B-356	SARDIS	0.0	CONSOLIDATED GAS
8318752		4701725270		108		J-105	NEW MILTON	0.0	COLUMBIA GAS TRAN
8318743		4701722598		108		J-114	NEW MILTON	0.0	CONSOLIDATED GAS
8318753		4701722838		108		J-126	NEW MILTON	0.0	CONSOLIDATED GAS
8318735		4701722700		108		J-140	NEW MILTON	0.0	CONSOLIDATED GAS
8318757		4709520782		108		J-162	CENTERVILLE	0.0	CARNEGIE NATURAL
8318742		4701722600		108		J-169	CENTRAL	0.0	CONSOLIDATED GAS
8318738		4701722814		108		J-17	CENTRAL	0.0	CONSOLIDATED GAS
8318751		4701722617		108		J-230	CENTRAL	0.0	COLUMBIA GAS TRAN
8318750		4701712636		108		J-235	CENTRAL	0.0	COLUMBIA GAS TRAN
8318755		4703322465		108		J-246	SARDIS	0.0	CONSOLIDATED GAS
8318759		4709722083		108		J-281	BANKS	0.0	COLUMBIA GAS TRAN
8318741		4701722787		108		J-302	CENTRAL	0.0	CONSOLIDATED GAS
8318758		4701722803		108		J-348	CENTRAL	0.0	EQUITABLE NATURAL
8318749		4701722808		108		J-358	NEW MILTON	0.0	CARNEGIE NATURAL
8318744		4701725950		108		J-36	NEW MILTON	0.0	CONSOLIDATED GAS
8318756		4703322486		108		J-371	SARDIS	0.0	CONSOLIDATED GAS
8318754		4702123696		108		J-376	TROY	0.0	CONSOLIDATED GAS
8318737		4701722789		108		J-50	NEW MILTON	0.0	CONSOLIDATED GAS
8318736		4701722785		108		J-52	NEW MILTON	0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY		RECEIVED: 01/24/82 JA: WV							
8318882		4706100315		108-PB		CASCADE B #1		0.0	CONSOLIDATED GAS
8318883		4706100316		108-PB		CASCADE C #1		0.0	CONSOLIDATED GAS
-PHILLIPS PETROLEUM COMPANY		RECEIVED: 01/24/83 JA: WV							
8318884		4707712700		108-PB		JASPER B #1	SOUTH BURNS CHAPEL	17.5	CONSOLIDATED GAS
-STERLING DRILLING & PROD CO INC		RECEIVED: 01/24/83 JA: WV							
8318723		4701501680		108		ALOI 22 SDP #102	BUFFALO DISTRICT	19.0	EQUITABLE GAS CO
8318725		4701501662		108		S NOTTINGHAM #159	OTTER DISTRICT	13.0	EQUITABLE GAS CO
8318726		4701501663		108		S NOTTINGHAM 160	OTTER DISTRICT	23.4	EQUITABLE GAS CO
8318724		4700701433		108		WIANT #131	SALT LICK DISTRICT	4.0	EQUITABLE GAS CO
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
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-ARCO OIL AND GAS COMPANY		RECEIVED: 01/26/83 JA: CO 1							
8318856	CD 0562-82	0506706605		103	107-TF	SOUTHERN UTE 18-2 33-10 (TF)	IGNACIO BLANCO	128.0	WESTERN SLOPE GAS
8318854	CD 0540-82	0506706461		103	107-TF	SOUTHERN UTE 19-2 33-10 (TF)	IGNACIO BLANCO	95.0	WESTERN SLOPE GAS
8318855	CD 0534-82	0506706458		103	107-TF	SOUTHERN UTE 19-4 33-10 (TF)	IGNACIO BLANCO	70.0	WESTERN SLOPE GAS
-BEARTOOTH OIL & GAS CO		RECEIVED: 01/26/83 JA: CO 1							
8318874	CD-0578-82	0510308957		103		NATOMAS FEDERAL #9-15	DRAGON TRAIL	70.0	NORTHWEST PIPELIN
8318873	CD 0577-82	0510308956		103		NATOMAS FEDERAL #9-6	DRAGON TRAIL	70.0	NORTHWEST PIPELIN
-CELSIUS ENERGY CO		RECEIVED: 01/26/83 JA: CO 1							
8318860	CD 0561-82	0508106437		102-2		HIAWATHA DEEP UNIT #2	HIAWATHA	650.0	MOUNTAIN FUEL SUP
-COORS ENERGY CO		RECEIVED: 01/26/83 JA: CO 1							
8318877	CD 0555-82	0507708493		102-2	107-TF	USA 1-18JC	JACKSON CANYON FEDERA	185.0	NORTHWEST PIPELIN
-COSEKA RESOURCES (USA) LIMITED		RECEIVED: 01/26/83 JA: CO 1							

JD NO	JA DKT	API NO	F	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318857	CD 0567-82	0510308913		102-2		FEDERAL #1-14-1N-103	WILDCAT	237.3	NORTHWEST PIPELIN
8318858	CD 0587-82	0510308976		102-2		FEDERAL 5-13-1N-103	WILDCAT	1120.0	NORTHWEST PIPELIN
-FUEL RESOURCES DEVELOPMENT CO		RECEIVED: 01/26/83 JA: CO 1							
8318868	CD 0549-82	0510308524		103	107-TF	G-14-3-101-S	CATHEDRAL	9.6	MOUNTAIN FUEL SUP
8318869	CD 0535-82	0510308532		102-2	107-TF	H-27-3-101-S	CATHEDRAL	9.0	MOUNTAIN FUEL SUP
8318870	CD0541-82	0510308787		102-2	107-TF	K-27-3-101-S	CATHEDRAL	8.3	MOUNTAIN FUEL SUP
-GETTY OIL COMPANY		RECEIVED: 01/26/83 JA: CO 1							
8318878	CD 0544-82	0508106514		103		H W OBORNE #2	WEST MAMATMA	100.0	MOUNTAIN FUEL SUP
-GULF OIL CORPORATION		RECEIVED: 01/26/83 JA: CO 1							
8318879	CD 0570-82	0508106417		102-3		FEDERAL LAND BANK #23-2	BIG WOLF DEEP UNIT	150.0	NORTHWEST PIPELIN
-MITCHELL ENERGY CORPORATION		RECEIVED: 01/26/83 JA: CO 1							
8318865	CD0512-82	0507708447		102-2		COYOTE WASH UNIT 2-4-8-102A	WILDCAT	0.0	
-MURCHISON BROTHERS		RECEIVED: 01/26/83 JA: CO 1							
8318846	CD 0546-82	0506706591		103		SOUTHERN UTE #14-20-151-17	IGNACIO-BLANCO	61.0	WESTERN SLOPE GAS
8318845	CD 0547-82	0506706592		103		SOUTHERN UTE #14-20-151-17	IGNACIO-BLANCO	57.0	WESTERN SLOPE GAS
8318847	CD 0545-82	0506706590		103		SOUTHERN UTE BLK 6 WELL #6-5	IGNACIO-BLANCO	70.5	WESTERN SLOPE GAS
-NORTHWEST PIPELINE CORPORATION		RECEIVED: 01/26/83 JA: CO 1							
8318875	CD 0580-82	0506705719		103		IGNACIO 33-7 #10	IGNACIO BLANCO MESAVE	0.0	NORTHWEST PIPELIN
-SUN EXPLORATION & PRODUCTION CO		RECEIVED: 01/26/83 JA: CO 1							
8318881	CD 0573-82	0510308676		103		SAGEBRUSH HILLS II #11-2-99	CORRAL CREEK (MANCOS	153.0	INTER NORTH INC
-TWIN ARROW INC		RECEIVED: 01/26/83 JA: CO 1							
8318863	CD0559-82	0510308407		107-TF		CONTINENTAL 3-28	CATHEDRAL	8.1	NORTHWEST PIPELIN
8318864	CD0560-82	0510308124		108		MOUNTAIN FUEL 5-34	CATHEDRAL	13.3	IGC PRODUCTION CO
-TXO PRODUCTION CORP		RECEIVED: 01/26/83 JA: CO 1							
8318853	CD 0558-82	0510308874		103		TEXAS MOUNTAIN FEDERAL #2	TEXAS MOUNTAIN	408.0	WESTERN SLOPE GAS
-AMBRA OIL & GAS CO		RECEIVED: 01/26/83 JA: UT 1							
8318876	UD 0556-82	4301930950		102-4		23-4 I F	GREATER CISCO (CISCO	20.0	NORTHWEST PIPELIN
-BEARTOOTH OIL & GAS CO		RECEIVED: 01/26/83 JA: UT 1							
8318872	UD 0590-82	4301930962		103		FEDERAL #33-16	SAN ARROYO	650.0	NORTHWEST PIPELIN
8318871	UD 0589-82	4301930963		103		FEDERAL #33-8	SAN ARROYO	750.0	NORTHWEST PIPELIN
-CELSIUS ENERGY CO		RECEIVED: 01/26/83 JA: UT 1							
8318859	UD 0550-82	4304731241		103		ISLAND UNIT #11	ISLAND	738.0	MOUNTAIN FUEL SUP
8318862	UD 0552-82	4304731242		103		ISLAND UNIT #12	ISLAND	533.0	MOUNTAIN FUEL SUP
8318861	UD 0551-82	4304731239		103		ISLAND UNIT #13	ISLAND	936.0	MOUNTAIN FUEL SUP
-COASTAL OIL & GAS CORP		RECEIVED: 01/26/83 JA: UT 1							
8318850	UD 0575-82	4304731098		103	107-TF	NATURAL BUTTES UNIT #64 N-3 8-9-21	NATURAL BUTTES	292.0	COLORADO INTERSTA
8318851	UD 0576-82	4304731246		103	107-TF	NATURAL BUTTES UNIT #85J (4-10-22)	NATURAL BUTTES	365.0	COLORADO INTERSTA
8318848	UD 0538-82	4304731088		103	107-TF	NBU #72N-3 (12-10-20)	NATURAL BUTTES	328.0	COLORADO INTERSTA
8318849	UD 0539-82	4304731250		103	107-TF	NBU #87J (3-10-22)	NATURAL BUTTES	584.0	COLORADO INTERSTA
-NATURAL GAS CORPORATION OF CALIF		RECEIVED: 01/26/83 JA: UT 1							
8318867	UD0557-82	4304730616		108		MAIN CANYON UNIT 11-9-15-23	MAIN CANYON	22.5	PACIFIC GAS & ELE
8318866	UD0548-82	4304730698		107-TF		RIVER BEND 11-22E	RIVER BEND FIELD	108.0	PACIFIC GAS & ELE
-ODEGARD RESOURCES INC		RECEIVED: 01/26/83 JA: UT 1							
8318880	UD 0572-82	4301930852		103		WESTWATER UNIT #5	WESTWATER UNIT	180.0	NORTHWEST PIPELIN
-TXO PRODUCTION CORP		RECEIVED: 01/26/83 JA: UT 1							
8318852	UD 0582-82	4301930708		108		BAILEY FEDERAL #1	WILDCAT	383.0	NORTHWEST PIPELIN
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM									
**********									
-CONSOLIDATED OIL & GAS INC		RECEIVED: 01/24/83 JA: NM 4							
8318784	NM-1224-80	3003921510		108-PB		TRIBAL "C" 11-A	BLANCO MESAVERDE	21.0	NORTHWEST PIPELIN
**********									
** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK									
**********									
-GUSSMAN OIL CO		RECEIVED: 01/24/83 JA: OK 8							

BILLING CODE 6717-01-C

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318766		3511300000		102-4		FRED #1A	EAST OSAGE CITY	150.0	CITIES SERVICE GA
8318767		3511300000		102-4		FRED #2A	EAST OSAGE CITY	140.0	CITIES SERVICE GA
-NADEL & GUSSMAN				RECEIVED: 01/24/83		JA: OK 8			
8318769		3511300000		103		HAPPY #2-A	TIDAL OSAGE	4.0	PHILLIPS PETROLEU
8318770		3511300000		103		HAPPY #3A	TIDAL OSAGE	4.0	PHILLIPS PETROLEU
8318771		3511300000		103		HAPPY #4-A	TIDAL OSAGE	4.0	PHILLIPS PETROLEU
8318772		3511300000		103		HAPPY #5-A	TIDAL OSAGE	2.0	PHILLIPS PETROLEU
8318768		3511300000		102-4		SAVAGE #1A	SIGNAL HILLS	50.0	PHILLIPS PETROLEU

SOURCE DATA FOR THIS NOTICE 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, OR SANDRA SPEAR (FERC) (202) 357-8681.

The above 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 10 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (A) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 10 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**.

Categories within each MGPA section are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.5 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4315 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: February 10, 1983.

CD NO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-ALAN J ANTWEIL		RECEIVED: 01/28/83 JA: NM							
8319053		3002527932		103		SHAMU #1 1-A-12-20S-37E	SKAGGS DRINKARD	64.2	WARREN PETROLEUM
-AMERADA HESS CORPORATION		RECEIVED: 01/28/83 JA: NM							
8319062		3002500000		108		WEIR "A" #1	EUNICE-MONUMENT	11.4	WARREN PETROLEUM
-ARCO OIL AND GAS COMPANY		RECEIVED: 01/28/83 JA: NM							
8319063		3001521255		108-ER		STATE BR COM #1	AVALON	78.9	GAS CO OF NEW MEX
-CITIES SERVICE COMPANY		RECEIVED: 01/28/83 JA: NM							
8319064		3002500000		108-ER		STATE #5	EUMONT YATES	0.0	INTER NORTH INC
-HARVEY E YATES COMPANY		RECEIVED: 01/28/83 JA: NM							
8319052		3001524076		103		HEYCO AID STATE COM #1	UND S EMPIRE MORROW	0.0	TRANSWESTERN PIPE
-HNG OIL COMPANY		RECEIVED: 01/28/83 JA: NM							
8319056		3002527849		103		LOVINGTON PLAINS "1" STATE COM #1	UNDESIGNATED N EIDSON	100.4	WARREN PETROLEUM
-PHILLIPS PETROLEUM COMPANY		RECEIVED: 01/28/83 JA: NM							
8319065		3002526686		108		EAST VACUUM GB/SA TR 3456 #010	VACUUM GB/SA	0.0	EL PASO NATURAL G
-READ & STEVENS INC		RECEIVED: 01/28/83 JA: NM							
8319055		3001524270		103		AMOCO MESA #1	UND BUNKER HILL PENRO	1.0	PHILLIPS PETROLEU
8319054		3001524271		103		MOBIL MESA #1	UND BUNKER HILL PENRO	1.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO		RECEIVED: 01/28/83 JA: NM							
8319051		3004525395		103		RATTLESNAKE CANYON #2	BLANCO	275.0	EL PASO NATURAL G
-SUN EXPLORATION & PRODUCTION CO		RECEIVED: 01/28/83 JA: NM							
8319057		3001500000		103		PECOS IRRIGATION CO #1	SOUTH CULEBRA BLUFF	197.1	TRANSWESTERN PIPE
-TEXAS WEST OIL & GAS CORPORATION		RECEIVED: 01/28/83 JA: NM							
8319061		3002500000		108		STATE "2" #2	ANTELOPE RIDGE (ATOKA	0.5	EL PASO NATURAL G
-TRANSWESTERN GAS SUPPLY CO		RECEIVED: 01/28/83 JA: NM							
8319058		3000561020		107-TF		MACHO STATE #1	WILDCAT/ABO	11.0	TRANSWESTERN PIPE
8319060		3000561132		102-2		MACHO STATE #2	WILDCAT/ABO	55.0	TRANSWESTERN PIPE
8319059		3000561132		107-TF		MACHO STATE #2	WILDCAT/ABO	55.0	TRANSWESTERN PIPE
-WARREN PETR CO A DIV OF GULF OIL CO		RECEIVED: 01/28/83 JA: NM							
8319067		3002509940		108		ALICE PADDOCK #4	BLINEBRY	6.8	EL PASO NATURAL G
8319066		3002505730		108		D A WILLIAMS #2	EUNICE MONUMENT	16.4	EL PASO NATURAL G
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-BEREA OIL AND GAS CORPORATION		RECEIVED: 01/28/83 JA: NY							
8319082	4731	3101317944		107-TF		H OAG 3-A	WILDCAT	16.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION		RECEIVED: 01/28/83 JA: NY							
8319070	4715	3101110702		108		ANNA RINDFLEISCH N-1332	AUBURN	20.0	GENERAL SYSTEM PU
-ECLIPSE MANAGEMENT ASSOCIATES INC		RECEIVED: 01/28/83 JA: NY							
8319068	4791	3101314771		108		DAY (SWEETMAN) #3129	LAKE SHORE	14.2	NATIONAL FUEL GAS
8319086	4789	3101314869		107-TF		THOMPSON A #3162	LAKE SHORE	0.0	COLUMBIA GAS TRAN
8319085	4788	3101314869		103		THOMPSON A #3162	LAKE SHORE	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	L SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-GYPSUM ENERGY MANAGEMENT CO			RECEIVED:	01/28/83	JA: NY			
8319075	4744	3103717340	103		KOLARIK #1	HURON CREEK	10.0	U S GYPSUM CO
8319074	4746	3103717333	103		LITTLEJOHN #1	INDIAN FALLS	9.2	U S GYPSUM CO
8319073	4748	3103717341	103		MECK #1	HURON CREEK	8.2	U S GYPSUM CO
8319076	4742	3103717334	103		P KERN #2	HURON CREEK	3.5	U S GYPSUM CO
8319072	4750	3103717361	103		RILEY #1	INDIAN FALLS	10.2	U S GYPSUM CO
8319071	4752	3103717335	103		SIERK #1	HURON CREEK	10.1	U S GYPSUM CO
-J C WEIL CO INC			RECEIVED:	01/28/83	JA: NY			
8319078	4757	3102913631	108		GIALLANZA #1	LAWRENCE	3.0	NATIONAL FUEL GAS
-J M RESOURCES			RECEIVED:	01/28/83	JA: NY			
8319083	4760	3101317749	107-TF		A FAIRBANKS #1	FORESTVILLE	2.5	CHAUTAUQUA NATURA
8319080	4759	3101317749	103		A FAIRBANKS #1	FORESTVILLE	2.5	CHAUTAUQUA NATURA
-JAMISON GAS CO			RECEIVED:	01/28/83	JA: NY			
8319069	4729	3102917159	103		GAMPP #001	BUFFALO CREEK	0.6	NATIONAL FUEL GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO			RECEIVED:	01/28/83	JA: NY			
8319081	4741	3100916921	107-TF		CLARK #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
8319077	4740	3100916921	103		ROBERT CLARK #2	SKINNER HOLLOW	18.0	NATIONAL FUEL GAS
-UNIVERSAL RESOURCES HOLDINGS INC			RECEIVED:	01/28/83	JA: NY			
8319084	4762	3101317753	107-TF		S LANPHERE #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
8319079	4761	3101317753	103		S LANPHERE #1	CHARLOTTE	20.0	COLUMBIA GAS TRAN
**********								
OKLAHOMA CORPORATION COMMISSION								
**********								
-ANDOVER OIL COMPANY			RECEIVED:	01/27/83	JA: OK			
8319047	19389	3501721965	103		COURTNEY #30-1		21.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY			RECEIVED:	01/27/83	JA: OK			
8319005	19477	3501900000	108		C E SYKES #1	SHO-VEL-TUM	10.0	AMINOIL USA INC
-BANDERA ENERGY CO			RECEIVED:	01/27/83	JA: OK			
8318995	19543	3515321327	103		BURKHART 1-33	NORTH EAST WAYNOKA	1300.0	DELHI GAS PIPELIN
-BERRY OIL & GAS CO			RECEIVED:	01/27/83	JA: OK			
8319035	19178	3513300000	108		SEARCY #28-1		35.5	ARCO OIL & GAS CO
-BONRAY ENERGY CORP			RECEIVED:	01/27/83	JA: OK			
8319044	19393	3515321276	103		STATE-STORY #36-3	SW KEENAN	5.7	PHILLIPS PETROLEU
-BURKHART PETROLEUM CORP			RECEIVED:	01/27/83	JA: OK			
8319050	19361	3504551076	103		SCHOLLENBARGER #1-14	WEST SHATTUCK	0.0	TRANSWESTERN PIPE
-CANADIAN EXPLORATION CORP			RECEIVED:	01/27/83	JA: OK			
8319031	19360	3501777082	103		SCALAPINO #13-1	SOUTH YUKON	30.0	DELHI GAS PIPELIN
-CIMARRON PETROLEUM CORPORATION			RECEIVED:	01/27/83	JA: OK			
8319036	19028	3505921007	102-2		CPC #158-2 WILLS		270.0	MICHIGAN WISCONSI
8319037	19027	3505921007	103		CPC #158-2 WILLS		120.0	MICHIGAN WISCONSI
-CITIES SERVICE COMPANY			RECEIVED:	01/27/83	JA: OK			
8318997	19537	3500713021	108		MILES K #3	MOCANE	5.3	COLORADO INTERSTA
-COTTON PETROLEUM CORPORATION			RECEIVED:	01/27/83	JA: OK			
8319022	22760	3501521218	107-DP		DRUE #1		0.0	UNITED GAS PIPELI
-DEMINEX US OIL COMPANY			RECEIVED:	01/27/83	JA: OK			
8319001	19497	3504921710	103		GREEN #3	S W PAOLI	1.0	WARREN PETROLEUM
-DOME PETROLEUM CORP			RECEIVED:	01/27/83	JA: OK			
8319025	18706	3504321354	103		MILLER #1-5		264.6	TRANSWESTERN PIPE
-ECC OIL CO			RECEIVED:	01/27/83	JA: OK			
8319041	19472	3514722611	103		THOMAS #32-1 S32-T25N-R14E	OGLESBY GAS FIELD	23.0	OKAN GAS CO
8319042	19471	3514722612	103		THOMAS #32-2 S32-T25N-R14E	OGLESBY GAS	5.5	OKAN GAS CO
-F C D OIL CORP			RECEIVED:	01/27/83	JA: OK			
8319033	19357	3507323605	103		STATES 1-13	SOONER TREND	54.8	EXXON CO USA

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-FOREST OIL CORPORATION				RECEIVED:	01/27/83	JA: OK			
8319020	22822	3512920909		107-DP		MCCASKILL #1-19	N W BERLIN (SOUTH CHE	1100.0	EL PASO NATURAL G
-GRACE PETROLEUM CORPORATION				RECEIVED:	01/27/83	JA: OK			
8319023	22756	3500920448		107-DP		CAIN 1-14	KENNEMER	0.0	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	01/27/83	JA: OK			
8318994	19547	3515100000		108		REXROAT #1	OAKDALE NORTH	10.0	MICHIGAN WISCONSI
-HANOVER MANAGEMENT CO				RECEIVED:	01/27/83	JA: OK			
8319003	19481	3503120948		103		NEASE A-1	HANBURY	10.8	ARKANSAS LOUISIAN
-HARPER OIL COMPANY				RECEIVED:	01/27/83	JA: OK			
8319002	19496	3507300000		108		RAY BRUCE #1	SOONER TREND	21.9	PHILLIPS PETROLEU
-HEARTLAND EXPLORATION INC				RECEIVED:	01/27/83	JA: OK			
8319040	18777	3510320948		102-2		FRAILEY #1	SOUTH TONKAWA	130.0	ARCO OIL & GAS CO
-HOFFMAN OIL & GAS CO				RECEIVED:	01/27/83	JA: OK			
8318598	19532	3511100000		108		SITLER #1	NORTH BEGGS	0.0	PHILLIPS PETROLEU
-ITR PETROLEUM INC				RECEIVED:	01/27/83	JA: OK			
8319049	19385	3504722636		103		BYRNES #1	N E ENID	110.0	CRA INC
-JOE C RICHARDSON JR				RECEIVED:	01/27/83	JA: OK			
8319004	19480	3500722284		103		KAMOS #1-13	MOCANE-LAVERN (MORROW	365.0	PANHANDLE EASTERN
-KELLOIL INC				RECEIVED:	01/27/83	JA: OK			
8319039	18859	3500722249		103		WATSON #1		226.0	NATURAL GAS PIPE
-MOBIL OIL CORP				RECEIVED:	01/27/83	JA: OK			
8319043	19447	3513700000		108		JOHN W WILSON #35	SHO VEL TUM	0.5	GETTY OIL CO
-NATIONAL OIL COMPANY				RECEIVED:	01/27/83	JA: OK			
8319038	18950	3500721392		103		POTTER "B" #1	WEST GREENOUGH	23.0	PANHANDLE EASTERN
-PAGE PETROLEUM INC				RECEIVED:	01/27/83	JA: OK			
8319026	18303	3510121209		103		WHITEFIELD #1	HASKELL	40.0	PHILLIPS PETROLEU
-PCX CORP				RECEIVED:	01/27/83	JA: OK			
8319021	22797	3501521474		107-DP		BERNDSEN #1	S FORT COBB	0.0	EL PASO NATURAL G
-PETRO-LEWIS CORPORATION				RECEIVED:	01/27/83	JA: OK			
8318996	19541	3509320558		108		FEDERAL 14 #1	SOONER TREND	0.0	PARTNERSHIP PROPE
8318999	19521	3507320544		108		MEAUX 14-1	SOONER TREND	0.0	PARTNERSHIP PROPE
-RESOURCES INVESTMENT CORPORATION				RECEIVED:	01/27/83	JA: OK			
8319000	19503	3502720622		103		IDELL #1-A	N W NORMAN	82.1	SUN GAS CO
-RH OPERATING CO				RECEIVED:	01/27/83	JA: OK			
8319012	19424	3503520884		108		CENTRAL COAL & COKE #12A	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319011	19425	3503520733		108		CENTRAL COAL & COKE #13	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319010	19426	3503520736		108		CENTRAL COAL & COKE #16	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319009	19427	3503520758		108		CENTRAL COAL & COKE #18	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319013	19423	3503520874		108		CENTRAL COAL & COKE #8B	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319006	19431	3503520687		108		F STICE #10	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319030	19432	3503520688		108		F STICE #11	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319029	19433	3503520689		108		F STICE #12	NORTH CRAIG FIELD	6.0	TRAN-GAS CO
8319028	19435	3510523556		108		LUCAS #25A	SOUTH COFFEYVILLE FIE	6.0	RH OPERATING CO
8319007	19429	3503520534		108		NORTH EWERS #2	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319008	19428	3503520535		108		NORTH EWERS #3	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319015	19421	3503520422		108		PARKER #28-2	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319014	19422	3503520484		108		PARKER #28-6	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319016	19420	3503520465		108		PARKER #29-3	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319017	19419	3503520467		108		PARKER #29-5	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319018	19418	3503520486		108		PARKER #29-6	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
8319019	19417	3503520275		108		VAN NESS #32-1	NORTH CRAIG FIELD	6.0	TRANS-GAS CO
-ROCKWELL PETROLEUM CORP				RECEIVED:	01/27/83	JA: OK			
8319027	17785	3508101424		102-4		STATE SCHOOL LAND #1	SKELLYVILLE	365.0	

JD NO	JA CAT	WELL NO	F SEC(1) SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-STANTON ENERGY INC			RECEIVED: 01/27/83	JA: OK			
8319046	19368	3511921574	103	WAYNE JESKE #1		54.0	ENTERPRISE DEVELO
-TENNECO OIL COMPANY			RECEIVED: 01/27/83	JA: OK			
8319024	22746	3500920446	107-DP	BLACKBURN #1-16	SOUTH NEW LIBERTY	65.0	TRANSWESTERN PIPE
-TOM F MARSH INC			RECEIVED: 01/27/83	JA: OK			
8319034	19355	3512520477	103	COPELAND #1	KEYES	73.0	COLORADO INTERSTA
-TOMLINSON OIL CO INC			RECEIVED: 01/27/83	JA: OK			
8319032	19358	3500700000	103	STICKLER #1	GREENOUGH	76.3	PHILLIPS PETROLEU
-VIERSEN & COCHRAN			RECEIVED: 01/27/83	JA: OK			
8319045	19391	3504721373	103	EGGERS-PARBEE UNIT #2	SOONER TREND	5.0	CHAMPLIN PETROLEU
8319046	19390	3504721431	103	EGGERS-BODES UNIT #3	SOONER TREND	75.0	CHAMPLIN PETROLEU

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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES

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-ADOBE OIL & GAS CORPORATION			RECEIVED: 01/28/83	JA: PA			
8318952	18738	3703321392	102-2	KENNETH HARCHICK #1	HASTINGS	24.0	COLUMBIA GAS TRAN
8318953	18739	3703321393	102-2	KENNETH HARCHICK #2	HASTINGS	25.0	COLUMBIA GAS TRAN
8318954	18740	3703321394	102-2	KENNETH HARCHICK #3	HASTINGS	26.0	COLUMBIA GAS TRAN
8318955	18741	3706327183	103	ZOE FARMERY #1	BURNSIDE	22.0	COLUMBIA GAS TRAN
-ASHTOLA PRODUCTION CO			RECEIVED: 01/28/83	JA: PA			
8318950	18728	3751203040	103	J HAROLD ARNOLD #3	WALTERSBURG	44.9	UGI DEVELOPMENT C
-CABOT OIL & GAS CORP			RECEIVED: 01/28/83	JA: PA			
8318940	18642	3712132516	102-2	CLIFFORD REID #1	CANAL	50.0	TENNESSEE GAS PIP
8318939	18641	3712132516	107-CS	CLIFFORD REID #1	CANAL	50.0	TENNESSEE GAS PIP
8318942	18644	3712133094	102-2	DAVID WAGNER #1	CANAL	50.0	TENNESSEE GAS PIP
8318941	18643	3712133094	107-TF	DAVID WAGNER #1	CANAL	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO			RECEIVED: 01/28/83	JA: PA			
8318972	18841	3703921909	107-TF	JOSEPH MORELAND #7 82-28 CRA-21*09	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION			RECEIVED: 01/28/83	JA: PA			
8318990	18886	3703321379	102-4	JANE WELLINGTON #1 WN-1887	BURNSIDE	17.0	GENERAL SYSTEM PU
8318986	18881	3703321379	103	JANE WELLINGTON #1 WN-1887	BURNSIDE	17.0	GENERAL SYSTEM PU
8318989	18884	3702120174	103	LORETTA PAWLOWSKI #2 WN-1928	SUSQUEHANNA	71.0	GENERAL SYSTEM PU
8318987	18882	3706327005	103	W B BROOKS #1 WN-1915	MONTGOMERY	71.0	GENERAL SYSTEM PU
8318988	18883	3703321417	103	WILLIAM B ROSS #1 WN-1916	BURNSIDE	11.0	GENERAL SYSTEM PU
-CROSS RESOURCES			RECEIVED: 01/28/83	JA: PA			
8318898	17423	3704922031	102-2	HERBERT MERCIER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318897	17422	3704922031	107-TF	HERBERT MERCIER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318900	17425	3704922025	102-2	SAMUEL FAULHABER #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318899	17424	3704922025	107-TF	SAMUEL FAULHABER #1	WATERFORD	10.0	NATIONAL FUEL GAS
-ENVIROGAS INC			RECEIVED: 01/28/83	JA: PA			
8318951	18729	3704920453	108	HOLZHAUSEN #1	NORTH EAST DEEP	4.0	NATIONAL FUEL GAS
8318929	18097	3704921930	107-TF	L ALLEN #4	WATERFORD DEEP	18.0	COLUMBIA GAS TRAN
8318930	18098	3704922000	107-TF	R MCGFORD #1	WATERFORD	18.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC			RECEIVED: 01/28/83	JA: PA			
8318958	18745	3706521681	108	MAX E PIFER #1	HENDERSON	0.0	CONSOLIDATED GAS
8318957	18744	3706324763	108	R D MCNAUGHTON #1	WHITE	2.0	T W PHILLIPS GAS
8318956	18743	3706324324	108	STUDENT COOP ASSOCIATION #3	WHITE	0.0	PEOPLES NATURAL G
-KRIEBEL WELLS 82			RECEIVED: 01/28/83	JA: PA			
8318947	18709	3706327244	103	DEAHL #1	JOHNSONBURG	20.0	
8318993	18707	3706327246	103	MCCULLY #3	TUNNELTON	20.0	
8318943	18650	3706327205	103	PEARCE #1	JOHNSONBURG	19.0	
-MERIDIAN EXPLORATION CORP			RECEIVED: 01/28/83	JA: PA			
8318982	18870	3704922167	107-TF	O W FETTEROLF #640-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN

JD NO	JA INT	API NO	F	FEE(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8318981	18869	3704922167		102-2		G W FETTEROLF #640-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8318984	18872	3703921847		107-TF		JAMES KUHN #625-1	ROCKDALE	0.0	COLUMBIA GAS TRAN
8318983	18871	3703921847		102-2		JAMES KUHN #625-1	ROCKDALE	0.0	COLUMBIA GAS TRAN
-MITCH-WELL ENERGY INC				RECEIVED:	01/28/83	JA: PA			
8318928	18091	3704922071		107-TF		BEAVERS #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8318927	18090	3704922071		102-2		BEAVERS #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8318922	17764	3704922128		107-TF		FITTING #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8318921	17763	3704922128		102-2		FITTING #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8318926	18089	3704922212		107-TF		LAPAGLIA #1	WATERFORD POOL	0.0	NATIONAL FUEL GAS
8318925	18088	3704922212		102-2		LAPAGLIA #1	WATERFORD POOL	0.0	NATIONAL FUEL GAS
8318920	17762	3704921967		107-TF		VANVELD/BURRIDGE #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8318919	17761	3704921967		102-2		VANVELD/BURRRIDGE #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
-MITCHELL ENERGY CORPORATION				RECEIVED:	01/28/83	JA: PA			
8318992	18901	3703921796		107-TF		C E BUNNELL UNIT #1	CONNEAUT LAKE (MEDINA	410.0	TENNESSEE GAS PIP
8318991	18900	3703921796		103		C E BUNNELL UNIT #1	CONNEAUT LAKE (MEDINA	410.0	TENNESSEE GAS PIP
-MITCHELL HEARD HOPKINS & BEAVERS				RECEIVED:	01/28/83	JA: PA			
8318932	18303	3704922211		107-TF		HULL #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
8318931	18302	3704922211		102-2		HULL #1	WATERFORD POOL	0.0	COLUMBIA GAS TRAN
-NEA CROSS CO				RECEIVED:	01/28/83	JA: PA			
8318938	18571	3704922174		107-TF		ALBERT SHIELDS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318937	18570	3704922174		102-2		ALBERT SHIELDS #1	BOROUGH	10.0	NATIONAL FUEL GAS
8318907	17705	3704921937		107-TF		ARCHILLES C PULAKOS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318906	17704	3704921937		102-2		ARCHILLES C PULAKOS #1	LEBOUEF	10.0	NATIONAL FUEL GAS
8318948	18710	3704921507		102-2		C & H BOYD #4	MILL VILLAGE	30.0	NATIONAL FUEL GAS
8318904	17702	3704921952		107-TF		CHARLES J BURGE #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318903	17701	3704921952		102-2		CHARLES J BURGE #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318910	17708	3704921936		107-TF		CLARENCE W MITCHELL #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318905	17703	3704921936		102-2		CLARENCE W MITCHELL #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318934	18453	3704921837		107-TF		EDWARD & LUCY BIELAK #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8318933	18452	3704921837		102-2		EDWARD & LUCY BIELAK #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8318895	17365	3704921852		107-TF		FOSTER #1	LEBOUEF	10.0	NATIONAL FUEL GAS
8318894	17364	3704921852		102-2		FOSTER #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8318893	17363	3704921890		102-2		G MITCHELL #3	LEBOEUF	10.0	NATIONAL FUEL GAS
8318892	17362	3704921890		107-TF		G MITCHELL #3	WATERFORD	10.0	NATIONAL FUEL GAS
8318918	17716	3704921928		107-TF		HOWARD & DORRIS PROCTOR #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318917	17715	3704921928		102-2		HOWARD & DORRIS PROCTOR #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318916	17714	3704921907		107-TF		KURTZ & BARBARA FICHTHORN #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8318915	17713	3704921907		102-2		KURTZ & BARBARA FICHTHORN #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8318909	17707	3704921945		107-TF		LOUIE H KUHNS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318908	17706	3704921945		102-2		LOUIE H KUHNS #1	WATERFORD	10.0	NATIONAL FUEL GAS
8318896	17367	3704921889		102-2		NATHAN #2	WATERFORD	10.0	NATIONAL FUEL GAS
8318912	17710	3704921905		107-TF		RAYMOND AND BERTHA BOYD #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8318911	17709	3704921905		102-2		RAYMOND AND BERTHA BOYD #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8318914	17712	3704921904		107-TF		RAYMOND BABBITT #1	WASHINGTON	10.0	NATIONAL FUEL GAS
8318913	17711	3704921904		102-2		RAYMOND BABRITT #1	WASHINGTON	10.0	NATIONAL FUEL GAS
8318946		3704922318		107-TF		ROSCOE L & MARILYN C MITCMELL #4	LEBOEUF	10.0	NATIONAL FUEL GAS
8318945	18687	3704922318		102-2		ROSCOE L & MARILYN C MITCHELL #4	LEBOEUF	10.0	NATIONAL FUEL GAS
8318936	18567	3704922207		102-2		ROSCOE L & MARILYN MITCHELL #3	LEBOEUF	10.0	NATIONAL FUEL GAS
8318935	18566	3704922207		107-TF		ROSCOE L & MARILYN MITCHELL #3	LEBOEUF	10.0	NATIONAL FUEL GAS
8318949	18711	3704921508		102-2		THOMAS MANNARELLI #2	MILL VILLAGE	25.0	NATIONAL FUEL GAS
-NORTHWEST NATURAL GAS CO				RECEIVED:	01/28/83	JA: PA			
8318975	18851	3703921793		103		CHARLES & BARBARA WILSON #1	CONNEAUTVILLE	0.0	NATIONAL FUEL GAS
8318974	18850	3703921793		107-TF		CHARLES & BARBARA WILSON #1	CONNEAUTVILLE	0.0	NATIONAL FUEL GAS

JD NO	JA DAT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NYS NATURAL GAS COMPANY				RECEIVED:	01/28/83	JA: PA			
8318889	14768	3703921575		103		FOX #1 - CRA-21575	ATHENS	30.0	COLUMBIA GAS TRAN
-PENN PROJECTS LTD DRILLING PROGRAM				RECEIVED:	01/28/83	JA: PA			
8318985	18874	3712921966		102-2		OLIVER R PAINTER	EAST HUNTINGDON	25.0	
-PERO BROS GAS CO				RECEIVED:	01/28/83	JA: PA			
8318961	18830	3704920997		107-TF		PERO FARMS #1	CORRY	20.0	NATIONAL FUEL GAS
-PNB PETROLEUM CORP				RECEIVED:	01/28/83	JA: PA			
8318960	18748	3708520415		107-TF		J MIRAGE #1	DEER CREEK	30.0	TENNESSEE GAS PIP
8318959	18747	3708520415		103		J MIRAGE #1	DEER CREEK	30.0	TENNESSEE GAS PIP
-ROBERT BRACE FARMS				RECEIVED:	01/28/83	JA: PA			
8318890	17224	3704921884		107-TF		OWEN #1	WATERFORD	0.0	NATIONAL FUEL GAS
8318891	17225	3704921884		102-2		OWEN #1	WATERFORD	0.0	NATIONAL FUEL GAS
-S T JOINT VENTURE #1A				RECEIVED:	01/28/83	JA: PA			
8318973	18843	3703321437		103		MCCARTNEY #1-A	PENN	25.0	CONSOLIDATED GAS
-T W PHILLIPS GAS & OIL CO				RECEIVED:	01/28/83	JA: PA			
8318969	18838	3700520344		108		E M SLEASE #1	COWANSHANNOCK	2.2	T W PHILLIPS GAS
8318970	18839	3700521116		108		ERNEST D & BETTY J SMITH #1	COWANSHANNOCK	1.4	T W PHILLIPS GAS
8318963	18832	3700520812		108		HELVETIA COAL MINING CO #6	COWANSHANNOCK	6.2	T W PHILLIPS GAS
8318962	18831	3700520884		108		HELVETIA COAL MNG CO #4	COWANSHANNOCK	5.2	T W PHILLIPS GAS
8318971	18840	3700520703		108		J M THOMPSON #1	COWANSHANNOCK	1.1	T W PHILLIPS GAS
8318964	18833	3700500000		108		JOHN MCCURDY #1	COWANSHANNOCK	2.8	T W PHILLIPS GAS
8318965	18834	3700520259		108		JOHN MCCURDY #2	COWANSHANNOCK	2.6	T W PHILLIPS GAS
8318968	18837	3700520780		108		NELL PATTERSON #1	COWANSHANNOCK	3.7	T W PHILLIPS GAS
8318967	18836	3700500000		108		O O MEYER #2	COWANSHANNOCK	1.4	T W PHILLIPS GAS
8318966	18835	3700521029		108		R A MCMEANS #1	COWANSHANNOCK	2.7	T W PHILLIPS GAS
-TURM OIL INC				RECEIVED:	01/28/83	JA: PA			
8318977	18865	3700522450		103		CURTIS C & RUTH W WHITE #1	RURAL VALLEY	25.0	INDUSTRIAL ENERGY
8318978	18866	3700522512		108		CURTIS C & RUTH W WHITE #2	RURAL VALLEY	15.0	INDUSTRIAL ENERGY
8318979	18867	3700522513		103		CURTIS C & RUTH W WHITE #3 (NORTH)	BRYAN	24.0	INDUSTRIAL ENERGY
8318980	18868	3700522416		108		DWIGHT C MCKAIN #1	RURAL VALLEY	17.0	INDUSTRIAL ENERGY
8318976	18862	3706325087		108		F L MCCAULEY JR #2	ROCHESTER MILLS	12.0	INDUSTRIAL ENERGY
8318944	18857	3706327085		103		JOHN R KLIMKIEWICZ #2	MCINTYRE	40.0	
-VINEYARD OIL & GAS CO				RECEIVED:	01/28/83	JA: PA			
8318888	11696	3704921751		102-2		MARTENS #4	LEBOEUF	12.0	NATIONAL FUEL GAS
8318887	11695	3704921751		107-TF		MARTENS #4	LEBOEUF	12.0	NATIONAL FUEL GAS
8318902	17462	3704922005		107-TF		ZIMMERLY #3	DRUMLIN	18.0	NATIONAL FUEL GAS
8318901	17461	3704922005		102-2		ZIMMERLY #3	DRUMLIN	18.0	NATIONAL FUEL GAS
8318924	18087	3704922088		102-2		ZIMMERLY #5	DRUMLIN	18.0	NATIONAL FUEL GAS
8318923	18086	3704922088		107-TF		ZIMMERLY #5	DRUMLIN	18.0	NATIONAL FUEL GAS

SOURCE DATA FOR THIS NOTICE 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, OR SANDRA SPEAR (FERC) (202) 357-8681.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-4316 Filed 2-17-83; 8:45 am]

BILLING CODE 6717-01-C

Office of Hearings and Appeals

Cases Filed; Week of January 21 through January 28, 1983

During the Week of January 21 through January 28, 1983, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

February 10, 1983.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of January 21 through January 28, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 24, 1983	Economic Regulatory Administration/Farmers Gas & Oil Company of Michigan, Inc.	HRR-0046	Request for modification/rescission. If granted: The November 22, 1977, Decision and Order (Case No. FRA-1393) issued to Farmers Gas and Oil Company of Michigan, Inc. would be modified regarding the repayment of overcharges.
Do	Economic Regulatory Administration/Sun Company, Inc., Washington, D.C.	HRR-0045	Request for modification/rescission. If granted: The January 3, 1983, Decision and Order (Case No. HRZ-0117) issued to Sun Company, Inc. would be modified regarding the amount of overcharges for which Mapco, Inc. may be liable in a pending Proposed Remedial Order proceeding (Case No. BRO-1457).
Do	John T. Troland and David W. Ratliff, Washington, D.C.	HRD-0105	Motion for discovery. If granted: Discovery would be granted to John T. Troland and David W. Ratliff in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to Petrotech Trading Company et al. (Case No. HRO-0095).
Jan. 25, 1983	Dresser Industries, Inc., Washington, D.C.	HEX-0079	Supplemental order. If granted: The April 5, 1982, Decision and Order issued to Dresser Industries, Inc. (Case No. HFA-0045) would be modified and DOE material requested by the firm under the Freedom of Information Act would be released.
Do	Western Energy Planners, Ltd., Aurora, Colo	HFA-0112	Appeal of an information request denial. If granted: The January 3, 1983, Freedom of Information Request Denial issued by the DOE Inspector General would be rescinded and Western Energy Planners, Ltd. would receive access to records from the DOE audit of the firm's subcontract No. K-7678 with EG&G Idaho, Inc.
Jan. 26, 1983	Petrotech Trading Co. and David L. Hooper	HRD-0106 and HRH-0106.	Motions for discovery and evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to Petrotech Trading and David L. Hooper (Case No. HRO-0095).
Do	Veribus Corp., Beaumont, Tex	HRD-0107 and HRH-0107.	Motions for discovery and evidentiary hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to Veribus Corporation (Case No. HRO-0093).
Jan. 27, 1983	Systematic Management Services, Hamilton Square, N.J.	HFA-0113	Appeal of an information request denial. If granted: The January 17, 1983, Freedom of Information Request Denial issued by the Chicago Operations Office would be rescinded, and Systematic Management Services would receive access to certain DOE information.
Jan. 28, 1983	William J. Mutryn, Washington, D.C.	HFA-0114	Appeal of an information request denial. If granted: The December 28, 1982, Freedom of Information Request Denial issued by the Office of Hearings and Appeals would be rescinded and Mr. William J. Mutryn would receive access to certain DOE information.

REFUND APPLICATIONS RECEIVED

[Week of Jan. 21 to Jan. 28, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No. assigned
Jan. 24, 1983–Jan. 28, 1983	Amoco Refund Applications	RF21-840—RF21-1495.
Jan. 24, 1983	Ada Resources, Inc./Rapid Transit Lines, Inc.	RF24-2.
Do	Northeast Petroleum Industries, Inc./DeBlois Oil Co.	RF25-1.
Do	Northeast Petroleum Industries, Inc./O.B. Hill Motor Trans. Company, Inc./.	RF25-2.
Jan. 27, 1983	Tenneco Oil Company/Capitol Oil Company, Inc	RF7-105.

[FR Doc. 83-4233 Filed 2-17-83; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Availability of Draft Environmental Impact Statement and Public Hearing on the DEIS; Uranium Mill Tailings Remedial Action at Salt Lake City, Utah

AGENCY: Division of Remedial Action Projects, Energy Department.

ACTION: Notice of availability of draft environmental impact statement (DEIS) and public hearing on the DEIS.

SUMMARY: The Department of Energy (DOE) has published a draft environmental impact statement, DOE/EIS-0099-D, Remedial Actions at the Former Vitro Chemical Company Mill, South Salt Lake, Salt Lake County, Utah (January 1983) for a proposed DOE action to perform remedial actions on residual radioactive material at the inactive uranium mill in South Salt Lake, Utah.

Written comments are invited and a public hearing will be held with respect to the DEIS.

DATES: Written comments should be received at DOE by April 4, 1983, in order to insure consideration in preparation of the final environmental impact statement. The public hearings are scheduled on March 22, 1983, in Tooele, Utah, at 7:00 p.m. and March 23, 1983, in South Salt Lake, Utah, at 1:30 p.m. and 7:30 p.m. Requests to speak and preferred times should be received at DOE by March 18.

ADDRESS: Written comments on the DEIS and requests to speak at the hearing should be addressed to: Mr. James A. Morley, Project Manager,

Uranium Mill Tailings Project Office, U.S. Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115.

FOR FURTHER INFORMATION YOU MAY CONTACT:

1. Mr. James A. Morley, Project Manager, Uranium Mill Tailings Project Office, U.S. Department of Energy, P.O. Box 5400, Albuquerque, New Mexico 87115, Phone: (505) 844–3941.
2. Dr. Robert J. Stern, Director, Office of Environmental Compliance, Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, U.S. Department of Energy, Washington, D.C. 20585, Phone: (202) 252–4600.
3. Mr. Henry Garson, Esq., Assistant General Counsel for Environment, U.S. Department of Energy, Washington, D.C. 20585, Phone: (202) 252–6947.

SUPPLEMENTAL INFORMATION:

I. Previous Notice of Intent

The Department of Energy published a Notice of Intent (46 FR 21692) on April 13, 1981, regarding the preparation of an EIS and conduct of public scoping meetings for the remedial actions at the South Salt Lake inactive uranium mill site.

II. Background for the Proposed Project

The uranium mill tailings at the former Vitro Chemical processing site are 4 miles south-southwest of the center of Salt Lake City. From 1951 to 1964 the mill processed uranium ore for sale to the U.S. Atomic Energy Commission, the predecessor of the DOE. The tailings remaining from these operations now rest in piles up to 16 feet high covering more than 100 acres of land.

In 1978 the U.S. Congress passed the Uranium Mill Tailings Radiation Control Act, Pub. L. 95–604. In this Act the Congress found that uranium mill tailings may pose a potential and significant radiation health hazard to the public and directed the DOE to designate processing sites for remedial action to remove this potential hazard. It authorized the DOE to carry out remedial action at each site in cooperation with other Federal agencies and with the states or Indian tribes affected by the action. It gave to the Nuclear Regulatory Commission (NRC) responsibility for consulting with the DOE over a range of subjects concerning conduct of remedial action, for concurring with the selected remedial action and with any cooperative agreement with a state or Indian tribe, and for licensing the maintenance of each tailings disposal site after the remedial action is completed. In addition, the Environmental Protection Agency (EPA) was given the responsibility to set standards to protect public health, safety, and the environment at the tailings sites and the disposal sites.

In accordance with Pub. L. 95–604, the DOE designated 24 sites for remedial action. One of them is the former Vitro processing site near Salt Lake City. The State of Utah has investigated several locations where the tailings might safely be disposed of and recommended three for further analysis. The South Clive site was selected for further analysis because of its environmental and geotechnical superiority. The EPA issued standards for remedial actions at inactive uranium processing sites on January 5, 1983 (48 FR 590).

III. Scope of the DEIS

The DEIS evaluates the no-action alternative and two alternatives for minimizing the potential public health hazards associated with the Vitro site contaminated materials; (1) stabilization of the contaminated material on the Vitro site; and (2) decontamination of the Vitro site and disposal of the material at a site located about 1 mile south of Clive, Utah. The impact of these three alternatives are assessed in terms of effects on radiation levels, health effects, air quality, soils and mineral resources, surface- and ground-water resources, ecosystems, land use, sound levels, historical and cultural resources, populations and employment, economic structures, and transportation networks.

IV. Comment Procedures

A. Availability of Draft EIS

Copies of the DEIS have been distributed to Federal, State, and local agencies, organizations, and to individuals known to be interested in the Vitro remedial action project. Additional copies may be obtained from the Project Manager, Uranium Mill Tailings Project Office, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico, 87108, Phone: (505) 844–3941.

Copies of the DEIS are available for public inspection at the following locations:

Tooele Public Library, 47 East Vine, Tooele, UT 84074.
Salt Lake County Library, 209 East 400 South, Salt Lake City, UT 84111.
Salt Lake County Library, 2480 South State, Salt Lake City, UT 84115.
University of Utah, Library Office, Salt Lake City, UT 84112.
Brigham Young University, Harold B. Lee Library, University Hill, Provo, UT 84604.
Freedom of Information Reading Room, Room 1E–190, Forrestal Building, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East, Albuquerque, NM 871115.
Library, Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60639.
Library, Idaho Operations Office, 550 Second Street, Idaho Falls, ID 83401.
Library, Nevada Operations Office, 2753 South Highland Drive, Las Vegas, NV 89114.
Library, Oak Ridge Operations Office, Federal Building, Oak Ridge, TN 37830.
Library, Richland Operations Office, Federal Building, Richland, WA 99352.
Energy Resource Center, 1333 Broadway, Oakland, CA 94612.
Library, Savannah River Operations Office, Savannah River Plant, Aiken SC 29801.
Regional Energy/Environment Center, Denver Public Library, 1357 Broadway, Denver, CO 80210.

B. Written Comments

Interested parties are invited to provide written comments on the DEIS to the Project Manager in Albuquerque, New Mexico, at the address given above. Comments should be identified on the outside of the envelope with the designation "Draft EIS on Salt Lake City—Vitro Site." All comments and related information should be received by DOE by April 4, 1983, in order to insure consideration in preparing the final statement.

Any material not accompanied by a statement of confidentiality will be considered to be nonconfidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

C. Public Hearing

1. Participation Procedure.

Public hearings on the draft statement will be held at the Senior Citizen's Center, Tooele, Utah, on March 22, 1983, at 7:00 p.m. and at the South Salt Lake City Hall, City of South Salt Lake, Utah, on March 23, 1983 at 1:30 p.m. and 7:30 p.m. to provide an opportunity for oral presentations by interested persons.

A DOE official will designate a presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing.

Any person who desires to speak at the hearing should notify the Project Manager at the Albuquerque, New Mexico, address listed above before March 18, 1983, so that time can be scheduled. Although not required, persons who intend to speak are encouraged to provide a brief summary of the presentation.

Individuals who did not make an advance arrangement to speak may register to speak at the hearing. After all scheduled speakers, an opportunity will be provided to these individuals to speak. Time for each participant will be limited depending on time available and the number of responses.

2. Conduct of Hearing

DOE will arrange the schedule of presentations to be heard and will establish basic rules and procedures for conducting the hearing. The lenght of each presentation may be limited, depending on the number of persons desiring to speak.

Questions may be asked only by those conducting the hearing and there will be no cross-examination of persons presenting statements.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer at the start of the hearing.

A transcript of the hearing will be made and the entire record of the hearing, includng the transcript, will be retained by DOE and made available for inspection at the same locations as listed above for review of the DEIS (Section IV A). Additional copies of the complete transcript will also be available at the public document centers noted above. Any person may purchase a copy of the transcript from the reporter.

D. Public Meetings

In addition to the public hearings, DOE will also conduct informal public information meetings on the DEIS in Salt Lake City. DOE will issue specific information on the time and place of the meetings in the local news media.

Issued in Washington, D.C., February 14, 1983.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy

[FR Doc. 83-4234 Filed 2-17-83; 8:45 am]

BILLING CODE 6450-01-M

Incineration Facility for Radioactively Contaminated Polychlorinated Biphenyls and Other Wastes; Record of Decision

Pursuant to Regulations of Council on Environmental Quality (40 CFR Part 1505) Implementing Procedures of U.S. Department of Energy (45 FR 20694).

Decision

The U.S. Department of Energy (DOE) has decided to build and operate an incineration facility for the disposal of hazardous organic waste materials (including polychlorinated biphenyls (PCB's)) which are contaiminated with trace quantities of low-assay enriched uranium.

Project Description

The incineration facility will provide a means of disposal for PCB-contaminated wastes, hazardous wastes as defined by the Resource Conservation and Recovery Act, and other liquid organic wastes, which are contaminated with very small concentrations of radionuclides (primarily low-assay uranium). The project consists of the construction and operation of a high-temperature incinerator and its associated auxiliary equipment to be located at the Oak Ridge Gaseous Diffusion Plant (ORGDP) in Oak Ridge, Tennessee. It also provides waste storage, packaging, and shipping facilities to be located at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky, and the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. Although no new facilities will be provided as part of this project for the Y-12 Plant and Oak Ridge National Laboratory in Oak Ridge, they too will ship wastes to the incinerator.

The Oak Ridge facilities associated with this project will be located on a previously cleared plot of land, 450 meters east of the steam plant (building K-1501) at ORGDP. The incinerator will occupy approximately two hectares and includes:

- Storage tank farm for liquid wastes
- Drum storage and unloading area
- Rotary kiln primary incinerator
- Secondary (after) burner
- Emissions control devices
- Collection tanks for spent process water
- Office and analytical laboratory space
- Security fencing and patrol roads around the compound.

All shipments of wastes to the incinerator will be in trucks over predetermined routes. Some waste materials generated and stored at ORGDP will be transported over TN 58 from the west side of the plant to the incinerator.

In addition to the incinerator and associated facilities to be built at ORGDP, special waste handling and storage facilities will be constructed at the Gaseous Diffusion Plants at Piketon and Paducah. These facilities will provide for the decommissioning of PCB-containing transformers as they are removed from service and will be prefabricated metal buildings of 186 meters ^{2} with flooring that is sloped, curbed, and drained in such a manner so as to contain and recover spills.

The incinerator will be designed to incinerate PCB's in accordance with 40 CFR 761 requirements. Although PCB's comprise less than 5 percent of the total material to be fed to the incinerator, they are among the most difficult organic compounds to degrade thermally. Therefore, designing the incinerator for PCB destruction will insure other organic compounds will also be destroyed. Some of the non-PCB liquid organic waste materials will serve as the major fuel source for the incinerator. The incinerator facility will include an air emission control system designed to minimize the release of radionuclides and acid gases.

Description of Alternatives

The following alternatives were considered in detail by DOE in reaching its decision:

1. Store the PCB's and delay the decision to construct and operate a disposal facility (no Federal action);

2. Use one of three chemical destruction alternatives;

3. Transport the wastes to the incinerator along alternate routes.

The no action alternative would involve the storage of the PCB's and other hazardous organic materials and delay until some future date a decision to construct and operate a disposal facility for these materials. This decision would require the construction and operation of additional storage facilities and would incur a number of environmental impacts, including effluents from redrumming, leaks and spills, and the risk of unrecoverable accidental releases from fire, explosion, or other catastrophe. In addition, environmental impacts would result from the eventual implementation of the future method of disposal.

DOE considered three candidate processes for the chemical destruction of the hazardous organic materials. These were the Sun Ohio PCBX process, the Goodyear sodium naphthalide process, and the wet air oxidation process. A review of these processes indicated that none of them meet the technical requirements of environmentally sound destruction of the entire waste materials inventory now in storage at the five DOE facilities. Two processes have been demonstrated to dechlorinate or otherwise destroy PCB's; one of these is limited to pure PCB's or PCB's in oils, and the other may not be effective in the presence of water or certain of the other constituents of the waste inventory. The remaining process has not been demonstrated to destroy PCB's and probably could not destroy high molecular weight chlorinated hydrocarbons.

DOE considered using three alternative routes from Piketon to Interstate 95, three from Interstate 75 to ORGDP, and three from Interstate 40 from Paducah to ORGDP. The route DOE decided to use in each case represents the best route based on an analysis of two types of factors, those related to the probability of an accident, and those related to the impact of an accident should one occur. Thus, the chosen routes will minimize the potential environmental impact of the transportation of the waste materials to the incinerator.

Several classes of alternatives were eliminated from detailed examination because they do not constitute reasonable alternatives. These classes and the reasons for their elimination are discussed below:

An alternative process involving removal of uranium from PCB-contaminated waste was not examined in detail because the current state-of-the art technology for separation of uranium from PCB waste does not approach 100 percent removal efficiency. This performance criteria would be necessary in order for this alternative to be considered.

Alternative sites are not reasonable alternatives because an alternative site would increase either the impact associated with the construction and operation of the facility or the risk of a transportation accident. Siting at another DOE Oak Ridge Operations facility would increase the volume and number of shipments of materials, increasing the risk of a transportation accident. Siting at any other alternative site would increase both risks of a transportation accident and the impacts of construction and operation due to the need for support facilities and personnel already present at an existing plant.

Multiple incinerators are not reasonable as alternatives because the cost and impact of construction for each of a number of incinerators would approach those for the proposed action. Impacts of operation would be dispersed, rather than lessened. The increase in capital cost of doubling for two incinerators or tripling for three incinerators would achieve only elimination of the small risk of a transportation accident. Operational costs would increase as well, due primarily to the need for operational personnel at each incinerator.

Alternative modes of transportation are not reasonable alternatives primarily because these modes (rail, barge) would increase the risk of transportation accident and the likelihood that a spill or release would not be as easily or quickly recovered. Costs would also increase. No reduction in other impacts would occur as a result of selecting an alternative mode of transportation.

Basis for Decision

Polychlorinated biphenyls (PCB's) are highly stable, synthetic organic compounds. They have been used widely for the past 50 years in industrial and commercial applications, including use as a dielectric liquid in electrical transformers and as an additive to hydraulic fluids. Recent investigations, however, have demonstrated that PCB's pose a risk to human health and the environment. In 1976, Congress, as part of the Toxic Substances Control Act (TSCA), banned the further manufacture of PCB's. Subsequent regulations (40 CFR 761) imposed specific storage and disposal requirements for all materials containing PCB's.

The five facilities, which the Oak Ridge Operations Office of DOE supervises, have in storage and in service PCB-contaminated materials, some of which also contain trace quantities of low-assay enriched uranium, a special nuclear material regulated by the Nuclear Regulatory Commission (NRC). The PCB content of the wastes ranges from below 5 ppm to more than 60 percent; the average PCB content of all wastes for destruction is about 1.6 percent. The uranium content of the waste materials averages less than 200 ppm with a maximum concentration of less than 10,000 ppm. The uranium-235 content, as a percentage of total uranium, is less than 1.0 percent.

Other hazardous waste materials to be disposed of in the incinerator include waste chlorinated solvents, sludges, waste oils, and waste chemicals. Some of these wastes also have uranium contamination. Many of these wastes oils have heat values sufficiently high to permit their use as a fuel in the incinerator, reducing the volume of fuel oil required for the destruction of PCB's and thereby reducing the operating costs of the incinerator.

It is the intent of DOE to bring DOE operations into accord with the intent of TSCA and the regulations (40 CFR 761) at the earliest possible time. However, since much of these waste materials is contaminated with enriched uranium, its disposal at non-DOE facilities would be regulated by NRC. Under these regulations, the receipt, processing, and disposal of special nuclear material requires a license from NRC regardless of the quantity or concentration which may be involved. Under the Atomic Energy Act, DOE is exempt from this licensing requirement.

At present, there are no facilities with both a license to dispose of PCB's or hazardous chemicals and a license from NRC to accept and dispose of special nuclear materials. It is also unlikely that a commercial facility would undergo the expense and effort associated with obtaining and operating under both types of licenses. Therefore, commercial disposal is not a feasible course of action for DOE.

The principal advantage to building and operating an incineration facility over the other alternatives considered is that incineration can dispose of the existing and projected inventory of PCB-contaminated wastes (solids, liquids, and soils) and other hazardous organic wastes. It is also a demonstrated technology that has received U.S. Environmental Protection Agency approval at other locations.

Discussion of the Environmentally Preferred Alternative

DOE believes that building and operating the incinerator facility is environmentally preferred to the alternatives considered. The decision to take action now is preferable to Alternative 1, which would defer the environmental impacts of disposing of the waste materials while increasing the risk of impacts due to prolonged storage of larger amounts of the PCB and other hazardous waste materials.

Incineration is preferred to the destruction methods of Alternative 2. Incineration has the demonstrated capability to dispose of the existing and projected inventory of PCB contaminated wastes and other hazardous organic wastes. The environmental impacts of Alternative 2

are in some cases smaller and in many cases larger than those of the incinerator. However, not all the impacts are known for many of the effluents since the alternative processes are untried for much of the waste inventory. Since none of the alternative processes has the demonstrated capability to dispose of the entire inventory of organic waste materials and the destruction of these materials is itself an environmental benefit of the project, DOE does not consider Alternative 2 an environmentally preferred alternative.

The transportation routes to be used are environmentally preferred to those of Alternative 3. The routes considered in Alternative 3 were compared in a number of criteria including the percentage of limited-access four-lane divided highway; the overall distance; the number of streams, lakes, and rivers crossed; and the number of metropolitan areas through which the route passes. The routes to be used reduce the probability of a release of the waste materials to the environment by reducing the likelihood of an accident, and also reduce the likely environmental impacts of a release by avoiding populated areas and bodies of water.

Considerations in Implementation of the Decision

DOE is acutely aware of the many concerns that have been expressed about the environmental impacts from the incineration of radioactive contaminated PCB's. In implementing its decision, DOE will use every reasonable means to avoid or minimize harm to the environment.

The facility design incorporates various features intended to mitigate environmental impacts. Air emissions will be controlled by a three-stage flue-gas scrubber system. First there will be an aqueous quench which is expected to remove about 40 percent of the particulates and about half of the soluable acid gases. It will be followed by a medium energy venturi and packed scrubber-mist eliminator using alkalinized water which is expected to remove about 68 percent of the remaining particulates and most of the soluble acid gases. This is, in turn, followed by a wet electrostatic precipitator which will remove about 86 percent of the remaining particulates which will include principally fine phosphoric acid aerosols, fine metallic oxide particles, and fine salt particles. The overall removal efficiency for the system is expected to be 99.2 percent for the soluble acid gases and 97.3 percent for particulates. The combination of aqueous and alkaline scrubbing and the use of units with the ability to remove fine particles will provide exceptionally efficient control of airborne pollutants.

During construction, mitigation measures will also be employed. Fugitive dust emissions will be controlled by watering, and accepted construction practices to prevent erosion will be used. For excessive noise levels at the construction site, recognized administrative noise exposure control methods will be implemented where it is necessary to have people working in high-noise level areas.

Mitigation measures will be employed during the operation of the facility for solid and aqueous wastes. The solid waste produced by this facility will be disposed of in an existing DOE radioactive waste landfill according to established procedures. Chemical analysis of each batch of ash will insure against the inadvertent inclusion of toxic organics in the material going to the landfill. The aqueous effluent from this facility will be tested; treated, if necessary, to remove organic contaminants; and discharged to an existing waste treatment facility. The existing facility will adjust the pH of the waste and provide some suspended solids removal before discharging the effluent to Poplar Creek.

Conclusion

The benefits derived from the incineration facility have been balanced against the potential environmental impacts. In addition, reasonably available project alternatives have been considered. As a result of these evaluations, DOE has decided to construct and operate the incineration facility. Nevertheless, DOE is concerned about the project's potential environmental impacts and is taking reasonable measures to mitigate them.

Dated: February 14, 1983.

Shelby T. Brewer,

Assistant Secretary for Nuclear Energy, Department of Energy.

[FR Doc. 83-4236 Filed 2-17-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-2309-1]

Availability of Environmental Impact Statements Filed February 7 Through February 11, 1983 Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 383-5076.

Corps of Engineers:
- EIS No. 830076, Suppl, COE, CA, Sacramento R. Bank Stabilization, Chico Landing to Red Bluff, Due: 04-04-83
- EIS No. 830082, Final, COE, AR, Bull Creek Reservoir, Construction, Permit, White County, Due: 03-21-83

Department of the Interior:
- EIS No. 830081, Final, FWS, VA, False Cape State Park & Back Bay Nat'l Wildlife Refuge, Land Exchange, Due: 03-21-83

Department of Transportation:
- EIS No. 830073, Draft, FHW, HI, Makai Boulevard--Nimitz Highway Improvement, Honolulu County, Due: 04-15-83
- EIS No. 830075, Draft, FHW, DC, Barney Circle Freeway Modification (I-295), Due: 04-08-83

Department of Energy:
- EIS No. 830078, Draft, DOE, UT, Former Vitro Chemical Site, Remedial Actions, Salt Lake County, Due: 04-11-83

Environmental Protection Agency:
- EIS No. 830074, Draft, EPA, REG, Basic Oxygen Process Furnaces, Secondary Emissions, Revised Standards, Due: 04-07-83
- EIS No. 830077, Draft, EPA, REG, Flexible Vinyl Coating and Printing Operations, Standards, Due: 04-04-83

Department of Housing and Urban Development:
- EIS No. 830072, Final, HUD, WY, Westborough Subdivision, Mortgage Insurance, Sweetwater County, Due: 03-21-83

Federal Energy Regulatory Commission:
- EIS No. 830071, Final, FRC, SEV, NY, PA, MA, NJ, NH, CT, Tennessee/Boundary Looping Project, Certificate, Due: 03-21-83

Department of Agriculture:
- EIS No. 830079, Draft, AFS, AK, Quartz Hill Molybdenum Claims, 1980-83 Operation Amendments 2, 3 & 4, Due: 04-04-83
- EIS No. 830070, Final, AFS, WA, Naches Pass Road Construction, Wenatchee & Mt. Baker Snoqualmie NFs, Due: 03-21-83
- EIS No. 830080, Final, AFS, CO, Rifle Ski Area Expansion, Permit, White River NF, Garfield County, Due: 03-21-83

Dated: February 15, 1983.

Louis J. Cordia,

Director, Office of Federal Activities.

[FR Doc. 83-4304 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59117; BH-FRL 2309-2]

Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to

permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of four applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by March 7, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–59117]" and the specific TME number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Envoronmental Protection Agency, Rm. E–401, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street, SW, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

TME 83–23

Close of Review Period. March 20, 1983.
Manufacturer. Confidential.
Chemical. Substituted alkoxy silane.
Use. (S) A curing agent, an industrial use. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Irritant, Eye—Severe.
Exposure. Manufacture and qualtity control testing: dermal and eye.
Environmental Release/Disposal. Confidental.

TME 83–24

Close of Review Period. March 24, 1983.
Manufacturer. Confidential.
Chemical. (G) Polymer of alkyl and heteromonocyclic amines and an alkanedioic acid.
Use/Production. (G) Contained use. Prod. range: 10,000 kgs (max).
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal and inhalation.
Environmental Release/Disposal. Confidential. Disposal by publicly owned treatment works (POTW) and landfill.

TME 83–25

Close of Review Period. March 24, 1983.
Manufacturer. Confidential.
Chemical. (G) Aromatic polyamide solution.
Use/Production. Confidential. Prod. Range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: sampling, up to 4 workers, up to 1 hr/da, up to 75 da/yr.
Environmental Release/Disposal. No release to air, water and land.

TME 83–26

Close of Review Period. March 25, 1983.
Manufacturer. Confidential.
Chemical. (G) Modified polyester of a carbomonocyclic anhydride and a substituted alkanediol.
Use. (G) Open use. Prod. range: 0–400 kg/yr (max).
Toxicity Date. No data submitted.
Exposure. Manufacture: dermal and eye, a total of 12 workers, up to 6 hrs/da, up to 2 da/yr. Processing: dermal and eye, a total of 10 workers, up to 4 hrs/da, up to 8 da/yr. Use: dermal inhalation and eye, a total of 12 workers, up to 1 hr/da, up to 20 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by incineration.

Dated: February 14, 1983.

Woodson W. Bercaw,

Acting Director, Mangement Support Division.

[FR Doc. 83-4224 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS–51454; BH–FRL 2309–3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of twenty-seven PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83–457, 83–458, 83–459, 83–460 and 83–461; May 4, 1983.

PMN 83–462, 83–463, 83–464, 83–465, 83–466, 83–467 and 83–468; May 7, 1983.

PMN 83–469, 83–470, 83–471, 83–472, 83–473, 83–474, 83–475 and 83–476; May 8, 1983.

PMN 83–477, 83–478 and 83–479; May 9, 1983.

PMN 83–480, 83–481, 83–482 and 83–483; May 10, 1983.

Written comments by:

PMN 83–457, 83–458, 83–459, 83–460 and 83–461; April 4, 1983.

PMN 83–462, 83–463, 83–464, 83–465, 83–466, 83–467 and 83–468; April 7, 1983.

PMN 83–469, 83–470, 83–471, 83–472, 83–473, 83–474, 83–475, and 83–476; April 8, 1983.

PMN 83–477, 83–478 and 83–479; April 9, 1983.

PMN 83–480, 83–481, 83–482, and 83–483; April 10, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS–51454]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: Theodore Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–126, 401 M St., SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–457

Manufacturer. The Upjohn Company.
Chemical. (S) N,N-hexanedioyl-bis[3,4,5,6-tetrahydro-2(1H) pyrimidinone].
Use/Production. (S) Industrial polyurethane and powder and solvent based coatings. Prod. range: 300–1,200 kg/yr.
Toxicity Data. Acute oral: > 5.0 g/kg; Irritation: Skin—Very Slight, Eye—Mild.

Exposure. Manufacture and processing: dermal and inhalation, a total of 4 workers, up to 8 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to water. Disposal by publicly owned treatment works (POTW) and landfill.

PMN 83-458

Manufacturer. Confidential.

Chemical (G) Substituted polyhydric alcohol.

Use/Production. (G) Plastic additive. Prod. range: Confidential.

Toxicity Data. Acute oral: 230 mg/kg; Acute dermal: >2 g/kg; Irritation: Skin—1.7, Eye—Mild; Aquatic Toxicity, LC_{50}: 190 parts per million (ppm); Ames Test: Negative.

Exposure. Manufacture: dermal and inhalation, a total of 41 workers, up to 8 hrs/da, up to 200 da/yr.

Environmental Release/disposal. Less than 10 kg/yr released to air and water. Disposal by biological treatment system.

PMN 83-459

Manufacturer. American Cyanamid Company.

Chemical. (G) Dialkyl dithiophosphate.

Use/Production. (G) Mineral processing. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: dermal, a total of 10 workers, up to 24 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. No release.

PMN 83-460

Manufacturer. American Cyanamid Company.

Chemical. (G) Dialkyl dithiophosphate.

Use/Production. (G) Mineral processing. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture and use: dermal, a total of 16 workers.

Evironmental Release/Disposal. No release.

PMN 83-461

Manufacturer. Confidential.

Chemical. (G) Substituted alkoxy silane.

Use/Production. (S) Curing agent. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and eye.

Environmental Release/Disposal. Confidential.

PMN 83-462

Manufacturer. Confidential.

Chemical. (G) Succinate ester amide.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: >10,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—3.2/8.0, Eye—6.3/110.0; Skin Sensitization: Non-sensitizing.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr to land. Disposal by biological treatment system.

PMN 83-461

Manufacturer. Confidential.

Chemical. (G) Amino aliphatic propoxylate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral: 3,246 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—5.8/8.0, Eye—89.5/110.0.

Exposure. Confidential.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 10–100 kg/yr to water and land. Disposal by biological treatment system and approved landfill.

PMN 83-464

Manufacturer. Confidential.

Chemical. (G) Sodium sulfosuccinate of ethoxylated substituted phenol.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data Acute oral: Non-toxic; Acute dermal: Non-toxic; Irritation: Skin—Non-irritant, Eye—Non-irritant.

Exposure. Manufacture and processing: dermal, a total of 5 workers, up to 8 hrs/da, us to 164 da/yr.

Environmental Release/Disposal. 10–100 kg/yr released to water, up to 36 da/yr. Disposal by POTW and biological treatment system.

PMN 83-465

Manufacturer. Confidential.

Chemical. (G) Metal polyisobutenylsuccinate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-466

Manufacturer. Confidential.

Chemical. (G) Ether-olefin-sulfone terpolymer

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Acute oral: >1 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—None, Eye—Transient irritant; Ames Test: Negative; Skin sensitization: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Disposal by incineration.

PMN 83-467

Importer. Confidential.

Chemical. (G) Alkyl cyclohexane carboxaldehyde.

Use/Import. Confidential. Import range: 1–100 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Repeated insult patch test: Negative; Photoallergy test: Negative.

Exposure. Use: workplace air, a total of 2 workers, up to less than 1 hr/da, less than 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air less than 1 hr/da, less than 20 da/yr.

PMN 83-468

Manufacturer. Franklin Institute Research Laboratory, Inc.

Chemical. (S) Complex sodium polyethylene glycolate salt.

Use/Production. Industrial dechlorination of PCBs or other halogenated organics. Prod. range: 0–95,500 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: dermal, a total of 16 workers.

Environmental Release/Disposal. Less than 10 kg/yr released to land. Disposal by incineration, approved landfill and municipal waste treatment facility.

PMN 83-469

Manufacturer. Confidential.

Chemical. (G) Aromatic polyamide solution.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: sampling, a total of 4 workers, up to 1 hr/da, up to 75 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land, 1 hr/da, 75 da/yr.

PMN 83-470

Manufacturer. Confidential.

Chemical. (G) Polymer of substituted acrylic ester and substituted acrylamide.

Use/Production. (G) A minor constituent in an article for commercial and consumer use. Prod. range: 7,500–15,000 kg/yr.

Toxicity Data. Acute oral: >3,000 mg/kg; Acute dremal: >20 mL/kg; Irritation: Skin—Slight, Eye——Not an eye irritant: Skin sensitization: Low potential; Acute effects on seven aquatic species: >100 mg/L; Secondary waste treatment compatibility study: >5,000 mg/L; Plant

growth effects: No effects @ 100 mg/; TOD: 0.21 g/ml.

Exposure. Manufacture and processing: dermal, a total of 45 workers, up to 1 hr/da, up to 100 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system, incineration and approved landfill.

PMN 83-471

Manufacturer. Confidential.

Chemical. (G) Metal salt of saccharin.

Use/Production. (S) Cure initiator for fully-formulated adhesives. Prod. range: 1,000–10,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation, 2 workers/batch, 6½ hrs/batch, 3 batches/yr.

Environmental Release/Disposal. No release. Disposal by Resource Conservation Recovery Act (RCRA).

PMN 83-472

Importer. Hitachi Chemical Co., America Ltd.

Chemical. (S) 2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5, (2H, 4H, 6H)-triyl) di-2,1-ethanediyl ester.

Use/Import. (S) Site-limited and industrial curing agent for polymers. Import range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant.

Exposure. Processing: dermal, a total of 6 workers, up to 3 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. Disposal by incineration and reclamation.

PMN 83-473

Importer. Hitachi Chemical Co., America Ltd.

Chemical. (S) 2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl; 2,1-ethanediyl ester.

Use/Import. (S) Site-limited and industrial curing agent for polymers. Import range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant.

Exposure. Processing: dermal, a total of 6 workers, up to 3 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. Disposal by incineration and reclamation.

PMN 83-474

Importer. Hitachi Chemical Co., America Ltd.

Chemical. (S) 2-propenoic acid, (2,4,6-trioxo-1,3,5-triazine-1,3,5 (2H, 4H, 6H)-triyl; 2,1-ethanediyl ester.

Use/Import. (S) Site-limited and industrial curing agent for polymers. Import range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non-irritant.

Exposure. Processing: dermal, a total of 6 workers, up to 3 hrs/da, up to 240 da/yr.

Environmental Release/Disposal. Disposal by incineration and reclamation.

PMN 83-475

Manufacturer. Confidential.

Chemical. (G) Chlorendic anhydride base alkyd polymer.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Confidential.

Environmental Release/Disposal. 5,000–50,000 kg/yr released to the environment. Disposal by POTW, incineration and approved landfill.

PMN 83-476

Manufacturer. Confidential.

Chemical. (G) Polyether modified alkyd.

Use/Production. (S) Resin for low volatile organic content industrial coatings. Prod. range: 5,000–100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal and inhalation, a total of 53 workers, up to 8 hrs/da, up to 250 da/yr.

Environmental Release/Disposal. Less than 10–100 kg/yr released to air and water with more than 10,000 kg/yr to land. Disposal by POTW, incineration and approved landfill.

PMN 83-477

Manufacturer. Confidential.

Chemical. (G) Aliphatic phosphite ester.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: up to 24 hrs/da, up to 200–300 da/yr.

Environmental Release/Disposal. Release is nil.

PMN 83-478

Manufacturer. Confidential.

Chemical. (G) Carboxylic acid derivatives of alkoxylated phenol derivatives and alkoxylated polyamines.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: Minimal.

Environmental Release/Disposal. Release is negligible.

PMN 83-479

Importer. Sandoz Colors and Chemicals.

Chemical. (G) Monoazo substituted aromatic.

Use/Import. (S) Industrial textile fiber colorant. Import range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin— Non-irritating, Eye—Non-irritating.

Exposure. Use: dermal and inhalation, up to 1 worker/plant/shift up to 1 hr/person.

Environmental Release/Disposal. 10–100 kg/yr released to water, 1 hr/da. Disposal by POTW and on-site biological waste treatment system.

PMN 83-480

Manufacturer. AZS Chemical Company.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (S) Industrial lube oil additive, asphalt additive and polyamides. Prod. range: 27,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing: a total of 12 workers, up to 8 hrs/da, up to 3 da/yr.

Environmental Release/Disposal. No release. Disposal by biological treatment system.

PMN 83-481

Manufacturer. AZS Chemical Company.

Chemical. Further clarification needed before information may be released to the public files.

Use/Production. (S) Industrial polyamides. Prod. range: 50,000–1,000,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: breathing vapors a total of 6 workers, up to 8 hrs/da, up to 4 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by biological treatment system.

PMN 83-482

Manufacturer. Confidential.

Chemical. (G) Modified polyester of a carbomonocyclic anhydride and a substituted alkanediol.

Use/Production. (G) Open use. Prod. range: 0–8,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal, inhalation and eye, a total of 59 workers, up to 6 hrs/da, up to 200 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–10,000 kg/yr to land. Disposal by incineration.

PMN 83-483

Manufacturer. Confidential.

Chemical. (G) Mixed fatty acids; alkanepolyol; benzenecarboxylic acids polymer.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. 10-100 kg/yr to land. Disposal by incineration or approved landfill.

Dated: February 4, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-4225 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

Trans-Border Customs Service Inc. et al.; Independent Ocean Freight Forwarder License; Applicants

Correction

In FR Doc. 83-3270 appearing on page 5803 in the issue for Tuesday, February 8, 1983, the following applicant should have appeared before Americargo International, Inc.:

Trans-Border Customs Services, Inc., 76 Main Street, P.O. Box 800, Champlain, NY 12919, Officer: Arthur S. Spiegel, President.

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Transaction Number 83-0044, Grain Processing Corporation's proposed acquisition of all voting securities of Evergreen Mills, Inc.	Feb. 1, 1983.
(2) Transaction Number 83-0057, Stephens, Inc.'s (W. R. Stephens, UPE) proposed acquisition of all voting securities of Atlantic Oil Corporation.	Do.
(3) Transaction Number 83-0015, W. R. Grace & Company's proposed acquisition of all voting securities of Amicon Company.	Jan. 28, 1983.
(4) Transaction Number 83-0002; 83-0006, Phillips Petroleum Company's proposed acquisition of all voting securities of General American Oil Company of Texas.	Jan. 27, 1983.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580 (202) 523-3894.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 83-4211 Filed 2-17-83; 8:45 am]

BILLING CODE 6750-01-M

FOREIGN CLAIMS SETTLEMENT COMMISSION

Vietnam Claims Program; Extension of Deadline for Filing Claims

AGENCY: Foreign Claims Settlement Commission.

ACTION: Notice of extension of time in which to file claims against Vietnam.

SUMMARY: This notice extends the deadline for filing claims based on property owned by United States nationals which was nationalized or otherwise taken by the Socialist Republic of Vietnam.

DATE: New deadline for filing claims on official FCSC Form No. 606 is February 25, 1983.

ADDRESS: Foreign Claims Settlement Commission, Washington, DC 20579.

FOR FURTHER INFORMATION CONTACT: David H. Rogers, General Counsel, Room 400, Vanguard Building, 1111 20th Street, Washington, DC 20579, (202) 653-5883.

Notice of Extension of Deadline for Filing Claims under Pub. L. 96-606.

On February 26, 1981 and again on March 5, 1981, the Commission published notice in the Federal Register on pages 14230 and 15386, respectively, of the commencement of the Vietnam Claims Program authorized by Congress under Public Law 96-606, approved December 28, 1980, and the deadline for filing claims with the Commission. The deadline established was July 31, 1982. In August 3, 1982, the Commission published notice in the Federal Register on page 33555 of the extension of time to October 31, 1982 in which to file claims against Vietnam.

Under the law, the Commission is authorized to establish a period for filing claims, ". . . which period shall not be more than a period of two years beginning on the date of publication in the Federal Register. . . ."

Based upon a recent increase in interest in filing claims against Vietnam, it has been determined that in order to provide United States nationals full opportunity to file in a timely manner for claims against the Socialist Republic of Vietnam, the deadline of filing claims under Pub. L. 96-606 be and it is hereby extended to February 25, 1983. Under the law, no further extensions are possible.

Dated: at Washington, D.C. on February 15, 1983.

J. Raymond Bell,

Chairman.

[FR Doc. 83-4213 Filed 2-17-83; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0327]

Blairex Laboratories, Inc.; Premarket Approval of the Blairex System II (250 MG)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Blairex System II (250 mg (milligrams)) for all soft (hydrophilic) contact lenses, sponsored by Blairex Laboratories, Inc., Evansville, IN. The Blairex System II (250 mg) is intended for use in the preparation of 27.7 milliliters of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic, Ear, Nose, and Throat, and Dental Devices Panel, FDA notified the

sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On October 27, 1981, Blairex Laboratories, Inc., Evansville, IN, submitted to FDA a supplemental application for premarket approval of the Blairex System II (250 mg) for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 1, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation of the then Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Blairex System II (250 mg) states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). a petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4200 Filed 2–17–83; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82M–0325]

Ciba Vision Care; Premarket Approval of Ciba Vision Care Salt Tablets (250 MG)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Ciba Vision Care Salt Tablets (250 mg (milligrams)) for all soft (hydrophilic) contact lenses, sponsored by Ciba Vision Care, Atlanta, GA. The Ciba Vision Care Salt Tablets (250 mg) are intended for use in preparing 27.7 milliliters of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On May 10, 1982, Ciba Vision Care, Atlanta, GA, submitted to FDA a supplemental application for premarket approval of Ciba Vision Care Salt Tablets (250 mg) for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On October 5, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation of the then Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of Ciba Vision Care Salt Tablets (250 mg) states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11,1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4201 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings:

Atlanta District Office, chaired by John H. Turner, District Director; the topics to be discussed are Patient Drug Education Program, Sodium Labeling, and Update Summaries on the Cambridge Diet, Starch Blockers, and Drug Tampering.

DATE: Tuesday, March 1, 1983, 10 a.m.

ADDRESS: The Golden Years Club House, 105 Pullen Rd., Raleigh, NC 27607.

FOR FURTHER INFORMATION CONTACT: Ana M. Rivera, Consumer Affairs Officer, Food and Drug Administration, Atlanta District Office, 1182 W. Peachtree St. NW., Atlanta, GA 30309, 404–881–7355.

Kansas City District Office, chaired by James A. Adamson, District Director.

DATE: Thursday, March 3, 1983, 10:30 a.m. to 2 p.m.

ADDRESS: W. Dale Clark Library (Downtown), 215 S. 15th St. (Lower Level), Omaha, NB 68102.

FOR FURTHER INFORMATION CONTACT: Tywanna G. Paul, Consumer Affairs Officer, Food and Drug Administration, 200 S. 16th St., Suite 430, Omaha, NB 68102, 402–221–4675.

Newark District Office, chaired by Matthew H. Lewis, District Director; the topic to be discussed is Nutrition Labeling: New Format.

DATE: Wednesday, March 23, 1983, 10 a.m. to 12 m.

ADDRESS: Freeholder's Public Meeting Room, Morris County Court House, Washington St., Morristown, NJ 07960.

FOR FURTHER INFORMATION CONTACT: Lillie Dortch-Wright, Consumer Affairs Officer, Food and Drug Administration,

20 Evergreen Place, East Orange, NJ 07018, 201–645–3265.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4185 Filed 2–15–83; 12:23 pm]

BILLING CODE 4160–01–M

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: Kansas City District Office, chaired by James A. Adamson, District Director.

DATE: Wednesday, February 23, 1983.

ADDRESS: Senior Citizens Center, 101 S. Fourth St., Savannah, MO 64485 (at 10 a.m.); Joyce Raye Patterson Senior Center, 100 S. 10th St., St. Joseph, MO 64501 (at 2 p.m.).

FOR FURTHER INFORMATION CONTACT: Julia S. Hewgley, Consumer Affairs Officer, Food and Drug Administration, Kansas City District Office, 1009 Cherry St., Kansas City, MO 64106, 816–374–3817.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District offices, and to contribute to the agency's policymaking decisions on vital issues. The topics to be discussed are tamper-resistant packaging, sodium, and patient education.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83–4186 Filed 2–15–83; 12:23 pm]

BILLING CODE 4160–01–M

[Docket No. 82M–0328]

Horizon Pharmacal, Inc.; Premarket Approval of the Horizon System (250 MG)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Horizon System (250 mg (milligrams)) for all soft (hydrophilic) contact lenses, sponsored by Horizon Pharmacal, Inc., Kansas City, MO. The Horizon System (250 mg) is intended for use in the preparation of 27.7 milliliters of normal saline (0.9 percent) solution to be used in the heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On April 6, 1982, Horizon Pharmacal, Inc., Kansas City, MO, submitted to FDA a supplemental application for premarket approval of the Horizon System (250 mg) for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 1, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation of the then Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–283), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Horizon System (250 mg) states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application

for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4108 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0323]

Marlin Industries; Premarket Approval of the Marlin Salt System 250 MG

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Marlin Salt System 250 mg (milligrams) for all soft (hydrophilic) contact lenses, sponsored by Marlin Industries, Tarzana, CA. The Marlin Salt System 250 mg is intended for use in preparing 27.7 milliliters of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On May 14, 1982, Marlin Industries, Tarzana, CA, submitted to FDA a supplemental application for premarket approval of the Marlin Salt System 250 mg for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 4, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation of the then Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs.

Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Marlin Salt System 250 mg states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that wherever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (212 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's

action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the person who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4202 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83-0039]

Parker Hannifin Corp.; Premarket Approval of Cryomax®

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Cryomax® sponsored by Parker Hannifin Corp., Irvine, CA. After reviewing the recommendation of the Gastroenterology-Urology Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, National Center for Devices and Radiological Health (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On March 2, 1982, Parker Hannifin Corp., Irvine, CA, submitted to FDA an application for premarket approval of the Cryomax®, indicated for use in therapeutic procedures requiring the separation of plasma from whole blood for (1) the removal of some plasma components (principally macromolecules) by cryofiltration, or (2) plasma exchange. The application was reviewed by the Gastroenterology-Urology Device Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application. On January 31, 1983, FDA approved the application by a letter to the sponsor from the Associate Director for Device Evaluation of the Office of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles H. Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4186 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82M-0326]

Professional Supplies, Inc.; Premarket Approval of Soft Rinse 250™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the supplemental application for premarket approval under the Medical Device Amendments of 1976 of the Soft Rinse 250™ for all soft (hydrophilic) contact lenses, sponsored by Professional Supplies, Inc., Stevens Point, WI. The Soft Rinse 250™ is intended for use in the preparation of 27.7 milliliters of normal saline (0.9 percent) solution to be used in heat disinfection of all soft (hydrophilic) contact lenses. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by March 21, 1983.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, National Center for Devices and Radiological Health (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On May 24, 1982, Professional Supplies, Inc., Stevens Point, WI, submitted to FDA a supplemental application for premarket approval of the Soft Rinse 250™ for all soft (hydrophilic) contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On October 4, 1982, FDA approved the application by a letter to the sponsor from the Acting Associate Director for Device Evaluation of the then Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), salt tablets for preparing solutions for use in heat disinfection of soft (hydrophilic) contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(lh)), such salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly considered new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the use above comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Office of Medical Devices—contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Soft Rinse 250™ states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or any such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this supplemental application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 21, 1983, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 11, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-4313 Filed 2-17-83; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicare Program; Performance Criteria and Statistical Standards for Evaluating Intermediary Performance During Fiscal Year 1983

AGENCY: Health Care Financing Administration (HFCA), HHS.

ACTION: General notice with comment period.

SUMMARY: This notice describes performance criteria and statistical standards to be used for evaluating the performance of fiscal intermediaries in the administration of the Medicare program for fiscal year 1983. The results of these evaluations may be considered when we enter into, renew, or terminate an intermediary agreement; assign or reassign providers of services to an intermediary; or designate regional or national intermediaries.

DATES: February 18, 1983. To assure consideration, comments should be mailed by March 21, 1983.

ADDRESSES: Address comments in writing to: Health Care Financing Administration, Department of Health and Human Services, Attention: BPO–32–GNC, P.O. Box 17073, Baltimore, Maryland 21235. If you prefer, you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C., or Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland. In commenting please refer to BPO–32–GNC.

Comments: We are publishing this notice in final form in order to avoid delay in the use of the performance criteria and statistical standards in fiscal year 1983 evaluations. However,

we will accept the comments of interested parties and consider them as we develop future performance measures.

Comments will be available for public inspection as they are received, beginning approximately three weeks from today, in Room 309–G of the Department's office, at 200 Independence Avenue, SW., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT: Newton Dikoff, 301–594–8190.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 1816 of the Social Security Act, public or private organizations and agencies may participate in the administration of Part A (Hospital Insurance) of the Medicare program under contract with the Secretary. These agencies or organizations are known as fiscal intermediaries, and they perform bill processing and benefit payment functions for the Medicare program. Providers of services (hospitals, skilled nursing facilities (SNFs), and home health agencies (HHAs)) submit bills to these intermediaries, which determine whether the services are covered under Medicare and determine reasonable costs. The intermediaries then reimburse the providers on behalf of the beneficiaries.

Using performance criteria and statistical standards, we evaluate the performance of intermediaries in such areas as bill processsing, provider reimbursement, contract management, bill processing cost, bill processing timeliness, and cost report settlement quality. The areas of bill processing, provider reimbursement, and contract management are measured using performance criteria that evaluate the overall quality of an intermediary's Medicare operation. The areas of bill processing cost, timeliness, and the quality of cost report settlement are measured using statistical standards that evaluate the efficiency of an intermediary's Medicare operation.

As a result of our evaluation of intermediary performance under these performance criteria and statistical standards, we may initiate administrative actions. As stated in the regulations in subpart B of 42 CFR Part 421, we consider the results of the evaluations in determinations we make concerning—

- Entering into, renewing, or terminating agreements with intermediaries;
- Assigning or reassigning providers to intermediaries; and
- Designating regional or national intermediaries for classes of providers.

The evaluation system was established in regulations on June 23, 1980 (45 FR 42174). At that time, we placed in the regulations a general description of performance criteria (42 CFR 421.120) and a requirement that statistical standards be issued through notices in the **Federal Register** before the beginning of each evaluation period (42 CFR 421.122). A complete description of the criteria and standards, along with sub-elements of each, is also published annually through HCFA's manual issuances system.

The description of the criteria contained in § 421.120 has remained unchanged since it was issued in June 1980, and is now out-of-date because of changes in the importance of the various areas of intermediary performance evaluated by the criteria, along with changes in the Medicare law and in our evaluation procedures. Consequently, we have determined that we must revise § 421.120 to replace the description of the performance criteria with a commitment to issue updated criteria before each evaluation period through **Federal Register** notices in the same manner as we update the statistical standards in accordance with § 421.122. The result will be annual notices that will consist of a detailed description of the performance criteria and statistical standards along with the numerical values of each. A final rule making this change appears elsewhere in this issue of the **Federal Register.**

Additionally, we are including in this notice the revised performance criteria applicable for fiscal year 1983 in order to provide the intermediary community and the public-at-large with an opportunity to comment on the performance criteria, as well as the statistical standards issued under § 421.122. The intermediary community has had an opportunity to comment on the performance criteria and statistical standards for fiscal year 1983 through workshops, meetings and consultations between intermediary representatives and HCFA. The fiscal year 1983 criteria and standards, as described in the notice, have already been issued to intermediaries through the HCFA manual issuance system.

Throughout the process of developing the elements and numerical values of the fiscal year 1983 performance criteria and statistical standards, we have consulted with the intermediary community. Through an informal and a formal consultation process we have negotiated with, and received substantive input, from the intermediaries concerning fiscal year 1983 performance levels.

II. Performance Criteria

We will use the following performance criteria to evaluate the overall quality of an intermediary's performance during fiscal year 1983. Within the 3 areas to be evaluated, there are a total of 11 performance criteria: 3 for bill processing, 3 for provider reimbursement, and 5 for contract management. The 11 performance criteria contain a total of 37 elements.

A. Scoring System

We will measure each of the three areas that are evaluated using performance criteria. We have set the requirement levels for fiscal year 1983 as follows:

- Bill Processing—132 points.
- Provider Reimbursement—132 points.
- Contract Management—220 points.

These levels were determined by considering the results of fiscal year 1981 intermediary performance evaluations, reports of performance in fiscal year 1982, and performance levels expected to be achieved in fiscal year 1983. We believe that the levels are achievable by most of the intermediaries. Therefore, failure of a particular intermediary to achieve the levels would raise serious questions about its ability to perform its Medicare responsibilities adequately.

An intermediary's score in each of the three areas is determined by summing the criteria scores within each area. Unsatisfactory performance in any of the three areas may result in an overall assessment of unsatisfactory performance for the performance criteria phase of the evaluation system.

The starting score for each of the performance criteria is 50 points. The starting score of 50 represents a numerical value assigned to the performance level for a criterion against which an intermediary's performance will be measured. This performance level reflects a level of efficiency and effectiveness which can be achieved by the large majority of intermediaries. Each element within a criterion has a method of evaluation that is used to calculate points based on an intermediary's performance for that element. For each element, HCFA will provide an acceptable performance level and specific method of measuring performance. This methodology will be applied uniformly to each intermediary's performance. In addition, each element

carries a weight of 1.0, 1.5, or 2.0 depending on its relative importance to the criterion, and the Medicare program. The calculated points are multiplied by the element's weight before being applied to the criterion starting score of 50. The sections below list the performance criteria, elements, and element weights for fiscal year 1983.

If an intermediary exactly meets the requirements for each of the elements within a criterion, it will achieve the criterion starting score of 50. For performance better or worse than the levels set for the criteria elements, calculated weighted points will either be subtracted from the starting score, or added to the starting score if the intermediary is eligible for bonus points.

If an intermediary is not responsible for performing a function measured by an element(s), it will not be evaluated for that particular element(s).

If an intermediary performs below the level set for the element, calculated points (after multiplying by the weight) are subtracted from the starting score of 50. Bonus points are added to the starting score of 50 after this calculation to help distinguish between various levels of acceptable performance within each element by intermediaries. However, an intermediary must achieve a score of 44 or higher in a criterion to be eligible for bonus points. He will not use bonus points in an area to help an intermediary whose performance does not achieve a score of 44 in that area. The score of 44 was selected as the level of performance expected to be achieved in a criterion by a substantial number of intermediaries, following consideration of FY 81 evaluation scores and reports of FY 82 performance.

As previously explained, the areas of bill processing, provider reimbursement, and contract management require a score that meets or exceeds the aforementioned prescribed levels. To ensure that extremely deficient performance in a criterion is not offset by good performance in another criterion, within that same area, a criterion score of 38 must be achieved. Otherwise, performance for the entire area will be considered unsatisfactory. Though achieving a score of 38 or higher in each criterion will not necessarily result in a standard score above the required level, a score below 38 in any criterion would result in an unsatisfactory assessment. Selection of the score of 38 was also made after consideration of FY 81 evaluation scores and reports of FY 82 performance. A score of 38 represents performance at least 13 points below the acceptable performance level.

The following sections explain each area with its respective criteria and elements. Attachment A shows some examples of scoring in the three areas that are measured by the performance criteria.

B. Bill Processing

The evaluation of the area of bill processing is intended to measure an intermediary's compliance with several bill processing adjudication requirements. Under these requirements, an intermediary must:

(1) Accurately process bills from providers;

(2) Determine whether rendered services are covered under the Medicare program;

(3) Ensure the correct amount of benefit payments;

(4) Respond promptly and accurately to beneficiary inquiries; and

(5) Issue proper notices of reconsideration determinations.

For the FY 83 evaluation period, there are three performance criteria that are used to assess an intermediary's performance with respect to bill processing. Within these three criteria are a total of thirteen elements. The performance criteria and their respective elements are as follows:

(a) Criterion A—Maintain control of provider bills to assure orderly and accurate provider bill processing.

(1) Element 1—Age bills from the actual date of receipt. Weight=2.0.

(2) Element 2—Inpatient hospital bills must pass HCFA utilization edits. Weight=1.0.

(3) Element 3—Outpatient hospital bills must pass HCFA utilization edits. Weight=1.0.

(4) Element 4—SNF bills must pass HCFA utilization edits. Weight=1.0.

(b) Criterion B—Make correct coverage and payment determinations.

(1) Element 1—Process inpatient hospital bills to ensure that coverage and payment requirements are met. Weight=1.5.

(2) Element 2—Process SNF bills to ensure that coverage and payment requirements are met. Weight=1.0.

(3) Element 3—Process HHA bills to ensure that coverage and payment requirements are met. Weight=1.0.

(4) Element 4—Process outpatient bills to ensure that coverage and payment requirements are met. Weight=1.0.

(5) Element 5—Make payment for dialysis to end stage renal disease (ESRD) facilities based on the reimbursement limit screen or the approved exception rate. Weight=1.0.

(c) Criterion C—Respond promptly and accurately to beneficiary inquiries and appeals.

(1) Element 1—Respond promptly to beneficiary inquiries. Weight=1.5.

(2) Element 2—Respond accurately to beneficiary inquiries. Weight=1.5.

(3) Element 3—Prepare accurate reconsideration determinations. Weight=1.5.

(4) Element 4—Notice of the reconsideration decision must provide adequate information and be furnished to appropriate parties. Weight=1.5.

c. Provider Reimbursement

Proper stewardship over Medicare reimbursable costs is an important responsibility. An intermediary must reimburse providers for the reasonable costs they incur in furnishing covered services to Medicare beneficiaries. This requirement includes responsibility for setting interim rates; receipt, review, audit, and settlement of provider cost reports; and timely disposition of overpayments.

In FY 83, there are a total of nine elements within the provider reimbursement area's three performance criteria as follows:

(a) Criterion A—Establish interim rates and periodic interim payment rates for providers accurately and timely, and identify and recover overpayments timely.

(1) Element 1—Establish interim payments for participating hospitals to approximate Medicare reimbursable costs as closely as possible. Weight=2.0.

(2) Element 2—Establish interim payments for participating SNFs to approximate Medicare reimbursable costs as closely as possible. Weight=1.0.

(3) Element 3—Establish interim payments for participating HHAs to approximate Medicare reimbursable costs as closely as possible. Weight=1.5.

(4) Element 4—Recover provider overpayments timely. Weight=2.0.

(b) Criterion B—Based on provider cost reports, accurately apply the Principles of Reimbursement (42 CFR 405, Subpart D) to ensure that only reasonable and allowable costs incurred in furnishing covered services to Medicare beneficiaries are reimbursed by the Medicare program.

(1) Element 1—Properly finalize SNF cost reports. Use the Principles of Reimbursement and comply with HCFA requirements to ensure that only reasonable and allowable costs incurred in furnishing covered services to Medicare beneficiaries have been reimbursed to providers of services. Weight=1.5.

(2) Element 2—Properly finalize HHA, Rural Health Clinic and outpatient physical therapy cost reports. Use the Principles of Reimbursement and comply with HCFA requirements to ensure that only reasonable and allowable costs incurred in furnishing covered services to Medicare beneficiaries have been reimbursed to providers of services. Weight=1.5.

(c) Criterion C—Settle provider cost reports timely.

(1) Element 1—Hospital FY 81 cost reports must be settled by the end of FY 83. Weight=2.0.

(2) Element 2—SNF FY 81 cost reports must be settled by the end of FY 83. Weight=1.5.

(3) Element 3—HHA FY 81 cost reports must be settled by the end of FY 83. Weight=1.5.

D. Contract Management

An intermediary must protect the Medicare program and the public interest by properly managing Federal funds for both benefit payments and cost of administration. This effort must be in accordance with the agreement with the Secretary, the Federal Procurement Regulations, and HCFA instructions. In addition, prevention of fraud and abuse is an important facet of this responsibility.

There are five performance criteria in this area that contain a total of fifteen elements as follows:

(a) Criterion A—Equitably charge and control allowable Medicare administrative expenses to the program.

(1) Element 1—Cost allocations must be consistent (provide reasonable assurance that comparable transactions are treated alike) and allocable (assigned or chargeable to a particular cost objective in accordance with the relative benefits received or other equitable relationship). Weight=2.0.

(2) Element 2—Control actual expenditures to the latest approved budget and have the ability to identify potential over-expenditures in advance. Weight=1.5.

(3) Element 3—Control administrative funds drawn to the approved Budget Distribution and in line with actual expenditures. Weight=1.5.

(b) Criterion B—Submit accurate fiscal reports and maintain Medicare bank accounts through appropriate letter of credit procedures.

(1) Element 1—Submit accurate Interim Expenditure Reports. Weight=1.5.

(2) Element 2—Submit Accurate Final Administrative Cost Proposals. Weight=2.0.

(3) Element 3—Submit timely "Time Account Adjustment Schedules." Weight=1.0.

(4) Element 4—Accurately complete quarterly adjustments to the Medicare Time Account(s). Weight=1.5.

(5) Element 5—Make timely adjustments to the Medicare Time Account. Weight=1.0.

(c) Criterion C—Identify and process program integrity issues in accordance with general instructions.

(1) Element 1—Properly close all potential fraud and abuse cases. Weight=2.0.

(2) Element 2—Properly close audited fraud and abuse cases involving provider cost reports. Weight=1.5.

(d) Criterion D—Comply with the contractual provisions regarding required clauses, prior approval, and/or notification when entering into, modifying, or renewing subcontracts.

(1) Element 1—Include all applicable clauses in subcontracts executed during the review period. Weight=1.0.

(2) Element 2—Submit leases and other subcontracts (excluding those for electronic data processing (EDP) services included in element 3) to HCFA for prior approval or give notice in accordance with the Medicare agreement and HCFA instructions. Weight=2.0.

(3) Element 3—Submit subcontracts for EDP services or equipment to HCFA for prior approval or give notice in accordance with the Medicare agreement and HCFA instructions. Weight=2.0.

(e) Criterion E—Implement HCFA instructions accurately.

(1) Element 1—Accurately implement Intermediary Letters (ILs) and manual transmittals issued by HCFA central office. Weight=2.0.

(2) Element 2—Implement HCFA regional office directives and recommendations accurately. Weight=2.0.

III. Statistical Standards

We will use the statistical standards in this notice to evaluate intermediary performance during FY 83. Performance will be measured by three statistical standards: unit cost of bill processing, timeliness of bill process, and quality of cost report settlement. The three statistical standards collectively contain 6 elements.

A. Scoring System

We will measure each of the three statistical standards (unit cost, timeliness of bill processing, and cost report settlement quality) individually, as we did in FY 82. A starting score of 100 points will be assigned to each of the three standards, and we will subtract points from the starting score for intermediary performance that does not meet the levels set by the elements within the standards. The starting score of 100 points is representative of the performance level reached by about 50 percent of the intermediaries in FY 81.

Attainment of 75 points represents the performance at the 85th to 90th percentile of intermediaries in the FY 81 base year. If an initial score of 75 or better is attained in a standard, bonus points will be awarded for levels of performance exceeding the levels prescribed for the elements within the standards. Failure to achieve a score of 75 in any of the statistical standards may result in an overall assessment of unsatisfactory performance for the statistical standards phase of the evaluation process.

In setting the levels for the elements of the standards, we accounted for past intermediary performance, current fiscal constraints, and the need to promote the best possible performance. Moreover, should significant noncontrollable factors impact on an intermediary's performance of a selected performance measure, we will make an appropriate adjustment to the intermediary's score.

As stated earlier, unsatisfactory performance as measured by the criteria and standards is taken into account in entering into, renewing or terminating agreements with intermediaries, assigning or reassigning providers to intermediaries and in designating regional or national intermediaries for classes of providers.

B. Use of Weights

As previously mentioned, the three statistical standards for FY 83 contain a total of 6 elements: 1 for unit cost, 4 for bill processing timeliness, and 1 for cost report settlement quality. We assigned each of the 6 elements a weight between 0 and 1, and we will multiply points received in any of these elements by the weight of the element before we apply them to the starting score. We will use the bonus point concept in the unit cost and cost report quality elements to provide an incentive to the intermediaries to exceed the levels prescribed by the standards' elements as much as possible. However, bonus points will not be awarded for the FY 83 bill processing timeliness standard. Because there is only one element in each of the unit cost and cost report quality standards, each has been assigned a weight of one. In the bill processing timeliness standard, the individual elements carry weights according to their relative importance

within the statistical standard to beneficiaries, providers, and governmental recordkeeping requirements. We derived these weights on the basis of our experience in the bill processing area and after consultation with representatives of the intermediary community.

There are 4 elements in the standard for bill processing timeliness: 1 each for inpatient hospital, outpatient hospital, SNF and HHA bills. We assigned relatively equal weights to the elements for each type of bill because we believe each is equally important. We set the required levels of performance at different levels for each type of bill, based on actual achievements reached by intermediaries in these areas, but adjusted the results so that the standard would not have to exceed FY 82 levels as a cost savings measure. The requirements for all 4 elements have been given a weight between 0 and 1.

The following sections explain each statistical standard and the respective elements in detail. Attachment B exhibits some examples of scoring the statistical standards.

C. Unit Cost Standard

We based the standard for unit cost of bill processing on FY 81 data adjusted to reflect the effect of contractor budget allowances estimated to occur in FY 83. In the calculation of unit cost per bill, we define the numerator "cost" as the intermediary's Medicare FY 83 administrative costs. These costs exclude nonrecurring costs and costs related to provider reimbursement; provider audit; Professional Standards Review Organization and health maintenance organization activities; and State premium taxes, where applicable. For Blue Cross Plans, the numerator includes a share of Blue Cross Association administrative support costs. These data will be derived from the final Interim Expenditure Report (Form HCFA–1527) filed for FY 83. We define the denominator "bill" as the intermediary's total number of processed bills for FY 83 as correctly reported on its Intermediary Workload Report (Form HCFA–1566).

D. Adjustment to Unit Cost

To allow for a more equitable comparison with the unit cost standard, we adjust each intermediary's unit cost value for significant measurable factors that are not within the intermediary's control. Statistical techniques, such as multiple regression analysis, are used to derive the adjustment factors. Regression analysis is a statistical tool that is used to identify variables (such as differing salary levels between geographic areas) that impact significantly upon a given measure (such as unit cost) and to quantify the extent of such impact. Before we compare an intermediary's unit cost with the FY 83 standard, appropriate adjustments will be made by applying the adjustment factors described below.

In the study of intermediary unit costs for FY 83, five noncontrollable factors were identified through the use of regression analysis: A geographical salary index, the inverse of the intermediary's total bill volume, the percent of bills processed by the intermediary that are inpatient hospital bills, the percent of bills processed by the intermediary that are HHA bills, and the percent of bills processed by the intermediary that are SNF and "other" bills.

We will adjust each intermediary's FY 83 unit cost for the effect of noncontrollable factors V_1 to V_5 by means of the following formula:

$$\text{Adjusted Unit Cost} = (\text{Unit Cost}) - 1.(V_1 - 1.00) - 3.05(V_2 - .05) - 2.86(V_3 - .29) - 3.80(V_4 - .09) - 3.52(V_5 - .06).$$

Where:

V_1 = An index value based on average starting salaries for clerk-typists employed by the insurance industry in 1981.

V_2 = Inverse Bill Volume—Monthly (12 times 1,000 divided by the number of bills reported as processed during FY 83 by the intermediary on its Intermediary Workload Reports);

V_3 = Ratio of Inpatient Hospital Bills (column ii of the Intermediary Workload Report) processed to total bills processed (based on FY 83 bills processed as reported by the intermediary on its Intermediary Workload Reports);

V_4 = Ratio of HHA bills (column v of the Intermediary Workload Report) processed to total bills processed; and

V_5 = Ratio of SNF and "other" bills (column iv plus column vi of the Intermediary Workload Report) processed to total bills processed.

For FY 83, we have set the unit cost standard at $3.30. An intermediary with an adjusted unit cost of $3.30 would achieve a score of 100. The unit cost value that will achieve 75 points is equivalent to $3.80. That is, an intermediary must have a unit cost of not more than $3.80 (after it is adjusted for noncontrollable factors that significantly impact upon cost) for it to satisfy the unit cost standard. The levels of $3.30 and $3.80 were derived based on: (1) Past intermediary performance; (2) acknowledgement of noncontrollable factors that may impact upon cost; and (3) current and projected budgetary conditions.

Since there is only one element that constitutes the unit cost standard, we established a weight of 1.0 for that element. The scoring formula used to subtract points for an adjusted unit cost that is above the unit cost standard or to award bonus points for a value that is below the standard is as follows:

$$50\ (\$3.30 - \text{Performance})$$

Where, the intermediary's performance is its adjusted unit cost value.

E. Timeliness of Bill Processing

We define bill processing time as the length of time in calendar days from the date of initial receipt of the bill by the intermediary to the date the intermediary processed the bill to completion. The percent of bills processed within a specific timeframe is determined in the following manner. Using the universe of bills processed by the intermediary during FY 83 and required to be sent to HCFA, we will divide the number of bills sent to us within the specified time period by the total number of bills processed and then multiply the result by 100.

Our analyses show the major noncontrollable factor affecting bill processing timeliness is the proportion of bills by type. Therefore, instead of trying to adjust a single set of elements for these proportions, we have established requirements by type of bill according to the following definitions:

- Inpatient Hospital bills—HCFA–1453 forms submitted by hospitals.
- SNF bills—HCFA–1453 forms submitted by SNFs.
- HHA bills—HCFA–1487 forms submitted by HHAs.
- Outpatient bills—HCFA–1483 forms (Provider Billing for Medical and other Health Services) submitted by all types of providers.

The FY 83 bill processing time elements, scoring formulas, and weights are as follows:

Element	Standard	Scoring formula [2]	Weight
Inpatient Hospital Bills: 1. Percent Processed in 30 Days	98.5 (80.0)	4.0 (PERF-80.0)	.25
Outpatient Hospital Bills: 2. Percent Processed in 30 Days	97.5 (80.0)	5.0 (PERF-80.0)	.25
SNF Bills: 3. Percent Processed in 30 Days	92.5 (74.5)	2.0 (PERF-74.5)	.25
HHA Bills: 4. Percent Processed in 30 Days	95.5 (77.0)	2.0 (PERF-77.0)	.25

[1] Processing time standards shown in parenthesis have been relaxed and are the FY 83 standards.
[2] The variable "PERF" refers to the intermediary's actual performance for the elements.

F. Cost Report Settlement Quality

This standard will be measured using HCFA's Cost Report Evaluation Program (CREP). The objectives of this program are: (1) To determine if cost report settlement instructions are being properly followed; (2) to discover errors and recoup monies when appropriate; and (3) to identify underlying areas where instructions need clarification.

CREP is implemented through a sampling approach applied to an intermediary's universe of settled hospital and HHA cost reports. Once the sample is selected, the cost reports are reviewed in conjunction with the above objectives. The sample findings are then projected to the unverse at which time a quality rating is assigned based on the intermediary's performance for the provider cost report settlement function.

For FY 83, we set the provider cost report settlement quality standard at 88.0. This level will achieve a CREP Cost Report Settlement Quality score of 100 points. A CREP performance level of 70.2 is required to achieve the required level of 75 points in the CREP Cost Report Settlement Quality Standard. Since there is only one element for this standard, we established a weight of 1.0 for that element. The scoring formula used to substract points or award bonus points is as follows:

1.4 (Performance—88.0)

Where, the intermediary's performance is its CREP score.

IV. Impact Analyses

A. Executive Order 12291

We have determined that this notice does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this proposed rule will not have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effect on business, or employment.

We are required by regulations to issue the statistical standards before the beginning of each evaluation period. No increased costs will be incurred by the Federal government or the intermediaries as a result of this notice. Therefore, a Regulatory Impact Analysis is not required.

B. Regulatory Flexibility Act

The Secretary certifies under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this notice will not have a significant economic impact on a substantial number of small businesses, organizations, or government jurisdictions. The updated performance criteria and statistical standards do not add to or alter the functions that intermediaries already perform for the Medicare program and, therefore, do not increase the cost of an intermediary's Medicare operation.

We believe that the changes will, in fact, be of benefit to the intermediaries because the criteria and standards used in the evaluation system will ensure a good level of performance without placing an inordinate number of intermediaries in serious jeopardy of not satisfying the performance criteria or the statistical standards.

In addition, all intermediaries are under contract with HCFA and these contracts provide for evaluations of intermediary performance. The evaluations, therefore, are mutually agreed to.

Lastly, we set the performance criteria and statistical standards so that the size of an intermediary does not adversely affect its ability to meet the requirements.

For these reasons, we do not believe that a regulatory flexibility analysis under the Regulatory Flexibility Act is required for this annual notice.

Attachment A—Examples of Scoring the Areas Measured Using Performance Criteria

EXAMPLE 1.—BILL PROCESSING

	Weighted penalty point	Weighted potential bonus points
Criterion A:		
Element 1	−2	0
Element 2	0	1
Element 3	−1	0
Element 4	−1	0
Criterion Score = 50 − 4 = 46 + 1 [1] = 47.		
Criterion B:		
Element 1	−3	0
Element 2	−2	0
Element 3	−1	0
Element 4	−2	0
Element 5	0	1
Criterion Score = 50 − 8 = 42. [2]		
Criterion C:		
Element 1	−3	0
Element 2	0	0
Element 3	0	0
Element 4	0	0
Criterion Score = 50 − 3 = 47.		
Bill Processing Score = 47 + 42 + 47 = 136, which surpasses the required level.		

[1] Bonus point awarded since initial criterion score (i.e., 46) is above 44.

[2] Bonus point not awarded since initial score is below 44.

EXAMPLE 2.—BILL REIMBURSEMENT

	Weighted penalty point	Weighted potential bonus points
Criterion A:		
Element 1	−4	0
Element 2	−1	0
Element 3	−3	0
Element 4	−2	0
Criterion Score = 50 − 10 = 40.		
Criterion B:		
Element 1	−3	0
Element 2	0	0
Criterion Score = 50 − 3 = 47.		
Criterion C:		
Element 1	0	0
Element 2	−3	0
Element 3	−3	0
Criterion Score = 50 − 6 = 44.		
Provider Reimbursement Score = 40 + 47 + 44 = 131, which is below the required level.		

EXAMPLE 3.—CONTRACT MANAGEMENT

	Weighted penalty point	Weighted potential bonus points
Criterion A:		
Element 1	0	0
Element 2	−1.5	0
Element 3	−1.5	0
Criterion Score = 50 − 3 = 47.		
Criterion B:		
Element 1	0	0
Element 2	0	0
Element 3	0	0
Element 4	0	0
Element 5	0	0
Criterion Score = 50.		
Criterion C:		
Element 1	0	2
Element 2	0	0
Criterion Score = 50 + 2 = 52.		
Criterion D:		
Element 1	0	0
Element 2	0	0
Element 3	0	0
Criterion Score = 50.		
Criterion E:		
Element 1	−8	0
Element 2	−6	0
Criterion Score = 50 − 14 = 36.		
Contract Management Score = 47 + 50 + 52 + 50 + 36 = 235; however, since Criterion E has a score below 38, the intermediary is not meeting the requirements.		

Attachment B—Example of Scoring Statistical Standards

Standard	Performance requirement	Performance	Subtraction (−) bonus (+) points [1]	Weight	Weighted subtraction (−) bonus (+) points	Standard score
Unit Cost:						
1. Adjusted Unit Cost	$3.30	$3.90	−30	1.00	−30	70
Timeliness of Bill Processing: [2]						
2. Inpatient—30 Days	98.5 (80.0%)	75.0%	−20.0	.25	−5.0	95
3. Outpatient—30 Days	97.5 (80.0%)	85.4%	[1]0	.25	0	
4. SNF—30 Days	92.5 (74.5%)	77.7%	[1]0	.25	0	
5. HHA—30 Days	95.5 (77.0%)	88.9%	[1]0	.25	0	
Cost Report Settlement Quality:						
6. CREP Score	88.0%	85.0%	−4.2	1.00	−4.2	95.8

[1] No bill processing timeliness bonus point available for FY 83.
[2] Bill processing timeliness standards have been relaxed to FY 82 levels.

(Secs. 1102, 1816 and 1871 of the Social Security Act (42 U.S.C. 1302, 1395h, and 1395hh))
(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: December 30, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: January 28, 1983.

Richard S. Schweiker,

Secretary.

[FR Doc. 83-4238 Filed 2-17-83; 8:45 am]

BILLING CODE 4120-03-M

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was last published on February 11.

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration

Subject: Inventory of Mental Health Organizations (Abbreviated Version)—New
Respondents: Psychiatric hospitals under State or county auspices
OMB Desk Officer: Fay S. Iudicello

Centers For Disease Control

Subject: National Venereal Disease Morbidity Program (0920-0001)—Revision
Respondents: State, territorial, and local health departments
OMB Desk Officer: Fay S. Iudicello

Food and Drug Administration

Subject: Transmittal of Periodic Reports and Promotional Material for New Arrival Drugs (0910-0019)—Extension/No change
Respondents: Drug manufacturing firms
OMB Desk Officer: Richard Eisinger

Social Security Administration

Subject: Statement Regarding the Inferred Death of an Individual by Reason of Continued and Unexplained Absence (SSA-723 (1-83))—Revision
Respondents: Individuals or households
Subject: Statement of Income and Resources by Person Whose Income May be Deemed to a Supplemental Security Income Recipient or Applicant (SSA-8010-F6)—Revision
Respondents: Individuals or households
Subject: Certificate of Responsibility for Welfare and Care of Child not in Applicant's Custody (SSA-781 (1-83))—Revision
Respondents: Individuals or households
Subject: Field Review Worksheet for a Study of the Social Security Administration's Procedures for Waiving the Repayment of Title II and XVI Overpayments—New
Respondents: Individuals or households
OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Evaluation of Medicare and Medicaid Alcoholism Services Demonstration—Preliminary Plan
Respondents: Selected alcoholism treatment facilities
Subject: Medicaid Quality Control Sampling Plan (HCFA-317)—Reinstatement
Respondents: State agencies administering the Medicaid program
OMB Desk Officer: Fay S. Iudicello

Office of Human Development Services

Subject: Study of Preplacement and Reunification Child Welfare Service Programs—New
Respondents: Child welfare services caseworkers and supervisors and families receiving child welfare services
OMB Desk Officer: Milo Sunderhauf

Office of the Secretary

Subject: Pilot Short-Term Evaluation of HHS Clearinghouse Users (User Survey)—New
Respondents: Sample of users of certain HHS clearinghouses
OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201
OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, ATTN: (name of OMB Desk Officer)

Dated: February 15, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-4241 Filed 2-17-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-83-1207]

Privacy Act of 1974; New System of Records

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of a new system of records.

SUMMARY: The Department is giving notice of a system of records it intends to maintain which is subject to the Privacy Act of 1974.

EFFECTIVE DATE: This notice shall become effective March 20, 1983, unless comments are received on or before that

date which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Arthur L. Stokes, Departmental Privacy Act Officer, (202) 755–5320. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The Audit Planning and Operations System (APOS) is being developed to assist the Office of Assistant Inspector General for Audit in planning, executing and evaluating its audit work and other assignments. This system will collect and store the Office of Inspector General (OIG) audit planning information. It will store information reflecting the accomplishments of all planned activity for purposes of comparing this data to the plan. The automated APOS will also collect all information concerning the execution of all OIG audit assignments at both Headquarters and in the regions. The collected information will include all time charged to each task within each assignment for each participating staff member; planned dates for each task within each assignment; actual task completion dates; and information on receipt, review and acceptance of audit reports of HUD grantees conducted by Independent Public Accountants (IPAs) and subject to review and acceptance by the OIG. The APOS will also provide standard cyclic and "on-request" reports of general audit plans, audit operations and detailed plan accomplishments pursuant to the OIG fulfilling its obligation to HUD, the Congress, and the President. The prefatory statement containing General Routine Uses applicable to most of the Department's systems of records was published at 47 FR 34322 (August 6, 1982). Appendix A, which lists the addresses of HUD's Field Offices was published at 47 FR 34331 (August 6, 1982). A new system report was filed with the Speaker of the House, the President of the Senate, and the Director of the Office of Management and Budget on December 27, 1982.

HUD/DEPT–77

SYSTEM NAME:

Audit Planning and Operations System (APOS).

SYSTEM LOCATION:

This system is located in Headquarters, with regional and Headquarters data entry and access capabilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All OIG staff personnel and Independent Public Accountants (IPAs) who perform audits of HUD grantees where reports are subject to OIG review and acceptance.

CATEGORIES OF RECORDS IN THE SYSTEM:

The automated APOS contains name and ID number for OIG auditors and Independent Public Accountants (IPAs) who perform audits of HUD grantees where the audit reports are subject to OIG review and acceptance. Additionally, the APOS has records reflecting the OIG Annual Audit Plan (AAP) and detailed assignments within the AAP staffing and time goals for each assignment; records on direct time expenditures for each task within each assignment for each OIG employee; indirect time for each employee; information reflecting the receipt, review, acceptance and audit verification of IPA audits; and direct time charges to other categories of OIG audit work such as assistance to U.S. Attorneys, complaint handling and special projects.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

OMB Circular No. A–73, Revised, dated March 15, 1978, Audit of Federal Operations and Programs; Paragraphs 7 and 7(3). Inspectors General Act 1978. Pub. L. 95–452; Section 4, Paragraph (1) and Section 5(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

See routine uses paragraphs in prefatory statement. Other routine uses: None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders and on magnetic media.

RETRIEVABILITY:

Retrievability of records that refer to OIG personnel will be by HUD-OIG numbers and regional identifier. Retrieval of records that refer to Independent Public Accountants will be by the OIG designated numeric code for the IPA and regional identifier.

SAFEGUARDS:

Manual files are kept in lockable file drawers in secure areas. Technical restraints are employed with regard to accessing the automated records.

RETENTION AND DISPOSAL:

Coded imput forms will be retained for one month, and upon successful execution of program, the forms will be destroyed. Printed computer output forms will be retained until the next cyclical run. The system report cycles will occur monthly, quarterly, or semiannually depending on the nature of the report. Stored data within the system will be retained for three years. At the end of that period the records will be removed and maintained for two more years on tape where they will be restored to the system only as needed. At the end of a 5-year period, records will be removed from tape library and destroyed.

SYSTEM MANAGER AND ADDRESS:

Assistant Director, Audit Operations Division, Field Operations, 451 7th Street, SW., Washington, D.C. 20410.

NOTIFICATION PROCEDURE:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the Headquarters location, in accordance with 24 CFR Part 16. This location is given in Appendix A.

RECORD ACCESS PROCEDURES:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed, contact the Privacy Act Officer at the Headquarters location. This location is given in Appendix A.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting the contents of records and appealing initial denials by the individual concerned appear in 24 CFR Part 16. If additional information or assistance is needed in relation to contesting the contents of records, it may be obtained by contacting the Privacy Act Officer at the appropriate location. A list of all locations is given in Appendix A. If additional information or assistance is needed in relation to appeals of initial denials, it may be obtained by contacting the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 24010.

RECORD SOURCE CATEGORIES:

Subject individuals and other HUD employees. All records within the automated APOS will be developed from current existing records within

Regional and Headquarters OIG sites. Time records will be reported for OIG personnel through their supervisors. IPA data will be reported by the IPA liaison groups within each OIG regional facility.

AUTHORITY:

5 U.S.C. 552a, 88 Stat. 1896; Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 83-4130 Filed 2-17-83; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Advisory Committee for Exceptional Children; To Identify the Unmet Needs of Handicapped Indian Children; Meeting

January 26, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In accordance with section 612(7) of Pub. L. 91–230 as amended by section 5(a) of Pub. L. 94–142, Education of the Handicapped Act, the Bureau of Indian Affairs Advisory Committee will meet on February 22–27, 1983, at the Cosmopolitan Hotel at 1030 N.E. Union Avenue, Portland, Oregon from 8:30 A.M. to 4:30 P.M. each day.

The purpose of the meeting will be to investigate the unmet needs of handicapped Indian children and to discuss the proposed special education regulations for the Bureau of Indian Affairs.

The meeting is open to the public. Any member of the public can file a written statement concerning the matters discussed with the Division of Exceptional Education, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Code 507, Washington, D.C. 20245, within 30 days after the meeting.

Additional information about the meeting may be be obtained from Ms. Dixie Owen, Bureau of Indian Affairs, Department of the Interior, room 4655, telephone number (202) 343–4071.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-4251 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-02-M

Lac du Flambeau Indian Reservation; Ordinance Regulating the Use, Possession, Sale, and Distribution of Intoxicating Beverages

February 8, 1983.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that Resolution No. 266 (82), and Ordinance No. 266 (82) relating to the application of the Federal Indian Liquor Laws on the Lac du Flambeau Indian Reservation, Wisconsin, were duly adopted on August 16, 1982, by the Lac du Flambeau Tribal Council which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Kenneth Smith,

Assistant Secretary, Indian Affairs.

Resolution No. 266 (82)

Whereas, the Tribal Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians adopted an Ordinance legalizing the introduction, sale or possession of intoxicants on the Lac du Flambeau Indian Reservation approved by the Secretary of the Department of the Interior on January 25, 1974, and

Whereas, the Tribal Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians has the duty and responsibility of regulating the possession, use, consumption and sale of alcoholic beverages on the Lac du Flambeau Reservation, and

Whereas, the Lac du Flambeau Constitution and Bylaws, Article VI, Section 1(i) requires approval of an ordinance known as the "Lac du Flambeau Liquor Control Ordinance" by popular referendum of the Tribe, and

Whereas, said popular referendum was held on July 19, 1982, resulting in a vote of 98 (ninety-eight) ballots cast for the adoption of the Ordinance and 92 (ninety-two) ballots cast against the adoption of the Ordinance, now therefore be it

Resolved, by the Council in Special Session assembled, that the Tribal Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians hereby adopts the attached Lac du Flambeau Liquor Control Ordinance.

Certification

I, the undersigned, as Secretary of the Lac du Flambeau Band of Lake Superior Chippewa Indians, an Indian Chartered Corporation, do hereby certify that the Tribal Council of the Band is composed of twelve members, of who eleven, constituting a quorum were present at a Special Meeting, duly called, noticed, convened and held on the 16th day of August, 1982, and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of ten members, none against, none abstaining, and that the said resolution has not been rescinded or amended in any way.

George W. Brown, Jr., *Secretary,*

Lac du Flambeau Band of Lake Superior Chippewa Indians.

Approved: August 19, 1982.

Robert P. St. Arnold,

Superintendent, Great Lakes Agency.

Ordinance 266 (82)

Be it ordained by the Tribal Council of the Lac du Flambeau Band of Lake Superior Chippewa Indians:

Section 1.0 Introduction

1.1 Title—This ordinance shall be known as the "Lac du Flambeau Tribal Liquor Control Ordinance."

1.2 Authority—This ordinance is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83–277, 67 Stat. 588, 18 U.S.C. 1161) which provides that federal Indian liquor laws shall be inapplicable to any act or transaction within any area of Indian Country, provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the Federal Register.

1.3 Purpose—The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Lac du Flambeau Indian Reservation. The enactment of a tribal ordinance governing liquor possession and sales on the Reservation will increase the ability of the tribal government to control Reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of tribal government and the delivery of tribal government services.

1.4 Effective Date—This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

1.5 Abrogation and Greater Restrictions—Where the ordinance imposes greater restrictions than those contained in other Tribal ordinances controlling the possession and sale of liquor, the provisions of this ordinance shall govern.

1.6 Interpretation—In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the tribe and shall not be deemed a limitation or repeal of any other tribal power or authority.

1.7 Severability and Non-Liability—If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. The Tribe asserts there is no liability on the part of the Lac du Flambeau Band of Lake Superior Chippewa Indians, its agencies or employees for damages that may occur as a result of reliance upon, and conformance with this ordinance.

1.8 All other ordinances or parts of ordinances of the Tribe inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Relation to other Laws—All acts and transactions under this ordinance shall be in conformity with this ordinance and in conformity with the laws of the State of Wisconsin as that term is used in 18 U.S.C. 1161.

1.10 Violation—The introduction, purchase, sale or dealing in liquor, other than when done pursuant to license under this ordinance, is prohibited and is a violation of tribal law. The federal Indian liquor laws are intended to remain applicable to any act or transaction which is not authorized by this ordinance. Violations of this ordinance by any person shall be subject to federal prosecution as well as to legal action in accordance with tribal law.

1.11 The ordinance must be adopted pursuant to the requirements of Article VI, Section 1(i) of the Constitution and Bylaws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

Section 2.0 Definitions

2.10 General Definitions—For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive.

2.20 Specific Words and Phrases

2.21 "Intoxicating Liquors."—All ardent, spirituous, distilled, or vinous liquids, or compounds, whether medicated, proprietary, patented or not and by whatever name called containing one-half of one percent or more alcohol by volume, which are fit for use for beverage purposes, but shall not include "fermented malt beverages" as defined in section 2.22 which contain less than 5 per centum of alcohol by weight.

2.22 "Fermented Malt Beverages" shall mean any liquor or liquid capable of being used for beverage purposes, made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing one-half per cent or more of alcohol by volume.

2.23 "Sale" and "sell" include the exchange, barter, traffic, donation, with or without consideration, in addition to the selling, supplying, or distributing, by any means whatsoever, of intoxicating liquors or fermented malt beverage by any person to any person or corporation; and, also includes a sale or selling within an area of tribal jurisdiction to a foreign consignee or his agent.

2.24 "Class A Retailer License" shall mean the granting of authority to sell fermented malt beverages either to be consumed on the premises where sold or away from such premises.

2.25 "Class B Retailers License" shall mean the granting of authority to sell fermented malt beverages either to be consumed on the premises where sold or away from such premises.

2.26 "Class A Retail Intoxicating Liquor License" shall mean the granting of authority to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.

2.27 "Class B Retail Intoxicating Liquor License" shall mean the granting of authority to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and not in the original package or container.

2.28 "Temporary License" shall mean a license for a term of no more than 7 days of any of the types defined in 2.24, 2.25, 2.26, and 2.27.

2.29 "Package" means the original container or receptacle used for holding intoxicating liquor or fermented malt beverages.

2.30 "Council" means the Lac du Flambeau Tribal Council.

2.31 "Reservation" means the Lac du Flambeau Band of Lake Superior Chippewa Indians.

3.0 Sovereign Immunity

3.10 Nothing in this ordinance is intended nor shall be construed as a waiver of the sovereign immunity of the Lac du Flambeau Band of Lake Superior Chippewa Indians. No employee or agent of the Tribe shall be authorized, nor shall he and she attempt to waive the immunity of the Tribe.

4.0 Liquor Licenses and Fees

4.10 The Tribal Council may issue to an applicant any one or combination of the following licenses: Class A Retailers License; Class B Retailers License; Class A Retail Intoxicating Liquor License; Class Be Retail Intoxicating Liquor License, and a temporary license of any of the above types. The fee for any of the above license with the exception of the temporary license shall be $150.00 for one license and $300.00 for two or more licenses. The fee for a temporary license shall be $25.00.

5.0 Liquor Licenses: Issuance, Refusal, Suspension, Cancellation, Conditions and Restrictions.

5.10 Issuance

5.11 The Tribal Council shall, in its discretion, determine how many liquor licenses it shall issue or have outstanding in any one year.

5.12 Application for all licenses shall be submitted in the prescribed form to the Tribal Council or its authorized employees. The Tribal Council shall designate a committee to review and recommend to the Tribal Council whether the license shall be issued.

5.13 At a minimum, the application for any liquor license authorized by this ordinance must be in writing, setting forth the following information: applicant's name, address, age and tribal affiliation (if any); type(s) of license(s) desired; a legal description of the land where the licensed activity will take place; prior liquor licenses held; prior felony convictions; owner of land and premises where the licensed activity will take place.

5.14 An application for a liquor license must be accompanied by a nonreturnable application fee of $25.00. There shall be no application fee for a temporary license.

5.15 The Tribal Council has complete discretion in the granting or denial of all licenses.

5.16 All new license requests will be acted upon by the Tribal Council within 45 days from the time when the application and fee were submitted to the Tribal Council.

5.17 For the purposes of considering an application for a license under this ordinance, the Tribal Council may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises.

5.18 Every license shall be issued in the name of the applicant and no license shall be transferable, nor shall the

holder thereof allow any other person to use the license or permit.

5.19 Every licensee shall post and keep its license in a conspicuous place on the premises.

5.20 Inspection

5.21 All licensed premises used in the storage or sale of intoxicating liquor or fermented malt beverages, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business shall at all times be open to inspection by any tribal or federal inspector or tribal or federal police officer.

5.22 Every person, being on any such premises and having charge thereof, who refuses or fails to admit a tribal or federal inspector or tribal or federal police officer demanding to enter therein in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or officer, shall thereby be deemed to have violated this ordinance.

5.30 Suspension and Cancellation

5.31 The Tribal Council may, for violation of this ordinance, issue a suspension or cancellation order of any license issued pursuant to this ordinance and all rights of the licensee to keep or sell thereunder shall be suspended or terminated as the case may be.

5.32 Procedure—At least ten (10) days prior to the effective date of the order to cancel or suspend, the Tribal Council shall provide written notice of such cancellation or suspension by certified mail, return receipt requested to the licensee at the address shown on the application. A licensee who receives a written notice of suspension or cancellation shall have the right prior to the suspension or cancellation date to request a hearing by the Tribal Council by sending written notice by certified mail with return receipt to the Tribal Chairperson at the Lac du Flambeau Community Center within the ten (10) day period between notice of the cancellation or suspension order. Upon receipt of the request for hearing, the Tribal Council shall not suspend or cancel the license pending the completion of the hearing. The Tribal Chairperson shall set a date for said hearing which shall be held within thirty (30) days of receipt of the licensee's request for a hearing. The council may affirm or revise in whole or part its decision to cancel or suspend said license or permit after said hearing and its decision shall be final.

5.33 Upon suspension or cancellation of a license, the licensee shall forthwith deliver the license to the Tribal Council and cease all activities formerly conducted pursuant to the terms of the license. Where the license has been suspended, the Tribal Council shall return the license to the licensee at the expiration or termination of the period of suspension.

5.34 Licenses may be suspended by the Tribal Council for a period not to exceed 30 days.

5.35 The Tribal Council may reject any application for license renewal for any violation of this ordinance resluting in a suspension or revocation of said permit.

5.40 Expiration of Licenses

5.41 Unless sooner cancelled, every license issued by the Tribal Council shall expire at midnight on the 31st day of December.

5.50 Renewal

5.51 Applications for license renewals for the next calendar year must be submitted to the Lac du Flambeau Tribal Council on or before November 15 of the preceding year. Applications for renewals shall contain the same information required for new licenses. The Tribal Council will act on all renewal applications on or before December 15.

5.52 The Tribal Council shall not be liable for any losses incurred by the licensee resulting from cancellation, suspension or non-renewal of a license.

6.0 Illegal Activities

6.10 State laws relative to the hours in which sales are permitted shall apply to all establishments licensed under this ordinance.

6.20 All sales shall be prohibited to any person known or believed to be intoxicated.

6.30 All sales shall be prohibited to any person under the age of eighteen (18) years. All sales shall be prohibited to individuals known or believed to be purchasing on behalf of any person under the age of eighteen (18). Any person may be required to present a Wisconsin identification card which shows correct age and bears the holder's signature.

6.40 Where a liquor license is required by this ordinance, all sales of intoxicating liquor and fermented malt beverages within the exterior boundaries of the Lac du Flambeau Indian Reservation without a license issued pursuant to this ordinance are illegal.

7.0 Contraband—Seizure and Forfeiture

7.10 All intoxicating liquor and fermented malt beverages within the Lac du Flambeau Indian Reservation held, owned, or possessed by a person who is operating in violation of any provision(s) of this ordinance is hereby declared to be contraband. The Tribal Council may issue a request to proper federal authorities requesting the enforcement of Federal Liquor Laws including seizure of contraband liquor and fermented malt beverages.

8.0 Violations—Remedies

8.10 Any person found to have violated this ordinance or any lawful rule or regulation made pursuant thereto shall be liable for a civil remedial fine not to exceed five hundred dollars ($500.00).

8.20 Consistent with *United States v. Wheeler*, 435 U.S. 313 (1978), nothing shall prevent both federal and tribal jurisdiction to enforce this ordinance.

9.0 Regulations

9.10 The Tribal Council shall have the authority to adopt and enforce rules and regulations to implement this ordinance and further the purposes thereof. This section grants the Tribal Council the authority to revise license fees when necessary.

10.0 Amendment

10.10 This ordinance may be amended by a majority vote of the Tribal Council, approved by a popular referendum of the Tribe and approved by the Secretary of the Interior pursuant to Article VI, Section 1(i) of the Constitution and Bylaws of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin.

11.0 Grandfather Clause

11.1 All licenses currently operating within the exterior boundaries of the Lac du Flambeau Indian Reservation under a license issued by a jurisdiction authorized by the State of Wisconsin to issue said licenses shall be allowed to operate under said licenses for a period not to exceed the remaining portion of the calendar year from the time of the effective date of this ordinance. At that time, said licensees must apply for a license as described in this ordinance.

[FR Doc. 83-4258 Filed 2-17-83; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[A 7359, A 9329 and A 9603]

Arizona; Order Providing for Opening of Public Lands

February 10, 1983.

1. In exchanges of lands made under the provisions of Section 8 of the Act of

June 28, 1934 (48 Stat. 1272, as amended, 43 U.S.C. 315g), the following lands have been reconveyed to the United States under the serial numbers listed:

Gila and Salt River Meridian, Arizona

A 7359

T. 7 S., R. 1 E.,
Sec. 8 N½.

A 9329

T. 16 N., R. 11 W.,
Sec. 28, SE¼SE¼.

A 9609

T. 11 S., R. 29 E.,
Sec. 1, Lots 1, 2, 3, S½N½, S½;
Sec. 12, N½NW¼.

The areas described aggregated 1,003.94 acres in Cochise, Maricopa and Mohave Counties.

2. At 10 a.m. on March 17, 1983, the lands described in paragraph 1 shall be open to operation of the public land laws generally, subject to valid existing rights the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on March 17, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m., on March 17, 1983, the lands described in paragraph 1, except Lots 1, 2, 3, S½N½, S½ sec. 1, N½NW¼ sec, 12, T. 11 S., R. 29 E., are hereby open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

4. At 10 a.m. on March 17, 1983, Lots 1, 2, 3, S½N½, S½ sec. 1, N½NW¼ sec. 12, T. 11 S., R. 29 E., is hereby open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, Department of the Interior, 2400 Valley Bank Center, Phoeniz, Arizona 85073.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-4284 Filed 2-17-83; 8:45am]

BILLING CODE 4310-84-M

Colorado, Call for Coal Resource Information for the San Juan/San Miguel Resource Management Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Call for coal resource information.

SUMMARY: The purpose of this Notice is to solicit coal resource information and indications of interest and needs pursuant to 43 CFR 3420.1–2. Data received from this call will be used in the land use planning and coal activity processes of the Federal Coal Management Program. This call covers portions of the San Juan River Coal Production Region.

DATE: Comments to this notice will be accepted until April 11, 1983.

ADDRESSES: Send comments to: Bureau of Land Management, San Juan Resource Area, 701 Camino Del Rio, Durango, Colorado 81301. Any proprietary data should be sent to: District Supervisor, Resource Evaluation, P.O. Box 580, Grand Junction, Colorado 81502.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Dave Miller, San Juan Resource Area Manager, or Bob Kershaw, Area Geologist, Durango, Colorado, (303) 247–4082.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to solicit indications of interest and information on coal resource development potential for lands in the planning area. The planning area is comprised of western Montrose County, San Miguel County, Dolores County, Montezuma County, Archuleta County, and La Plata County, Colorado and northern Rio Arriba County, New Mexico.

Industry, State and local governments and the general public may submit information on lands that should be considered for future coal leasing, including statements describing why the lands should be considered for leasing. This information will be useful in the analysis processes of the Federal Coal Management Program defined in 43 CFR Subpart 3420.

It is important to note that availability of information from this call will be a major factor in applying the unsuitability criteria and delineating tracts likely to receive consideration for second round competitive coal leasing in the San Juan River Coal Production Region. Information submitted should be as detailed as possible (i.e., location, quantity needs, potential coal reserves, quality, etc.).

Glen Marlow,

Acting District Manager.

[FR Doc. 83-4287 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

Montana State Office; Land Resource Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: A plat of survey of the lands described below accepted on January 24, 1983, will be officially filed in the Montana State Office, Billings, Montana, effective 8 a.m. on April 4, 1983.

Principal Meridian, Montana

T. 31 N., R. 19 W.,
T. 31 N., R. 20 W.,
T. 30 N., R. 20 W.,
Sec. 1, 2, 35 and 36.

The plat represents the dependent resurvey of a portion of the south and west boundaries of T. 31 N., R. 19 W., a portion of the south boundary and a portion of the subdivisional lines, and the completion survey of the south boundary and the subdivisional lines of sections 35 and 36, T. 31 N., R. 20 W., a portion of the east boundary and a portion of the subdivisional lines, and the completion survey of the subdivisional lines of sections 1 and 2, T. 30 N., R. 20 W., Principal Meridian, Montana. The area described is in Flathead County.

This survey was executed at the request of the U.S. Forest Service for the purpose of identifying the selected land in an exchange between the United States and private individuals.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

EFFECTIVE DATE: 45 days after publishing in the Federal Register.

ADDRESS: Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: February 10, 1983.

Delores M. Hesse,

Chief, Branch of Records.

[FR Doc. 83-4285 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

Montana State Office; Land Resource Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of filing of plat of survey.

SUMMARY: A plat of survey of the lands described below accepted on January 24, 1983, will be officially filed in the Montana State Office, Billings, Montana, effective at 8 a.m. on April 4, 1983.

Principal Meridian, Montana

T. 7 S., R. 35 E.

The plat represents the dependent resurvey of the south, east and north boundaries, portions of the subdivisional lines, and the east and west center lines of certain sections, T. 7

S., R. 35 E., Principal Meridian, Montana. The area described is in Big Horn County.

This survey was executed at the request of the Bureau of Indian Affairs.

Inquiries concerning these lands should be addressed to the Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

EFFECTIVE DATE: 45 days after publishing in the **Federal Register.**

ADDRESS: Bureau of Land Management, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Dated: February 10, 1983.

Delores M. Heser,

Chief, Branch of Records.

[FR Doc. 83-4256 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

[A-5321; A-7730]

Arizona; Realty Action Competitive Sale of Public Land in Graham County; Correction

In FR 83-2238 appearing on page 3874 in the issue of Thursday, January 27, 1983, make the following correction:

In the land description, within the entry of Parcel P, "SE¼SE¼SW¼" should have read "SE¼SE¼SW¼".

Dated: February 9, 1983.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 83-4254 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Shoshone District Grazing Advisory Board Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-529, and 43 CFR Part 1780, that a meeting of the Shoshone District Grazing Advisory Board will be held on Thursday, March 10, 1983 at 9 a.m. at the BLM District Office, 400 West F Street, Shoshone, Idaho 83352.

This purpose of the meeting will be to disburse Advisory Board funds for range improvements, review the 8100 Range Betterment project funding, review Monument RMP allotment categorization, develop a district policy for livestock conversions, and review the current policy on the Assets Management program, plus FY 83 land sales program.

SUPPLEMENTARY INFORMATION: The public is invited to attend and make written or oral statements between 2:00 p.m. and 3:00 p.m. The statements should not exceed 15 minutes in length. Requests for these statements should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, telephone 208-886-2206. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Dated: February 8, 1983.

Charles J. Haszier,

District Manager.

[FR Doc. 4257 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Winnemucca District Grazing Advisory Board will be held on April 1, 1983. The meeting will begin at 10:00 a.m. in the conference room of the Bureau of Land Management Office at 705 East Fourth Street, Winnemucca, Nevada.

The agenda for the meeting will include:

1. Water rights policy
2. Annual Work Plan Fiscal Year 1983
3. Update on Wild Horse/Burro Program
4. CRMP update
5. Wilderness EIS update
6. Direction in use of 8100 funds
7. Grazing Management Policy—MIC Categories. Discusson of final selective management criteria (MIC), and resultant Allotment Categories
8. Management Framework Plan Step III
9. Public Statements
10. Grazing Fee Study
11. Arrangement for meeting and discussion of agenda items

The meeting is open to the public. Interested persons may make oral statements to the Board between 1:00 and 2:00 PM on April 1, 1983 or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by March 21, 1983. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: February 10, 1983.

Vaden G. Stickely,

Acting District Manager for the State Director, Nevada.

[FR Doc. 83-9253 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

[2220; OR-34702]

Public Lands in Deschutes County Oregon; Realty Action-Exchange

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Willamette Meridian, Oregon

T. 16 S., R. 12 E.,
- Sec. 34: SE¼NE¼, SW¼SE¼, E½SE¼, 160.00;
- Sec. 35: N½NW¼, SW¼NW¼, 120.00.

T. 17 S., R. 12 E.,
- Sec. 2: Lots 3 and 4, SW¼NW¼, W½SW¼, 200.03;
- Sec. 3: Lots 1 and 2, S½NE¼, SE¼, 319.75;
- Sec. 10: All, 640.00;
- Sec. 11: W½W½, 160.00.

Total Acreage Public Lands, 1,599.78.

In exchange for these lands the Federal Government will acquire scattered tracts of non-Federal land from the Deschutes County Board of Commissioners, described as follows:

Willamette Meridian, Oregon

T. 14 S., R. 11 E.,
- Sec. 6: E½NE¼, SE¼;
- Sec. 7: SE¼SW¼, W½SE¼, SE¼SE¼.

T. 15 S., R. 12 E.,
- Sec. 32: N½NE¼.

T. 16 S., R. 11 E.,
- Sec. 1: SW¼ (irregular section);
- Sec. 2: SW¼ (irregular section);
- Sec. 5: SE¼SE¼;
- Sec. 6: That portion of SW¼SW¼ lying west of the road;
- Sec. 7: NW¼, W½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼;
- Sec. 8: NE¼NE¼, S½NE¼, SE¼NW¼, SW¼SW¼, E½SW¼, SE¼;
- Sec. 9: W½W½;
- Sec. 11: NE¼NE¼, NW¼;
- Sec. 16: SW¼NW¼, W½SW¼, SE¼SW¼;
- Sec. 17: NE¼NE¼, S½NE¼, NW¼, S½;
- Sec. 18: NE¼, W½NW¼, SE¼NW¼, S½;
- Sec. 19: S½NE¼, W½NE¼NW¼, W½NW¼, SE¼NW¼, E½SW¼, SW¼SW¼, SE¼;
- Sec. 20: N½NE¼, SW¼NE¼, NE¼NW¼, E½NW¼NW¼, S½NW¼, N½SW¼, SW¼SW¼;
- Sec. 30: N½NE¼.

T. 17 S., R. 14 E.,
- Sec. 33: S½NE¼, SE¼NW¼.

T. 22 S., R. 21 E.,
- Sec. 17: W½E½SW¼.

Total Acreage of County Land, 4,451.04.

The purpose of the exchange is to provide lands for community expansion

anticipated for future needs. The exchange is consistent with the Bureau's planning for the lands involved, and has been discussed with Deschutes County government officials, and the Bend Chamber of Commerce.

The exchange will be made on an equal value basis. Upon completion of the final appraisal, there may be adjustments in acreage to equalize values. The surface and mineral estate would be transfered subject to valid and existing rights.

Detailed information concerning the exchange, including the field reports, is available for review at the Prineville District Office, 185 E. Fourth Street, P.O. Box 550, Prineville, OR 97754.

For a period of 45 days interested parties may submit comments to the Prineville District Manager, P.O. Box 550, Prineville, OR 97754. 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, the realty action will become the final determination of the Department of the Interior.

Dated: February 8, 1983.

Gerald E. Magnuson,

District Manager.

[FR Doc. 83-4360 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

South Dakota; Fort Meade Area Recreation Management Restrictions

February 9, 1983.

Under the Authority of section 202(c)(5) of the Sikes Act (88 Stat. 1369, 1371); and as a result of the Approval of the Fort Meade Recreation Management Plan on May 15, 1981, the following restriction for the use of Fort Meade Recreation Area, Sturgis, SD are hereby announced, pursuant to Section 202(a)(1) of the Sikes Act, supra and other authorities.

The following restrictions will become effective March 1, 1983:

1. All vehicles are restricted to designated roads and trails.

2. The use, possession afield, or discharge of all firearms is prohibited on the south end of the Fort Meade Area (all land south of Highway No. 34), except during such Special Big Game seasons as may be established by the South Dakota Game, Fish and Parks. The use, possession afield, or discharge of all firearms is prohibited on the North end of the Fort Meade Area (all land North of Highway No. 34), except in specially designated areas or during the designated hunting season.

3. The possession and use of fireworks is prohibited.

4. The taking or attempting to take any wild animal by trap or snare is prohibited.

5. Camping is restricted to designated campgrounds only.

6. Open fires are prohibited. Fires are allowed only in designated campgrounds or other designated fire pits or grates.

7. Dumping or littering is prohibited.

These regulations apply to the public lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, T. 5 N., R. 5 E., BHM; and sections 25, 26, 27, 34, 35, 36 T. 6 N., R. 5 E., BHM.

The purpose of these restrictions is to minimize hazards to visitors and surrounding residences, minimize the possibility of wild fire, stop soil erosion, vegetation loss, wildlife habitat loss, and damage to historic and cultural resources.

The public lands within the designated area, will remain open to other resource and recreation uses. Adminstrative access by ORV is allowed for BLM and BLM contractors, licensees, permittees, and all other Federal, State, and County employees when on official duty. Permits for ORV use in the area may be authorized by the District Manager for other special purposes.

The roads and trails designated for ORV use will be marked by signs. A map of the area affected by this designation is available from the South Dakota Area Office, 310 Roundup Street, Belle Fourche, South Dakota 57717. Pursuant to section 204(a)(2) of the Sikes Act, supra, any persons who knowingly violates or fails to comply with any regulations prescribed under section 202(c)(5) of the Act shall be fined not more than $500 or imprisoned not more than 6 months, or both.

For further information contact: Area Manager, South Dakota Resource Area, Bureau of Land Management, 310 Roundup Street, Belle Fourche, South Dakota 57717.

Robert A. Teegarden,

Associate District Manager.

[FR Doc. 83-4363 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 83-10; 26T-910]

Utah; Uintah Basin Synfuels Development

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the final environmental impact statement (FEIS).

SUMMARY: Pursant to section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM has prepared a FEIS for the proposed Uintah Basin Synfuels Development.

SUPPLEMENTARY INFORMATION: The BLM has prepared a FEIS on nine synfuels projects proposed for the Uintah Basin of northeastern Utah. Site-specific impact analyses are presented for five projects, including their alternatives, proposed to begin construction within the next two years. These projects are the Enercor Rainbow Project, Magic Circle Cottonwood Wash Project, Paraho-Ute Project, Syntana-Utah Project, and Tosco Sand Wash Project. A nine-project cumulative analysis is also presented. It considers the cumulative impacts of the five site-specific projects, four more conceptual projects (Enercor-Mono Power P.R. Springs Project, Geokinetics Lofreco and Agency Draw Projects, and Sohio Asphalt Ridge Tar Sand Project), plus interrelated projects planned for development in the Uintah Basin during the analysis period.

This EIS may result in amendments to the Bonanza, Book Cliffs, Hill Creek, and Rainbow Management Framework Plans.

FOR FURTHER INFORMATION CONTACT: Bob Pizel, Project Leader, EIS Services, Bureau of Land Management, First Floor East, 555 Zang Street, Denver, Colorado 80228, telephone (303) 234-6737.

Copies of the FEIS will be available for inspection at the following locations:

Bureau of Land Management, Public Affairs, Interior Bldg., 18th and C Streets, N.W., Washington, D.C. 20240; (202) 343-6011;

Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, Colorado 80202; (303) 837-3515;

Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111; or

Bureau of Land Management, Vernal District Office, 170 South 500 East, Vernal, Utah 84078.

Public Libraries

Uintah County Public Library, 155 E. Main, Vernal, Utah 84078.

Roosevelt Public Library, 33 N. State St., Roosevelt, Utah 84066.

Salt Lake City Public Library, 209 E. 5th S., Salt Lake City, Utah 84111.

Mesa County Library, 530 Grand Ave., Grand Junction, Colorado 81501.

Craig/Moffat County Public Library, 651 Yampa Ave., Craig, Colorado 81625.

Rifle Public Library, Rifle, Colorado 81650.

Meeker Public Library, 200 Main, Meeker, Colorado 81641.

Rangely Public Library, 109 E. Main St., Rangely, Colorado 81648.

Conservation Library, Denver Public Library, 1537 Broadway, Denver, Colorado 80206.

A limited number of single copies of the FEIS can be obtained from the District Manager, Vernal District Office or the State Director, Utah State Office, at the address listed above.

Dated: February 9, 1983.

Roland G. Robison,

Bureau of Land Management, Utah State Director.

[FR Doc. 83-4252 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

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 Pennzoil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2719, Block A–582, High Island Area, offshore Texas.

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: February 7, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4248 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A. Inc.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Chevron U.S.A. Inc., Unit Operator of the Main Pass Block 40 Federal Unit Agreement No. 14–08–001–3847, submitted on February 1, 1983, a proposed annual plan of development/production describing the activities it proposes to conduct on the Main Pass Block 40 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) 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 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: February 8, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4270 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Co.

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 Marsh Island Block 73 Federal Unit Agreement No. 14–08–0001–11653, submitted on January 26, 1983, a proposed annual plan of development/operation describing the activities it proposes to conduct on the South Marsh Island Block 73 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) 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 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: February 8, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-4269 Filed 2-17-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Co. of California

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Union Oil Company of California, Unit

Operator of the Vermilion Block 14 Federal Unit Agreement No. 14–08–0001–12339, submitted on February 7, 1983, a proposed annual plan of development describing the activities it proposes to conduct on the Vermilion Block 14 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) 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 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: February 10, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83–4255 Filed 2–17–83; 8:45 am]

BILLING CODE 4310–MR–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–174 (Sub-1)]

Central Vermont Railway, Inc.—Abandonment in New London County, CT; Findings

The Commission has found that the public convenience and necessity permit Central Vermont Railway, Inc., to abandon its 2.6 mile rail line between Montville (milepost 6.0) and Palmertown (milepost 2.6) in New London County, CT. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27 [formerly 49 CFR 1121.38].

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4148 Filed 2–17–83; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 399]

Cost Recovery Percentage

AGENCY: Interstate Commerce Commission.

ACTION: Grant of extension of time to file comments to further notice of proposed costing standards and decision.

SUMMARY: This order grants a 45-day extension of time in which to file comments to the Commission's decision served December 13, 1982 in the above proceeding. This action is in response to a petition by the railroads for a 60-day extension of the comment period and is taken to facilitate adequate analysis and comment by all parties.

DATE: The comment date in the decision served December 13, 1982 [47 FR 56055, December 14, 1982] is hereby extended to March 29, 1983.

FOR FURTHER INFORMATION CONTACT: William T. Bono (202) 275–7354, Robert C. Hasek (202) 275–0938.

SUPPLEMENTARY INFORMATION: By a decision served December 13, 1982 [47 FR 56055, December 14, 1982], the Commission published the 1982 Cost Recovery Percentage (CRP). The decision requested comments on refining the costing methodology as well as other aspects of the computation of a CRP. Comments were due on February 12, 1983.

On January 24, 1983, the railroads requested a 60-day extension of the comment period to April 11, 1983. No other party has requested an extension or replied to the railroads' petition. Nonetheless, we are seeking comments which will assist us in improving the process of developing the CRP as much as possible. Some extension of time appears warranted. We believe an additional 45 days is adequate for the railroads to analyze the data and comment without jeopardizing our ability to issue a 1983 CRP before October 1, 1983.

The comment date in this proceeding is extended to March 29, 1983.

This decision will not significantly affect the quality of the human environment or the conservation of energy resources or have an adverse effect on small entities.

Dated: February 14, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4182 Filed 2–17–83; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–102 (Sub-No. 10)]

Missouri-Kansas-Texas Railroad Company—Abandonment—In Jasper County, Mo.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Missouri-Kansas-Texas Railroad Company to abandon its rail line extending from railroad milepost S–434.16 at Horn, MO, to milepost S–440.12 at Joplin, MO, a distance of 5.9 miles, in Jasper County, MO, subject to certain conditions. Since no investigation was instituted, the requirement of § 1152.27(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipty by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts appraisals, working papers, and other docuemnts used in preparing Exhibit I (§ 1152.35 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1152.27(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4147 Filed 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

[OP 5MCF-57]

Motor Carriers; Finance Applications; Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.2. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2 (d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: February 9, 1983.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-15084, filed January 14, 1983. FEDERAL ARMORED EXPRESS, INC. (FEDERAL), (7675 Canton Center Drive, Baltimore, MD 21224)—control—COASTAL ARMORED CAR SERVICE, INC. (COASTAL) (Suite 10, Ocean Lakes Plaza, Myrtle Beach, SC 29577). Representative: Eugene T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, DC 20036. Federal, a motor common and contract carrier, seeks authority to acquire control of Coastal through the purchase of all of its issued and outstanding stock. By the same application, James L. Dunbar, Sr., of Baltimore, MD seeks authority to acquire control of Coastal's rights and properties through the transaction. The operating rights of Coastal sought to be controlled by Federal are contained in Certificate No. MC-157919, authorizing the transportation of currency, coins, commercial paper, and negotiable securities radially (1) between Richmond, VA, and points in North Carolina; and (2) between Charlotte, NC, and points in South Carolina. Federal holds motor common and contract carrier authority under Nos. MC-147461 and MC-139566, respectively.

Note.—A temporary authority application has been filed.

MC-F-15090, filed January 12, 1983. JOHN F. WALTER, INC. (JOHN F. WALTER, assignor) (WALTER) (P.O. Box 175, Newville, PA 17241)—purchase (portion)—THE CHIEF FREIGHT LINES COMPANY (debtor-in-possession) (CHIEF) (2401 North Harvard, Tulsa, OK 74115). Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Walter seeks authority to purchase a portion of the interstate operating rights and property of Chief. John F. Walter, the sole stockholder of Walter, seeks authority to acquire control of said rights through the transaction. Walter is seeking to acquire that portion of Chief's operating rights contained in No. MC-71478 (Sub-No. 54), issued April 13, 1982, authorizing the transportation of *general commodities* (except classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk), between points in CT, IL, IN, KY, KS, MA, MO, NJ, NY, OH, OK, RI, WV, PA, and points in TX on and east of U.S. Highway 75. Walter is authorized to operate as a motor common carrier in No. MC-123314 and sub-numbers thereunder.

Note.—(1) An application for temporary authority has been filed. (2) Transferor, in the recent past, has not operated. Thus, it appears that the operating rights to be acquired may be dormant.

[FR Doc. 83-4177 Filed 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions from reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Note. Please direct status inquiries to Team 4 at (202) 275–7669.

Volume No. OP4–081

MC–FC–81176, filed January 20, 1983. By decision of February 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to GART, INC., of Washington, NJ, of Permit No. MC–142957 (Sub-1), issued May 5, 1978, to NETWORK TRANSPORTATION SYSTEMS, INC., of Washington, NJ, authorizing the transportation of *audio visual equipment,* and *materials and supplies* used in connection therewith (except in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Caribiner, Inc., of New York, NY. Representative: Robert B. Peper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551.

FC–81188, filed January 25, 1983. By decision of February 9, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 3 approved the transfer to NEW LONDON MOVING AND STORAGE, INC., of Waterford CT, of Certificate No. MC–29737, issued October 23, 1969, to R. BLINDERMAN MOTOR LINES, INC. of Waterford, CT, authorizing the transportation of *household goods,* between Norwich, CT, and points in CT within 20 miles of Norwich, on the one hand, and, on the other, points in CT, MA, RI, NY, and NJ. Representative: Garon Camassar, 190 Hempstead St., New London, CT 06320, (203) 442–4495.

Volume No. OP4–082

No. MC–FC–81089. By decision of February 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to C–B–C TRANSPORTS, INC., Greenville, MS, of Certificate No. MC–142467 and the remaining portion of Certificate No. MC–142467 (Sub-No. 1), issued October 1, 1979 and December 2, 1981, respectively, to DIXIE FREIGHT LINE, INC., of Greenville, MS, authorizing the transportation of (A) (1) farmm implements, farm implement parts, and farm supplies, (2) automobile, truck and bus parts and supplies, (3) electrical appliances and parts for electrical appliances, and (4) watercraft parts and supplies, between Memphis, TN, on the one hand, and, on the other, points on U.S. Hwy 61 between Shaw, MS, and Memphis, TN, including Shaw, subject to certain restrictions, and (B) general commodities (except classes A and B explosives) over a series of regular routes, between Memphis, TN and Rolling Fork, MS, between Leland, MS and Greenville, MS, and between Rolling Fork, MS, and the junction of U.S. Hwys 49 and 61, serving all pt. in Bolivar, Coahoma, DeSoto, Issaquena, Sharkey, Tunica, and Washington Counties, MS, as off-route points in connection with carrier's otherwise regular-route service. Transferee intends to tack the regular route authority sought to be acquired with its present irregular route authority in No. MC–141853 (Sub-4)X, at points in Washington and Bolivar Counties, MS. An application for temporary authority has been filed. Transferee is a carrier holding authority under No. MC–141853 (Sub-4)X. Douglas C. Wynn, Attorney at Law, P.O. Box 1295, Greenville, MS 38701.

No. MC–FC–81187. By decision of February 8, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, Review Board Number 2 approved the transfer to CAPITAL CITY TRANSFER, INC., Madison, WI, of Certificate No. MC-109376 (Sub-25)X, Item Nos. (8) and (9) and a portion of MC-109376 superseded therein, issued May 26, 1982 and April 16, 1971 respectively, to SKINNER TRANSFER CORP., Reedsburg, WI, authorizing the transportation of (8) *emigrant movables and household goods* as defined by the Commission, between points in Adams, Columbia, Dane, Iowa, Juneau, Marquette, Monroe, Sauk, Richland, and Vernon Counties, WI, on the one hand, and, on the other, points in IL, IN, IA and MN, and (9) *household goods* as defined by the Commission, between points in Adams, Columbia, Dane, Iowa, Juneau, Marquette, Monroe, Suak, Richland, and Vernon Counties WI, on the one hand, and, on the other, points in MN, IA and IL. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. (608) 238–3119, for both transferee and transferor.

No. MC–FC–81198, filed January 31, 1983. By decision of February 3, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board No. 3 approved the transfer to Ideal Trucking, Inc., Gibsonia, PA, of Certificate No. MC–135707 Sub 7, issued May 14, 1981, to Dietz Trucking, Inc., Cheswick, PA, authorizing the transportation of metal products, between points in Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington and Westmoreland Counties, PA, on the one hand, and, on the other, points in the U.S. Representative: William Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4181 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of 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 protected *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 involved duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

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 in for a named shipper "under contract." Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–58

Decided: February 10, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 39491 (Sub-20), Filed January 28, 1983. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Michael J, Marazno, 99 Kinderkamack Rd., Westwood, NJ 07675 (201) 666–5111. 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 116370 (Sub-5), Filed January 27, 1983. Applicant: CATAWESE COACH LINES, INC., 545 N. Second St., Shamokin, PA 17872. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., NW., Washington DC 20005 (202)–783–3525. 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 146261 (Sub-3), Filed January 27, 1983. Applicant: FUN TIME TOURS, INC., 628 Broadway St., Daytona Beach, FL 32014. Representative: O. C. Beakes, 836 Riverside Ave., Jacksonville, FL 32204 (904) 354–1590. Transporting *passengers*, in charter and special operations, beginning and ending at points in FL and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 152381 (Sub-1), Filed January 28, 1983. Applicant: CHARLES B. GEIER, 1900 Grant, Helena, MT 59601. Representative: Charles B. Geier (same address as applicant) (406)–442–1852. Transporting *food and other edible products and by-products 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 153421 (Sub-4B), filed January 24, 1983. Applicant: PRINTCO, INC., P.O. Box 16039, Memphis, TN 38116. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203 Alexandria, VA 22304 (703) 751–2441. 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).

Note.—Applicant has also requested authority in MC–153421 Sub 4(A) published this same Federal Register issue.

MC 157721 (Sub-2), filed January 31, 1983. Applicant: LORENZ BUS SERVICE, INC., 8600 Xylite Street, N.E., Minneapolis, MN 55434. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. 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 165970, filed February 1, 1983. Applicant: C.W. LIMOUSINE SERVICE, INC., 333 East 63rd Street, Chicago, IL 60637. Representative: Charles A. Wilson, Jr. (same address as applicant) (312) 493–2700. Transporting *passengers*, in charter and special operations, beginning and ending at points in Cook County, IL, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165981, filed January 26, 1983. Applicant: MILVIN L. ROBINSON d.b.a. ROBINSON BROKERAGE, P.O. Box 26, Thomasville, AL 36784. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401 (205) 578–3212. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–079

Decided: February 9, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164697, filed November 10, 1982, previously noticed in the Federal Register of December 16, 1982. Applicant: ELIZABETH HALL JOHNSON, d.b.a. HALL'S CHARTER SERVICE, 7360 Furnace Branch Rd., Glen Burnie, MD 21061. Representative: Walter T. Evans, 4304 East-West Highway, Bethesda MD 20814 (301) 657–2636. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI). The purpose of this republication is to correct the territorial description.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166027, filed February 1, 1983. Applicant: LAMBRIGHT TRUCKING, INC., R. R. #4, Box 225, La Grange, IN 46761. Representative: Paul D. Borghesani, Suite 300, Communicana Bldg., 421 S. Second St., Elkhart, IN 46516 (219) 293–3597. 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 166076, filed February 7, 1983, Applicant: GERALD L. CONKLIN d.b.a. CONKLIN DISTRIBUTION SERVICES, 3270 Williams Lane, Mound, MN 55364. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424 (612) 927–8855. As a *broker of general commodities,* (except household goods), between points in the U.S.

MC 166087, filed February 4, 1983, Applicant: CONTINENTAL TRAFFIC SERVICE, 1531 E. Sunshine, Suite G–15, Springfield, MO 65808. Representative: Gene Busbey (same address as applicant) (417) 831–4164. As a *broker of general commodities* except household goods), between points in the U.S.

MC 166106, filed February 7, 1983. Applicant: AAV, INC., 12 North Stenton Ave., Atlantic City, NJ 08400. Representative: Alan R. Squires, 818 Widener Bldg., 1339 Chestnut St., Philadelphia, PA 19107 (215) 564–3880. Transporting *passengers,* in charter and special operations, between points in the U.S. (except HI and AK).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166107, filed February 7, 1983. Applicant: MAX L. LINDLEY, d.b.a. WESTERN INTERNATIONAL LINES, 2790 Crater Lake Hwy., Medford, OR 97501. Representative: Max L. Lindley (Same address as applicant) (503) 772–5277. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–085

Decided: February 10, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 166077, filed February 1, 1983. Applicant: LARRY D. HAFER, 5519 12th St., Lubbock, TX 79416. Representative: Terry Holt, 8212 Ithaca, Suite 9, Lubbock, TX 79423 (806) 797–8743. 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).

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–60

Decided: February 9, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 97009 (Sub-33), filed January 27, 1983. Applicant: HERZOG TRUCKING COMPANY, INC., 200 Delaware St., Honesdale, PA 18431. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–234–0301. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 126759 (Sub-1), filed January 24, 1983. Applicant: BRODERICK TEAMING COMPANY, 3226 So. Shields, Chicago, IL 60616. Representative: William D. Brejcha, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601 (312) 263–1600. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 143578 (Sub-4), filed January 26, 1983. Applicant: WILSON BUS CO., INC., 314 Alexander St., Fayetteville, NC 28301. Representative: Wilmer B. Hill, 1030 Fifteenth St., NW., Suite 366, Washington, DC 20005 (202) 296–5188. 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 165909, filed January 25, 1983. Applicant: TOM RUPEL, Box 291, Charleston, IL 61920. Representative: Martin J. Kennedy, 120 W. Madison St., Suite 1306, Chicago, IL 60602 (312) 726–0375. 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 165939, filed January 24, 1983. Applicant: ROBERT K. PUCKETT d.b.a. LAND TRANSPORT SERVICE, P.O. Box 2626, Mobile, AL 36652. Representative: Marie A. Puckett, P.O Box 2521, Panama City, FL 32402 (904) 763–2909. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4179 Filed 2–17–83; 8:45 am]

BILLING CODE 7035–01–M

[No. MC–F–15099]

Motor Carriers; Howard Bell, Jr., d.b.a. Bell Ready Mix—Purchase Exemption—Nebraska Carriers, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: Pursuant to 49 U.S.C. 11343(e) and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures—Handling Exemptions Filed by Motor Carriers,* 367 ICC 113 (1982), Bell Ready Mix (Bell) (MC–163160) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its proposed acquisition of the operating authority of Nebraska Carriers, Inc. (Nebraska) (MC–153207) authorizing the transportation of (1) machinery and metal products, between Chicago and Assumption, IL, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) machinery, metal products, and building materials, between points in Montgomery County, IN, and Hamilton County, IA, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Petitioner states that it intends to tack Nebraska's authority with its existing authority but has not filed a gateway elimination application. Unless a gateway application is filed, a no tracking restriction will be imposed on the authority to be acquired. See Gateway Eliminations Policy Statement, 39 FR 42958 (December 9, 1974).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESS: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423

(2) Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309
and

(3) A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101.

Comments should refer to No. MC–F–15099.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by

contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: February 10, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4180 Filed 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Intent To Engage In Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent Corporation: Carnation Company (incorporated State of Delaware), 5045 Wilshire Blvd., Los Angeles, CA 90036.

Carnation Corp. includes operating divisions who operate under the name of Treton Foods, Seaboard Container, Herff-Jones.

2. Wholly-owned subsidiaries are as follows:

Princeton Industries (Incorporated in State of Indiana), 5045 Wilshire Blvd., Los Angeles, CA 90036

Dayton Reliable Tool, Inc. (Incorporated in the State of Delaware), 5045 Wilshire Blvd., Los Angeles, CA 90036

McGraw Colorgraph, Inc. (Incorporated in the State of Delaware), 5045 Wilshire Blvd., Los Angeles, CA 90036

Contadina Foods, Inc. (Incorporated in the State of Delaware), 5045 Wilshire Blvd., Los Angeles, CA 90036

Carnaco Transport, Inc. (Incorporated in the State of Delaware), 5045 Wilshire Blvd., Los Angeles, CA 90036

1. Parent corporation and address of principal office: Hergert Milling, Inc., P.O. Box 240, 1415 Avenue B, Scottsbluff, NE 69361.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation: H. M. Transportation, Inc. (State of incorporation: Nebraska), P.O. Box 240, 1415 Avenue B, Scottsbluff, NE 69361.

1. Parent corporation and address of principal office is: Knox Nelson Oil Co., Inc., 101 Pennsylvania Street, Pine Bluff, Arkansas, 71601.

2. Wholly-owned subsidiaries which will participate in the operations and states of incorporation:

i. Southeast Transportation, Inc., 101 Pennsylvania Street, Pine Bluff, Arkansas, 71601, incorporated in the State of Arkansas.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4179 Filed 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

Agatha L. Mergenovich

Secretary.

Volume No. OP3-54

Decided: February 8, 1983.

For status, please call Team 3 at 202-275-5223.

MC 148294 (Sub-1)X, filed January 31, 1983. Applicant: R.I.C. FREIGHT FORWARDERS, INC., Building 6A, Terminal Way, P.O. Box 188, Avenel, NJ 07001. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. Lead Certificate: (1) Broaden general commodities (with exceptions) to general commodities (except classes A and B explosives, household goods, and commodities in bulk), (2) remove facilities limitations, and (3) broaden (a) one-way authority to two-way radial authority, and (b) to county-wide authority: Jersey City, NJ (Union, Essex, Passaic, Hudson and Bergen Counties, NJ, and New York, Kings, Richmond, Queens, and Bronx Counties, NY); Phoenix, AZ (Maricopa and Pinal Counties); Tucson, AZ (Pima County, AZ); Oakland, CA (Alameda, San Francisco, Marin, Contra Costa and San Mateo Counties), and Vernon, CA (Los Angeles County).

Volume No. OP4-080

Decided: February 9, 1983.

For status, please call Team 4 at 202-275-7669.

MC 94107 (Sub-4)X, filed February 3, 1983. Applicant: PACIFIC NORTHWEST BUS COMPANY, LTD., 285 E. First Ave., Vancouver, B.C., Canada V5T 1A8. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751-2441. Sub 3: Authorize passenger service to all intermediate points on regular routes, between ports of entry on the International Boundary line between the United States and Canada near Blaine, WA, and Seattle, WA.

[FR Doc. 83-4183 Filed 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

In the matter of Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers.

The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR

1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

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. Please direct status inquiries to Team 3 at (202) 275–5223.

Volume No. OP3–53

Decided: February 7, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–654, filed January 19, 1983. Applicant: AQUATRAN, INC., 6823 Fulton, Houston, TX 77022. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., N.W., Washington, D.C. 20005, (202) 296–5188. As a *freight forwarder,* in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the U.S.

FF–655, filed January 17, 1983. Applicant: STATELINE SERVICES, INC., 14525 62nd St., N. Clearwater, FL 33520. Representative: Sylvester Lukis, 1320 19th St., N.W., Suite 200, Washington, D.C. 20036, (202) 554–1100. As a *freight forwarder* in connection with the transportation of *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 2934 (Sub-128), filed January 21, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *electronic instruments,* between points in the U.S. (except AK and HI), under continuing contract(s) with Leeds & Northrup Instruments of St. Petersburg, FL.

MC 16334 (Sub-29), filed January 21, 1983. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: John T. Pruitt, 9832 Connell, Overland Park, KS 66212 (913) 888–3386. Transporting *lumber and wood products and pulp, paper and related products,* between points in the U.S. (except AK and HI).

MC 67234 (Sub-78), filed January 28, 1983. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods,* between points in the U.S., under continuing contract(s) with General Mills, Inc. of Minneapolis, MN.

MC 116254 (Sub-331), filed January 20, 1983. Applicant: CHEM-HAULERS, INC., 118 E. Mobile Plaza, Florence, AL 35631. Representative: P. K. Hubbert (same address as applicant), (205) 766–9111. Transporting *furniture and fixtures,* between points in the U.S. (except AK and HI), under continuing contract(s) with Worboys Furniture Division of Milan Products Corporation of Milan, TN.

MC 116254 (Sub-332), filed January 20, 1983. Applicant: CHEM-HAULERS, INC., 118 E. Mobile Plaza, Florence, AL 35631. Representative: P. K. Hubbert (same address as applicant), (205) 766–9111. Transporting *furniture and fixtures,* between points in the U.S. (except AK and HI), under continuing contract(s) with Barkels, Inc. of New Braunfels, TX.

MC 120905 (Sub-2), filed January 25, 1983. Applicant: F & S MOVING & STORAGE, INC., 250 E. Bayview Ave., Biloxi, MS 39503. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Washington, D.C. 20036 (202) 887–5868. Transporting *household goods, furniture and fixtures,* between points in the U.S. (except ME, ND and SD).

MC 123265 (Sub-11), filed January 28, 1983. Applicant: SANTRY TRUCKING COMPANY, 10505 NE Second Ave., Portland, OR 97211. Representative: John G. McLaughlin, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204, (503) 224–5525. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with Blitz-Wienhart Brewing Company, of Portland, OR. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(a) or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretary's office. In order to expedite issuance of any authority please submit a copy of

the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158..

MC 123405 (Sub-87), filed January 24, 1983. Applicant: FOOD TRANSPORT, INC., R. D. 1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101, (717) 236–9318. Transporting *food and related products*, between points in Cambra County, PA, on the one hand, and, on the other, points in AZ, CA, CO, NV, NM, and UT.

MC 126685 (Sub-47), filed January 28, 1983. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, WY 82701. Representative: Jerome Anderson, P.O. Drawer 849, Billings, MT 59103, (406) 248–2611. Transporting *clay, concrete, glass or stone products* and *ores and minerals*, between points in the U.S. (except AK and HI).

MC 141255 (Sub-25), filed January 18, 1983. Applicant: TANDY TRANSPORTATION, INC., 2560 E. Long Ave., Fort Worth, TX 76111. Representative: Roy Beans, (same address as applicant), (817) 834–0182. 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 Car Trim, Inc., of Fort Worth, TX.

MC 144705, filed January 24, 1983. Applicant: CARL O. SCHEIDEMANTLE, R. D. #1, Harmony, PA 16037. Representative: Kevin W. Walsh, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471–3300. 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 Merit Metals, Inc., of Pittsburgh, PA.

MC 148874 (Sub-11), filed January 25, 1983. Applicant: PROFICIENT FOOD COMPANY, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773–4111. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Heinz USA Division of H. J. Heinz Co. of Pittsburgh, PA and Dean Foods Co., and its subsidiaries of Franklin Park, IL.

MC 152245 (Sub-5), filed January 1, 1983. Applicant: ARMOUR FOOD EXPRESS COMPANY, P.O. Box 466, Fort Worth, TX 76101. Representative: A. S. Pavich, Greyhound Tower–1130, Phoenix, AZ 85077, (602) 248–5932. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI).

MC 154234 (Sub-3), filed January 27, 1983. Applicant: LAMBERT TRANSFER CO., 666 Grand Ave., Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245–2725). Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IA, MN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 154345 (Sub-2), filed January 25, 1983. Applicant: DICK HOGLO d.b.a DICK HOGLO TRUCKING, 311 S. Arnold, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *food and related products*, between points in Shelby County, TN, on the one hand, and, on the other, points in Pennington County, MN.

MC 157204 (Sub-5), filed January 20, 1983. Applicant: SUR–WAY TRANSPORT, INC., 1506 Radium Springs Rd., Albany, GA 31705. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. 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 Helena Chemical Company of Memphis, TN.

MC 162104 (Sub-4), filed January 24, 1983. Applicant: PETERSON EXPRESS, INC., P.O. Box 41770, Indianapolis, IN 46240. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6055. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods), between points in CA, IN, MD, SC, MI, TX, IL, CO, KS, NC, SC, OH, TN, KY, GA, FL, MN, NJ, NH, LA, MO, AZ, MS, OK, UT, PA, MA, WA, and NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162455 (Sub-1), filed January 24, 1983. Applicant: CASWELL TRUCKING, INC., Route 1, Box 30, St. Charles, IA 50240. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *food and related products*, between points in U.S., under continuing contract(s) with Swift Independent Packing Company, of Chicago, IL.

MC 172804, filed January 26, 1983. Applicant: PENNY'S WRECKER SERVICE, INC., 6404 Geyer Springs Rd., Little Rock, AR 72209. Representative: A. R. Pendergrass (same address as applicant) (501) 565–6641. Transporting *disabled motor vehicles*, in wrecker service, between points in AR, on the one hand, and, on the other, points in LA, MS, TX, and AR.

MC 164185, filed January 26, 1983. Applicant: JERALD & ELISABETH PAYNE & SONS, INC., 12975 So. 300 East, Draper, UT 84020. Representative: Jerald Payne (same address as applicant) (801) 572–3247. Transporting *general commodities* (except classes A and B explosives and household goods), between points in NV, on the one hand, and, on the other, points in UT, CA, and AZ.

MC 164845, filed January 28, 1983. Applicant: GILCO EXPRESS, INC., 1410 Kerry Dr., Apt. 160, Atlanta, GA 30318. Representative: Clayton R. Byrd, 2870 Briargen Dr., Doraville, GA 30340 (404) 491–1696. 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 contracts with (1) Crown Cork & Seal Company, Inc., of Philadelphia, PA, (2) The Drackett Company, of Cincinnati, OH, and (3) Oxford Chemicals, Inc., of Chamblee, GA.

MC 165575, (Sub-1), filed January 24, 1983. Applicant: ADIOS MOTOR FREIGHT, INC., 4th & Bakewell, Covington, KY 41011. Representative: Paul F. Beery, 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), under continuing contract(s) with The Kroger Co., of Cincinnati, OH, and Dauphin Distribution Services Company, of Camp Hill, PA.

MC 165674, filed January 28, 1983. Applicant: JOY TRUCK LINES, INC., 119 Maresco Dr., N.E., Dalton, GA 30720. Representative: Kim G. Meyer, 1006 So. 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 Carpet Shippers Association, Inc. of Dalton, GA.

MC 165794, filed January 18, 1983. Applicant: BEARD'S TOWING, INC., 137 South Main St., Jacobus, PA 17407. Representative: Norman T. Petow, 43 North Duke St., York, PA 17401 (717) 843–8004. Transporting *motor vehicles*, between points in PA, on the one hand, and, on the other, points in CT, DE, KY,

MD, MA, NH, NJ, NY, OH, VT, VA, WV, and DC.

MC 165855, filed January 24, 1983. Applicant: CONSOLIDATED FROZEN FOODS, INC., P.O. Box 29356, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506 (402) 488–4841. Transporting *food and related products,* between points in NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165875, filed January 24, 1983. Applicant: BORDERLAND TRANSPORT, INC., P.O. Box 408, Littlefork, MN 56653. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *lumber and wood products,* between points in Koochiching County, MN and Chippewa County, WI, on the one hand, and, on the other, points in CO, IA, IL, IN, KS, MN, NE, MO, ND, OH, OK, SD, TX, WI and MT.

MC 165924, filed January 25, 1983. Applicant: NORMA AND BARBARA REAM, d.b.a. STEED TRUCKING, 2950 Yoder Rd., Lima, OH 45806. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224–3161. Transporting *waste or scrap materials* not identified by industry producing, between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to team 4 at 202–275–7669.

Volume No. OP4–078

Decided: February 9, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 2017 (Sub-10), filed February 3, 1983. Applicant: ALTO'S EXPRESS, INC., P.O. Box 45, Riverton, NJ 08077. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., 426 Cottman St., Jenkintown, PA 19046, (215) 576–0131. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S. (except AK and HI).

MC 59666 (Sub-25), filed February 1, 1983. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega (Same address as applicant), (401) 724–1200. Transporting *hazardous or secret materials, and sensitive weapons, and munitions,* between points in the U.S. (except AK and HI).

MC 109376 (Sub-26), filed February 3, 1983. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, P.O. Box 5066, Madison, WI 53705–0086, (608) 238–3119. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, IA, MI, MN, OH, and WI, on the one hand, and on the other, points in the U.S. (except AK and HI).

MC 148576 (Sub-11), filed February 3, 1983. Applicant: DOTSON TRUCKING COMPANY, INC., 1220 Murphy Ave., SW, Atlanta, Ga 30310. Representative: Brian S. Stern, 5411–D Backlick Rd., Springfield, VA 22151, (703) 941–8200. 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 154457 (Sub-3), filed February 4, 1983. Applicant: ELKAY TRANSFER, INC., Polifka Rd., Francis Creek, WI 54214. Representative: James A. Spiegel, Olde Tone Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *petroleum, and chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with U.S. Oil Co., Inc., of Combined Locks, WI.

MC 155377 (Sub-5), filed February 3, 1983. Applicant: PGT TRUCKING, INC., P.O. Box 197, Rt. 68, Industry, PA 15052. Representative: Jon F. Hollengreen, 1020 Pennsylvania Bldg., Pennsylvania Ave. & 13th Street NW., Washington, DC 20004, (202) 628–4600. Transporting *metal products,* between points in PA, OH, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158587 (Sub-1), filed February 3, 1983. Applicant: BARNEY L. MESSERSMITH, d.b.a. M&M, P.O. Box 833, Emporia, KS 66801. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting *food and related products,* between points in AL, AR, CO, FL, GA, IA, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, NE, NM, NJ, NY, OH, OK, PA, SC, SD, TN, TX, and WI.

MC 165857, filed February 2, 1983. Applicant: VINER's, INC., 801 Morton Ave., P.O. Box 290, Emerson, IA 51533. Representative: James F. Crosby, 7363 Pacific St., Suite 210(B), Omaha, NE 68114, (712) 824–7370. Transporting *food and related products,* between points in IA and NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 166007, filed February 1, 1983. Applicant: J. A. MIARA TRANSPORTATION, INC., 12 Locust St., Medford, MA 02155. Representative: Joseph Andrew Miara, Jr., 107 Wendell St., Winchester, MA 01890, (617) 729–4709. Transporting *machinery,* between points in MA, NH, ME, VT, CT, and RI.

MC 166016, filed February 2, 1983. Applicant: MICHAEL P. BARRETT, d.b.a. M. P. BARRETT TRUCKING, Route 1, Box 96, Brainerd, MN 56401. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *chemicals and related products,* (1) between points in IA, MN, ND, SD, and WI, on the one hand, and, on the other, the ports of entry on the International Boundary line between the U.S. and Canada in MT, ND, and MN, and (2) between Minneapolis, MN, on the one hand, and, on the other, points in IA, ND, SD, and WI.

MC 166036, filed February 2, 1983. Applicant: SCHUMACHER TRANSPORT, 125 First St., P.O. Box 147, Lewiston, MN 55952, (507) 523–2167. Representative: Charles Giannetto, 228 Northwestern Bank Bldg., Rochester, MN 55901, (507) 288–7755. Transporting *sweetener* between points in IA and MN, under continuing contract(s) with Coca-Cola Bottling Midwest, inc., of St. Paul, MN.

MC 166086, filed February 7, 1983. Applicant: MOHASCO CORPORATION, Rt. 3, Box 137, Dillon, SC 29536. Representative: William H. Borghesani, Jr., 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1122. 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 International Freight Brokers, Inc., of Charlotte, NC and United Freight, Inc., of Morrow, GA.

For the following, please direct status calls to Team 5 at 202–275–7289.

Volume No. OP5–58

Decided: February 8, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

FF–659, filed January 24, 1983. Applicant: HAP DONG EXPRESS, INC., 241 No. 9th St., Brooklyn, NY 1121. Representative: John W. Boyle, 205–10 42nd Ave., Bayside, NY 11361, (212) 229–4083. To operate as a *freight forwarder* in connection with the transportation of *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 123329 (Sub-61), filed January 4, 1983. Originally published in the Federal Register republication on January 26, 1982. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P2P9.

Representative: D. S. Vincent (same address as applicant) 403–265–9900. Transporting *lumber and wood products*, between ports of entry on the international boundary line between the United States and Canada, on the one hand, and, on the other, points in AZ, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TN, TX, UT, WA, WI, and WY.

Note.—The purpose of this republication is to reflect the appropriate territorial description.

MC 164779, filed January 18, 1983. Applicant: BILL E. YOUSEY, d.b.a. YOUSEY TRUCK DRIVERS, INC., Rt. 2 Box 94, Pea Ridge, AR 72751. Representative: Lloyd Burrow, Box 237, Bentonville, AR 72712, 501–273–9026. Transporting *such commodities* as are dealt in or used by wholesale, retail, discount or variety stores, between points in AL, AR, FL, GA, IL, KS, KY, LA, MO, MS, NE, OK, SC, TN, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Volume No. OP5–59

Decided: February 9, 1983.

By the Commission, Review Board No. 1, Member Parker, Chandler, and Fortier.

FF–368 (Sub-2), filed January 28, 1983. Applicant: EXECUTIVE INTERNATIONAL FORWARDING, INC., 5060 Shawline Dr., San Diego, CA 92111. Representative: Alan F. Wohlstetter, 1700 K St., N.W., 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 AK, on the one hand, and, on the other, points in the U.S.

MC 19456 (Sub-6), filed January 28, 1983. Applicant: B & B TRUCKING, INC., 83 Egleston Rd., Westfield, MA 01085. Representative: James Robert Evans, 145 Wisconsin Ave., Neenah, WI 54956, 414–722–2848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT and DC.

MC 35628 (Sub-448), filed January 28, 1983. Applicant: IMFS, INC., d.b.a. INTERSTATE SYSTEM, 110 Ionia Avenue NW., Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant) (616) 774–0400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Allied Stores Corp., of New York, NY, Hercules, Incorporated, and E. I. DuPont DeNemours & Company, both of Wilmington, DE, Honeywell, Inc., of Minneapolis, MN, The DeVilbiss Co., of Toledo, OH, Borden, Inc., of Columbus, OH, and Uniroyal, Inc., of Middleburg, CT.

MC 79658 (Sub-52), filed January 27, 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. under continuing contract(s) with The Atchison Topeka and Santa Fe Railway Co., of Chicago, IL.

MC 113828 (Sub-285), filed January 26, 1983. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Bethesda, MD 20814. Representative: Herbert Alan Dubin, 818 Connecticut Ave., N.W., Washington, DC 20006, 202–331–3700. Transporting *commodities in bulk*, (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Ashland Chemical Company, a division of Ashland Oil Inc., of Dublin, OH.

MC 146798 (Sub-8), filed January 26, 1983. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatilla St., Denver, CO 80204. Representative: Dale E. Isley, 50 So. Steele St., Suite 330, Denver, CO 80209, (303) 320–6100. Transporting (1) *food and related products*, (2) *pharmaceutical materials*, (3) *chemicals and related products*, and (4) *tobacco products*, (a) between points in KS, CO, and OK, and (b) between points in (a) above, on the one hand, and, on the other, points in NE, TX, NM, WY, MT, ID, UT, AZ, NV, WA, OR, and CA.

MC 147039 (Sub-9), filed January 21, 1983. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Rd., Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy, Suite 400, Fairfax, VA 22030, 703–691–0900. Transporting *metal products, machinery, rubber products, chemicals and related products, transportation equipment, clay concrete and stone products, and petroleum products*, between points in the U.S. (except AK and HI).

MC 151418 (Sub-1), filed January 27, 1983. Applicant: ROY L. T. TRUCKING COMPANY, INC., 7117 E. Firestone Blvd., Downey, CA 90241. Representative: Roy Tyra (same address as applicant), (213) 927–4439. Transporting *paper and paper products* between points in the U.S. (except AK and HI), under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4184 Filed 2–17–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30076]

Rail Carriers; Greenbrier and Eastern Railroad Company—Exemption From 49 U.S.C. 10901 and 11301

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission under 49 U.S.C. 10505 exempts: (a) From 49 U.S.C. 10901, the acquisition and operation by Greenbrier and Eastern Railroad Company of 12.22 miles of the Western Maryland Railway Company's rail system located in Webster County, WV, and (b) from 49 U.S.C. 11301, the issuance of a maximum of $650,000 in securities by Greenbrier and Eastern Railroad Company.

DATES: This decision shall be effective on February 18, 1983. Petitions to reopen this proceeding must be filed by March 10, 1983.

ADDRESSES: Send pleadings to:

(1) Rail Section Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.

(2) Petitioner's representative: William L. Slover, 1224 Seventeenth Street, N.W., Washington, D.C. 20036. Pleadings should refer to Finance Docket No. 30076.

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 contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423, (202) 289–4357—DC metropolitan area, (800) 424–5403—Toll free for outside the DC area.

Decided: February 9, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Gilliam, Andre, Simmons, and Gradison. Commissioner Gilliam did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–4186 Filed 2–17–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30087]

Rail Carriers; Southern Pacific Transportation Company—Abandonment and Discontinuance Exemption—In Fannin, Grayson, and Lamar Counties, TX

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Southern Pacific Transportation Company from the requirements of 49 U.S.C. 10903 *et seq.* concerning its abandonment of a 1.39-mile segment of its line, in Lamar County, TX, and discontinuance of its service over 63.01 miles of the Missouri Pacific Railroad Company in Fannin, Grayson, and Lamar Counties, TX, subject to the standard labor protective conditions.

DATES: This exemption will be effective on March 21, 1983. Petitions for reconsideration must be filed by March 10, 1983. Petitions for stay must be filed by February 28, 1983.

ADDRESSES: Send pleadings to:
(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423.
(2) Petitioner's representative: Gary A. Laakso, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105.

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 contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423, (202) 289–4357—DC metropolitan area (800) 424–5403—Toll free for outside the DC area.

Decided: February 10, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre, Simons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-4135 Filed 2-17-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 4–83]

Privacy Act of 1974; Notice of a Modified System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Justice proposes to modify an existing system of records entitled "Legal and General Administration Accounting System (LAGA), JUSTICE/JMD–007," which was most recently published on January 10, 1980 in **Federal Register** Volume 45, page 2227.

The system notice is being revised to reflect a number of changes to the system. The system name has been changed to "Accounting System for the Offices, Boards and Divisions and the United States Marshals Service" to more clearly describe the sytem. The "Storage," "Retrievability," "Safeguards," and "Retention and disposal" sections of the notice have been revised to reflect that data is also being stored on magnetic tapes and disks. Two sections of the notice, "Categories of records in the system" and "Categories of individuals covered by the system," have been revised to clarify and define the term "vouncher." The term "voucher" includes all documents required to reserve, obligate, process and effect collection or payment of funds. In addition, a new routine use has been added to permit disclosure of records to a consumer reporting agency to assist in the collection of debts pursuant to Pub. L. 97–365. The "Routine uses of records maintained in the system" section has been revised to include the new routine use and to further clarify existing routine uses. Further, the "Authority for maintenance of the system" section has been corrected to reflect new and revised legislative authority.

5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on new routine uses of a system of records. The Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 60-day period in which to review the proposed automation of the system. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW., Washington, D.C. 20530. Automation of the system will be implemented 60 days from the publication date of this notice or upon receipt of specific approval or a "no comment" response from OMB whichever is earlier. If no comments are received from the public, the new routine use will be implemented 30 days from the publication date of this notice without further notice in the **Federal Register.**

A report has been provided to the Director, OMB, to the President of the Senate, and the Speaker of the House of Representatives in accordance with 5 U.S.C. 552a(o).

Dated: February 7, 1983.

Kevin D. Rooney,

Assistant Attorney General for Administration.

Justice/JMD–007

SYSTEM NAME:

Accounting System for the Offices, Boards and Divisions and the United States Marshals Service.

SYSTEM LOCATION:

United States Department of Justice, 10th and Constitution Avenue, NW., Washington, D.C. 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals on whom vouchers are submitted requesting payment for goods or services rendered (except payroll vouchers for Department of Justice employees), including vendors, contractors, experts, witnesses, court reporters, travelers, and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

All vouchers processed, i.e., all documents required to reserve, obligate, process and effect collection or payment of funds. (Excluded from the system are payroll vouchers.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 31 U.S.C. 3512.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

After processing the vouchers, the records are used to maintain individual financial accountability; to furnish statistical data (not identified by personal identifiers) to meet both internal and external audit and reporting requirements; to disclose information to a consumer reporting agency to assist in collection of debts pursuant to Pub. L. 97–365; and to provide Administrative Officers from the Offices, Boards and Divisions and the United States Marshals Service with information on vouchers by name and social security number.

Release of information to the news media. Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an

unwarranted invasion of personal privacy.

Release of information to Members of Congress. Information contained in systems of records maintained by the Department of Justice not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service. A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

STORAGE:

Magnetic disks, magnetic tapes, and file folders.

RETRIEVABILITY:

Records on magnetic tapes and disks are primarily retrieved by social security number or digital identifiers. Records in paper form are retrieved primarily by payee name from file folders which prior to Fiscal Year 1976 were maintained by payee name and since Fiscal Year 1976 have been kept by batch and controlled by schedule on which paid.

SAFEGUARDS:

Information contained in the system is unclassified. Operational access to information maintained on magnetic disks is controlled by the convention of the operating system utilized. This is normally by password key. These passwords are issued only to employees who have a need to know in order to perform job functions relating to financial management and accountability. Records are also safeguarded in accordance with organizational rules and procedures. Access is limited to personnel of the Department of Justice who have a need for the records in the performance of their official duties.

RETENTION AND DISPOSAL:

Magnetic tapes and disks are retained indefinitely. Payment documents are retained for three fiscal years (current and two prior years). The payment documents are then shipped to a General Services Administration's Federal Records Center for storage and subsequent destruction in accordance with instructions of the General Accounting Office.

SYSTEM MANAGER(S) AND ADDRESS:

Director; Finance Staff; Office of the Controller; Justice Management Division; U.S. Department of Justice; 10th & Constitution Avenue, NW.; Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Same as the System Manager.

RECORD ACCESS PROCEDURES:

Same as the System Manager.

CONTESTING RECORD PROCEDURES:

Same as the System Manager.

RECORD SOURCE CATEGORIES:

Submitted by operating accounting personnel or individual of record.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-4271 Filed 2-17-83; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

February 15, 1983.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday, Tuesday, and Wednesday, March 7–9, 1983. The meeting on Monday, Tuesday, and Wednesday will be held in Rooms 416 and b–100 at the Page Building, 2001 Wisconsin Avenue, NW., Washington, D.C. The Committee, consisting of 18 non-Federal members appointed by the President by academia, business and industry, public interest organizations, and State and local government, was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of reports as may from time to time be requested by the President or Congress.

The Tentative Agenda is as follows:

Monday, March 7, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Rooms 416 and B–100, Washington, DC
8:45 a.m.–12:00 Noon—Plenary
8:45 a.m.–9:00 a.m.—Announcements
9:00 a.m.–10:30 a.m.—Sea Grant
Chairman: Jack R. Van Lopik
Speakers: Norman Doelling, Executive Officer, Sea Grant Program, Massachusetts Institute of Technology
James M. Utterback, Center for Policy Alternatives, Massachusetts Institute of Technology
10:30 a.m.–12:00 Noon—Discussion of New Topics
12:00 Noon–1:00 p.m.—Lunch
1:00 p.m.–5:00 p.m.—Panel meetings
1:00 p.m.–3:00 p.m.—Sea Grant
Chairman: Jack Van Lopik, Room B–100
Topic: Panel Work Session
1:00 p.m.–5:00 p.m.—Radioactive Waste Disposal
Chairman: John A. Knauss, Room 416
Topic: Panel Work Session
3:00 p.m.–5:00 p.m.—Hydrology
Chairman: Paul Bock, Room B–100
Topic: Panel Work Session
5:30 p.m.—Recess

Tuesday, March 8, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Room 416, Washington, D.C.
8:30 a.m.–10:00 a.m.—Panel meetings
Marine Minerals
Chairman: Burt Keenan
Topic: Panel Work Session
10:00 a.m.–12:00 Noon—Wetlands
Chairman: Sharron Stewart
Topic: Review Proposed Legislation
12:00 Noon–1:00 p.m.—Lunch
1:00 p.m.–3:30 p.m.—Plenary
1:00 p.m.–2:00 p.m.—Review and Approval of Hydrology Report
Chairman: Paul Bock
2:00 p.m.–3:30 p.m.—Action Items
Panel Reports
3:30 p.m.—Recess

Wednesday, March 9, 1983

2001 Wisconsin Avenue, NW., Page Building #1, Room B–100, Washington, D.C.
9:00 a.m.–3:00 p.m.—Panel meeting
Ocean Research
Chairman: Sylvia Earle
Topic: Undersea Technology
Speakers: TBA
3:00 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chariman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere,

3300 Whitehaven Street, NW., Washington, DC 20235.

Dated: February 14, 1983.

Steven N. Anastasion,

Executive Director.

[FR Doc. 83-4210 Filed 2-17-83; 8:45 am]

BILLING CODE 3510-12-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel (Wider Availability, Fellowships/Visiting Specialists/Sabbaticals);

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Wider Availability, Fellowships/Visiting Specialists/Sabbaticals) to the National Council on the Arts will be held on March 1, 1983, from 9:00 a.m.—5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1983.

[FR Doc. 83-4245 Filed 2-17-83; 8:45 am]

BILLING CODE 7537-01-M

Theater Advisory Panel (Overview and Individual Support); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Overview and Individual Support) to the National Council on the Arts will be held on March 3-4, 1983, from 9:00 a.m.-5:00 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 3, from 9:00-10:00 a.m.; 11:00 a.m.-5:00 p.m., and on March 4, from 9:00-9:30 a.m. and 3:30-5:00 p.m. to discuss guidelines and general policy issues.

The remaining sessions of this meeting on March 3, from 10:00 a.m.-11:00 a.m. and on March 4, from 9:30 a.m.-3:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1983.

[FR Doc. 83-4244 Filed 2-17-83; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel (Forums/Publications); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Forums/Publications) to the National Council on the Arts will be held on March 3, 1983, from (9:00 a.m.-5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on March 3, 1983, from 9:00-9:30 a.m. to discuss introductory remarks.

The remaining sessions of this meeting on March 3, from 9:30 a.m.-5:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

February 9, 1983.

[FR Doc. 83-4246 Filed 2-17-83; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-382-OL]

Louisiana Power & Light Company (Waterford Steam Electric Station, Unit 3); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members: Stephen F. Eilperin, Chairman, Dr. W. Reed Johnson, Christine N. Kohl.

Dated: February 10, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-4286 Filed 2-17-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Clinch River Breeder Reactor; Cancellation of Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) meeting scheduled for February 23 and 24, 1983, Washington, DC has been cancelled. Notice of this meeting was published February 7, 1983 (48 FR 5626).

Dated: February 14, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-4290 Filed 2-17-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Reliability and Probabilistic Assessment; Meeting

The ACRS Subcommittee on Reliability and Probabilistic Assessment will hold a meeting on March 9, 1983, Room 1046, at 1717 H Street, NW, Washington, DC. The Subcommittee will discuss the recent NRC study on precursors to potential severe core damage accidents, NUREG/CR–2497, "Precursors to Potential Severe Core Damage Accidents: 1969–1979—A Status Report" and the peer review of this report.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

Wednesday, March 9, 1983, 8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding the topics to be discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee, Dr. Richard Savio (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: February 14, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83–4289 Filed 2–17–83; 8:45 am]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

[Order No. 485; Docket No. A83–15]

Burr Oak, Indiana 46509 Mr. John P. Helt, Petitioner; Notice and Order of Filing of Appeal

February 10, 1983.

On February 7, 1983, the Commission received a letter from Mr. John P. Helt (hereinafter "Petitioner"), concerning the United States Postal Service's decision to close the Burr Oak, Indiana, post office. Mr. Helt has informed the Commission that he intends that his letter be a request for the review provided for by section 404(b) of the Postal Reorganization Act [39 U.S.C. 404(b)] [1]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [2] The petition set forward a number of reasons why the decision to close the Burr Oak post office should be reconsidered.

The Postal Reorganization Act states: The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal service be insured to residents of both urban and rural communities.[3]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the closing of post offices.[4]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the Postal Service's actions are consistent with the statutory requirement that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining [39 U.S.C. 404(b)(2)(C)].

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by § 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on the issue described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioners by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Commission orders:

(A) The appeal letter from Mr. Helt be accepted as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

By the Commission.

David F. Harris,

Secretary.

February 7, 1983, Filing of Petition
February 10, 1983, Notice and Order of Filing of Appeal
February 22, 1983, Filing of Record by Postal Service [*see* 39 CFR 3001.113(a)].
February 28, 1983, Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
March 9, 1983, Petitioner's Initial Brief [*see* 39 CFR 3001.115(a)].
March 24, 1983, Postal Service Answering Brief [*see* 39 CFR 3001.115(b)]
April 8, 1983, (1) Petitioners' Reply Brief should petitioners choose to file one [*see* 39 CFR 3001.115(c)].
(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 et seq.

[2] 39 U.S.C. 404(b)(1).

[3] 39 U.S.C. 101(b).

[4] 42 F.R. 59079–85 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

decision may require, in scheduling or dispensing with oral argument.

June 7, 1983, Expiration of 120 day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 83-4259 Filed 2-17-83; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-12252]

American Southwest Financial Corp.; Application and Opportunity for Hearing

February 14, 1983.

Notice is hereby given that American Southwest Financial Corporation (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended, (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that trusteeship of The Valley National Bank of Arizona ("Valley") under an indenture dated as of December 1, 1982 (the "Qualified Indenture"), between the Company and Valley which was heretofore qualified under the Act, and trusteeship by Valley under an indenture tentatively to be dated as of February 1, 1983, and which will be qualified under the Act (the "New 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 Valley from acting as trustee under the Qualified Indenture and the New Indenture.

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 (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this Section of the Act provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that the trusteeships under the indentures are not so likely to involve a material conflict of interest to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any such indentures.

The Company alleges that:

(1) Pursuant to the Qualified Indenture, the Company has issued $50,475,000 aggregate principal amount of its 12¾% GNMA-Collateralized Bonds, Series A (the "Series A Bonds"), for which Valley serves as trustee. The Series A Bonds were registered under the Securities Act of 1933 and the Qualified Indenture was qualified under the Act.

(2) Pursuant to the New Indenture, the Company proposes to issue and sell an as yet undetermined amount of its GNMA-Collateralized Bonds, Series B (the "Series B Bonds"), for which it contemplates Valley will serve as trustee. The Company contemplates that the Series B Bonds will be registered under the Securities Act of 1933 and that the New Indenture will be qualified under the Act.

(3) The collateral granted to Valley as trustee for the Series A Bonds will serve as collateral security only for the Series A Bonds and the holders of other Bonds issued by the Company (including the Series B Bonds) will not have recourse to the collateral granted to Valley as trustee for the Series A Bonds.

(4) The collateral to be granted to Valley as trustee for the Series B Bonds will serve as collateral security only for the Series B Bonds and the holders of other Bonds issued by the Company (including the Series A Bonds) will not have recourse to the collateral granted to Valley as trustee for the Series B Bonds.

(5) The Company is not in default under the Qualified Indenture.

(6) Such differences as exist between the Qualified Indenture and the New Indenture are not 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 Valley from acting as trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange 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 on file in the offices of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 7, 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 law or fact raised by such 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, 450 Fifth Street, NW., 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. 83-4257 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13013; 812-5414]

Capital Funding Corp.; Filing of Application

February 7, 1983.

In the matter of Capital Funding Corporation, 165 Broadway, New York, N.Y. 10080 (812-5414). Notice is hereby given that Capital Funding Corporation ("Applicant"), a Delware Corporation, filed an application on December 23, 1982, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting applicant from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it is a Delaware corporation organized on October 29, 1982. Applicant represents that its sole business will consist of issuing and selling its commercial paper notes and making advances ("Advances") of the net proceeds from the sale thereof to specified industrial and commercial entities and utilities ("Borrowers") for use in their respective businesses and that substantially all of Applicant's assets will consist of master promissory notes issued to Applicant by the Borrowers ("Master Notes") evidencing the obligations of the Borrowers to repay to Applicant the Advances. Payments at maturity of principal and interest due on each Master Note will be supported by (i) a surety bond in favor of Applicant issued by Industrial

Indemnity Company ("Surety") for the account of the Borrower whose Advances are evidenced by the Master Note and (ii) a surety bond in favor of a trustee for the holders of Applicant's commercial paper notes issued by the Surety for the account of Applicant.

Applicant represents that none of its outstanding common stock is, or in the future will be, owned by the Surety or by any of the Borrowers, or by any affiliate of any of them. Applicant represents that there has been, and undertakes that in the future there will be, no public offering of Applicant's common stock or of any other equity security of Applicant.

Applicant understands that the Surety and certain of its wholly-owned subsidiaries are primarily involved in the business of providing property and casualty insurance in ten states. Applicant states that, as an insurance company organized in California, the Surety is governed by the California Insurance Code and is subject to regulation and supervision by the California Department of Insurance. Applicant further states that the Surety is also licensed to transact an insurance business in the District of Columbia and forty-eight states other than California and is subject to regulation and supervision in each of these jurisdictions. Applicant also states that, as an insurance company authorized to provide insurance for the United States government, the Surety is restricted with respect to its liability on any single undertaking by regulations promulgated by the United States Department of the Treasury.

Applicant states that the Surety is a wholly-owned subsidiary of Crum and Forster ("C&F"), a New York-based insurance holding company, which, through the operations of its subsidiaries, provides a wide variety of insurance services in and outside the United States, including commercial as well as personal property and casualty insurance, fidelity and surety bonds, and reinsurance. The Surety has entered into a Reinsurance Participation Agreement with four other C&F insurance companies, pursuant to which all insurance written by the participating companies and related expenses are pooled and the business produced by all the participating companies is shared among the participating companies in accordance with percentage shares specified in the Reinsurance Participation Agreement.

Applicant states that, based on an analysis of the current financial condition and operating performance of the Surety and the four other C&F insurance companies which participate in the business pooling arrangement, A.M. Best Company, a major insurance company rating agency, assigned the Surety and the four other participating insurance companies its highest Policyholders' Rating of "A+" (Excellent).

Applicant states that the Borrowers will be industrial and commercial entities and investor-owned utilities, which, although highly creditworthy, have been unable to participate directly in the United States commercial paper market due either to their inability to obtain the highest categories of credit ratings from commercial paper rating agencies or to their inability to generate individually sufficient borrowings to make possible a cost-effective commercial paper program.

Applicant represents that it will receive assurances from each Borrower that the Borrower will use the proceeds of the Advances in the ordinary course of its business to finance "current transactions" within the meaning of paragraph 3(a)(3) of the Securities Act of 1933 ("Securities Act"). In addition, Applicant represents that it will receive assurances from each Borrower, both at the time the credit relationship with the Borrower is entered into and for any period during which any Master Note of the Borrower is outstanding, that the Borrower either is not an investment company within the meaning of subsection 3(a) of the Act or is deemed to be excluded from the definition of an investment company by virtue of the provisions of either subsection 3(b) or subsection 3(c) of the Act.

Applicant proposes to enter into arrangements with each Borrower pursuant to which the Borrower may request Applicant to make Advances to the Borrower. Under these arrangements, each Borrower will execute and deliver to Applicant a Master Note which will evidence both the Advances made by Applicant to the Borrower and the Borrower's obligation to repay the Advances. The aggregate amount of Advances to any Borrower will not be permitted to exceed a designated amount specified for that Borrower and the maturities of the Advances will not exceed 270 days. Upon receipt by Applicant of a request by a Borrower that Applicant make an Advance, Applicant will attempt to issue and sell its commercial paper notes ("Commercial Paper Notes") in an amount sufficient to obtain funds to make the requested Advance. Applicant will have no obligation to make an Advance unless it is able to issue the requisite amount of Commercial Paper Notes.

Applicant will advance the proceeds from sales of the Commercial Paper Notes to the Borrowers (after deduction from the proceeds of a commission payable to Applicant's commercial paper dealer for services in connection with the purchase and sale of the Commercial Paper Notes and, in the case of Advances made on a discount basis, after deduction of the amount of the discount). Upon the maturity of an Advance, or earlier if requested by Applicant, a Borrower will be obligated to pay to Applicant the principal amount of the Advance plus interest at a rate which is at least equal to the rate of interest on the Commercial Paper Notes issued by Applicant to obtain funds to make the Advance. The principal amount of each Advance will be evidenced by an appropriate entry on the Master Note of the Borrwer.

The payment obligations of each Borrower to Applicant in respect of Advances evidenced by the Master Note issued by the Borrower will be supported by a surety bond (the "Borrower Surety Bond") issued by the Surety for the account of such Borrower. Pursuant to each Borrower Surety Bond, the Surety will agree to indemnify Applicant for any default of the Borrower, for whose account the Borrower Surety Bond was issued, in repaying at maturity the principal amount of any Advance and any accrued interest.

Pursuant to the Issuer Surety Bond, the Surety will agree that, if on any day that Commercial Paper Notes mature, funds are not available to pay Commercial Paper Notes, the Surety will indemnify the trustee under the Issuer Surety Bond for Applicant's inability to repay the Commercial Paper Notes up to the amount of such bond. Applicant, in turn, will ensure that the aggregate amount of Commercial Paper Notes maturing on any day will not exceed the aggregate on that day of all maturing Advances, all amounts available in accounts maintained by Applicant to pay maturing Commercial Paper Notes, and the amount available under the Issuer Surety Bond.

Applicant proposes to issue and sell short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act by virtue of paragraph 3(a)(3) thereof and generally referred to as commercial paper. The Commercial Paper Notes will be sold in minimum denominations of $100,000, will have a maturity not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or

automatic "rollover" at the option of either the holder or the issuer.

Applicant undertakes not to market any Commercial Paper Notes prior to receiving an opinion of counsel to the effect that the proposed offering of Commercial Paper Notes is exempt from the registration requirements of the Securities Act by virtue of paragraph 3(a)(3) thereof. Applicant further undertakes that, in respect of any future offerings of Applicant's debt securities, it will obtain an opinion of counsel as to compliance with, or the availability of an exemption from, the registration requirements of the Securities Act. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption for the Commercial Paper Notes under paragraph 3(a)(3) of the Securities Act.

Applicant states that the Commercial Paper Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commercial paper market and that, while an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Commercial Paper Notes will furnish to each offeree memoranda describing the businesses of the Surety and Applicant and providing the most recent annual and quarterly financial information for the Surety. Applicant represents that the memoranda prepared by each dealer will be updated as promptly as practicable to reflect material adverse changes in the financial status of Applicant or the Surety and will be at least as comprehensive as memoranda customarily used in offering commercial paper.

Applicant undertakes to select a major commercial bank to act as issuing and paying agent for the Commercial Paper Notes (the "Depositary"). The Surety will consent to the appointment of the Depositary. As trustee for the benefit of holders of the Commercial Paper Notes, the Depositary will receive an assignment of a first security interest in, among other rights, (i) Applicant's rights to payment of the principal of and interest on the Advances evidenced by the Master Notes, (ii) Applicant's rights to payment under the Borrower Surety Bond, and (iii) Applicant's rights under the Issuer Surety Bond. The Depositary will receive proceeds from the Applicant's sales of the Commercial Paper Notes and will deposit such proceeds in bank accounts maintained for the benefit of the holders of Commercial Paper Notes and for Applicant. The Depositary will collect payments by the Borrowers in respect of the Master Notes upon maturity and will transfer such payments for deposit in accounts used to pay the Commercial Paper Notes. The Depositary, as trustee for the benefit of the holders of the Commercial Paper Notes, will make any drawings required under the Borrower Security Bonds or the Issuer Bond.

Applicant represents that, prior to their issuance, the Commercial Paper Notes, and any future issue of Applicant's debt securities, will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization. However, no such rating shall be required with respect to future issues of Applicant's debt securities other than the Commercial Paper Notes if, in the opinion of counsel, an exemption is available for the issue pursuant to subsection 4(2) of the Securities Act. Applicant believes that in the first year in which Commercial Paper Notes are issued, the face amount of Commercial Paper Notes outstanding will average approximately $100,000,000.

Section 6(c) of the Act provides that the Commission by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class of persons, securities, or transactions from any provison or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant states that approval of the application is necessary or appropriate in the public interest. Applicant maintains that each Borrower with which Applicant enters into credit relations will be a company or utility which could itself directly issue commercial paper notes in the United States without compliance with the Act's registration provisions, but because of its inability to obtain the highest categories of credit ratings or because of the costs involved in entering the commercial paper market on its own has not entered the commercial paper market. Applicant and the Surety believe that a program in which commercial paper is effectively supported by surety bonds will serve the public interest by enabling the Borrowers to take advantage of the attractive rates available in the commercial paper market without obtaining a rating based on their credit or incurring the high cost which would accompany the Borrowers' entry into the commercial paper market on their own.

Applicant states that approval of the application would also be consistent with the protection of investors. Applicant asserts that its limited business purpose and its obligation to invest in the Master Notes, none of which will be an obligation of an investment company, and the repayment of the Advances evidenced by the Master Notes, each of which will be supported by surety bonds issued by the Surety, obviate the need for the regulatory safeguards provided by the Act. Applicant states that its "investment" activity would be the acquisition of the Master Notes of the Borrowers supported by surety bonds issued by an insurance company. In addition, Applicant maintains that as the trust beneficiaries of Applicant's rights under the Borrower Surety Bonds and the Issuer Surety Bond, holders of the Commercial Paper Notes will be adequately protected by the credit of the Surety in the event the Borrowers fail to meet their repayment obligations to Applicant.

Applicant contends that because the Commercial Paper Notes will generate funds for Applicant's "current transactions"; will have a maturity of 270 days or less, exclusive of days of grace; and will neither by payable on demand nor provide for any extension, renewal, or automatic "rollover," the characteristics of the Commercial Paper Notes themselves also limit the possible exposure of investors as well as the possibility of the abuses against which the Act is directed.

Applicant notes that, as an insurance company, the Surety is one of a category of institutions which are exempted from the Act's definition of investment company pursuant to paragraph 3(c)(3) of the Act. Applicant asserts that the policy considerations which underlie the paragraph 3(c)(3) exemption apply equally to an issuer, such as Applicant, whose only publicly-held securities will be sold, and purchased by investors, on the basis of the credit support provided by an entity which comes within the paragraph 3(c)(3) exemption.

Notice is further given that any interested person wishing to request a hearing of the application may, not later then March 4, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are

disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4300 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22851; 37-67]

Eastern Utilities Associates and EUA Service Corp.; Proposed Increase in Amount of Notes Issued by Subsidiary Service Company to Banks and/or Holding Co.

February 10, 1983.

In the matter of Eastern Utilities Associates, EUA Service Corporation, P.O. Box 2333, Boston, Massachusetts 02107 (37-67).

Eastern Utilities Associates ("EUA"), a registered holding company, and its subsidiary service company, EUA Service Corporation ("Service Company"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 40(b) promulgated thereunder.

By supplemental order in this proceeding dated February 8, 1982 (HCAR No. 22385), Service Company was authorized to borrow from banks and to borrow from EUA up to a maximum of aggregate borrowings from banks and/or EUA to be outstanding at any one time of $2,000,000. The post-effective amendment states that in order to provide for the expenses of relocating the Service Company's corporate offices (including related remodeling) estimated to be $500,000 and to provide for unforeseen circumstances which may arise in the future, it is now proposed that the Service Company retain authority to make borrowings from EUA, that any such future borrowings from EUA be evidenced by notes bearing interest at a rate not in excess of the commercial base rate at The First National Bank of Boston as adjusted from time to time, and that the aggregate amount of notes of the Service Company payable to banks and/or to EUA to be outstanding at any one time will not exceed $3,000,000.

The post-effective amendment and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by March 8, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4301 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13022; 812-5435]

Hutton Investment Series, Inc.; Filing of Application

February 9, 1983.

In the matter of Hutton Investment Series Inc., One Battery Park Plaza, New York, New York 10004 (812-5435).

Notice is hereby given that Hutton Investment Series Inc. ("Applicant" or "Fund") filed an application in January 28, 1983, and an amendment thereto on February 4, 1983, requesting a retroactive, temporary order of the Commission pursuant to Section 10(e) of the Investment Company Act of 1940 ("Act") exempting Applicant from the provisions of Section 10(b) of the Act, in order to provide time for the nominating committee of its board of directors to select and nominate, and its board of directors to elect, and additional director who is not an "interested person", within the meaning of Section 2(a)(19) of the Act, of the Applicant or of E.F. Hutton & Co. Inc. ("E.F. Hutton"), which is Applicant's distributor and regular broker, and which is also engaged in the investment banking business. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions to which the exemption applies.

The Applicant is an open-end, diversified, series-type management investment company consisting of four series (Growth Series, Bond and Income Series, Short Term Investment Series, and Emerging Growth Series). The Applicant was incorporated in Maryland on September 29, 1981, and its registration statement under the Securities Act of 1933 became effective on December 29, 1981.

According to Applicant, E.F. Hutton serves as investment adviser and distributor for Applicant. E.F. Hutton is a registered investment adviser and broker-dealer and is a member of the New York Stock Exchange, other major securities and commodities exchanges, the National Association of Securities Dealers and the Securities Industry Association. E.F. Hutton also engages in investment banking activities.

The application states that prior to January 6, 1983, the Applicant's board of directors consisted of five members, two of whom (John N. Daly and Thomas P. Lynch) were interested persons of the Applicant and E.F. Hutton by viture of the fact that each is an officer and director of E.F. Hutton, and three of whom (Dwight B. Crane, Allan R. Johnson and J. Stanford Smith) were non-interested persons of the Applicant and E.F. Hutton. Mr. Smith, one of the non-interested directors, died on January 6, 1983. As a result of Mr. Smith's untimely death, the Applicant's board of directors has been reduced to four members, two of whom are interested directors and two of whom are non-interested directors. Applicant states that since the two interested directors are affiliated persons or otherwise interested persons of E.F. Hutton, the Applicant's principal underwriter and regular broker, the composition of Applicant's board of directors may be deemed to be in violation of section 10(b) of the Act.

Section 19(e) of the Act provides, in pertinent part, that if by reason of the death of any director the requirements of section 10(b) of the Act shall not be met by an investment company, the operation of the provisions of that section shall be suspended for a period of 30 days if the vacancy may be filled by a vote of directors or for such longer period as the Commission may prescribe by order upon application as not

inconsistent with the protection of investors. Applicant states that pursuant to its by-laws any vacancy occurring in its board of directors by reason of death may be filled by a majority of the directors then in office, although less than a quorum, provided, however, that immediately after filling such vacancy, at least two-thirds of the directors then holding office shall have elected to such office by the stockholders of the Applicant. The Applicant contends that such a procedure is in accordance with the requirements of Section 16(a) of the Act regarding the filling of vacancies on boards of directors of registered investment companies.

Applicant states that application of the 30-day limit in Section 10(e) of the Act would require the nominating committee of its board to select and nominate, and its full board to elect, a non-interested director in order for E.F. Hutton to continue to serve as Applicant's regular broker and principal underwiter. Applicant's board of directors has determined that it is the prudent course to retain E.F. Hutton as the Applicant's regular broker and principal underwriter, to retain Messrs. Daly and Lynch as directors and to retain Applicant's current officers past February 5, 1983, the date upon which the 30-day limit of Section 10(e) expired, and thereby prevent a serious disruption in the normal operations of Applicant.

The application states that the nominating committee of Applicant's board of directors (Messrs. Crane and Johnson) met on January 21, 1983, to begin the process of identifying a director to replace Mr. Smith. In the view of the nominating committee, it is in the best interests of the Fund and its shareholders to make a diligent and careful search for a qualified and competent disinterested director. Even after qualified candidates are identified for the position, it will take time to assure that the candidate is indeed qualified under the requirements of the Act to serve as a non-interested director of the Applicant and E.F. Hutton. Accordingly, Applicant represents that a new disinterested director could not be selected within the 30-day deadline as set forth in Section 10(e) of the Act.

Applicants argue that in situations where a director intends to resign from an investment company's board of directors, the board quite often will have advance notice of such an impending resignation and thus will have an adequate opportunity to locate a replacement director without creating problems under Section 10 of the Act. However, Applicants state, when the vacancy is unexpected, as in the case of death, 30 days is a relatively short period of time to identify and determine the qualifications of a suitable replacement director.

The Applicant states that Section 10 of the Act is designed to ensure a measure of independence for the supervising group on the board of directors of an investment company, limiting the control of investment advisers, brokers, underwriters and investment bankers over an investment company's operations. Applicant asserts that even with its board containing two non-interested and two interested directors, the board is not controlled by its principal underwriter, regular broker or an investment banker, since the two members of Applicant's board affiliated with E. F. Hutton cannot dictate the outcome of board decisions. Thus, the Applicant contends it would not be inconsistent with the policy of Section 10 of the Act to grant the Applicant an extension to identify and select a new non-interested director.

The Applicant agrees that as a condition of the temporary order, it will undertake to ensure that at least 50 percent of the members of its board of directors continue to be non-affiliated and non-interested persons of E. F. Hutton.

The Applicant submits that a temporary order exempting the Applicant from the provisions of Section 10(b) of the Act for the period February 5, 1983 until April 30, 1983, or until the conclusion of the next annual board meeting (now set for March 30, 1983), whichever occurs first, is not inconsistent with the protection of the Applicant's shareholders. Applicant requests that such order be granted on a retroactive basis since, Applicant states, the 30-day period set forth in Section 10(e) was too short in light of the suddenness of Mr. Smith's death to permit an application to be filed and reviewed, and a notice to be published in the **Federal Register** and an order issued, prior to expiration of that period. Applicant asserts that unless a temporary exemptive order were made retroactive to February 5, 1983, questions may be raised as to the validity of actions of Applicant's board of directors for the period February 5, 1983, to the date of the temporary order, since it may be contended that during such period the Applicant was not in compliance with Section 10(b) of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 7, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4302 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13023; 811-2775]

Widener Place Fund, Inc.; Filing of Application

February 9, 1983.

In the matter of Widener Place Fund, Inc., 500 North Woodward Avenue, Suite 200, Bloomfield Hills, MI 48013 (811-2775).

Notice is hereby given that Widener Place Fund, Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, diversified, management investment company, filed an application on January 3, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On September 29, 1977, Applicant registered under the Act. Applicant states that it has not made a public offering since becoming a registered investment company and therefore has not, during that period, filed any registration statements under the Securities Act of 1933. Applicant represents that its most recent public offering occurred in 1968 when it was an operating company.

Applicant represents that at meetings held on June 9, 1980, and June 16, 1981, its board of directors approved the Agreement and Plan of Reorganization

("Agreement") between Applicant and Dreyfus Tax-Exempt Bond Fund, Inc. ("Dreyfus"). Applicant further represents that its shareholders approved the Agreement and the liquidation and dissolution of Applicant, in accordance with the laws of the State of New York. Applicant represents that it has taken all steps necessary to be dissolved in accordance with New York law and that acceptance by the Secretary of State of the Certificate of Dissolution awaits only tax clearance from the State of New York.

Applicant represents that an initial liquidation distribution of .83 shares of capital stock of Dreyfus per outstanding share of Applicant's common stock was made by Applicant on July 16, 1981. Applicant further represents that a final distribution of .021 shares of Dreyfus capital stock per outstanding share of Applicant's common stock was made on November 30, 1982. Applicant states that, as of November 30, 1982, after deducting amounts due Applicant's stockholders with respect to the liquidation distributions, Applicant retains approximately $30,522 in assets. Applicant represents that such assets consist of cash and cash items held for the payment of all known and contingent liabilities of Applicant and for the costs of liquidation. Applicant estimates that all such amounts will be disbursed within 60 to 90 days from the filing of the final tax returns. Applicant represents that any amounts not required for the payment of known and contingent liabilities and costs of liquidation, estimated to be less than $10,000 will be donated to charity.

Applicant represents that it has no other debts or other outstanding liabilities, and it is not a party to any litigation or administrative proceeding. Applicant states that within the last 18 months it has not transferred any of its assets to a separate trust. Finally, Applicant states that it is not now engaged, and does not propose to engage, in any business activity other than that necessary to wind up its affairs.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, the registration of such company under the Act shall cease to be in effect.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 7, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4303 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19501; File No. SR-AMEX 83-2]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Distribution Criteria for Original Listing of Common Stock and Warrant Issues

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 February 2, 1983, the American Stock Exchange 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 or Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Sections 102 and 105 of the AMEX Company Guide (i) to modify public float and holder requirements of existing distribution criteria for evaluating the listing eligibility of common stock and warrant issues and (ii) to provide for alternative listing criteria based on prior trading volume.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes. 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

(a) *Purpose.* The purpose for amending the rules is to update the Exchange's present distribution criteria for original listing of common stock and warrant issues, and to provide for an alternative volume-based guideline. The modification inclues an increase in the size of the public float for stock issues, expansion of the round-lot category, and a reduction in the number of odd-lot holders by narrowing the gap between the existing specified number of round-lot holders and total holders.

The alternative volume-based guidelines will add flexibility to the process of evaluating a company's qualification for listing and registration on the Exchange. The volume-based standard will be used primarily in those instances where accurate shareholder distribution information is difficult to obtain because of significant holdings in street or nominee name.

(b) *Basis.* The proposed amendments are consistent with Section 6(b) of the Exchange Act and further the objectives of Section 6(b)(5) in that they are designed to protect investors and the public interest and are not designed to regulate matters not related to the purposes of the Act or the administration of the Exchange.

D. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule changes will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to

90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(b) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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 Room, 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: February 10, 1983.

George A. Fitzsimmons,

Secretary.

Exhibit A—American Stock Exchange, Inc.

Proposed Rule Amendments *

§ 102 COMMON STOCK[S]—Companies applying for listing [Common Stock issues] are [, as a general rule,] expected to meet the following additional criteria:

(a) Distribution of Common Stock Issues: Minimum public distribution of [400,000] *500,000* shares (exclusive of [the] holdings of officers, directors, controlling shareholders and other concentrated or family holdings), including at least 150,000 of such shares held in lots of 100 to [500] *1,000* shares. Minimum of [1,200] *1,000* public stockholders, including not less than 800 holders of lots of 100 shares or more, [([among which at least 500 holders must hold lots of 100 to [500] 1,000 shares[)].

When a company is unable to provide specific data evidencing that the distribution criteria in the preceding paragraph have been met, the Exchange may still favorably consider the listing of a company's securities if the company has a minimum of 500,000 shares publicly held, a minimum of 800 shareholders and the daily volume of trading in the issue has been approximately 2,000 shares or more for the six months preceding the date of application. In evaluating the suitability of an issue for listing under this alternative provision, the Exchange will review the nature and frequency of trading activity and such other factors as it may determine to be relevant in ascertaining whether such issue is suitable for auction market trading. A security which trades infrequently and which does not appear to have a reasonably wide public distribution, will not be considered for listing under this paragraph even though average daily volume amounts to 2,000 shares per day or more.

Companies whose securities are concentrated in a limited geographical area, or whose securities are largely held in block by institutional investors, are normally not considered eligible for listing unless the public distribution appreciably exceeds [400,000] *500,000* shares.

*(b) Stock Price/*Market Value *of Shares* [for] Publicly Held [Shares: $3,000,000 aggregate minimum. In general,] The Exchange requires a minimum market price of $5 per share *and $3,000,000 aggregate market value* [for a common stock issue] for a reasonable period of time prior to the filing of the listing application. In certain instances, however, the Exchange may favorably consider [for] listing an issue selling for less than $5 per share[. In this connection, the Exchange will give consideration to] *after considering* all pertinent factors, including market conditions in general, [whether the applicant exceeds the Exchange's net tangible assets and earnings standards,] whether historically the issue has sold above $5 per share, the applicant's capitalization, *and* the number of outstanding and publicly-held shares of the issue; [applied for and, in respect of securities of foreign issuers, the general practice in the country of origin of trading in low-selling issues]. Voting Rights: See § 124

2. Section 105 of the Company Guide is proposed to be amended as follows:

§ 105 [LONG-TERM] WARRANTS—The listing of [long-term] warrant issues is [also] considered [individually] on a case by case basis, [as in the case of Preferred Stock and Bond and Debenture issues.]

The Exchange, [as a general rule,] will not consider listing the [long-term] warrants *issues* of a Company unless:

[Listing of Common Stock:] the common stock or other securities underlying the warrants are listed either on the *American* [Exchange] or [on the] New York Stock Exchanges.

(a) Size and Earnings: The Company meets the size and earnings criteria set forth at § 101 [above.]

(b) Distribution [of Long-Term Warrant Issues: The issue has a minimum public distribtution of 500,000 warrants (exclusive of the holdings of officers, directors, controlling shareholders and other concentrated or family holdings) including at least 150,000 of such Warrants held in lots of 100 to 500 Warrants. Minimum of 1,200 public holders of Warrants, including not less than 800 holders of lots of 100 Warrants or more (among which at least 500 holders must hold lots of 100 to 500 Warrants).]

The issue meets the distribution guidelines set forth in § 102(a).

(c) Exercise Provisions: The Exchange will not list warrant issues containing provisions which give the company the right, at its discretion, to alter the exercise price of the warrants for periods of time, or from time to time, during the life of the warrants, or to establish at a later date, the right to surrender other securities in payment of the warrant exercise price. If the warrant issue contains such a provision, the Exchange may list the warrants only if the Company [submits an agreement to the Exchange] *agrees* that it will not exercise any such rights. This policy will not preclude the listing of warrant issues for which regularly scheduled and specified changes in the exercise price (or the right to surrender specified securities at their par value in payment of the exercise price) have been previously established.

[FR Doc. 83-4290 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

*Note: Brackets [ ] indicate material to be deleted and italics indicate material to be added.

[Release No. 34-19495; File No. SR-NYSE-83-5]

Self-Regulatory Organizations; Proposed Rule Changes by New York Stock Exchange, Inc.; NYSE Member Information Memorandum Concerning the Disclosure of Names of Buyers, Sellers, Bidders, and Offerors

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 January 31, 1983 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The proposed rule amendments, if approved, would change and codify a long-standing practice on the trading floor, whereby the specialist will be permitted to disclose names of the parties to orders he holds for execution, he is in the process of executing, or he has executed—unless he is specifically instructed *not* to do so by the parties involved at the point of order entry.

(b) This change in policy may be construed as having an indirect effect on

the application of Rule 115. To the extent it would have such an effect, however, it would merely constitute a clarifying interpretation so as to permit the specialist to bring buyers and sellers together, which is one of his market-maker functions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes, on Burden on Competition, and on Comments Received

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule changes and discussed any comments it received on the proposed rule changes. 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 secontions (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 Changes*

(1) *Purpose.* The purpose of the proposed change is to conform an official policy with a practice that has become increasingly prevalent on the trading floor. The specialist is expected to make every reasonable effort to bring together known buyers and sellers. Often brokers and upstairs traders are interested in who the parties are to a trade just effected, in the process of being effected, or about to be effected.

In the past, the specialist had to obtain permission every time he wanted to disclose a name. It is more efficient for the specialist to be able to give such information whenever it is requested *except* where the parties involved have specified at the time they gave the order to the specialist that they do not want to have their names disclosed. While it is up to the specialist's judgement whether to disclose names or not depending on his customers' best interest, once he gives the information to one member, he must give it to all who request it in order to ensure evenhandedness.

(2) *Statutory Basis.* By assisting the specialist in bringing together known buyers and sellers, the proposed policy change is consistent with the provisions of Section 6(b)(5) of the Securities Exchange Act of 1934 which provides that rules of an exchange should be designed, among other things, to promote just and equitable principles of trade, to facilitate transactions in securities, and to perfect the mechanism of a free and open market and a national market system.

(B) *Self-Regulatory Organization's Statement on Burden on Competition*

The policy change proposed herein will not impose any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Changes Received from Members, Participants, or Others*

The Exchange has not solicited written comments on the proposed rule changes from its members or others, nor have any written comments been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes of,

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from 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 Branch, 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 abovementioned 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: February 9, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-4138 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19499; file No. SR-PSE-83-4]

Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Stock Exchange, Inc.

February 10, 1983.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 28, 1983, the Pacific Stock Exchange, Incorporated ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The PSE proposed to amend Options Floor Procedure Advice F-1, Admission to the Trading Floor ("Advice F-1"), and Options Floor Procedure Advice F-2, Visitors on the Options Trading Floor ("Advice F-2"). PSE states in its filing that the principle effect of the amendment to Advice F-1 is to add member organization floor managers to the class of persons who may identify certain persons seeking admission to the options trading floor. In addition, the Advice is being amended to require badges to be displayed at all times by all persons on the options trading floor. With respect to Advice F-2, the PSE states that one purpose of the proposed amendment is to clarify procedures regarding the admission of visitors to the options trading floor. The Exchange proposes to add equity trading floor members and member organization floor managers to the class of persons who may invite guests to the trading floor. According to the PSE, another purpose of the proposed amendment to Advice F-2 is to reduce congestion on the options trading floor by limiting the number of guests who may be admitted at one time, as well as the frequency and duration of visits to the floor. The PSE states that the statutory basis for the proposed amendment is Section 6(b)(5) of the Act.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. 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 purpose of the Act.

Interested persons are invited to submit written data, views and arguments concening the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Reference should be made to File No. SR-PSE-83-4.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Georga A. Fitzsimmons,

Secretary.

[FR doc. 83-4299 Filed 2-17-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5249]

Fluid Financial Corp.; Issuance of License To Operate as a Small Business Investment Company

On March 5, 1982, a notice was published in the Federal Register (47 FR 9628), stating that Fluid Financial Corporation, Suite 8421 B, Montgomery Boulevard, N.E., Albuquerque, New Mexico 87102, has filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given 15 days to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 06/06-5249 to Fluid Financial Corporation on December 10, 1982, to operate as a small business investment company, pursuant to the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 9, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-4171 Filed 2-17-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0310]

Vista Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On April 6, 1982, a notice was published in the Federal Register (47 FR 14822), stating that Vista Capital Corporation, 484 Prospect Street, La Jolla, California 92038, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended.

Interested parties were given 15 days to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 09/09-0310 to Vista Capital Corporation on February 2, 1983, to operate as a small business investment company, pursuant to the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 9, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-4170 Filed 2-17-83; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 04-04-0221]

Mighty Capital Corp.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name Mighty Capital Corporation, Suite 100, 50 Technology Park/Atlanta, Norcross, Georgia 30092, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders of the Applicant are as follows:

Dallas F. Wallace, 1555 Spalding Drive, Dunwoody, Georgia 30338—Chairman of the Board, Director

Charles R. Leibensperger, 730 Rivergate Drive, Atlanta, Georgia 30338—President, Director

Jerry D. Beck, 1950 Monticello Court, Dunwoody, Georgia 30338—Vice President, Director

David P. Smith, 8060 River Circle, Dunwoody, Georgia 30338—Secretary/Treasurer, Director

Gary E. Korynoski, 4082 Glen Meadow Dr., Norcross, Georgia 30092—General Manager

Mighty Distributing System of America, Inc. (MDSA)—Sole shareholder.

The beneficial owners of MDSA are:

Dallas F. Wallace, 51 percent
Charles F. Leibensperger, 22 percent
Jerry D. Beck, 16 percent
David P. Smith, 11 percent.

There is one class of stock authorized: 2.0 million shares of common stock. Initially only 100,000 shares will be issued with a resultant private capital of $530,000. Applicant proposes to conduct its operations principally in the State of Georgia.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders, and the probability of successful operation of the Applicant in accordance with the Act and Regulations.

Notice is further given that any person may, not later than (fifteen days from the date of publication of this notice), submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Norcross, Georgia.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 9, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-4169 Filed 2-17-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/604]

Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A and B of the U.S. Organization for the CCITT will meet on Wednesday, March 2, at 10:30 a.m. in Room 1107 of the Department of State, 2201 C Street, NW., Washington, D.C. These Study Groups deal inter alia with the United States positions related to international interactive Videotex services under consideration in CCITT Study Groups I and VIII.

The meeting will receive reports on the recent meetings in Geneva of Study Groups I and VIII and consider the approach the United States should follow as the international discussions on Videotex proceed in CCITT.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to March 2, 1983 members of the general public who plan to attend the meeting inform Mr. William Lowell, Office of International Communications Policy, Department of State, telephone (202) 632-6583, of their intention. All attendees must use the C Street entrance to the building.

Dated: February 3, 1983.

Gordon L. Huffcutt,

Director, Acting, Office of International Communications Policy.

[FR Doc. 83-4250 Filed 2-17-83; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period February 4 through February 10, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545-0255
Form Number: N/A
Title: Tax Forms Testing Program

Alcohol, Tobacco and Firearms

OMB Number: 1512-0202
Form Number: ATF F 5110.34
Title: Notice of Change in Plant Status
OMB Number: 1512-0220
Form Number: ATF F 5170.4
Title: Application for Importer's and/or Wholesaler's Basic Permit under the Federal Alcohol Administration Act
OMB Number: 1512-0076
Form Number: ATF F 1485
Title: Application and Withdrawal Permit of User to Procure Specially Denatured Spirits
OMB Number: 1512-0217
Form Number: ATF F 5120.28
Title: Report of Wine Spirits Added to Wines
OMB Number: 1512-0144
Form Number: ATF F 2736 (5100.12)
Title: Specific Transportation Bond—Distilled Spirits or Wines Withdrawn for Transportation to Manufacturing Bonded Warehouse-Class Six
OMB Number: 1512-0184
Form Number: ATF F 4710 (5400.4)
Title: Explosives Transaction Record (non-licensee or non-permittee)
OMB Number: 1512-0095
Form Number: ATF F 1678 (5530.5)
Title: Formula and Process for Nonbeverage Products
OMB Number: 1512-0085
Form Number: ATF F 1610
Title: Claim for Internal Revenue Drawback on Distilled Apparatus Exported and Entry for Exportation Thereof
OMB Number: 1512-0034
Form Number: ATF F 5000.9
Title: Personnel Questionnaire Alcohol & Tobacco Products
OMB Number: 1512-0007
Form Number: ATF F 3310.6
Title: Report of Theft of Loss of Firearms
OMB Number: 1512-0005
Form Number: ATF F 3210.1
Title: Application for Relief from Disabilities
OMB Reviewer: Judy McIntosh (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB Number: 1505-0023
Form Number: International Capital Form CM
Title: Dollar Deposit and Certificate of Deposit Claims on Banks Abroad
OMB Number: 1505-0024
Form Number: International Capital Form CQ-1, CQ-2
Title: Financial and Commercial Liabilities to, and Claim on, Unaffiliated Foreigners
OMB Reviewer: Richard Sheppard (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Dated: February 14, 1983.

Joy Tucker,

Departmental Reports, Management Officer.

[FR Doc. 83-4293 Filed 2-17-83; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 35
Friday, February 18, 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).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M–373, Amdt. 3, Feb. 8, 1983]

Addition to the February 8, 1983 Meeting

TIME AND DATE: 10 a.m. (open), 3 p.m. (closed), February 8, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

21a. Review of U.S.-Netherlands Aviation Relations. (BIA)
25. Discussion of U.S.-Israel Aviation Market. (BIA)

STATUS: Closed.

PERSON TO CONTACT FOR INFORMATION: Phyllis T. Kaylor, *Secretary*, (202) 673–5068.

[S–231–83 Filed 2–16–83; 3:29 pm]

BILLING CODE 6320–01–M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Wednesday, February 23, 1983, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Personnel. Litigation. Audits.

* * * * *

DATE AND TIME: Thursday, February 24, 1983, 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1983–2: James Richardson, Chairman, Citizens for Emery Committee
Draft AO 1983–3: John J. O'Connell, Chairman, and J. William Siefert, Treasurer, Philadelphia Electric Company Political Action Committee
Commission appointment and promotion procedures (non-bargaining unit)
1984 Financial control and compliance manual for presidential primary candidates
Finance Committee report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Riland, Information Officer, telephone 202–523–4065.

Majorie W. Emmons,
Secretary of the Commission.

[S–232–83 Filed 2–16–83; 3:46 pm]

BILLING CODE 6715–01–M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Wednesday, February 23, 1983.

PLACE: Board room, sixth floor, 1700 G Street NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

MATTERS TO BE CONSIDERED:

Branch Office Application—First Federal Savings and Loan Association of Ottawa, Ottawa, Illinois
Application for Limited Trust Powers—First Federal Savings and Loan Association of Marion, Marion, Indiana
Application to Incur Future Debt Without Further Application—Financial Corporation of America, Los Angeles, California
Request for Extension of Time—(Proposed) Superior Savings Association, Los Angeles, California

[S–230–83 Filed 2–16–83; 10:40 am]

BILLING CODE 6720–01–M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, February 23, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: February 15, 1983.

James McAfee,
Associate Secretary of the Board.

[S–227–83 Filed 2–16–83; 10:08 am]

BILLING CODE 6210–01–M

5

FEDERAL RESERVE SYSTEM

BOARD OF GOVERNORS.

TIME AND DATE: 10 a.m., Wednesday, February 23, 1983.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposed one-time survey by the Federal Reserve Bank of New Yok on transactions volume in the U.S. foreign exchange market.

Discussion Agenda:

2. Proposed revision of Regulations G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers) and U (Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks).

3. 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 of 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 Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: February 15, 1983.

James McAfee

Associate Secretary of the Board.

[S–228–83 Filed 2–16–83; 10:09 am]

BILLING CODE 6210–01–M

6

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 meetings during the week of February 21, 1983, at 450 5th Street, N.W., Washington, D.C.

Closed meetings will be held on Wednesday, February 23, 1983, at 10 a.m. and on Thursday, February 24, 1983, following the 10 a.m. open meeting. An open meeting will be held on Thursday, February 24, 1983, at 10 a.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendar 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 meetings 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 Evans, Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, February 23, 1983, at 10 a.m., will be:

Settlement of injunctive action.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal orders of investigation.
Litigation matter.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Opinions.

The subject matter of the closed meeting scheduled for Thursday, immediately following the 10 a.m. open meeting, will be:

Settlement of administrative proceedings of an enforcement nature.
Institution of injunctive action.
Litigation matter.
Institution of administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, February 24, 1983, at 10 a.m., will be:

1. Consideration of whether to amend the Commission's rules governing maintenance of employee performance appraisal related documents in order to conform the rules to new regulations adopted by the Office of Personnel Management. For further information, please contact Laurie S. Schaffer at (202) 272–2453.

2. Consideration of whether to proceed with rulemaking or other appropriate steps with respect to one or more of the seven securities recommendations from the first SEC Government-Business Forum on Small Business Capital Formation. For further information, please contact H. Steven Holtzman at (202) 272–7617.

3. Consideration of whether to publish for comment certain technical amendments relating to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. Such amendments clarify certain language and correct technical omissions and errata. For further information, please contact Gerard V. Comizio at (202) 272–2589.

4. Consideration of whether to adopt on a final basis under the Investment Advisers Act of 1940 certain temporary amendments to Form ADV, the investment adviser registration application. For further information, please contact Arthur E. Dinerman at (202) 272–3021.

5. Consideration of whether to publish for comment Rule 6c–8 under the Investment Company Act of 1940, which would provide registered insurance company separate accounts and others with exemptive relief from various provisions of the Act with respect to variable annuity contracts participating in such accounts to the extent necessary to permit them to impose a deferred sales load upon redemption of any such contract and to deduct a full annual fee under certain circumstances. For further information, please contact Mary K. Crook at (202) 272–3010.

6. Consideration of whether to propose for comment amendments to Rule 482 under the Securities Act of 1933 and Item 17 of Part I of Form N–1 under the Investment Company Act of 1940 to permit investment companies to advertise their securities by direct mail, modify the method by which money market mutual funds calculate their yield, and permit money market mutual funds to advertise their compound yield. For further information please contact Gregory K. Todd at (202) 272–7317.

7. Consideration of whether to authorize issuance of a release which announces the adoption of amendments to the Commission's rule regarding the independence of accountants. The amendments revise the definition of the term "member" in § 210.2–01(b) (Rule 2–01(b) of Regulation S-X) and make minor clarification changes in the rule. For further information, please contact Clarence M. Staubs at (202) 272–2130.

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.

February 15, 1983.

[S–229–83 Filed 2–16–83; 10:09 am]

BILLING CODE 8010–01–M

federal register

Friday
February 18, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama:	
AL83–1001	Jan. 21, 1983.
AL82–1039	Sept. 3, 1982.
AL82–1047	Sept. 19, 1982.
AL82–1049	Sept. 24, 1982.
District of Columbia, Maryland, and Virginia: DC82–3031.	Nov. 12, 1982.
Maryland: MD81–3047	Oct. 9, 1981.
Massachusetts: MA81–3054	Sept. 4, 1981.
Illinois: IL82–2001	Jan. 15, 1982.
Kansas:	
KS83–4009	Feb. 4, 1983.
KS83–4013	Feb. 4, 1983.
KS83–4014	Feb. 4, 1983.
New Jersey:	
NJ81–3053	Oct. 9, 1981.
NJ81–3063	Dec. 28, 1981.
Minnesota:	
MN82–2054	Nov. 26, 1982.
MN82–2069	Dec. 27, 1982.
Ohio: OH82–2037	May 21, 1982.
Oklahoma:	
OK83–4011	Jan. 14, 1983.
OK83–4012	Jan. 14, 1983.
Pennsylvania:	
PA81–3041	July 6, 1981.
PA81–3051	Sept. 4, 1981.
PA81–3058	Aug. 28, 1981.
PA81–3066	Oct. 23, 1981.
PA81–3068	Sept. 25, 1981.
PA81–3076	Oct. 9, 1981.
PA81–3077	Oct. 9, 1981.
PA82–3011	Mar. 12, 1982.
PA81–3043	July 17, 1981.
PA81–3072	Oct. 2, 1981.
PA81–3090	Dec. 18, 1981.
Texas:	
TX82–4025	June 18, 1982.
TX83–4046	Oct. 1, 1982.
TX83–4002	Jan. 7, 1983.
TX83–4003	Jan. 7, 1983.
TX83–4004	Jan. 7, 1983.
TX83–4005	Jan. 7, 1983.
TX83–4006	Jan. 7, 1983.
TX83–4007	Jan. 7, 1983.
Wisconsin: WI82–2011	Mar. 19,1982
Virginia: VA82–3022	Dec. 3, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses

following the numbers of the decisions being superseded.

Alabama:	
AL81-1288 (AL83-1010)	Sept. 4, 1981.
AL82-1026 (AL83-1008)	Sept. 10, 1982.
AL82-1041 (AL83-1009)	Sept. 10, 1982.
AL82-1063 (AL83-1011)	Oct. 15, 1982.
AL82-1082 (AL83-1007)	Nov. 19, 1982.
Illinois: IL81-2062 (IL83-2011)	Oct. 16, 1981.
Montana: MT82-5101 (MT83-5101)	Feb. 5, 1982.
Oklahoma: OK78-4093 (OK83-4020)	Sept. 15, 1978.
Oregon: OR82-5100 (OR83-5100)	Mar. 12, 1982.
Wisconsin: WI82-2062 (WI83-2012)	Dec. 17, 1982.

Signed at Washington, D.C., this 11th day of February 1983.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

MODIFICATION PAGE 1

DECISION NO.: AL83-1001 - MOD. # 1 (January 21, 1983 - 47 FR 2929)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS:		
Carpenters & Soft Floor Layers	$ 13.15	.50
Piledrivermen	13.65	.50
Millwrights	13.40	.50
ELECTRICIANS:		
Electricians	14.35	4%+2.05
Cable Splicers	14.60	4%+2.05
IRONWORKERS	12.62	1.88
PLUMBERS & PIPEFITTERS	14.99	2.44
POWER EQUIPMENT OPERATORS:		
Group A	13.03	1.75
Group B	11.39	1.75
Group C	10.37	1.75

DECISION NO. AL82-1039 - MOD. # 1 (September 3, 1982 - 47 FR 39074)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	$ 12.22	$ 1.31
ELECTRICIANS	14.70	1.20+ 3%
GLAZIERS	11.64	2.055
IRONWORKERS	13.67	1.91
ROOFERS	11.45	.60

DECISION NO. AL82-1047 -- MOD. # 2 (47 FR 52314 - September 19, 1982) Lawrence, Limestone, & Morgan Counties, Alabama BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS & PIPEFITTERS	$ 14.99	2.44

DECISION NO. AL82-1049 - MOD. # 1 (September 24,1982 - 47 FR 42255)	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians	$ 14.70	$ 1.20+ 3%

DECISION NO. DC82-3031-Mod. #2 (47 FR 51304-November 12,1982) District of Columbia; Maryland-Montgomery & Prince Georges Counties; & DC Training School; Virginia- Independent City of Alexandria, Arlington & Fairfax Ctys.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BUILDING CONSTRUCTION-PRINCE GEORGES COUNTY ONLY		
BRICKLAYERS	$12.58	
BUILDING CONSTRUCTION (EXCLUDING ALEXANDRIA) HEAVY CONSTRUCTION (EXCLUDING SEWER AND WATER LINE CONSTRUCTION) (ALL COUNTIES)		
LATHERS	14.85	1.53

DECISION NO. MD81-3047 MOD. #11 (46 FR 50238-OCTOBER 9,1981) ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL), BALTIMORE AND BALTIMORE CITY, MARYLAND, AND FOR HEAVY CONSTRUCTION PROJECTS IN HARFORD & HOWARD COUNTIES, MD.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
IRONWORKERS:		
IRONWORKERS, FINISHERS, RODMAN, PRE-CAST & PRE-STRESS ERECTORS	14.48	4.14
FENCE ERECTORS	14.13	4.14
SHEETERS	14.73	4.14

DECISION NO. MA81-3054 - MOD. #10 (46 FR 44631 - Sept. 4, 1981 BARNSTABLE, BRISTOL, DUKES, ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH & SUFFOLK COS., MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits
CHANGE:		
PLUMBERS AND PIPEFITTERS		
MIDDLESEX (Acton, Ayer - except West of Greenville Branch of the Boston and Maine RR, Bedford, Burlington, Carlisle, Clemsford, Dracut, Dunstable, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford and Wilmington)	17.52	2.34

MODIFICATION PAGE 2

DECISION NO. IL82-2001 - MOD. #6 (47 FR 2459 - January 15, 1982) Alexander, Champaign, ... White & Williamson Counties, Illinois	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters; Lathers; Millwrights; Piledrivermen; & Soft Floor Layers:		
Area 1	$13.95	$2.00
Area 3:		
Carpenters; Lathers; & Soft Floor Layers	15.855	2.13
Millwrights & Piledrivermen	16.355	2.13
Area 4:		
Carpenters & Lathers	15.50	2.45
Millwrights & Piledrivermen	16.00	2.45
Area 5:		
Carpenters; Piledrivermen; & Soft Floor Layers	13.61	1.93
Millwrights	14.01	1.93
Area 6:		
Carpenters & Soft Floor Layers	13.37	1.64
Millwrights	13.97	1.64
Piledrivermen	13.77	1.64
Area 7:		
Carpenters & Soft Floor Layers	16.38	2.32
Millwrights & Piledrivermen	16.88	2.32
Area 8:		
Carpenters; Piledrivermen; & Soft Floor Layers	13.61	1.93
Millwrights	14.01	1.93
Area 9:		
Carpenters; Piledrivermen; & Soft Floor Layers	13.61	1.93
Millwrights	14.01	1.93
Area 10	17.65	1.78
Area 11:		
Carpenters; Lathers; & Soft Floor Layers	13.755	2.23
Millwrights & Piledrivermen	16.255	2.23
Area 12:		
Carpenters; Lathers; & Soft Floor Layers	15.705	2.28
Millwrights & Piledrivermen	16.205	2.28

DECISION KS83-4009-Mod. #1 48 FR 5438-February 4, 1983 Leavenworth County	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Elevator Constructors	$16.53	a+2.48%
Sheet Metal Workers	16.65	2.07

DECISION KS83-4013-Mod. #1 48 FR 5446 - February 4, 1983 Shawnee County	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters (Building):		
Carpenters	$12.35	$1.65
Millwrights	12.85	1.65
Piledrivermen	12.725	1.65
Carpenters (Residential)	9.90	1.65

DECISION NO. KS83-4014-Mod. #1 48 FR 5441-February 4, 1983 Sedgwick County	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet Metal Workers	$14.51	3%+2.66
Elevator Constructors	13.21	a+2.48%
Elevator Constructors' Helpers	9.25	a+2.48%

MODIFICATION PAGE 3

DECISION NO. NJ81-3053 - MOD. #19 (46 FR 50243 - October 9, 1981) BERGEN, ESSEX, HUDSON, HUNTERDON, MIDDLESEX, MORRIS, PASSAIC, SOMERSET, SUSSEX, UNION AND WARREN COUNTIES, NEW JERSEY	Basic Hourly Rates	Fringe Benefits
ADD:		
DIVERS AND DIVER TENDERS:		
ZONE 1		
Divers	19.29	5.98
Diver Tenders	15.09	5.98
DIVER AND DIVER TENDERS ZONES:		
ZONE 1 - Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Cos.		
LABORERS, BUILDING CONSTRUCTION:		
ZONE 6		
Laborers, Air Tool Ops., Mason Tenders, Mortar Mixers, Pipelayers (Concrete & Clay)	10.65	2.75

DECISION NO. NJ81-3063 - MOD. #14 (46 FR 62746 - Dec. 28, 1981) ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM COUNTIES, NEW JERSEY	Basic Hourly Rates	Fringe Benefits
ADD:		
DIVERS AND DIVER TENDERS:		
ZONE 1		
Divers	19.29	5.98
Diver Tenders	15.09	5.98

DECISION NO. NJ81-3063 - CONT'D	Basic Hourly Rates	Fringe Benefits
DIVER & DIVER TENDERS ZONES:		
ZONE 1 - ATLANTIC, BURLINGTON, CAMDEN, CAPE MAY, CUMBERLAND, GLOUCESTER, MERCER, MONMOUTH, OCEAN AND SALEM		

DECISION NO. MN82-2064 - MOD. #2 (47 FR 53622 - November 26, 1982) Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington Counties, Minnesota	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Anoka (Exclu. Anoka & Fridley Twps.) & Remaining Cos.:		
Commercial Building:		
Electricians	$15.75	$4.84
Cable Splicers	16.35	4.91

DECISION NO. MN82-2069 - MOD. #2 (47 FR 57612 - December 27, 1982) Benton, Sherburne, & Stearns Counties, Minnesota	Basic Hourly Rates	Fringe Benefits
Omit:		
Electricians:		
Sherburne (Rem. of Co.) Co.:		
Electricians	$15.75	$3.69
Cable Splicers	16.35	3.76
Add:		
Electricians:		
Sherburne (Rem. of Co.) Co.:		
Commercial Building:		
Electricians	15.75	4.84
Cable Splicers	16.35	4.91
Residential	13.75	2.61

MODIFICATION PAGE 4

DECISION NO. OH82-2037 - MOD. #3 (47 FR 22307 - May 21, 1982) Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians		
Cuyahoga & Lorain (Twp. of Columbia) Cos.	$17.90	$3.24

DECISION #OK83-4011-Mod. #1 48 FR1913-January 14, 1983 Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Leflore, Latimar, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, Rogers, Tulsa, Sequoyah, Wagoner and Washington Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Line Construction		
Lineman	$15.80	3%+.65
Cable Splicer	17.06	3%+.65
Hole Digger Operator; Heavy Equipment Operator	14.08	3%+.65
Line Truck Driver (winch op.)	12.40	3%+.65
Jackhammerman	11.25	3%+.65
Powdermen	13.68	3%+.65
Groundman	10.09	3%+.65
Truck Driver (flat bed, ton half and under)	10.73	3%+.65
Truck Drivers		
Area I		
Group I	12.80	
Group II	12.85	
Group III	12.95	
Sheet Metal Workers		
Area I	16.15	2.66

DECISION NO. OK83-4012 - MOD. #2 48 FR 1916 - January 14, 1983 Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Washita, Woods and Woodward Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits
Delete:		
Cement Mason - Power Tool Operators		
Area 3		
Long County		
Lathers		
Area I		
Major County		
Add:		
Cement Mason - Power Tool Operators		
Area 3		
Logan County		
Plasterers		
Area I		
Murray County		
Change:		
Bricklayers-Stonemasons:		
Area VII	$15.48	$1.67
Line Construction:		
Lineman	15.80	3%+.65
Cable Splicer	17.06	3%+.65
Hole Digger Op.; Heavy Equipment Op.	14.08	3%+.65
Line Truck Driver (winch Op.)	12.40	3%+.65
Jackhammerman	11.25	3%+.65
Powderman	13.68	3%+.65
Groundman	10.09	3%+.65
Truck Driver (Flat bed, ton half and under)	10.73	3%+.65
Truck Drivers		
Area II		
Group I	12.80	
Group II	12.85	
Group III	12.95	
Sheet Metal Workers	16.15	2.66

MODIFICATION PAGE 5

DECISION NO. PA81-3041 - MOD. #10 (46 FR 34934 - July 6, 1981)	Basic Hourly Rates	Fringe Benefits
ALLEGHENY, ARMSTRONG, BEAVER, BEDFORD, BLAIR, BUTLER, CAMBRIA, CAMERON, CENTRE, CLARION, CLEARFIELD, CLINTON, CRAWFORD, ELK, ERIE, FAYETTE, FOREST, FRANKLIN, FULTON, GREENE, HUNTINGDON, INDIANA, JEFFERSON, MERCER, LAWRENCE, McKEAN, MIFFLIN, POTTER, SOMERSET, VENANGO, WARREN, WASHINGTON, WESTMORELAND CO., PA.		
CHANGE:		
HEAVY & HIGHWAY CONSTRUCTION:		
CARPENTERS		
ZONE I	14.25	27%
ZONE II	14.06	27%
CARPENTER - WELDER		
ZONE I	14.65	27%
ZONE II	14.45	27%
CARPENTER - BURNER		
ZONE I	14.45	27%
ZONE II	14.25	27%
CEMENT MASONS	14.72	23%
PILEDRIVERMEN	15.12	27%
PILEDRIVERMEN - WELDER	15.35	27%
LABORERS		
CLASS I		
ZONE I	12.02	20%
ZONE II	11.90	20%
CLASS II		
ZONE I	12.17	20%
ZONE II	12.07	20%
CLASS III		
ZONE I	12.60	20%
ZONE II	12.60	20%
CLASS IV		
ZONE I	13.55	20%
ZONE II	13.55	20%
LINE CONSTRUCTION:		
ZONE I		
Lineman	18.57	.60+ 3 3/8%
Winch Truck Op.	12.99	.60+ 3 3/8%
Truck Driver	12.07	.60+ 3 3/8%
Groundman	11.14	.60+ 3 3/8%
IRONWORKERS:		
ZONE III	15.32	4.40
POWER EQUIPMENT OPERATORS:		
CLASS I		
ZONE I	15.90	20½%
ZONE II	15.66	20½%
CLASS II		
ZONE I	15.68	20½%
ZONE II	15.43	20½%
CLASS III		
ZONE I	12.64	20½%
ZONE II	12.40	20½%
CLASS IV		
ZONE I	12.26	20½%
ZONE II	11.99	20½%
CLASS V		
ZONE I	12.06	20½%
ZONE II	11.82	20½%
TRUCK DRIVERS:		
HEAVY & HIGHWAY CONSTRUCTION		
CLASS I		
ZONE I	12.88	18%
ZONE II	12.65	18%
CLASS II		
ZONE I	13.02	18%
ZONE II	12.83	18%
CLASS III		
ZONE I	13.09	18%
ZONE II	12.93	18%
CLASS IV		
ZONE I	13.09	18%
ZONE II	12.93	18%
CLASS V		
ZONE I	13.19	18%
ZONE II	13.01	18%
CLASS VI		
ZONE I	13.19	18%
ZONE II	13.01	18%
CLASS VII		
ZONE I	13.17	18%
ZONE II	12.98	18%
CLASS VIII		
ZONE I	12.92	18%
ZONE II	12.68	18%
CLASS IX		
ZONE I	13.02	18%
ZONE II	12.79	18%

MODIFICATION PAGE 6

DECISION NO. PA81-3041 - (CONT'D)	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: (CONT'D)		
CLASS X		
ZONE I	13.09	18%
ZONE II	12.93	18%
CLASS XI		
ZONE I	13.01	18%
ZONE II	12.83	18%
CLASS XII		
ZONE I	12.97	18%
ZONE II	12.79	18%

DECISION NO. PA81-3051 - MOD. #7 (46 FR 44653 - Sept. 4, 1981) LUZERNE COUNTY, PA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	17.88	2.415
CARPENTERS:		
Black Creek, Butler, Dennison, Foster, Hazle, Hollenbeck, Nescopeck, Sugarload and Lower Salem Township	14.00	1.95
ELEVATOR CONSTRUCTORS	14.425	2.69+ c+d
ELEVATOR CONSTRUCTORS HELPERS	10.10	Same
ELEV.CONSTR.PROB.HELPERS	7.21	
LATHERS:		
Remainder of County	12.04	.11

DECISION NO. PA81-3058 - MOD. #11 (46 FR 43596 - August 28, 1981) ADAMS, BERKS, BRADFORD, CARBON, COLUMBIA, CUMBERLAND, DAUPHIN, JUNIATA, LACKAWANNA, LANCASTER, LEBANON, LEHIGH, LUZERNE, LYCOMING, MONROE, MONTOUR, NORTHAMPTON, NORTHUMBERLAND, PERRY, PIKE, SCHUYLKILL, SNYDER, SULLIVAN, SUSQUEHANNA, TIOGA, UNION, WAYNE, WYOMING & YORK CO., PA	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LINE CONSTRUCTION:		
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Juniata, Perry & York Cos., Pa.		
Adams, Cumberland, Dauphin, Lancaster, Lebanon, Juniata, Perry & York Cos. Pa.		
Linemen	14.25	.60+ 3 3/8%
Winch truck op.	9.98	.60+ 3 3/8%
Truck Driver	9.26	.60+ 3 3/8%
Groundman	8.55	.60+ 3 3/8%
MILLWRIGHTS:		
Adams, Bradford, Cumberland, Columbia, Dauphin, Juniata, Lebanon, Luzerne, Lycoming, Montour, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Tioga, Union & Lancaster Cos. & Townships in Carbon County:		
Banks, Lausanne, Lehigh & northern part of Packer Wyoming Co., York County, New Cumberland Army Depot & Harrisburg-York State Airport	15.77	1.90
Berks County	15.92	2.02
Lehigh & Northampton Cos.	15.25	2.53

DECISION NO. PA81-3066 - MOD. #6 (46 FR 52082 - Oct. 23, 1981) DAUPHIN, CUMBERLAND, PERRY, JUNIATA, NEW CUMBERLAND DEPOT, IN, YORK COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	14.00	1.95
LATHERS	14.00	1.95

MODIFICATION PAGE 7

DECISION NO. PA81-3068 - MOD. #8 (46 FR 47403 - Sept. 25, 1981) LEBANON COUNTY, PA.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	17.88	2.415
CARPENTERS	14.00	1.95
LATHERS	14.00	1.95

DECISION NO. PA81-3076 - MOD. #6 (46 FR 50263 - Oct. 9, 1981) SCHUYLKILL COUNTY, PA.		
CHANGE:		
ASBESTOS WORKERS	15.76	2.04
CARPENTERS	14.00	1.95
ELECTRICIANS:		
North Manhein etc.	15.59	3%+ 1.81
LATHERS	14.00	1.95

DECISION NO. PA81-3077 - MOD. #8 (46 FR 50265 - Oct. 9, 1981) LANCASTER COUNTY, PA.		
CHANGE:		
CARPENTERS	14.00	1.95
LABORERS:		
General Laborers	9.80	1.42
Operators of Jackhammers	10.00	1.42
Wagon Drill	10.10	1.42
Handling of all materials	10.05	1.42
Laborers assisting tile	9.85	1.42
Handling & using dynamite	10.13	1.42
Caisson Work (Top Men)	10.05	1.42
Caisson Work (Bottom Men)	10.25	1.42
Mixer Men	10.20	1.42
LATHERS	14.00	1.95

DECISION NO. PA82-3011 - MOD. #4 (47 FR 10963 - March 12, 1982) BRADFORD, TIOGA & UNION COUNTIES, PENNSYLVANIA		
CHANGE:		
LATHERS	12.72	1.95

DECISION NO. PA81-3043 - MOD. #9 (46 FR 37212 - July 17, 1981) ARMSTRONG, ALLEGHENY, BEAVER, BUTLER, FAYETTE, INDIANA, WASHINGTON, WESTMORELAND COS., PENN	Basic Hourly Rates	Fringe Benefit
CHANGE:		
BRICKLAYERS ZONE 2	15.60	3.86
ELECTRICIANS ZONE 1	17.70	2.85+ +3%
STONEMASONS ZONE 1	13.73	5.04

DECISION NO. PA81-3072 - MOD. #7 (46 FR 48851 - October 2, 1981) ADAMS & YORK COUNTIES, PENNSYLVANIA		
CHANGE:		
LABORERS:		
General Laborers	9.80	1.42
Operator of jackhammer (etc.)	10.00	1.42
Wagon drill operator	10.10	1.42
Handling of all material (etc.)	10.05	1.42
Laborers assisting tile (etc.)	9.85	1.42
Handling & using dynamite	10.13	1.42
Caisson work (top men)	10.05	1.42
Caisson work (bottom men)	10.25	1.42
Mixer man	10.20	1.42
LATHERS	14.00	1.95
SOFT FLOOR LAYER: Adams County	11.69	1.95
MILLWRIGHTS Adams County	15.77	1.95
York County	13.89	1.88

DECISION NO. PA81-3090 - MOD. #5 (46 FR 61813 - Dec. 18, 1981) LYCOMING COUNTY, PA.		
CHANGE:		
BOILERMAKERS	17.88	2.415
CARPENTERS	14.00	1.95
LATHERS	14.00	1.95

MODIFICATION PAGE 8

DECISION NO. TX82-4025 - MOD. #5 (47 FR 26550 - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet metal workers	$17.44	2.09+3%

DECISION NO. TX82-4046 - MOD. #6 (47 FR 43525 - 10/1/82) Jefferson & Orange Cos., Texas		
CHANGE:		
Bricklayer & stonemason	17.48	2.20
Tile setters	15.97	2.20

DECISION NO. TX83-4002 - MOD. #2 (48 FR 931 - 1/7/83) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos., Texas		
CHANGE:		
Cement masons	14.20	
Ironworkers - Zone 2	13.125	2.95

DECISION NO. TX83-4003 - MOD. #2 (48 FR 935 - 1/7/83) Bexar County, Texas		
CHANGE:		
Sheet metal workers	15.95	2.31+3%

DECISION NO. TX83-4004 - MOD. #2 (48 FR 936 - 1/7/83) Galveston & Harris Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet metal workers	$17.44	2.09+3%
ADD TO DESCRIPTION OF WORK: Does not apply to any work on Treatment Plant Sites in Harris Co.		

DECISION NO. TX83-4005 - MOD. #1 (48 FR 934 - 1/7/83) Lubbock County, Texas		
CHANGE:		
Ironworkers: Structural, ornamental, reinforcing	13.00	2.95
All ironworkers on jobs 30 miles or more from City of Lubbock	13.125	2.95
ADD:		
Roofers	7.00	

DECISION NO. TX83-4006 - MOD. #2 (48 FR 933 - 1/7/83) Travis County, Texas		
CHANGE:		
Sheet metal workers	15.95	2.31+3%

DECISION NO. TX83-4007 - MOD. #1 (48 FR 932 - 1/7/83) Wichita County, Texas		
CHANGE:		
Ironworkers: Structural, ornamental, reinforcing	13.00	2.95
Ironworkers on jobs 30 miles or more from City of Wichita Falls	13.125	2.95
Line construction:		
Lineman; operators	14.30	.80+ 3-1/2%
Cable splicers	14.55	"
Groundman	70%JR	"
Plasterers	13.75	.01

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DECISION NO. WI82-2011 - MOD. #1 (47 FR 12029 - March 19, 1982) Columbia, Dane, Iowa and Sauk Counties, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Asbestos Workers	$16.50	2.70
Boilermakers	16.12	2.825
Bricklayers	14.24	2.26
Carpenters; Soft Floor Layers	13.76	1.91
Cement Mason:		
Columbia & Sauk Cos.	14.45	1.85
Dane and Iowa Cos.	13.80	2.30
Electricians	15.54	1.19+ 12 3/4%
Elevator Constructors:		
Constructors	15.22	2.465
Helpers	10.65	2.465
Helpers (Prob.)	7.61	
Glaziers	15.08	1.58
Ironworkers	14.08	2.85
Line Construction:		
Lineman	15.47	.65+ 10½%
Heavy Equipment Op.	13.92	.65+ 10½%
Light Equipment Op.	12.38	.65+ 10½%
Heavy Groundman Truckdriver	10.83	.65+ 10½%
Light Groundman Truckdriver	10.06	.65+ 10½%
Groundman	8.51	.65+ 10½%
Millwrights & Piledrivermen	14.16	1.91
Painters:		
Brush & Structural Steel	13.10	1.81
Spray and Sandblaster	14.10	1.81
Plasterers:		
Dane & Iowa Cos.	13.45	2.30
Sauk & Columbia Cos.	14.45	1.85
Plumbers	16.54	2.95+ 1%
Roofers	12.74	2.10
Sprinkler Fitters	16.67	2.83
Sheet Metal Workers	15.81	3.83
Terrazzo Workers		
Dane & Iowa Cos.	13.50	1.85
Columbia & Sauk Cos.	13.95	1.85
Tile Setters		
Dane & Iowa Cos.	13.25	1.85
Truck Drivers:		
Single or Tandem Axle	10.40	246.15 per mo.
Laborers:		
General	12.17	1.43
Mortar Mixers	12.32	1.43
Air Hammer & Plasterer Laborers	12.42	1.43
Power Equipment Operators:		
Group I	15.22	2.90
Group II	14.92	2.90
Group III	14.56	2.90
Group IV	14.44	2.90
Group V	13.88	2.90
Group VI	13.41	2.90

DECISION NO. VA82-1022-Mod. #1 (47 FR 54744-DECEMBER 3,1982) HENRICO COUNTY & THE INDEPENDENT CITY OF RICHMOND	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
ZONE 1- within a 12 air mile radius of Staples Mills Road & Broad Street in the City of Richmond	14.35	15%
Zone 2- remainder of City of Richmond & Henrico County	15.10	15%
ELEVATOR CONSTRUCTORS	13.01	2.69+ a+b
ELEVATOR CONSTRUCTORS HELPERS	9.11	2.69+ a+b
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	6.505	

SUPERSEDEAS DECISION

STATE: ALABAMA

COUNTIES: BALDWIN,CHOCTAW,CLARKE,CONECUH, ESCAMBIA,MOBILE,MARENGO,MONROE,WASHINGTON, & WILCOX.

DECISION NUMBER: AL83-1010 DATE: DATE OF PUBLICATION

Supersedes Decision No.: AL81-1288 dated September 4, 1981 in 46 FR 44598.

DESCRIPTION OF WORK: HEAVY CONSTRUCTION PROJECTS (excluding Sewer & Water Line Construction & Drainage Projects).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$13.54	1.52
CEMENT MASONS	9.74	.90
ELECTRICIANS-Wiremen	15.47	1.75 + 3%
IRONWORKERS-Structural & Reinforcing	14.08	1.52
LABORERS:		
Zone 1: Baldwin,Clarke, Escambia,Mobile,Monroe, & Washington Counties		
1.Asphalt Raker,Air Tool Oper.,Chain Saw Oper.,Concrete Saw Oper.,Vibrator Oper.	7.49	.95
2.General Laborers,Hand Blade Oper.,Batch Truck Dumper	7.31	.95
3.Pipelayer,Mucker,Mortar Mixer	7.44	.95
4.Powderman & Blaster	8.32	.95
Zone 2: Choctaw,Marengo, & Wilcox Counties		
1.Asphalt Raker,Air Tool Oper.,Chain Saw Oper., Concrete Saw Oper., Vibrator Oper.	6.58	.95
2.General Laborer,Hand Blade Oper., Batch Truck Dumper	6.40	.95
3.Pipelayer,Mucker, Mortar Mixer	6.50	.95
4.Powderman & Blaster	7.40	.95
PAINTERS:		
Industrial Brush	13.43	1.16
Industrial Spray	14.18	1.16
POWER EQUIPMENT OPERATORS:		
Group A	13.35	1.35
Group B	12.92	1.35
Group C	12.13	1.35
Group D	8.70	1.35
PLUMBERS & PIPEFITTERS	15.40	2.13
PILEDRIVERMEN	13.89	1.52
TRUCK DRIVERS:		
1. Truck Drivers up to but not including 1 1/2 tons	9.85	1.52
2. Drivers 1 1/2 tons up to but not including 5 tons	10.63	1.52
3. Mec & Issuing truck	11.07	1.52
4. Scalemen	11.34	1.52
5. Truck drivers on rated 5 tons or 6 yards & over including heavy equipment such as pole truck, miss or corning wagons, dumpsters, semi drivers, agitators, tess carriers, dempsey dump euclid trucks, forklift trucks in warehouses & similar equipment such as tractors, ten wheeler, jeeps, or dump trucks, pickup trucks pulling 2 or 4 wheel trailers hauling equipment (not applicable to pulling equipment which rolls on its own wheels)	12.42	1.52
6. Auto Mechanics	13.39	1.52
WELDERS--Rate for Craft		

POWER EQUIPMENT OPERATORS: Classification Definitions:

Group A: Heavy duty mechanic, crane, shovel, derrick Oper. 2 or more drums, dragline, piledriver oper., hoist oper., (2 or more drums), tugboat, cableways, excavators, front end loaders, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machine, cherry picker, side boom tractors, paving machines, motor patrol, pump crete machines, gradalls Johnson mixers, hydro-lift trucks all batch plants & header house Oper., panel board (redi-mix), Hydro-hammer on demolition work, concrete plants, asphalt plants, helicopter pilots & concrete paving trains.

Group B: Dozer scraper, turnapull, 1 drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader, tractor with power-control attachments, winch truck, riding, trenching & ditching machines, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, forklift, (well point & dewatering system), subgraders, finishing machines, motorized compactors, wagmobiles, & push carts

Group C: Light plant generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 ft., tow tractors, piledriver hammer, (diesel gas, air, or electric), fireman, outboard motor boat operators & brakeman.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTY: MOBILE
DECISION NUMBER: AL83-1008 DATE: DATE OF PUBLICATION
Supersedes Decision No.: AL82-1026 dated September 10, 1982 in 47 FR 39958.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS,STONEMASONS, MARBLE MASONS,TILE SETTERS, &TERRAZZO WORKERS	$ 13.99	$ 2.04
CARPENTERS	13.54	1.52
CEMENT MASONS	13.21	1.52
ELECTRICIANS	15.47	1.75 +3%
ELEVATOR MECHANICS	13.53	2.465 +a+b
GLAZIERS	7.30	
IRONWORKERS: Structural, Ornamental, & Reinforcing	14.08	1.52
LABORERS:		
Unskilled	8.76	1.52
Air Tool Operator,Mason Tenders,Mortar Mixers,& Pipelayers	9.04	1.52
LATHERS	14.21	1.52
MILLWRIGHTS	14.28	1.52
PAINTERS:		
Brush	12.68	1.52
Paperhanger	12.93	1.52
Spray	13.68	1.52
PILEDRIVERMEN	13.89	1.52
PLASTERERS	14.20	1.52
PLUMBERS & PIPEFITTERS & STEAMFITTERS	$15.40	$2.13
ROOFERS	6.00	
SHEET METAL WORKERS	13.90	2.29
SPRINKLER FITTERS	14.57	2.83
TRUCK DRIVERS	5.50	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS		
Backhoe,Crane, & Cherry Picker	14.15	1.52
Bulldozer,Forklift, & Drum Hoist	13.70	1.52

PAID HOLIDAYS: A-New Year's Day;B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 7 Paid Holidays-A through F, plus Friday after Thanksgiving Day.
b. Employer contributes 8% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTY: ETOWAH
DECISION NUMBER: AL83-1009 DATE: DATE OF PUBLICATION
Supersedes Decision No.: AL82-1041 dated September 10, 1982 in 47 FR 39967.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include residential construction consisting of single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.16	2.16
BRICKLAYERS	12.95	.30
CARPENTERS:		
Carpenters	12.25	1.24
Millwrights	12.75	1.24
CEMENT MASONS	10.44	.65
ELECTRICIANS	14.70	1.20 + 3¼%
GLAZIERS	9.00	
IRONWORKERS	13.67	1.91
INSULATORS	8.35	
LABORERS, Unskilled	7.67	.78
LATHERS	8.50	
PAINTERS	9.00	
PLUMBERS & PIPEFITTERS	14.00	1.42 + a
ROOFERS	11.45	.60
SHEET METAL WORKERS	14.67	1.96
SPRINKLER FITTERS	$ 14.57	2.83
TRUCK DRIVERS:		
1. Up to but not incl. 1½ tons	8.03	.50
2. 1½ up to but not including 3 tons	8.26	.50
3. 3 up to but not including 5 tons	8.54	.50
4. 5 tons & over incl. special equipment	8.54	.50
5. Heavy duty, off the road trucks	8.83	.50
WELDERS--Rate for Craft		

FOOTNOTES:
a. Four Paid Holidays--July 4; Labor Day; Thanksgiving Day; Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTIES: CALHOUN, ETOWAH, GREEN, JEFFERSON PICKENS, ST. CLAIR, SHELBY, SUMTER, TALLADEGA, TUSCALOOSA, & WALKER
DECISION NUMBER: AL83-1011 DATE: DATE OF PUBLICATION
Supersedes Decision No.: AL82-1063 dated October 15, 1982 in 47 FR 46217.
DESCRIPTION OF WORK: HEAVY CONSTRUCTION PROJECTS.

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS	$ 9.50	
CARPENTERS:		
1. Green, Pickens, Sumter, & Tuscaloosa Counties	10.67	.08
2. Jefferson, Shelby, Walker, & that portion of St. Clair & Talladega Cos west of HWY 231 from the Blount Co. line south to Interstate 20. Also that portion of St. Clair & Talladega Cos. south of Interstate 20 & west of U.S. Alternate 231 south, not including the city of Talladega & that portion of Talladega Co. south, of the City of Talladega & west & south of the Talladega National Forest.	11.13	1.11
3. CAlhoun, Etowah, & Remainder of St. Clair, & Talladega Counties	9.84	.70
ELECTRICIANS	14.70	1.20+ 3 1/2%
IRONWORKERS	13.67	1.91
LABORERS:		
Zone 1: Jefferson, St. Clair, Shelby, Talladega, & Walker Counties:		
1. Asphalt Raker, Air Tool Oper., Chain Saw Oper., Concrete Saw Oper., Vibrator Oper.	7.49	.95
2. General Laborers, Hand Blade Oper., Batch Truck Oper., Batch Truck Dumper	7.31	.95
3. Pipelayer, Mucker, Mortar Mixer	7.44	.95
4. Powderman & Blaster	8.32	.95
5. Tunnel Work--		
Tunnel Miner	8.29	.95
Tunnel Laborer	7.80	.95
Chuck Tender	7.97	.95
Pneumatic Concrete Gun Oper., & Nuzzleman	8.16	.95
LABORERS: cont'd:		
Zone 2: Calhoun, Etowah, Green, Pickens, Sumter, & Tuscaloosa Counties:		
1. Asphalt Raker, Air Tool Chain Saw Oper., Concrete Saw Oper., Vibrator Oper.	$ 6.78	.95
2. General Laborer, Hand Blade Oper., Batch Truck Dumper	6.60	.95
3. Pipelayer, Mucker, Mortar Mixer	6.73	.95
4. Powderman & Blaster	7.49	.95
5. Tunnel Work--		
Tunnel Miner	7.57	.95
Tunnel Laborer	7.09	.95
Chuck Tender	7.27	.95
Pneumatic Concrete Gun Oper. & Nuzzleman	7.46	.95
PLUMBERS & PIPEFITTERS	9.45	.65
POWER EQUIPMENT OPERATORS:		
Class A	11.91	1.50
Class B	11.19	1.50
Class C	10.65	1.50
Class D	9.83	1.50
TRUCK DRIVERS:		
1. Up to 1 1/2 tons	7.44	.58
2. 1 1/2 up to 3 tons	7.73	.58
3. 3 tons up to 5 tons	8.08	.58
4. Off Road Truck	8.80	.58

POWER EQUIPMENT OPERATORS: Classification Definitions.

Class A: Asphalt plant, asphalt spreader, backhoe, boat oper.(inboard), boom tractor, bulldozer, cableways, cherry picker, compressors-2 or more within 200 ft. radius, concrete plants-stationary, mixer oper., concrete pump, conveyors-2 or more up to 4, core driller-crane-derricks-draglines-deck hoist on construction barges, crane-hydro, dinky locomotive distributors-bituminous surface, dredge oper., farm tractor with attachments (30 hp or more-which are an integral part of tractor), forklift, front end loader, gradall, headhouse oper., heavy duty, mechanic, hoist-2 drums or more, ice plant in connection with concrete mixers-5 bags or over, motor graders, piledriver, push tractor, quarry master, & rock crusher, rollers-asphalt, scraper, scrapers in tandem (operator to receive 25¢ per hour for each additional scraper), shovels, trenching machines & all similar equipment.

Class B: Crawler, tractor, hoist-drum, pumps-2 or more 4 inch & over, under 5 within 200 ft. radius rollers(other than asphalt), winch truck, well points & other equipment used for dewatering.

Class C: Air compressor, blade graders-pull type, farm tractor with attachments finishing machine--screed mounted self-propelled, mixers - under 5 bags.

Class D: Outboard boats, air compressor-125 & under, conveyor-one, (1) tended by oiler, pumps--under 4 inch or under, welding machines-3 or under, oiler in-goard boats, deckhand.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: ALABAMA COUNTY: MADISION
DECISION NUMBER: AL83-1007 DATE: DATE OF PUBLICATION
Supersedes Decision No.: AL82-1082 dated November 19, 1982 in 47 FR 52316.
DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS: (does not include single family homes and apartments up to and including 4 stories.)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$ 15.16	$ 2.26
BRICKLAYERS	13.50	
CARPENTERS	10.50	1.39
CEMENT MASONS	12.75	
ELECTRICIANS	14.35	2.05 + 4%
IRONWORKERS	12.62	1.88
LABORERS,Unskilled	7.07	1.00
MILLWRIGHTS	11.15	1.39
PAINTERS	11.80	.75
PLUMBERS & PIPEFITTERS	$ 14.10	$ 2.19
ROOFERS	7.50	
SHEET METAL WORKERS	14.67	1.96
TRUCK DRIVERS	5.00	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Crane	13.03	1.75
Front End Loader	13.03	1.75
Oiler (35 Ton Crane & Over)	11.39	1.75

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses 29 CFR, 5.5 (a)(1)(ii).

SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: IL83-2011
COUNTY: Cook
DATE: Date of Publication
Supersedes Decision No. IL81-2062, dated October 16, 1981 in 46 FR 51155
DESCRIPTION OF WORK: Building (Including Residential), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$16.00	$3.03
BOILERMAKERS	18.40	5.00
BRICKLAYERS:		
Bricklayers; Stonemasons	16.86	2.74
Caulkers; Cleaners; & Pointers	16.50	3.29
CARPENTERS; Millwrights;		
Piledrivermen; & Soft Floor Layers	16.50	3.38
CEMENT MASONS	15.75	4.37
ELECTRICIANS	17.55	2.88
ELEVATOR CONSTRUCTORS:		
Mechanics	17.36	2.33+a+b
Helpers	70%JR	2.33+a+b
Helpers (Prob.)	50%JR	
GLAZIERS	15.70	2.27
IRONWORKERS:		
Structural & Reinforcing	17.68	4.83
Ornamental	17.10	3.335
Riggers & Machinery Movers	13.755	6.72
Metal Fence Erectors:		
Black Book	16.20	2.69+c
Red Book	11.59	3.335+c
LATHERS	13.82	1.29
LINE CONSTRUCTION:		
Linemen; Equipment Operators	17.05	3.79
Groundmen	12.10	2.69
MARBLE SETTERS	17.66	2.15
MARBLE SETTERS' FINISHERS	13.20	2.15
PAINTERS:		
Brush; Decorators; Paperhangers & Tapers	14.50	1.87
PIPEFITTERS; Steamfitters	18.00	3.00
PLASTERERS	15.835	2.45
PLUMBERS	17.05	2.97
ROOFERS	16.50	2.85
SHEET METAL WORKERS:		
Commercial Building	16.15	3.04
Residential Aluminum Gutter Work	8.00	3.04
SPRINKLER FITTERS	17.58	3.45
TERRAZZO WORKERS; Tile Setters	15.66	2.77
TERRAZZO WORKERS' FINISHERS	11.95	1.50
TERRAZZO BASE MACHINE	$12.35	$1.50
TILE SETTERS' FINISHERS	13.85	2.23
TRUCK DRIVERS:		
Building & Residential:		
2-3 Axles	14.775	d,e &
4 Axles	15.025	d,e &
5 Axles	15.225	d,e &
6 Axles	15.425	d,e &
Heavy & Highway:		
2-3 Axles	14.30	2.95+e & f
4 Axles	14.55	2.95+e & f
5 Axles	14.75	2.95+e & f
6 Axles	14.95	2.95+e & f
LABORERS (Wrecking):		
General	13.40	1.92
Wallmen, Wreckers, Burners, & Hammermen	13.90	1.92
Smokestack or High Man	14.25	1.92
LABORERS (Landscape):		
Landscape Plantsmen	8.18	g & h
Truck Driver - Tractor Trailer (3 axle or more) & Equipment Operator	8.66	g & h
Truck Driver - 2 Axle	8.24	g & h
LABORERS (Building & Residential):		
Group 1	13.65	2.17
Group 2	13.725	2.17
Group 3	13.75	2.17
Group 4	13.80	2.17
Group 5	13.85	2.17
Group 6	13.875	2.17
Group 7	13.975	2.17
Group 8	14.00	2.17
Group 9	14.10	2.17
Group 10	14.225	2.17
LABORERS (Heavy & Highway):		
Group 1	13.90	1.92
Group 2	13.975	1.92
Group 3	14.05	1.92
Group 4	14.175	1.92

	Basic Hourly Rates	Fringe Benefits
LABORERS (Sewer & Tunnel):		
Group 1	$13.90	$1.92
Group 2	14.025	1.92
Group 3	14.125	1.92
Group 4	14.25	1.92
POWER EQUIPMENT OPERATORS (Building & Residential):		
Class 1	17.10	4.50
Class 2	15.80	4.50
Class 3	14.20	4.50
Class 4	12.60	4.50
POWER EQUIPMENT OPERATORS (Sewer, Heavy & Highway):		
Class 1	$16.75	$4.50
Class 2	16.20	4.50
Class 3	15.10	4.50
Class 4	13.80	4.50
Class 5	12.65	4.50

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; & G-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through G
b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for 5 years or less
c. $.065 per employee per week
d. $97.00 per week per employee
e. 6 Paid Holidays: A, C, D, E, G, & Decoration Day
f. 900 stright-time hours or more in 1 calendar year for same employer - 1 week's paid vacation; 3 years - 2 weeks' paid vacation; 10 years - 3 weeks' paid vacation; & 20 years - 4 weeks' paid vacation
g. 6 Paid Holidays: A, B, C, D, E, & G
h. 1 year's service - 1 week's paid vacation; 3 or more years' service - 2 weeks' paid vacation

LABORERS CLASSIFICATIONS (Building & Residential):
Group 1 - Construction; Plasterers' Tenders; & Pumps for Dewatering & other Power Equipment
Group 2 - Cement Gun
Group 3 - Chimney over 40 ft.; Scaffold
Group 4 - Cement Gun Nozzle (Gunite)
Group 5 - Stone Derrickmen & Handlers
Group 6 - Jackhammermen; & Power Driven Concrete Saws & Other Power Equipment
Group 7 - Firebrick & Boiler Setters
Group 8 - Chimney on Fire Brick; Caisson Diggers; & Well Point System Men
Group 9 - Boiler Setter Plastic
Group 10 - Jackhammermen on Fire Brick

LABORERS CLASSIFICATIONS (Heavy & Highway):
Group 1 - Construction; Tenders; Material Expeditor (Asphalt Plant); Street Paving, Grade Separation, Sidewalk, Curb & Gutter, Stripers & All Laborers not Otherwise Mentioned
Group 2 - Asphalt Tampers & Smoothers; Cement Gun
Group 3 - Cement Gun Nozzle (Laborers) Gunite
Group 4 - Rakers & Lutemen; Machine-Screwmen; Kettlemen; Mixermen; Drum-Men; Jackhammermen (Asphalt); Paintmen; Mitre Box Spreaders; Laborers on Birch, Overman & Similar Spreader Equipment; Laborers on Apsco; Laborers on Air Compressors; Paving Form Setters; Jackhammermen (Concrete); Power Driven Concrete Saws; Other Power Equipment

LABORERS CLASSIFICATIONS (Sewer & Tunnel):
Group 1 - Top Laborers; All Laborers not Otherwise Mentioned
Group 2 - Concrete; & Steel Setters
Group 3 - Cement Carriers; Cement Mixers; Concrete Repairmen; Mortar Men; Scaffold Men; & Second Bottom Men
Group 4 - Air Trac Drill Operations; Bottom Men; Bracers-Bracing; Bricklayers Tenders; Catch Basin Diggers; Drainlayers; Dynamiters; Form Men; Jackhammermen; Pipelayers; Rodders; Welders & Burners; & Well Point System Men

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Building & Residential):

Class 1: Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires 2 Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-mix Plant; Combination Back Hoe Front EndLoader Machine; Compressor and Throttle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver 17E cu. ft.; Concrete Placer; Concrete Tower; Cranes (all); Cranes, Hammerhead; Derricks (all); Derricks, traveling; Grader; Elevating Grouting Machines; Highlift Shovels or Front Endloader 2½ yd. and over; Hoists, 1, 2 and 3 drum; Hoists, 2 tuggers one floor; Hydraulic Boom Trucks; Locomotives (all); Motor Patrol; Piledrivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Cretes: Squeeze Cretes, Screw type Pumps; Gypsum Bulker and Pump; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops, tractor drawn; Slip Form Paver; Straddle Buggies; Tournapull; Tractor w/boom and side boom; Trenching Machines

Class 2: Boilers, Bulldozers, Broom, all power propelled; Concrete Mixer (2 bag and over); Conveyor, portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2½ yd.; Hoists, automatic; Hoists, all elevators; Hoists, Tugger, single drum; Rollers (all); Steam Generators; Stone Crushers; Tractors (all); Winch Trucks with "A" Frame

Class 3: Air Compressor, small 125 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor, large over 125 combination, small equipment Operator; Generators, small 50KW and under; Generators, large over 50 KW; Heaters, mechanical; Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, well points; Welding Machines (2 through 5); Winches, 4 small electric drill; Winches

Class 4: Oilers

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Sewer, Heavy & Highway):

Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograde; Belt Loader; Caisson Rigs; Central Redimix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Linden, Peco and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widener (Apsco)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Pull Grader; Subgrader; Highlift Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes: Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheeps Foot, disc.; Compactor, etc.; Tug Boats

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" Frame; Work Boats; Tamper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractaire; Welding Machines (2 through 6)

Class 5: Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: MT83-5101
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. MT82-5101 dated February 5, 1982, in 47 FR 5630
DESCRIPTIONOF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.84	$2.27
BOILERMAKERS	16.12	2.735
BRICKLAYERS; MARBLE MASONS:		
Area 1	14.20	.55
Area 2	14.60	1.70
Area 3	16.20	.90
Area 4	12.55	1.30
Area 5	14.15	.55
Area 6	17.00	2.05
Area 7	13.60	1.65
Area 8	14.45	1.45
Area 9	12.00	
CARPENTERS:		
Area 1:		
Carpenters	12.55	2.45
Piledrivermen	12.80	2.45
Millwrights	13.55	2.45
Area 2:		
Carpenters	11.93	2.21
Piledrivermen	12.93	2.21
Millwrights	12.18	2.21
Area 3:		
Carpenters	12.52	2.21
Piledrivermen; Millwrights	12.77	2.21
Area 4:		
Carpenters	11.93	2.21
Piledrivermen	13.12	2.21
Millwrights	12.23	2.21
Area 5:		
Carpenters	12.08	2.21
Piledrivermen	12.23	2.21
Millwrights	13.08	2.21
Area 6:		
Carpenters	12.98	2.21
Piledrivermen; Millwrights	13.48	2.21
CEMENT MASONS:		
Area 1:		
Cement Masons Grinder, Bush Hammer and Chipping Gun, preparing finished surface, Epoxy	13.75	1.50
	14.10	1.50
Area 2	11.95	1.25
Area 3	13.05	1.00
CEMENT MASONS: (Cont'd)		
Area 4	$10.00	
ELECTRICIANS:		
Area 1	15.75	1.28+3%
Area 2:		
Electricians	16.30	1.45+3%
Cable Splicers	16.75	1.45+3%
Area 3	11.47	3%
Area 4:		
Contracts under $75,000:		
Electricians	14.45	1.45+3%
Cable Splicers	15.17	1.45+3%
Contracts over $75,000:		
Electricians	15.90	1.45+3%
Cable Splicers	16.70	1.45+3%
Area 5:		
Electricians	14.95	1.40+3%
Area 6:		
Electricians	16.65	1.60+3%
Cable Splicers	17.53	1.60+3%
Area 7:		
Electricians	17.61	1.40+3%
Cable Splicers	18.49	1.40+3%
Area 8:		
Electricians	14.05	1.40+3%
Cable Splicers	14.75	1.40+3%
Area 9:		
Electricians	13.85	1.40+3%
Cable Splicers	14.54	1.40+3%
ELEVATOR CONSTRUCTORS:		
Mechanics	15.365	2.69+a

	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS: (Cont'd):		
Helpers	$10.755	$2.69+a
Probationary Helpers	7.68	
IRONWORKERS:		
Area 1	15.16	3.05
Area 2	16.74	3.30
Area 3	15.16	3.05
LINE CONSTRUCTION:		
Area 1:		
Lineman, Pole Sprayer	15.50	.95+3%
Cable Splicers	16.57	.95+3%
Line Equipment Operator; Powderman	13.70	.95+3%
Groundman	11.10	.95+3%
Area 2:		
Lineman	13.92	.95+3%
Cable Splicers	15.49	.95+3%
Pole Sprayer	12.37	.95+3%
Line Equipment Operators	11.87	.95+3%
Powderman, Jackhammerman, Compressorman	10.29	.95+3%
Groundman "A"	9.65	.95+3%
Tree Trimmer	12.83	.95+3%
PAINTERS:		
Area 1:		
Brush, Roller; Floor Layers	11.56	1.48
Brush, Roller on steel and roofs, Pot Tender; Paperhanger	11.81	1.48
Perfataper (hand tools)	11.66	1.48
Perfataper (machine tools)	12.06	1.48
Spray (not steel)	12.54	1.48
Sandblaster, commerical and steel; Spray on structural steel and tanks	12.79	1.48
Area 2:		
Brush; Preparatory work; Pot Tender; Parking Lot Striping and related work; Roller up to 9"	12.47	1.48
Hand Taper	12.87	1.54+1%
Machine Taper	14.12	1.54+1%
PAINTERS: (Cont'd)		
Area 2: (Cont'd):		
Paperhanger	$12.97	1.54+1%
Brush and Roller on steel	12.47	1.54+1%
Roller over 9" long	13.97	1.54+1%
Water and Sandblasting; Application of cold tar products, epoxies and polyurethanes and acid resistant paints; Spraying and airless spray	14.72	1.54+1%
Area 3:		
Painters	10.02	
Perfataper	10.27	
Paint Mitts	10.52	
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and Steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet	12.80	
Area 4:		
Wet Sandblasting, Brush or Roller; Application of cold tar epoxies, and acid resistant materials	14.08	1.11
Brush or Roller; Prep. work; Pot Tender	12.08	1.11
Spray application of cold tar epoxies, and acid resistant materials	17.08	1.11
Paper or Vinyl Hanger	12.08	1.11
Structrual Steel; Brush or Roller	14.08	1.11
Perfataping	12.58	1.11
Structural Steel; Spraying	15.08	1.11
Airless Spraying	13.08	1.11
Area 5	10.90	
Area 6	12.58	1.11

	Basic Hourly Rates	Fringe Benefits
PLASTERERS:		
Area 1	$10.50	$1.10
Area 2	13.75	1.50
Area 3	10.95	1.25
Area 4	10.00	
PLUMBERS:		
Area 1	15.78	1.60
Area 2	16.95	2.42
Area 3	16.45	1.95
Area 4	17.60	2.30
ROOFERS; WATERPROOFERS:		
Area 1:		
Roofers	12.94	.25
Kettleman	12.81	.25
Area 2:		
Roofers	12.80	.30
Area 3	11.32	1.30
Area 4:		
Roofers	13.65	1.80
Irritable bituminous Roofer, Waterproofer, Kettleman	15.15	1.80
Area 5:		
Roofers	13.00	1.55
Irritable bituminous Roofer, Waterproofer, Kettleman	15.00	1.55
Area 6	13.50	.55
SHEET METAL WORKERS	15.71	3.06
SPRINKLER FITTERS	16.42	2.75
TERRAZZO WORKERS and TILE SETTERS:		
Area 1	12.55	.60
Area 2	15.00	1.45
Area 3	14.45	1.45
Area 4	13.60	1.65
Area 5	16.00	2.05
LABORERS:		
Area 1:		
Group 1	10.16	1.75
Group 2	10.36	1.75
Group 3	10.41	1.75
Group 4	10.66	1.75
Group 5	10.75	1.75

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Area 2:		
Group 1	$10.29	$1.75
Group 2	10.45	1.75
Group 3	10.54	1.75
Group 4	10.79	1.75
Group 5	10.89	1.75
Area 3:		
Group 1	10.03	1.75
Group 2	10.19	1.75
Group 3	10.29	1.75
Group 4	10.53	1.75
Group 5	10.63	1.75
Area 4:		
Group 1	10.60	2.70
Group 2	10.71	2.70
Group 3	10.80	2.70
Group 4	11.05	2.70
Group 5	11.15	2.70
Area 5:		
Group 1	10.60	1.75
Group 2	10.75	1.75
Group 3	10.90	1.75
Area 6:		
Group 1	10.20	1.75
Group 2	10.42	1.75
Group 3	10.45	1.75
Group 4	10.75	1.75
Area 7:		
Group 1	10.35	1.75
Group 2	10.57	1.75
Group 3	10.60	1.75
Group 4	10.75	1.75
Area 8:		
Group 1	10.57	1.75
Group 2	10.82	1.75
Group 3	10.97	1.75
Area 9:		
Group 1	10.50	1.75
Group 2	10.75	1.75
Group 3	10.85	1.75
Group 4	10.90	1.75
Group 5	11.00	1.75
Group 6	11.22	1.75

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Broadwater, Flathead, Lake, Lewis & Clark, Lincoln, Mineral, Missoula, Northern half of Powell, Ravalli and Sanders Counties:		
A-Frame Truck Crane, Winch Truck and similar	$12.85	$2.94
Air Compressor, single	12.54	2.94
Air Compressor, two or more	12.71	2.94
Air Doctor	13.01	2.94
Asphalt Paving Machine Operator	13.21	2.94
Asphalt Paving Machine Screed Operator	13.21	2.94
Automatic Finegrader, Gurries and other similar types	13.34	2.94
Belt Finish Machine Operator	13.01	2.94
Bit Grinder	13.01	2.94
Bituminous Mixer Paving, Travel Plant	13.01	2.94
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.60	2.94
Boring Machine (large)	13.21	2.94
Broom, self-propelled	12.68	2.94
Cableway Highline Operator	13.72	2.94
Cement Silo Operator	12.80	2.94
Central Mixing Plants, Concrete dam and stationary	13.46	2.94
Chain Bucket Loader	12.73	2.94
Chip or Gravel Spreader, self-propelled	12.83	2.94
Concrete Batch Plant, one and two Mixers	13.21	2.94
Concrete Batch Plant, three and four Mixers	13.41	2.94
Concrete Batch Plant, five Mixers and over	13.61	2.94

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd)		
Concrete Batch Plant Oiler, up to and including two Mixers	$12.53	$2.94
Concrete Batch Plant Oiler, three Mixers and over	12.84	2.94
Concrete Bucket Dispatcher	13.01	2.94
Concrete Curing Machine	13.01	2.94
Concrete Finish Machine Paving	13.21	2.94
Concrete Float-Spreader	13.11	2.94
Concrete Mixer, three bags and under	12.60	2.94
Concrete Mixer, four bags and over	12.77	2.94
Concrete Power Saw, Self-propelled	13.01	2.94
Concrete Travel Batcher	13.01	2.94
Concrete Conveyor under 40 feet	12.59	2.94
Concrete Conveyor over 40 feet	13.34	2.94
Concrete Pump	13.54	2.94
Conveyor Loader Operator, up to and including 42' belt	12.59	2.94
Conveyor Loader Operator over 42' belt	12.71	2.94
Crane, to and including 80' boom	13.37	2.94
Crane, 81' to 130' boom	13.52	2.94
Crane, 131' to 150' boom	13.57	2.94
Crane, 151' boom and over	13.52	2.94
Crane Oiler	12.58	2.94
Crane with jibs an additional $.15 per hour		
Crusher Operator	13.21	2.94
Crusher Oiler	12.50	2.94
Crusher Conveyor, when required	12.47	2.94
Distributor Operator	13.11	2.94
DW 10, 15, or 20 tractor pulling Roller	12.73	2.94
Electric Overhead Cranes	13.29	2.94

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits
Elevating Grader	$13.01	$2.94
Farm type tractor up to and including 50 HP engine	12.47	2.94
Farm type tractor, over 50 HP engine	12.55	2.94
Fireman	12.60	2.94
Forklift, on construction job site	12.82	2.94
Form Grader Operator	12.78	2.94
Gradall Operator	13.21	2.94
Grade Setter	12.47	2.94
Heavy Duty Drills, all types	13.11	2.94
Herman-Nelson Heaters and similar type	12.55	2.94
Hoist Operator, single drum	12.78	2.94
Hoist, two or more drums	13.01	2.94
Helicopter Hoist Operator	13.51	2.94
Hot Plant Operator	13.21	2.94
Hot Plant Fireman, when in operation	13.11	2.94
Hot Plant Oiler, 100 ton per hour or over	12.50	2.94
Hydra Lift and similar types	12.91	2.94
Industrial Locomotive all classes	13.21	2.94
Mechanic and/or Welder on job	13.31	2.94
Mechanic Shop (Dec. - April 1)	12.91	2.94
Mixermobile	13.09	2.94
Motor Patrol Operator	13.34	2.94
Mountain Logger or similar type	13.01	2.94
Mucking Machine Operator	13.21	2.94
Oiler-Driver, Rubber-tired Cranes	12.58	2.94
Oiler, other than Shovels and Cranes	12.50	2.94
Oiler, Hoist House, dams	12.91	2.94
Pavement Breakers, Emsco and similar	$13.01	$2.94
Paving and Mixing Machine	13.34	2.94
Power Auger, large truck or tractor mounted and Punch	13.21	2.94
Power Mixer, single or double drum	13.01	2.94
Power Saw, multiple cut, self-propelled	13.01	2.94
Pumpcrete or Grout Machine	13.21	2.94
Pumpman	12.54	2.94
Push Tractor	13.21	2.94
Quad Cat	13.51	2.94
Quad Loader and similar type	13.79	2.94
Radiator Repairman	12.82	2.94
Raygo Gaint	13.79	2.94
Refrigeration Plant Operator	13.01	2.94
Retort Operator	12.60	2.94
Roller, on blade or hot mix oil paving	13.11	2.94
Roller, on other than blade or hot mix paving	12.71	2.94
Roller, 25 ton or over	13.01	2.94
Ross and simialr type Carriers, on construction site	13.11	2.94
Rubber-tired Dozer	13.21	2.94
Rubber-tired Front End Loader, 1 cu. yd. and under	12.92	2.94
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	13.21	2.94
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	13.33	2.94
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	13.43	2.94

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits
Rubber-tired Front End Loader, over 10 cu. yds. to and including 15 cu. yds.	$13.53	$2.94
Rubber-tired Front End Loader, over 15 cu. yds.	13.63	2.94
Scraper, DW 15, 20, 21 and similar type if power unit is not used	13.11	2.94
Scraper, single or twin engine pulling Belly Dump trailer	13.59	2.94
Scraper, single engine	13.34	2.94
Scraper, twin engine	13.44	2.94
Scraper, tandem engine or 3 engine	13.70	2.94
Self-propelled Sheepfoot and similar type	13.11	2.94
Shovels, including all attachments, under 1 cu. yd.	13.21	2.94
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	13.39	2.94
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	13.66	2.94
Shovels, including all attachments over 5 cu. yds.	13.79	2.94
Shovel Oiler, 3 cu. yds. and under	12.50	2.94
Shovel Oiler, over 3 cu. yds.	12.91	2.94
Slip Form Paver Operator	13.34	2.94
Stiff Leg Derrick and Guy Derrick	13.66	2.94
Track-type Front End Loaders, up to and including 5 cu. yds.	13.21	2.94
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	$13.44	$2.94
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.54	2.94
Track-type Front End Loaders, over 15 cu. yds.	13.64	2.94
Track-type Tractor, on Euclid Loader	13.39	2.94
Trenching Machine	13.21	2.94
Turnhead Conveyor, or Head Tower on Batch Plant	13.01	2.94
Wagner Roller and similar type	13.01	2.94
Whirley Crane Operator	13.74	2.94
Whirley Crane Oiler	12.91	2.94
Water Pull when used for compaction	13.01	2.94
Washing and Screening Plant Operator	13.21	2.94
Washing and Screening Plant Oiler	12.50	2.94
Yo-Yo Cat, both ends	13.41	2.94
Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties:		
A-Frame Truck Crane Operator	12.71	2.42
Air Compressor Operator, single	12.45	2.42
Asphalt Paving Machine Operator	12.96	2.42
Air Doctor	12.96	2.42

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits
Belt Finishing Operator	$12.63	$2.42
Bit Grinder	12.96	2.42
Bituminous Mixer Operator	12.96	2.42
Bulldozer Operator	12.96	2.42
Boring Machine Operator, small	12.52	2.42
Boring Machine Operator, large	12.96	2.42
Cableway Operator	13.48	2.42
Cement Silo Operator	12.78	2.42
Concrete Batch Plant Operator	12.85	2.42
Concrete Finish Machine, paving	12.96	2.42
Concrete Float Operator and Spreader	12.96	2.42
Conveyor Operator	12.66	2.42
Chip and Gravel Spreader	12.66	2.42
Crane Operator, to and including 80' boom	13.12	2.42
Crane Operator, 81' to 130' boom	13.27	2.42
Crane Operator, 131' to 150' boom	13.32	2.42
Crane Operator, 151' to 170' boom (an additional $.05 per hour is added for each 20' of boom)	13.37	2.42
All Cranes with jibs, an additional $.25 per hour is added to above crane rates.		
Crane Oiler-Driver, rubber tired	12.51	2.42
Electric Overhead Crane Operator	13.15	2.42
Crusher and/or Screening Plant Operator, portable	12.96	2.42
Crusher and/or Screening Plant Tender, if over 2 units	12.45	2.42
Crusher and/or Screening Plant Operator, Stationary	12.85	2.42
Distributor Operator	$12.96	$2.42
Drilling Machine Operator does not include Jack-hammer, Wagon Driller, Waterliner	12.86	2.42
Euclid Loader and similar type	12.40	2.42
Tractor, Rubber-tired, industrial	12.40	2.42
Elevating Grader	12.96	2.42
Fireman	12.52	2.42
Fork Lift on construction site	12.75	2.42
Front End Loader, rubber-tired, under 1 yd.	12.65	2.42
Front End Loader, 1 yd. and including 3 yds.	12.96	2.42
Front End Loader, rubber-tired, over 3 yds. and including 5 yds.	13.09	2.42
Front End Loader, rubber-tired, over 5 yds. and including 10 yds.	13.19	2.42
Front End Loader, rubber-tired, over 10 yds. and including 15 yds.	13.29	2.42
Front End Loader, rubber-tired, over 15 yds. (factory struck rating, not to include sideboards)	13.39	2.42
Grade Setter	12.42	2.42
Heavy Duty Drills-Rotary-Quarry Master	12.96	2.42
Heavy Duty Rotary Drill Tender	12.41	2.42
Helicopter Hoist Operator	13.46	2.42
Herman Nelson Heaters and similar type	12.42	2.42
Hoist Operator, single drum	12.71	2.42
Hoist Operator, two or more drums	12.96	2.42

POWER EQUIPMENT OPERTORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Hot Plant Operator	$12.96	$2.42
Hot Plant Fireman	12.96	2.42
Industrial Locomotive	12.96	2.42
LeTourneau Operator, single and similar type	13.09	2.42
LeTourneau Operator, Tandem and similar type	13.26	2.42
Loaders, Barber Green and similar types	12.60	2.42
Mechanic and/or Welder on job	13.06	2.42
Mechanic and/or Welder Tender	12.41	2.42
Mixer Operator, Concrete, 3 bags or under	12.52	2.42
Mixer Operator, Concrete, 4 bags or over	12.77	2.42
Mixermobile	13.05	2.42
Motor Patrol Operator	13.09	2.42
Mucking Machine Operator	12.96	2.42
Oiler	12.41	2.42
Pavement Breaker, Ensoo and similar type	12.96	2.42
Paver Mixer Operator	12.96	2.42
Power Saw Operator, self-propelled, multiple cut	12.96	2.42
Pumpcrete or Grout Machine Operator	12.96	2.42
Pumpman	12.46	2.42
Quad Cat	13.26	2.42
Retort Operator	12.52	2.42
Roller Operator, Grade or finish	12.65	2.42
Roller Operator, finish high type pavement	12.96	2.42
Rums and similar type Carriers on construction site	12.96	2.42
Roller, 25 ton or over	12.96	2.42
Screed Operator	12.96	2.42
Shovels, including all attachments under 1 yd.	$12.95	$2.42
Shovels, including all attachments 1 yd. to and including 4 yds.	13.15	2.42
Shovels, over 4 yds.	13.45	2.42
Shovel Oiler for Shovel over 4 yds. ($.05 per hour under Shovel Operator)		
Stiff Leg and Guy Derrick Operator	13.45	2.42
Tournapull, DW 20, 21, and similar type	13.15	2.42
Scraper, twin engine	13.19	2.42
Scraper, Tandem, 3 engine	13.45	2.42
Track type Tractor, with or without attachments including Track-type Loader, Front End up to and including 5 yds.	12.96	2.42
Track type Front End Loaders, over 5 yds. to and including 10 yds.	13.29	2.42
Track type Front End Loaders, over 10 yds. to and including 15 yds.	13.29	2.42
Track type Front End Loaders, over 15 yds.	13.39	2.42
Traxcavator, and Athey type Loader	12.96	2.42
Trench Machine Operator	12.90	2.42
Wagner Roller and similar type	12.96	2.42
Winch Truck Operator with Hydraulic Boom	12.86	2.42
Tower Crane	13.45	2.42
Automatic Finegrader, Gurries and similar type	13.09	2.42
Concrete Conveyor, under 40'	12.54	2.42
Concrete Conveyor, over 40'	13.29	2.42

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: (Cont'd)		
Concrete Pump	$13.29	$2.42
Raygo Gaint	13.54	2.42
Quad Loader and similar type	13.54	2.42
Leadman: $.25 per hour above highest paid Operator		
TRUCK DRIVERS:		
Statewide, except Gallatin, Park, Sweet Grass, Broadwater (south of U.S. Highway #12) Counties:		
Combination Truck; Concrete Mixer and Transit Mixers:		
To and including 4 cu. yds.	12.70	2.51
Over 4 cu. yds. to and including 6 cu. yds.	12.78	2.51
Over 6 cu. yds. to and including 8 cu. yds.	12.86	2.51
Over 8 cu. yds. to and including 10 cu. yds.	12.94	2.51
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment		
Distributor Driver	12.68	2.51
Dry Batch Trucks:		
3 Batch or under	12.45	2.51
Over 3 Batch to and including 5 Batch	12.58	2.51
Over 5 Batch to and including 10 Batch	12.74	2.51
Over 10 Batch to and including 15 Batch	12.90	2.51
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment		

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: (Cont'd)		
Pickup Driver, hauling materials	$12.55	$2.51
Dumpman, Gravel Spreader Box Operator; Pilot Car Driver, Teamsters	12.45	2.51
Dump Trucks and similar Equipment, DW 20, 21, or Euclid Tractors, pulling P. R. 21 or similar Dump Wagons:		
Water Level capacity, including Sideboards:		
7 cu. yds. or less	12.45	2.51
Over 7 cu. yds. to and including 10 cu. yds.	12.58	2.51
Over 10 cu. yds. to and including 15 cu. yds.	12.74	2.51
Over 15 cu.yds. to and including 20 cu. yds.	12.88	2.51
Over 20 cu. yds. to and including 25 cu. yds.	12.94	2.51
Over 25 cu. yds. to and including 30 cu. yds.	13.00	2.51
Over 30 cu. yds. to and including 35 cu. yds.	13.06	2.51
Over 35 cu. yds. to and including 40 cu. yds.	13.12	2.51
Over 40 cu. yds. to and including 45 cu. yds.	13.18	2.51
Over 45 cu. yds. - additional $.10 per hour each additional 5 cu. yds. increment		
Dumpsters	12.58	2.51

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: (Cont'd)		
Power Truck Driver (bulk unloader type)	$12.63	$2.51
Flat Trucks:		
To and including 3 tons	12.60	2.51
Over 3 tons factory rating	12.80	2.51
Fuel Truck drivers; Tiremen	13.04	2.51
Lowboys, four-wheel Trailer, Float Semi-trailer	12.80	2.51
Lumber Carriers, Lift Truck and Fork Lifts	12.70	2.51
Power Broom	12.54	2.51
Water Tank Drivers, Petroleum Products Drivers:		
2,500 gallons and under	12.45	2.51
Over 2,500 gallons to and including 4,500 gallons	12.74	2.51
Over 4,500 gallons to and including 6,000 gallons	12.94	2.51
Over 6,000 gallons to and including 8,000 gallons	13.00	2.51
Over 8,000 gallons to and including 10,000 gallons	13.08	2.51
Over 10,000 gallons - additional $.10 per hour each additional 2,000 gallons increment		
Truck Mechanic	13.44	2.51

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS: (Cont'd)		
Broadwater County (south of U. S. Highway #12); Gallatin, Park, and Sweet Grass Counties:		
Dump Trucks:		
7 yards or less	$10.43	$1.84
Over 7 yds. to and including 10 yds.	10.68	1.84
Over 10 yds. to and including 15 yds.	10.84	1.84
Over 15 yds. to and including 20 yds.	10.98	1.84
Pickup Driver, hauling materials	10.43	1.84
Flat Trucks:		
Less than 2 ton factory rating	10.43	1.84
2-5 tons	10.58	1.84
5-8 tons	10.58	1.84
Semi and 4-wheel Trailers	10.68	1.84
Service Trucks and A-Frame Trailers	10.43	1.84
House Movers	10.52	1.84

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental

FOOTNOTE:
a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day

AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:
Area 1: Beaverhead County; Jefferson County (except northern tip of County); Madison County, and Silver Bow Counties
Area 2: Gallatin and Park Counties
Area 3: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties
Area 4: Broadwater, Lewis & Clark, and Meagher Counties
Area 5: Deer Lodge, Powell, and Granite Counties
Area 6: Cascade, Chouteau, Glacier, Pondera, and Teton Counties
Area 7: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties
Area 8: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties
Area 9: Fergus, Garfield, Golden Valley, Judith Basin, Musselshell, Petroleum, and Wheatland Counties

CARPENTERS:
Area 1: Cascade, Chouteau, Fergus, Glacier, Judith Basin, Liberty, Meagher, Pondera, Teton, and Toole Counties
Area 2: Blaine, Broadwater, Carter, Custer, Daniels, Dawson, Fallon, Flathead, Gallatin, Hill, and Jefferson Counties; Lake County (excluding the area south of the Town of Ravalli from the point where Highways #10-A and #93 intersect, excluding the area east of the Town of Superior); Lewis & Clark, Lincoln, Madison, and McCone Counties; Mineral County (that portion lying southeast of the southeastern City limits of the Town of Superior); Park, Phillips, Powder River, Prairie, Richland, and Roosevelt Counties; Sanders County (except S. E. corner portion); Sheridan, Sweet Grass, Valley, and Wibaux Counties
Area 3: Deer Lodge and Granite Counties; Powell County (area lying south of the N.E. corner of Granite County)
Area 4: Lake County (southern area including the Town of Ravalli from the point where Highways #10-A and #93 intersect); Mineral County (area southeast of the southeastern City limits of the Town of Superior); Missoula County; Powell County (area lying north of the N. E. corner of Granite County); Ravalli County); Sanders County (southeastern portion)
Area 5: Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland, and Yellowstone Counties
Area 6: Beaverhead and Silver Bow Counties

AREA DESCRIPTIONS (Cont'd)

CEMENT MASONS:
Area 1: Beaverhead, Deer Lodge, and Granite Counties; Jefferson County (Southern area including Town of Wickes); Madison County; Powell County (southern area, including Town of Deer Lodge); Silver Bow County
Area 2: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties
Area 3: Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton, and Toole Counties
Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Richland, and Wibaux Counties

ELECTRICIANS:
Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Powell, and Silver Bow Counties
Area 2: Big Horn, Carbon, Carter, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties
Area 3: Custer and Garfield Counties
Area 4: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties
Area 5: Broadwater, Lewis & Clark, and Meagher Counties
Area 6: Cascade County
Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties
Area 8: Gallatin County
Area 9: Park and Sweet Grass Counties

IRONWORKERS:
Area 1: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, and Jefferson Counties; Lewis & Clark County (the City of Wolf Creek and area south of an east-west line at that point); Madison, Park, Powell, Ravalli, and Silver Bow Counties
Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties
Area 3: Remaining Counties (including northern half of Lewis & Clark County)

LINE CONSTRUCTION:
Area 1: Statewide, except Flathead, Lake, and Lincoln Counties
Area 2: Flathead, Lake, and Lincoln Counties

PAINTERS:
Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux, and Yellowstone Counties

AREA DESCRIPTIONS (CONT'D)

PAINTERS: Cont'd):
Area 2: Cascade Couty; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith 3asin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)
Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg
Area 4: The Entire Counties of Beaverhead, Gallatin, Park, and Silver Bow. The northern portion of Jefferson County from a line running east and west (5) miles south of the southern City limits of Boulder, Montana; The south part of Jefferson County from a line running due west from the south limits of Tosten, Montana; the southern portion of Lewis & Clark County from a line running east and west through the southern limits of Craig, Montana; the southern portion of Powell County from a line running east and west through the southern limits of Helmsville, Montana; the west part of Madison County from a line running north and south through the west limits of Harrison, Montana
Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)
Area 6: Flathead County; Granite County (northern area north of the limits of Phillipsburg); Lake County (southern area including the City of Ronan); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmsville); Ravalli and Sanders Counties

PLASTERERS:
Area 1: Granite County; Lake County (southern area, including the City of Pablo); Mineral and Missoula Counties; Powell County (northern area including the City of Helmsville); Ravalli County; Sanders County (south portion, including the City of Paradise)
Area 2: Beaverhead, Deer Lodge, and Granite Counties; Jefferson County (southern area, including Town of Wickes); Madison County; Powell County (southern area, including Town of Deer Lodge); Silver Bow County
Area 3: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties
Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties

PLUMBERS:
Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties
Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Meager, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties
Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferrson, Lewis & Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties

AREA DESCRIPTIONS (Cont'd)

PLUMBERS: (Cont'd)
Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux, and Yellowstone Counties

ROOFERS; Waterproofers:
Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties
Area 2: Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties
Area 3: Deer Lodge, Powell, and Silver Bow Counties
Area 4: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties
Area 5: Lewis and Clark County
Area 6: Beaverhead, Broadwater, Gallatin, Jefferson, Madison, Meagher, Park, Sweet Grass, and Wheatland Counties

SHEET METAL WORKERS:
Area 1: Broadwater County; Jefferson County (including north half of the City of Boulder); Lewis & Clark and Meagher Counties
Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties
Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Rosebud, Roosevelt, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wibaux, Wheatland, and Yellowstone Counties
Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith Basin, Liberty, Pondera, Teton, and Toole Counties
Area 5: Beaverhead, Deer Lodge, and Granite Counties; Jefferson County (southern half); Madison, Powell, and Silver Bow Counties

TERRAZZO WORKERS and TILE SETTERS:
Area 1: Broadwater, Lewis & Clark, and Meagher Counties; Jefferson County (northern area north of Boulder Hill)
Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties
Area 3: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties
Area 4: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties
Area 5: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

LABORERS:
Area 1: Beaverhead and Deer Lodge Counties; Jefferson County (south half, excluding the City of Boulder); Madison County (west of the Gravely Mountain Range); Powell County (west of a north-south line at the west edge of the Town of Elliston); and Silver Bow County

AREA DESCRIPTIONS (Cont'd)

LABORERS: (Cont'd)
Area 2: Broadwater County (north of an east-west line north of the City of Tosten); Jefferson County (north half, including the City of Boulder); Lewis & Clark and Meagher Counties; Powell County (east of a north-south line at the west edge of the Town of Elliston)
Area 3: Broadwater County (south of an east-west line north of the City of Tosten); Gallatin County; Madison County (east of the Gravely Mountain Range); Park, Sweet Grass, and Wheatland Counties
Area 4: Cascade, Chouteau, and Fergus Counties; Glacier County (excluding Glacier National Park); Judith Basin, Pondera, Teton, and Toole Counties
Area 5: Flathead County, and Glacier National Park; Lake County (north of a line (5) miles north of the 5th Parallel); Lincoln County; Sanders County (north of a line (5) miles north of the 5th Parallel)
Area 6: Carter, Custer, Dawson, Fallon, Powder River, Prairie, and Wibaux Counties
Area 7: Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure, and Yellowstone Counties
Area 8: Granite County(western portion); Lake County (south of a line (5) miles north of the 5th Parallel); Mineral, Missoula, and Ravalli Counties; Sanders County (south of a line (5) miles north of the 5th Parallel)
Area 9: Blaine, Daniels, Garfield, Hill, Liberty, Petroleum, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties

LABORERS

(AREAS 1, 2, 3, and 4)

Broadwater, Cascade, Chouteau, Deer Lodge, Fergus, Gallatin, Glacier, Jefferson, Judith Basin, Lewis & Clark, Madison, Meagher, Park, Pondera, Powell, Silver Bow, Sweet Grass, Teton, Toole, and Wheatland Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketman and Signalman; Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer - Building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblasting Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Houseman; Tool Checker

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewrapper

LABORERS (Cont'd)

(AREAS 1, 2, 3, and 4) (Cont'd)

Group 3: Asphalt Raker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

(AREA 5)
Flathead County and Glacier National Park; Lake County (north of a line (5) miles north of the 5th Parallel); Lincoln County; Sanders County (north of a line (5) miles north of the 5th Parallel)

Group 1: General Laborers; Form Strippers; Carpenter Tender

Group 2: Concrete Handlers, conveying and handling concrete; Nozzlemen (air or water); Sand Blast Tail Hoseman; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman (small air tool Operators, including Blow Pipe) Small Power Tool Operators; Rigger; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping; Pipe Wrapper; Pot Tender; Concrete Pumper Hoseman; Jackhammer; Pavement Breakers; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipe Layers (non-metallic); Metal Culvert Pipe Layer; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging open ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, cat or truck mounted air operated Drills; Sand Blaster (wet or dry); Gunite Nozzleman; Barco Tamper; Welder, Laser Equipment and tools; Cutting Torch, Equipment Man

(AREAS 6 and 7)
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); Cosmoline, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Stake Jumper

LABORERS (Cont'd)

(AREAS 6 and 7) (Cont'd)

Goup 2: Applicator, hand or nozzle (applying hot protective material of oil or asphalt base); Asphalt Raker; Barco Tamper; Caulker, Collarman, Jointer, Mortarman; Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote Material Handler; Curb Machine; Dumpman, Grademan; Dumpman, Spotter; Equipment Handlers (trucks, Bobcats); Form Setters; Gunite, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tampers; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool Operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power-driven Wheelbarrow; Power Saw (bucking and falling); Rip Wrapper (hand placed); Rodder and Spreader; Shoring and Lagging (Open ditch); Tar Pot Operator

Group 3: Air Track mounted Drills; Air Cat mounted Drills; Cat or truck mounted Drills; Core Drill Operator; High Scaler; Mobile Drills; Nozzleman, concrete (outside); Powderman; Riggers and Jackers; Wagon Drillers

Group 4: Tenders, Trowel Trades (scaffolding, staging, Forklifts for Masons and Plasterers)

(AREA 8)
Granite County (western portion); Lake County (south of a line (5) miles north of the 5th Parallel); Mineral, Missoula, and Ravalli Counties; Sanders County (south of a line (5) miles north of the 5th Parallel)

Group 1: General Laborers; Form Strippers; Carpenter Tenders; Concrete Handler, conveying and handling concrete

Group 2: Nozzleman (air or water); Sand Blast Tailhoseman; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Rigger; Small Air Tool Operators, including Blow Pipes; Small power tool Operators; Chuck tenders; Asphalt Rakers; Dumpman; Rip Rapping; Pipe Wrapper; Pot Tenders; Concrete Pumper Hoseman; Cutting Torch; Jackhammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert Pipelayers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lagging Open Ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted air operated Drills; Laser Equipment and Tool, Welder; Sand Blaster (wet or dry); Gunnitemen; Barco Tamper

LABORERS (Cont'd)

(AREA 9)
Blaine, Daniels, Garfield, Hill, Liberty, Petroleum, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties

Group 1: General and Building Laborers and Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers includes installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power driven Concrete Buggies or power driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Placo Operator, Jackhammer, Pavement Breaker, Vibrator (2½" and over); Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, TAr Pot Tender; Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders handling bricks and blocks only

Group 5: Hod Carriers and Plaster Tenders (men carrying mortar either by hod, pail or barrow); High Scaler; Wagon Driller, Cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Laser Tools and Equipment; Small Concrete Mixers; Concrete Saw

Unlisted classifications needed for work not included within the scope of the classification slisted may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Atoka, Bryan, Choctaw, Haskell, LeFlore, Latimer, McCurtain, Pittsburg & Pushmataha

DECISION NO. OK83-4020

DATE: Date of Publication

Supersedes Decision No. OK78-4093 dated September 15, 1978 in 43 FR 41363

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to & including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air conditioning mechanic	$8.00				
Bricklayers	10.00				
Carpenters	7.57				
Cement masons	7.29				
Drywall installers	10.00				
Electricians	8.00				
Elevator mechanic	13.74				
Elevator mechanic helper	9.48				
Insulation installer	5.50				
Ironworker	6.85				
Laborers	5.10				
Painters	8.00				
Plumbers & pipefitters	7.81				
Roofers	6.00				
Sheet metal workers	5.50				
Soft floor layers	8.00				
Tile setters	8.00				
Truck drivers	5.00				
POWER EQUIPMENT OPERATORS:					
Backhoe operator	6.68				
Box blade operator	6.68				
Bulldozer operator	6.69				
Crane operator	9.50				
Motor grader	6.85				
Roller	6.85				
Scraper	6.85				
Tractor	6.85				
Trenching Machine	6.00				

SUPERSEDEAS DECISION

STATE: Oregon

COUNTIES: Statewide

DECISION NUMBER: OR83-5100

DATE: Date of Publication

Supersedes Decison No. OR82-5100 dated March 12, 1982, in 47 FR 10954

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects and Dredging

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$21.52	$3.54
BOILERMAKERS	19.67	3.96
BRICKLAYERS; Stonemasons:		
Area 1	17.64	3.23
Area 3	17.13	2.27
CARPENTERS:		
Group 1	16.19	3.32
Group 2	16.34	3.32
Group 3	16.44	3.32
Group 4	16.59	3.32
Group 5	16.29	3.32
Group 6	16.39	3.32
CEMENT MASONS:		
Cement Masons	15.49	4.02
Composition Workers; Power Machinery Operator	15.80	4.02
ELECTRICIANS:		
Area 1:		
Electricians	15.05	2.00+4%
Cable Splicers	16.56	2.00+4%
Area 2:		
Electricians	20.39	3.53+3%
Cable Splicers	21.41	3.53+3%
Area 3:		
Electricians	19.05	3.44+3%
Cable Splicewrs	20.95	3.44+3%
Area 4:		
Electricians	22.00	2.42+3%
Line Cable Splicers	24.20	2.42+3%
Area 5:		
Electricians	20.80	3.63+3%
Cable Splicers	21.60	3.63+3%
Area 6:		
Electricians	19.06	3.07+3%
Cable Splicers	20.98	3.07+3%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.06	1.475+a
Helpers	70%JR	1.475+a
Probationary Helpers	50%JR	
GLAZIERS	16.34	2.09
IRONWORKERS:		
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	18.04	3.80
LATHERS:		
Area 1	15.87	3.16
MARBLE SETTERS:		
Area 1	$17.11	$2.85
MASON TENDERS:		
(including tenders of Plasterers, Bricklayers, Tile Setters, Marble Setters and Terrazzo Worker; Topping for Cement Finishers and Mortar Mixer)	14.22	2.60
PAINTERS:		
Area 1:		
Painters and Tapers	12.25	1.41
Area 2:		
Brush	13.73	2.99
Spray	14.28	2.99
Bridges, High work over 50' (brush)	14.63	2.99
Bridges, High work over 50' (spray)	15.18	2.99
Drywall Tapers	15.48	2.11
PLASTERERS:		
Area 1	15.23	3.16
Area 2	16.23	3.31
PLUMBERS:		
Area 1	14.67	3.74
Area 2	19.43	6.98
Area 3	15.50	6.22
Area 4	20.58	3.60
Area 5	20.26	3.65
Area 6	19.58	4.15
Area 7	21.19	3.10
Area 8	16.51	4.05
ROOFERS:		
Area 1:		
Roofers	16.85	2.30
Handling of irritating material (coal tar or epoxy)	17.10	2.30
Handling of irritating material (coal tar or epoxy) in confined area	17.35	2.30
Area 2:		
Roofers	14.75	1.72
Spray and/or application of irritating materials in a confined area	15.75	1.72

	Basic Hourly Rates	Fringe Benefits
ROOFERS: (Cont'd)		
Area 3	$14.25	$1.85
Area 4	14.56	4.10
SHEET METAL WORKERS:		
Area 1	17.95	4.13+ 3%
Area 2	15.61	1.95
Area 3	18.76	3.10+ 3%
Area 4	15.705	2.11
SOFT FLOOR LAYERS:		
Area 1	14.022	
Area 2	12.37	1.19
SPRINKLER FITTERS	17.92	2.83
TILE SETTERS:		
Area 1	17.31	3.05
Area 2	15.43	2.15
TILE and TERRAZZO HELPERS:		
Area 1	15.70	1.70
LINE CONSTRUCTION:		
Area 1:		
Zone 1 - (Base Rate):		
Group 1	19.30	2.55+ 3½%
Group 2	17.44	2.55+ 3½%
Group 3*	15.74	2.55+ 3½%
Group 4	15.02	1.85+ 3½%
Group 5	13.13	1.85+ 3½%
Group 6*	13.13	1.85+ 3½%
Group 7	12.34	1.85+ 3½%
Zone Differential - (Add to Zone 1 Rate):		
Zone 2 - $2.00		
Zone 3 - 2.75		
Zone 4 - 3.50		
Zone 5 - 4.75		
*Groups 3 and 6 receive Zone 1 Rates ONLY (No Zone Differential)		

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (Cont'd)		
Area 2:		
Cable Splicers	$17.56	$1.20+ 3½%
Journeyman Lineman	15.92	1.20+ 3½%
Line Equipment Mechanic (right-of-way)	15.05	1.20+ 3½%
Line Equipment Mechanic (base shop)	14.07	1.20+ 3½%
Line Equipment Serviceman	14.07	1.20+ 3½%
Line Equipment Operator	14.31	1.20+ 3½%
Groundman	11.40	1.20+ 3½%
DREDGING:		
Leverman, Hydraulic	16.97	3.87
Leverman, Dipper	17.68	3.87
Assistant Engineer (including Watch Engineer, Welder, Mechanic and Machinist); Mate	16.43	3.87
Tenderman (Boatman, attending Dredge Plant); Fireman	16.02	3.87
Assistant Mate (Deckhand); Oiler	15.67	3.87
TIMBER SALES ROADS:		
Operating Engineer	11.71	3.37
Operating Engineer Assistant (Oiler)	10.65	3.37
Teamster	11.49	2.52
Laborer	9.90	4.00
Power Saw, Driller, Powderman	10.67	4.00

LABORERS:	Basic Hourly Rates	Fringe Benefits
Zone 1 - (Base Rate):		
Group 1	$12.84	$4.30
Group 2	13.19	4.30
Group 3	13.49	4.30
Group 4	13.74	4.30
Zone Differential - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
Zone 6 - 3.55		
POWER EQUIPMENT OPERATORS:		
Zone 1 - (Base Rate):		
Group 1	15.00	4.15
Group 2	15.18	4.15
Group 3	15.33	4.15
Group 4	15.53	4.15
Group 5	15.56	4.15
Group 6	15.67	4.15
Group 7	15.74	4.15
Group 8	15.87	4.15
Group 9	15.96	4.15
Group 10	16.04	4.15
Group 11	16.06	4.15
Group 12	16.15	4.15
Group 13	16.25	4.15
Group 14	16.48	4.15
Group 15	16.67	4.15
Group 16	16.91	4.15
Group 17	17.10	4.15
Group 18	17.34	4.15
Group 19	17.52	4.15
Zone Differential - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
Zone 6 - 3.55		

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits
Zone 1 - (Base Rate):		
Group 1	$14.69	$3.74
Group 2	14.74	3.74
Group 3	14.79	3.74
Group 4	14.84	3.74
Group 5	14.89	3.74
Group 6	14.99	3.74
Group 7	15.09	3.74
Group 8	15.19	3.74
Group 9	15.29	3.74
Group 10	15.46	3.74
Group 11	15.56	3.74
Group 12	15.66	3.74
Group 13	15.76	3.74
Group 14	15.86	3.74
Zone Differential - (Add to Zone 1 Rate):		
Zone 2 - $0.65		
Zone 3 - 1.15		
Zone 4 - 1.70		
Zone 5 - 2.75		
Zone 6 - 3.55		

WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding and rigging are incidental

FOOTNOTE:
a. Employer credits 8% of basic hourly rate for employees with more than 5 years' service; 6% basic hourly rate for 6 months' to 5 years' service to Vacation Plan. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day

AREA and GROUP DESCRIPTIONS

BRICKLAYERS; Stonemasons:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River; Malheur County (north half); Marion, Morrow, Multnomah, Polk, Sherman, and Tillamook Counties; Umatilla, Union, Wallowa, and Wasco Counties (north of the City of Maupin); Washington and Yamhill Counties
Area 2: Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, and Linn Counties; Malheur County (south half); Wasco County (including the City of Maupin and south thereof); Wheeler County

CARPENTERS:
Group 1: Acoustical and Drywall Applicator; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders
Group 2: Floor Layers and Finishers; Stationary Power Saw Operators
Group 3: Millwrights and Machine Erectors
Group 4: Certified Welders
Group 5: Piledrivermen; Bridge, Dock and Wharf Builders
Group 6: Boom Men

ELECTRICIANS:
Area 1: Malheur County
Area 2: Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, and Wheeler Counties
Area 3: Coos, Curry, and Lincoln Counties; Douglas and Lane Counties (those portions lying west of a line north and south from the NW corner or Coos County to the SE corner of Lincoln County)
Area 4: Benton, Crook, Deschutes, and Jefferson Counties; Lane County (eastern portion); Linn, Marion, and Polk Counties; Yamhill County (south half)
Area 5: Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, and Washington Counties; Yamhill County (north half)
Area 6: Harney, Jackson, Josephine, Klamath, and Lake Counties; Douglas County (that portion lying east of a line running north and south from the NE corner of Coos County to the SE corner of Lincoln County)

AREA DESCRIPTIONS (Cont'd)

LATHERS:
Area 1: Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, and Yamhill Counties

MARBLE SETTERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River Counties; Malheur County (north half); Multnomah, Morrow, Sherman, and Tillamook Counties; Union, Umatilla, and Wallowa Counties; Wasco County (north of the City of Maupin); Washington County; Yamhill County (north half)

PAINTERS:
Area 1: Malheur County
Area 2: Remaining Counties

PLASTERERS:
Area 1: Benton, Coos, Crook, Curry, Douglas, Deschutes, Harney, and Jefferson Counties; Klamath County (northern one-third); Lane County; Lincoln, Linn, Wasco, and Wheeler Counties (south half)
Area 2: Remaining Counties

PLUMBERS:
Area 1: Baker County; Harney (except NW portion); Malheur County
Area 2: Grant County (except SW corner); Morrow, Umatilla, Wallowa, and Union Counties
Area 3: Benton, Lincoln, and Linn Counties (north half); Marion and Polk Counties; Tillamook and Yamhill Counties (south half)
Area 4: Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, and Washington Counties; Tillamook and Yamhill Counties (north half)
Area 5: Coos and Curry Counties; Douglas County (West Coast portion); Lann County (including the City of Florence)
Area 6: Benton County (south half); Crook and Deschutes Counties; Douglas County (except Coast portion); Grant County (SW corner); Harney County (NW portion); Jefferson County (south half); Klamath and Lake Counties (northern portion); Lane County (except the City of Florence); Lincoln and Linn Counties (south half)
Area 7: Remainder of Klamath and Lake Counties
Area 8: Jackson and Josephine Counties

ROOFERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Grant, Gillian, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, and Wheeler Counties
Area 2: Benton, Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Marion, Polk, and Yamhill Counties
Area 3: Malheur County
Area 4: Umatilla, Union, and Wallowa Counties

AREA and GROUP DESCRIPTIONS (Cont'd)

SHEET METAL WORKERS:
Area 1: Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler, and Yamhill Counties
Area 2: Baker and Malheur Counties
Area 3: Morrow, Umatilla, Union, and Wallowa Counties
Area 4: Coos, Curry, Douglas, Klamath, Lake, Lane, and Josephine Counties

SOFT FLOOR LAYERS:
Area 1: All Counties except Malheur County
Area 2: Malheur County

TILE SETTERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River Counties, Malheur County (north half); Morrow, Multnomah, Sherman, Tillamook, Umatilla, Union, and Wallow Counties; Wasco County (north of Maupin); Washington County; Yamhill County (north half)
Area 2: Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, and Linn Counties; Malheur County (south half); Wasco County (Maupin and south thereof); Wheeler County (south half)

TILE and TERRAZZO HELPERS:
Area 1: Baker, Clackamas, Clatsop, Columbia, Gilliam, and Hood River Counties; Malheur County (north half); Marrow, Multnomah, Sherman, Tillamook, Umatilla, Union, and Wallow Counties; Wasco County (north of Maupin); Washington County; Yamhill County (north half)

LINE CONSTRUCTION:
Area 1: All Counties Except Malheur County
Group 1: Cable Splicer, Leadman Pole Sprayer
Group 2: Lineman, Pole Sprayer, Heavy Line Equipment Man, Certified Lineman Welder
Group 3: Tree Trimmer
Group 4: Line Equipment Man
Group 5: Head Groundman, Powderman, Jackhammer Man
Group 6: Head Groundman (Chipper)
Group 7: Groundman
Zone Definitions:
Zone 1 - (Base Rate): 0 to 3 miles radius from the geographical center of the Cities listed below
Zone 2 - 3 to 20 miles radius
Zone 3 - 20 to 35 miles radius
Zone 4 - 35 to 50 miles radius
Zone 5 - Over 50 miles radius
Base Rate is paid when working out of employer's permanent shop
BASE POINTS:

Bellingham	Seattle	Astoria	Klamath Falls	Coeur D' Alene
Ellensburg	Spokane	Baker	Lakeview	Kellog
Ephrata	Tacoma	Bend	Medford	Lewiston
Everett	Burns	Pendleton	Orfino	Walla Walla
Kennewick	Wenatchee	Corvallis	Portland	Sand Point
Longview	Wilbur	The Dalles	Roseburg	Salem
Olympia	Yakima	Engene	Umatilla	

Area 2: Malheur County

ZONE DESCRIPTIONS
for
LABORERS
POWER EQUIPMENT OPERATORS
and
TRUCK DRIVERS

CITIES:

Albany	Hood River	Newport
Astoria	Klamath Falls	Ontario
Baker	La Grande	Pendleton
Bend	Lakeview	Port Orford
Brookings	Longview	Reedsport
Burns	Madras	Roseburg
Coos Bay	Medford	The Dalles
Corvallis	McMinnville	Tillamook
Goldendale	Vancouver	
Grants Pass		

ZONE 1 - All jobs or projects located within 10 miles of the respective City Hall

ZONE 2 - More than 10 miles but less than 25 miles form the respective City Hall

ZONE 3 - More than 25 miles but less than 35 miles from the respective City Hall

ZONE 4 - More than 35 miles but less than 45 miles from the respective City Hall

ZONE 5 - More than 45 miles but less than 75 miles from the respective City Hall

ZONE 6 - More than 75 miles from the respective City Hall

Portland, Eugene and Salem ONLY

ZONE 1 - All jobs or projects located within 20 miles of the respective City Hall

ZONE 2 - More than 20 miles but less than 25 miles from the respective City Hall

ZONE 3 - More than 25 miles but less than 35 miles from the respective City Hall

ZONE 4 - More than 35 miles but less than 45 miles from the respective City Hall

ZONE 5 - More than 45 miles but less than 75 miles from the respective City Hall

ZONE 6 - More than 75 miles from the respective City Hall

LABORERS

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutters; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Man; Choke Setter; Clean-up Laborers; Concrete Laborers; Culvert hand labor; Curing, concrete; Demolition, wrecking, and moving Laborers; Driller Tenders; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including Guard Rail, Median Rail, Reference Post, Right-of-way Marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman or Aggregate Spreader (Flaherty and Loading Spotters and similar types); Material Yard Man (including electrical); Powderman Tender; Pittsburgh Chipper Operator or similar types; Ribbon Setters (including Steel Forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Signalman; Skipman; Slopers; Spraymen; Stake Chaser; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bullgang (above ground); Weightman, Crusher (aggregate when used); Railroad Track Laborers

Group 2: Applicator (including Pot Tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Brush Cutters (power saw); Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman; Green Cutter (concrete, rock, etc.); Concrete Power Buggyman; Crusher Feeder; Demolition and wrecking charred materials; Grade Checker; Granite Nozzleman Tender; Gunite or Pot Tender; Handlers or Mixers of all materials of an irritating nature (including cement and lime); Power Tool Operators, includes but not limited to: Dry Pack Machine; Jackhammer; Chipping Guns; Paving Breakers; Vibrators (less than 4" in diameter); Post Hole Digger, air, gas or electric; Vibrating Screed; Tampers; Sand Blasting (wet); Stake-setter; Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (underground)

Group 3: Asphalt Rakers; Bit Grinder; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills, and other similar types; Concrete Saw Operator; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in Swinging Stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Laser Beam (pipe laying)(applicable when employee assigned to move, set up, align Laser Beam); Manhole Builder; Powdermen; Power Saw Operators (bucking and falling); Pumpcrete Nozzlemen; Sand Blasting (dry); Sewer Pipe Layers; Sewer Timberman; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator; Tunnel - Chuck Tenders, Nippers, and Timbermen; Vibrator (4" and larger); Water Blaster; Welder

Group 4: Laser Beam (tunnel) - applicable when employee assigned to move, set up, align Laser Beam; Tunnel Miners; Tunnel Powderman

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including Plant, Crane, Crusher, Guardrail equipment, and Trenching Machine; Assistant Conveyor Operator; Crusher Feederman; Deckhand; Self-propelled Scaffolding Operator; Guardrail Punch Oiler; Pump Operator, under 4"; Brakeman; Switchman; Parts Man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler - Driver, 25 ton capacity or over; Crane Fireman (all equipment except floating); A-Frame Truck Operator, single drum; Tugger or Coffin type Hoist Operator; Driller Tender; Auger; Oiler; Boatman; Fork Lift or Lumber Stacker Operator (on job site); Oiler, combination Guardrail Machines; Temporary Heating Plant Operator; Grade Oiler, required to check grade; Grade Checker; Tar Pot Fireman; Tar Pot Fireman (power agitated); H.D. Repairman Tender; Welder's Tender; Helicopter Radioman (ground); Roller Operator, grading of base rock (not asphalt)

Group 3: Aspahlt Plant Fireman; Pugmill Operator (any type); Truck mounted Asphalt Spreader, with Screed; Compressor Operator (any power), under 1,250 cu. ft. total capacity; Conveyor Operator; Mixer Box Operator (C.T.B., Dry Batch, etc.); Cement Hog; Concrete Saw; Concrete Curing Machine (riding type); Wire Mat or Brooming Machine; Mass Carrier Operator (on job site); Bucket Elevator Loader, Barber Greene and similar types; Hydraulic Pipe Press; Pump Operator (any power), 4" and over; Hydrostatic Pump; Motorman; Ballast Jack Tamper; Bell Boy, phones, etc; Tamping Machine, mechanical self-propelled; Hydrographic Seeder Machine, straw, pulp or seed; Broom Operator, self-propelled (on job site); Air Filtration Equipment; Welding Machine Operator

Group 4: Screed Operator; Compactor, including Vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination Mixer and Compressor, Gunnite Work; Concrete Mixer Operator, single drum, under five bag capacity; Helicopter Hoist Operator; Floating Equipment Fireman; Lull Hi-lift Operator or similar type; Fork Lift, over 5 ton; Service Oiler (Greaser); Hydra Hammer or similar types; Pavement Breaker; Pump Operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion Machine; Wagner Pactor or similar type (without blade); Concrete Batch Plant Quality Control Operator; Power Jumbo, Setting Slip Forms, etc. in tunnels; Slip Form Pumps, Power driven Hydraulic Lifting Device for concrete forms; Hoist, single drum; Elevator Operator; Pulva-mixer or similar types; Chip Spreading Machine Operator; Lime Spreading (on job site); Sweeper (Wayne type) Self-propelled (on job site); Tractor, rubber-tired 50 H.P. flywheel and under; Trenching Machine, maximum digging capacity 3 ft. depth

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt Burner and Reconditioner; Pavement Grinder and/or Grooving Machine (riding type); Cast-in-place Pipe Laying Machine; Maginnis Internal Full Slab Vibrator; Concrete Finishing Machine, Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type; Curb Machine, Mechanical Berm, Curb and/or Curb and Gutter; Concrete Joint Machine; Concrete Planer; Concete Paving Machine; Concrete Spreader; Loaders, rubber-tired type, 2½ cu. yds. and under; Rock Spreaders, self-propelled

Group 7: Roller (any asphalt mix); Beltcrete; Pumpcrete Operator (any type); Fuller-Kenyon and similar; Concrete Pump; Grouting machine; Concrete Mixer, single drum, five bag capacity and over; Tower Mobile Operator; A-Frame Truck, double drum; Boom Truck; Churn Drill and Earth Boring Machine; Hydraulic Backhoe, wheel type 3/8 cu. yds. and under with or without Front End attachments 2½ cu. yds. and under (Ford, John Deer, Case type); Elevating Grader, Tractor towed requiring Operator or Grader; Pot Rammer; Ballast Regulator; Ballast Tamper, Multiple-purpose; Track Liner; Tie Spacer; Shuttle Car; Locomotive, 40 tons and over

Group 8: Diesel-electric Engineer, Plant, Crusher, Generator, Floating; Batch Plant and/or wet mix, one and two drum; Generator Operator; Belt Loader, Kolman and Ko Cal types; Asphalt Paver Operator

Group 9: Bulldozer; Drill Cat Operator; Side-boom Cat; Compactor, with blade; Concrete Cooling Machine; Chicago Boom and similar types; Lift Slab Machine; Boom type lifting device, 5 ton capacity or less; Cherry Picker or similar type Crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher Plant; Drill Doctor; Boring Machine; Guardrail Punch and Auger (all types); Surface Heater and Planer; Hydraulic Backhoe, track type 3/8 cu. yds.; Loader, Front End and Overhead, 2½ cu. yds. and under 4 cu. yds.; Hammer Operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-threading Machine; Drill Doctor (Bit Grinder); H.D. Mechanic and Welder; Machine Tool Operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench Machine, maximum digging capacity over 3 ft. depth; Asphalt Plant Operator

Group 10: Bulldozer, twin engine (TC 12 and similar); Cable Plow (any type); Compactor, multi-engine; Jack Operator, Elevating Barges; Barge Operator, self-unloading; Combination H.D. Mechanic - Welder, with dispatcher and/or when required to do both; Rubber-tired Dozers and Pushers (Michigan, Cat, Hough type); Driller - Percussion, Diamond, Core, Cable, Rotary and similar type

Group 11: Mixer Mobile; Concrete Breaker; Crane Operator, 25 tons and under; Combination Guardrail Machines, i.e., Punch, Auger, etc.; Shovel; Dragline; Clamshell, Hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking Machine (tunnel)

POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Blade Operator; Batch Plant and/or Wet Mix, 3 units or more; Reinforced Tank Banding Machine (K-17 or similar); Hoist, two or more drums; Elevating Loader, Athey and similar; Piledriver (not crane type); Rubber-tired Scraper, single and twin engine; Single Scraper, with Push-pull attachments, self-loader; Paddle Wheel, auger type; Blade mounted Spreaders, Ulrich and similar types; Shield Operator

Group 13: Blade Operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engine; Concrete Paving Road Mixer; Derrick, under 100 tons; Hoist, Stiff Leg, Guy Derrick or similar, 50 tons and over; Cableway Operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver Operator; Floating Clamshell, etc., under 3 cu .yds.; Floating Crane (Derrick Barge), less than 30 ton; Elevating Grader, operated by Tractor Operator, Sierra, Euclid, or similar; Back Filling Machine; Shovel, etc. 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over; Bridge Crane Operator, Locomotive Crane, Gantry and Overhead

Group 14: Tower Crane Operator; Rubber-tired Scraper, with Tandem Scrapers, self-loading, Paddle Wheel, auger type, finish and/or 2 or more units

Group 15: Rock Hound Operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Autograder or "Trimmer"; Tandem Bulldozer, Quad-nine and similar; Automatic Concrete Slip Form Paver; Concrete Canal Line; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating Clamshell, etc., 3 cu. yds. and over; Floating Crane (Derrick Barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired Scraper, with Tandem Scrapers, multi-engine; Shovel, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley, over 80 ton and including 150 ton; Floating Crane (Derrick Barge), 80 ton, but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal Trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over; Floating Crane, 150 ton but less than 250 ton; Wheel Excavator, over 750 cu. yds. per hour; Band Wagons, in conjunction with Wheel Excavator

Group 19: Helicopter, when used in erecting work; Floating Crane, 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

TRUCK DRIVERS

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: 6 cu. yds. and under; Lift Jitneys, Fork Lifts (all sizes in loading, unloading and transporting material on job site); Loader and/or Leverman on Concrete Dry Batch Plant (manually operated); Pilot Car; Solo Flat Bed and misc. Body Trucks, 0-10 tons; Truck Tender; Truck Mechanic Tender; Water Wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame or Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit Mix, and Wet or Dry Mix Trucks: 5 cu. yds. and under; Tireman Water Wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Lowbed Equipment, Flat Bed Semi-trailer, Truck and Trailers or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Stadddle Carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water Wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit Mix and Wet or Dry Trucks, over 5 cu. yds. and including 7 cu. yds..

Group 6: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit Mix and Wet or Dry Mix Truck, over 7 cu. yds. and including 9 cu. yds.; Truck Mechanic - Welder - Body Repairman; Water Wagons (rated capacity) -5,000 to 7,000 gallons

Group 7: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains of combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 9 cu. yds. and including 11 cu. yds.; Water Wagons (rated capacity) over 7,000 gallons to 10,000 gallons

TRUCK DRIVERS (Cont'd)

Group 8: Dump Trucks, side, end and bottom cumps, including Semi Trucks and Trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 11 cu. yds. and including 15 cu. yds.; Water Wagon (rated capacity) over 10,000 gallons to 15,000 gallons

Group 9: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: Over 40 cu. yds. and including 50 cu. yds.; Transit Mix and Wet or Dry Mix Trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trians or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump Trucks, side, end and bottom dumps, including Semi Trucks and Trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Tenders (handling Sacked cement - add $0.15 per hour)

Winch Truck - takes classification of Truck on which Winch is mounted.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses 29 CFR, 5.5 (a)(1)(ii))

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: WI83-2012
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision Number WI82-2062 dated December 17, 1982 in 47 FR 56606
DESCRIPTION OF WORK: Highway and Airport Runway and Taxiway Construction (does not include bridges over navigable waters; tunnels; buildings in highway rest areas; and railroad construction)

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; STONEMASONS:		
Zone 1	$14.15	1.70
Zone 2	13.22	2.19
Zone 3	12.75	2.09
Zone 4	13.83	2.45
Zone 5	13.55	1.90
Zone 6	13.77	2.95
Zone 7	14.24	2.25
Zone 8	14.82	3.90
Zone 9	14.84	2.25
Zone 10	15.53	1.55
Zone 11	13.05	2.35
CARPENTERS; PILEDRIVERMEN:		
Zone 1:		
Carpenters	12.95	2.35
Piledrivermen	13.15	2.35
Zone 2:		
Carpenters	13.76	1.91
Piledrivermen	14.16	1.91
Zone 3:		
Carpenters	13.76	1.91
Piledrivermen	14.16	1.91
Zone 4:		
Carpenters	15.59	2.21
Piledrivermen	15.74	2.21
Zone 5:		
Carpenters	14.16	2.11
Piledrivermen	14.25	2.11
Zone 6:		
Carpenters	13.76	1.91
Piledrivermen	14.16	1.91
Zone 7:		
Carpenters	13.76	1.91
Piledrivermen	14.16	1.91
Zone 8:		
Carpenters; Piledrivermen	13.59	2.15
Zone 9:		
Carpenters	14.30	3.83
Piledrivermen	15.27	3.96
Zone 10:		
Carpenters	14.56	1.71
Piledrivermen	14.65	1.71

	Basic Hourly Rates	Fringe Benefits
CARPENTERS; PILEDRIVERMEN (Cont'd)		
Zone 11:		
Carpenters	$14.00	$2.80
Piledrivermen	14.00	2.80
Zone 12:		
Carpenters	13.76	1.91
Piledrivermen	14.16	1.91
CEMENT MASONS:		
Zone 1	15.85	.70
Zone 2	14.15	1.76
Zone 3	12.72	2.19
Zone 4	13.46	1.89
Zone 5	12.25	2.69
Zone 6	12.83	1.85
Zone 7	12.42	2.90
Zone 8	12.55	2.35
Zone 9	14.45	1.85
Zone 10	12.38	2.76
Zone 11	13.80	2.30
Zone 12	13.93	
Zone 13	12.18	2.90
Zone 14	14.71	1.55
ELECTRICIANS:		
Zone 1	15.59	1.10+6%
Zone 2	15.66	12⅛%
Zone 3	15.31	.75+ 9⅛%
Zone 4	15.13	.75+ 11⅛%
Zone 5	17.50	.71+ 3-3/4%
Zone 6	15.79	1.30+3%
Zone 7	15.58	.72+ 13⅛%
Zone 8	15.54	1.19+ 12-3/4%
Zone 9	14.91	1.88+ 14%
Zone 10	15.75	27%
Zone 11	17.50	.70+ 3⅛%
Zone 12	16.11	1.88+ 14%
Zone 13	14.23	2.00+ 4%

DECISION NO. WI83-2012 Page 2

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
Zone 1	$15.11	$1.90
Zone 2	15.82	2.60
Zone 3	14.68	2.85
Zone 4	14.80	6.46
Zone 5	16.65	2.59
LINE CONSTRUCTION:		
Statewide:		
Linemen	15.57	9⅛%+.65
Heavy Equipment Operators	13.92	9⅛%+.65
Light Equipment Operators	12.38	9⅛%+.65
Heavy Truck Drivers and Groundman	10.83	9⅛%+.65
Light Truck Drivers and Groundman	10.06	9⅛%+.65
Groundman	8.51	9⅛%+.65
PAINTERS:		
Zone 1:		
Brush	13.85	.50
Spray and Sandblasting	14.60	.50
Zone 2:		
Brush	14.00	5%+.15
Spray and Sandblasting	13.50	5%+.15
Zone 3:		
Brush; Spray and Sandblasting	14.43	1.00
Zone 4:		
Brush	12.12$	2.25
Spray and Sandblasting	12.72$	2.25
Zone 5:		
Brush	12.80	1.00
Spray and Sadnblasting	13.22	1.00
Zone 6:		
Brush; Spray and Sandblasting	15.21	1.53
Zone 7:		
Brush	13.10	1.77
Spray	14.10	1.77
Sandblasting	13.35	1.77
Zone 8:		
Brush and Spray	13.40	
Sandblasting	13.40	
Zone 9:		
Brush	12.35	
Spray and Sandblasting	12.75	

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Zone 10:		
Brush	$13.45	$3.26
Spray	13.60	3.26
Sandblasting	13.85	3.26
Zone 11:		
Brush	13.35	1.55
Spray and Sandblasting	13.85	1.55
Zone 12:		
Brush	12.85	2.15
Spray and Sandblasting	13.45	2.15
Zone 13:		
Brush and Sandblasting	10.30	1.60
Spray	10.80	1.60
LABORERS:		
Zone 1:		
Group 1	10.63	3.49
Group 2	10.73	3.49
Group 3	10.78	3.49
Group 4	10.83	3.49
Group 5	10.88	3.49
Group 6	10.98	3.49
Group 7	11.03	3.49
Group 8	11.28	3.49
Zone 2:		
Group 1	10.75	2.43
Group 2	10.85	2.43
Group 3	10.90	2.43
Group 4	10.95	2.43
Group 5	11.00	2.43
Group 6	11.10	2.43
Group 7	11.15	2.43
Group 8	11.40	2.43
Zone 3:		
Group 1	10.15	3.03
Group 2	10.25	3.03
Group 3	10.30	3.03
Group 4	10.35	3.03
Group 5	10.40	3.03
Group 6	10.50	3.03
Group 7	10.55	3.03
Group 8	10.80	3.03
Zone 4:		
Group 1	10.80	1.53
Group 2	10.85	1.53
Group 3	10.80	1.53

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Zone 4: (Cont'd)		
Group 4	$10.95	$1.53
Group 5	11.00	1.53
Group 6	11.05	1.53
Zone 5:		
Group 1	9.88	3.49
Group 2	9.93	3.49
Group 3	9.98	3.49
Group 4	10.03	3.49
Group 5	10.08	3.49
Group 6	10.13	3.49
Zone 6:		
Group 1	10.52	1.53
Group 2	10.57	1.53
Group 3	10.62	1.53
Group 4	10.67	1.53
Group 5	10.72	1.53
Group 6	10.77	
POWER EQUIPMENT OPERATORS:		
Group 1	14.02	2.60
Group 2	13.76	2.60
Group 3	13.67	2.60
Group 4	13.59	2.60
Group 5	13.51	2.60
Group 6	13.47	2.60
Group 7	13.38	2.60
Group 8	13.26	2.60
LABORERS (Sewer & Water)		
Zones 1 and 5:		
Bottomman	12.58	3.69
Pipelayer	13.07	3.69
Topman	12.16	3.69
Zone 2:		
Bottomman	11.10	2.43
Pipelayer	11.50	2.43
Topman	10.90	2.43
Zone 3:		
Bottomman	10.50	3.03
Pipelayer	10.90	3.03
Topman	10.50	3.03
Zone 4:		
Bottomman	11.05	1.53
Pipelayer	11.25	1.53
Topman	10.90	1.53
Zone 8:		
Bottomman	10.77	1.53
Pipelayer	10.47	1.53
Topman	10.62	1.53

	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS:		
Zone 1:		
Group 1	$11.25	.35+a
Group 2	11.40	.35+a
Zone 2:		
Group 1	11.25	.35+b
Group 2	11.40	.35+b
Zone 3:		
Group 1	11.25	.35+c
Group 2	11.40	.35+c
WELL DRILLERS	13.47	2.20

FOOTNOTES:
a. Per week per employee on payroll 30 days or longer, $91.25 Per week - Health, Welfare and Pension
b. Per week per employee on payroll 30 days or longer, $100.50 per week - Health, Welfare and Pension
c. Per week per employee on payroll 30 days or longer, $92.68 per week - Health, Welfare and Pension

ZONE DESCRIPTIONS

BRICKLAYERS; STONEMASONS:
Zone 1: Barron, Burnett, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, and Washburn Counties
Zone 2: Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Price, Taylor, Vilas, and Wood Counties
Zone 3: Brown, Calumet, Door, Florence, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Washara, and Winnebago Counties
Zone 4: Green, Lafayette, and Rock Counties
Zone 5: Buffalo, Crawford, Jackson, Juneau, La Crosse, Monroe, Trempealeau, and Vernon Counties
Zone 6: Kenosha, Racine, and Walworth Counties
Zone 7: Dane, Grant, Iowa, and Richland Counties
Zone 8: Milwaukee, Ozaukee, Washington, and Waukesha Counties
Zone 9: Columbia and Sauk Counties
Zone 10: Ashland, Bayfield, Douglas, and Iron Counties
Zone 11: Dodge and Jefferson Counties

CARPENTERS; PILEDRIVERMEN:
Zone 1: Ashland, Bayfield, and Iron Counties
Zone 2: Barron, Burnett, Buffalo, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk, Rusk, St. Croix, Sawyer, Taylor, and Washburn Counties
Zone 3: Brown, Calumet, Door, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago Counties
Zone 4: Green, Rock, and Walworth Counties
Zone 5: Kenosha County
Zone 6: Jackson, La Crosse, Monroe, Trempealeau, and Vernon Counties
Zone 7: Adams, Columbia, Crawford, Dane, Dodge, Grant, Iowa, Jefferson, Juneau, Lafayette, Richland, and Sauk Counties
Zone 8: Florence County
Zone 9: Milwaukee, Ozaukee, Washington, and Waukesha Counties
Zone 10: Racine County
Zone 11: Douglas County
Zone 12: Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Vilas, and Wood Counties

ZONE DESCRIPTIONS (Cont'd)

CEMENT MASONS:
Zone 1: Bayfield, Douglas, Price, Sawyer, and Washburn Counties
Zone 2: Barron, Burnett, Chippewa, Dunn, Polk, Rusk, and St. Croix Counties
Zone 3: Adams, Clark, Forest, Langlade, Lincoln, Marathon, Menominee, Oneida, Portage, Taylor, Vilas, and Wood Counties
Zone 4: Eau Claire, Pepin, and Pierce Counties
Zone 5: Brown, Calumet, Door, Florence, Fond Du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Oconto, Outagamie, Shawano, Sheboygan, Waupaca, Waushara, and Winnebago Counties
Zone 6: Buffalo, Crawford, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau, and Vernon Counties
Zone 7: Racine and Kenosha Counties
Zone 8: Dodge and Jefferson Counties
Zone 9: Columbia and Sauk Counties
Zone 10: Milwaukee, Ozaukee, Washington, and Waukesha Counties
Zone 11: Dane, Green, Iowa, Lafayette, and Rock Counties
Zone 12: Grant County
Zone 13: Walworth County
Zone 14: Ashland and Iron Counties

ELECTRICIANS:
Zone 1: Calumet, Green Lake, Marquette, Outagamie, Waupaca, Waushara, and Winnebago Counties
Zone 2: Barron, Buffalo, Burnett, Chippewa, Clark, Dunn, Eau Claire, Jackson, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Taylor, Trempealeau, and Washburn Counties
Zone 3: Brown, Door, Kewaunee, Manitowoc, and Oconto Counties
Zone 4: Adams, Florence, Forest, Juneau, Langlade, Lincoln, Marathon, Marinette, Menominee, Oneida, Portage, Shawano, Vilas, and Wood Counties
Zone 5: Kenosha County
Zone 6: Crawford, Grant, La Crosse, Monroe, Richland, and Vernon Counties
Zone 7: Green, Jefferson, Lafayette, Rock, and Walworth Counties
Zone 8: Columbia, Dane, Dodge, Iowa, and Sauk Counties
Zone 9: Fond Du Lac and Sheboygan Counties
Zone 10: Ashland, Bayfield, Douglas, and Iron Counties
Zone 11: Racine County
Zone 12: Milwaukee, Ozaukee, Washington, and Waukesha Counties

IRONWORKERS:
Zone 1: Grant County
Zone 2: Ashland, Barron, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Vilas, and Washburn Counties
Zone 3: Adams, Clark, Columbia, Crawford, Dane, Dodge, Florence, Fond Du Lac, Forest, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, La Crosse, Lafayette, Langlade, Lincoln, Marquette, Marathon, Menominee, Monroe, Oconto, Oneida, Outagamie, Portage, Richland, Rock, Sauk, Shawano, Taylor, Vernon, Walworth, Waupaca, Waushara, Winnebago, and Wood Counties
Zone 4: Brown, Calumet, Door, Kenosha, Kewanee, Marinette, Manitowoc, Milwaukee, Ozaukee, Racine, Sheboygan, Washington, and Waukesha Counties
Zone 5: Buffalo, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, St. Croix, and Trempealeau Counties

ZONE DESCRIPTIONS (Cont'd)

PAINTERS:
Zone 1: Florence, Forest, Iron, Langlade, Lincoln, Marathon, Menominee, Oneida, and Vilas Counties
Zone 2: Barron, Buffalo, Chippewa, Dunn, Eau Claire, Pepin, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Trempealeau, and Washburn Counties
Zone 3: Brown, Door, Kewaunee, and Oconto Counties
Zone 4: Kenosha and Walworth Counties
Zone 5: Adams, Clark, Crawford, Jackson, Juneau, La Crosse, Monroe, Portage, Vernon, Taylor, and Wood Counties
Zone 6: Ashland, Bayfield, Burnett, and Douglas Counties
Zone 7: Columbia, Dane, Dodge, Grant, Green, Iowa, Layafette, Richland, Rock, and Sauk Counties
Zone 8: Calumet and Manitowoc Counties
Zone 9: Marinette County
Zone 10: Jefferson, Milwaukee, Ozaukee, Washington, and Waukesha Counties
Zone 11: Fond Du Lac, Green Lake, Marquette, Outagamie, Shawano, Waushara, Waupaca, and Winnebago Counties
Zone 12: Racine County
Zone 13: Sheboygan County

LABORERS:
Zone 1: Milwaukee and Waukesha Counties
Zone 2: Racine County
Zone 3: Kenosha County
Zone 4: Dane County
Zone 5: Washington and Ozaukee Counties
Zone 6: Remainder of State

TRUCK DRIVERS:
Zone 1: Entire State except those Counties in Zones 2 and 3
Zone 2: Milwaukee, Ozaukee, Washington, and Waukesha Counties
Zone 3: Racine and Kenosha Counties

LABORERS CLASSIFICATIONS
ZONES 1, 2, and 3

Group 1: Bituminous Workers (Shoveler, Loader, Utility Man); Demolition and Wrecking Laborer; Guard Rail Builder; Reinforcing Steel Setter (pavement); Stone Handler; Tree Trimmer; Landscaper; Multiplate Culvert Assembler; Conduit Layer; Unskilled Laborer

Group 2: Bituminous Workers (Dumper, Ironer, Smoother, Tamper); Batch Truck Dumper or Cement Handler; Concrete Handler

Group 3: Chain Saw Operator; Demolition Burning Torch Laborer; Joint Sawer and Filler (pavement); Vibrator or Tamper Operator (mechanical, hand operated)

LABORERS CLASSIFICATIONS - ZONES 1, 2, and 3 (Cont'd)

Group 4: Air Tool Operator (hand operated)

Group 5: Strike Off Man

Group 6: Form Setter (curb, walk and pavement)

Group 7: Bituminous Worker (Raker and Luteman)

Group 8: Powderman, Blaster

ZONES 4 and 6

Group 1: Bituminous Workers (Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man); Strike Off Man; Joint Sawer and Filler (pavement); Concrete Handler; Demolition and Wrecking Laborer; Guard Rail Builder; Reinforcing Steel Setter (pavement); Stone Handler; Landscaper; Multiplate Culvert Assembler; Conduit Layer; Unskilled Laborer

Group 2: Tree Trimmer

Group 3: Air Tool Operator (Hand Operated); Vibrator or Tamper Operator, Mechanical (hand Operated); Batch Truck Dumper or Cement Handler

Group 4: Chain Saw Operator; Demolition Burning Torch Laborer; Form Setter (curb, walk and pavement)

Group 5: Powderman, Blaster

Group 6: Bituminous Worker (Raker, Luteman)

ZONE 5

Group 1: Bituminous Workers (Dumper, Ironer, Smoother, Tamper, Shoveler, Loader, Utility Man); Concrete Handler; Conduit Layer; Demolition and Wrecking Laborer; Guard Rail Builder; Joint Sawer and Filler (pavement); Landscaper; Multiplate Culvert Assembler; Reinforcing Steel Setter (pavement); Stone Handler; Strike Off Man; Unskilled Laborer

Group 2: Tree Trimmer

Group 3: Air Tool Operator (hand operated); Batch Truck Dumper or Cement Handler; Vibrator or Tamper Operator, mechanical (hand operated)

Group 4: Chain Saw Operator; Demolition Burning Torch Laborer; Formsetter (curb, walk and pavement)

Group 5: Blaster, Powderman

Group 6: Bituminous Workers (Raker, Luteman)

POWER EQUIPMENT OPERATORS

Group 1: Automatic Subgrader; Bituminous Paver or Plant; Central Concrete Plant; Concrete Breaker (heavy); Concrete Mixer-Paver; Crane; Derrick; Dragline; Dredge; Excavator (Side Boom); Grader; Loading Machine (Conveyor); Mechanic or Welder (heavy duty equipment); Milling Machine; Percussion or Rotary Drilling Machine; Pile Driver; Placer-Spreader; Power Shovel; Screed (Bituminous Paver); Slipform Paver; Stabilizing Mixer (self-propelled); Steel Roller (over 5 tons); Tractor (Scraper, Dozer, Pusher, Loader, Endloader, Backhoe); Trench Machine Tube Finisher

Group 2: Concrete Mixer (less than 21 C.F.); Concrete Pump; Steel Roller (5 tons or less)

Group 3: Shouldering Machine

Group 4: Concrete Breaker (light); Concrete Spreader; Curing Machine; Finishing Machine; Launch; Mechanical Float; Roller (Pneumatic tired self-propelled); Subgrader (Form Paving); Tractor (light equipment); Tractor (towing Compactors and light equipment)

Group 5: Fireman; Environmental Burner

Group 6: Air Compressor; Curb Machine; Drilling or Boring Machine (heavy); Generator; Greaser (heavy equipment); Stump Chipper; Tank Car Heater

Group 7: Crusher or Screening Plant; Screed (Milling Machine)

Group 8: Oiler; Percussion or Rotary Drilling Machine Helper; Pump (over 3 inches)

TRUCK DRIVERS

Group 1: Truck Drivers, 2 axle; Mechanics Helper, Truck

Group 2: Truck Drivers 3 or more axles; Euclids or Dumptor units; Mechanics

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii))

[FR Doc. 83-4090 Filed 2-17-83; 8:45 am]
BILLING CODE 4510-27-C

federal register

Friday
February 18, 1983

Part III

Environmental Protection Agency

Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-2260-2a]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Emission Standards for 1984 Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rules.

SUMMARY: This action implements section 206(f)(1) of the Clean Air Act, as amended, which requires that 1984 and later model year light-duty vehicles (LDVs) comply with the national emission standards of section 202 regardless of the altitude at which they are sold. More specifically, the statute requires that, beginning in 1984, every vehicle sold in the nation must be equipped with suitable emission control hardware which will *automatically* reduce emissions of hydrocarbon (HC), carbon monoxide (CO), nitrogen oxides (NOx), evaporative HC, and diesel particulate to the requisite levels at both low and high altitudes.

This interim final rule affects 1984 model year LDVs only. Elsewhere in this **Federal Register**, similar provisions are proposed for 1985 and later model year LDVs (Part III of this issue).

Under the rule, certification to the applicable standards is specifically required by all LDVs at both a low- and high-altitude location. The present (1982–83) certification provisions for determining compliance with emission standards at high altitude is being extended for 1984 LDVs. The current low-altitude certification protocols are essentially unaffected by this action. Also, certain low-power vehicles may be exempted from the high-altitude requirements since they are not typically sold at high altitude.

The new program, if continued for 1985 and later years, is expected to provide up to a 3 percent greater improvement in the ambient air quality of high-altitude urban areas than would result from a continuation of the numerically less stringent (i.e., proportional) standards of the 1982–83 high-altitude program. The program is also expected to add about $13–16 to the purchase price of the average vehicle sold nationwide.

DATES: These regulations are effective as of March 21, 1983. EPA will, however, consider comments on this rulemaking which are received within 30 days of the publication of this notice. Comments should be submitted to Public Docket No. A–80–1 at the address provided below.

Note.—Under section 307(b)(1) of the Clean Air Act, EPA hereby finds that these regulations are of national applicability. Accordingly, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

ADDRESSES: Copies of the material relevent to this rulemaking are contained in Public Docket No. A–80–1 at the U.S. Environmental Protection Agency, Central Docket Section. The docket is located in West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. A reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, (313) 668–4390.

SUPPLEMENTARY INFORMATION: OMB Control Number 2000–0390.

I. Background

A. Need for High-Altitude LDV Standards

EPA has found that light-duty motor vehicles which demonstrate compliance with only low-altitude emission standards generally produce about 50 percent more exhaust hydrocarbons (HC) and 100 percent more carbon monoxide (CO) when tested at 5,300 feet above sea level.[1] Also, in most high-altitude urban areas, motor vehicles account for more than half of the total HC emissions and almost all of the CO emissions. The HC emissions in the presence of summer sunlight contribute to numerous violations of the National Ambient Air Quality Standard (NAAQS) for ozone in high-altitude metropolitan areas. Similarly, CO emissions in stable winter atmospheric conditions cause numerous violations of the NAAQS for CO. Although progress is being made in reducing the severity of air pollution episodes in these metropolitan areas, specifically controlling emissions from high-altitude motor vehicles is needed to help assure that the NAAQS for ozone and CO are attained and maintained in the future.

B. Current High-Altitude Program

Currently, EPA regulates the gaseous emissions from 1982–83 light-duty vehicles (LDVs) sold for principal use above 4,000 feet in designated high-altitude locations (45 FR 66984). These emission control regulations were promulgated under the Agency's general authority under section 202(a)(1), (2) of the Clean Air Act (the Act), and are consistent with the guidelines established by Congress for such standards in section 202(f) of the Act.

More specifically, the 1982–83 standards generally require the same percentage reduction in emissions from uncontrolled vehicles at high altitude as that achieved by their counterpart vehicles at low altitude. The result is that high-altitude standards are generally numerically higher than the corresponding low-altitude standards. Also, vehicles may be modified prior to being sold, if necessary, to comply with these standards. The current program also provides exemptions from the high-altitude requirements for certain low-power vehicles which are not normally sold at high altitude. Such exempted vehicles may be sold at low altitude but not at high altitude.

C. Statutory Provisions

For 1984 and later model years, Congress mandated more stringent high-altitude emission controls than were adopted by EPA for the 1982–83 model years. This statutory requirement is contained in section 206(f)(1) of the Act and requires that, beginning in 1984, all light-duty vehicles must meet the applicable emission standards contained in section 202 regardless of the altitude at which they are sold. More specifically, every 1984 and later LDV in the nation must be equipped with self-actuating emission control hardware to achieve standards with the same numerical values *automatically* at both low and high altitude.[2]

In section 206(f)(1) of the Act, Congress clearly intended to bring the benefits of national emission standards to high-altitude areas, and to ensure that

[1] For most conventional vehicles, the amount of fuel metered by the fuel system is dependent on the volume of air entering the combustion chamber. As altitude increases, the same amount of fuel is metered, but the corresponding volume of air which enters the chamber contains less oxygen to support combustion. As a result, the fuel is less completely burned, and HC and CO emissions increase.

[2] Although this rulemaking action implements the statutory high-altitude program in the most reasonable manner possible, EPA continues to believe this Congressional requirement is more burdensome and costly than necessary. There appears to be less expensive alternatives which adequately meet the needs of high-altitude residents. However, it is impossible to implement any of these alternatives without amending the Act.

vehicle models offered for sale in low-altitude areas would be available at higher elevations. Although this requirement may seem straightforward and would become effective even in the absence of implementing regulations, it is in actuality quite complex. Therefore, it is unlikely that all manufacturers would interpret the statutory requirement in the same way. For this reason, EPA is implementing this section of the Act by regulation. These regulations will provide a uniform set of more detailed requirements for all LDV manufacturers and will ensure that the intent of Congress is achieved in an equitable manner. The specific components of this rulemaking are discussed in the following section.

II. Components of the Rule

A. Standards

As previously stated, Congress mandated in section 206(f)(1) that all 1984 and later LDVs must comply with the applicable national emission standards at both low and high altitude. Therefore, emission standards are numerically identical regardless of elevation. The emission standards which are effective for 1984 and later LDVs (these standards were previously effective for only low-altitude vehicles) are summarized in Table 1.

TABLE 1.—EMISSION STANDARDS FOR 1984 AND LATER LIGHT-DUTY VEHICLES

Model	HC[1]	CO[1]	NOx[1]	Evap HC[2]	Part[1,3]
1984	0.41	3.4	1.0	2.0	0.6
1985 and later	0.41	3.4	1.0	2.0	0.2

[1] Grams/mile.
[2] Grams/test.
[3] Only applies to diesel-powered LDVs.

B. Certification Requirements

This rulemaking establishes certification protocols that implement a high-altitude emission control program that is both practical and responsive to the Congressional mandate contained in section 206(f)(1) of the Act. It is important to note that the Agency has carefully designed the all-altitude certification program to complement the already established low- and high-altitude certification protocols. This avoids introducing significant changes which are not necessary into either certification procedure and allows vehicle certification to proceed as normally as possible.

There are essentially four parts to the new requirements: (1) The overall emission control strategy, (2) the altitudes at which compliance demonstration is specifically required, (3) the procedure to be used for demonstrating compliance, and (4) exemptions from the high-altitude requirements. Each of these parts is discussed separately below.

1. *Overall Emission Control Strategy.* In accordance with the statutory requirement that all vehicles must be capable of meeting the applicable standards regardless of elevation, this interim final rule requires that every LDV sold in the nation must be capable of *automatically* controlling emissions to the appropriate levels at both low and high altitude, unless otherwise exempted as discussed below. For simplicity, this philosophy of control is termed a "one-car" strategy since each non-exempted vehicle must comply at both low and high altitude. Accordingly, the special modification of vehicles sold in high-altitude areas, as is currently allowed under the 1982–83 regulations, is not allowed under the Clean Air Act for 1984 and beyond.

2. *Certification Altitudes.* Section 206(f)(1) states that vehicles should meet the national emission standards regardless of where they are sold, but does not specifically identify the altitudes at which certification should be required. While it is possible to interpret the language of this section to require a demonstration of compliance at every elevation, EPA has concluded that this is neither practical nor compelled by the legislative history of the 1977 Amendments to the Clean Air Act. For Example, the Senate Committee Report[3] states that "The committee's intent is to require certification compliance only at a high altitude specified by regulation (presumably 4,000 feet), not at all possible higher altitudes at which a car may be driven."

This rule follows this approach by requiring that compliance be demonstrated at a single low-altitude location (as is currently required) and at a single high-altitude location. (For simplicity, this is refered to as "two-point" certification.) The high-altitude certification point is specified as 5,300 feet to correspond to the elevation at which emission test facilities already exist (Denver, Colorado). However, many high-altitude areas with significant air pollution problems are located below 5,300 feet. The lowest is Salt Lake City, which has an elevation of 4,260 feet. Since EPA is only requiring certification at sea level and 5,300 feet, it is possible that some manufacturers may use a one-step, pressure-sensing device which would automatically set the proper high-altitude calibration (no manual devices may be used) at some elevation below 5,300 feet but above 4,260 feet. This would reduce the benefit of this program for areas such as Salt Lake City. It would also be inconsistent with the previously stated Senate Committee's desire to have emission controls functioning at a certification altitude of " * * " presumably 4,000 feet * * *." Thus, EPA will require that any one-step, high-altitude control must automatically actuate below 4,000 feet. The Agency will make this determination on a case-by-case basis, since any such auxillary emission control device is already required to be fully described in the manufacturer's application for certification. With this requirement, two-point certification responds directly to the intent of Congress, since emissions are controlled in both low-altitude locations and high-altitude locations with significant air quality problems.

As alluded to previously, EPA considered, but rejected, a different interpretation of section 206(f) that would require emission control systems to compensate for *any* change in altitude, including elevations above 5,300 feet. This is certainly a possible reading of the statutory requirement. Nonetheless, given two plausible interpretations of the provision, EPA may reasonably choose the one that best implements Congressional intent and policy objectives. Requiring that vehicles compensate for subtle changes in altitude would add significantly to the cost of these regulations. Such an interpretation could require complex electronic controls or expensive trubochargers on many vehicles sold nationwide. Moreover, this costly approach would result in no additional air quality benefits for the high-altitude areas with air quality problems that Congress sought to protect by enacting section 206(f), since under either approach vehicles will have to meet statutory standards at those altitudes. Accordingly, EPA favored the view of the statute that satisfies Congressional objectives without placing unwarranted and severe burdens on the industry and consumers.

3. *Demonstration of Compliance.* As stated previously, the existing low-altitude certification protocols are essentially unaffected by this all-altitude program. Hence, compliance at low altitude will continue to be demonstrated using the applicable Federal test procedures.

At high altitude, EPA is continuing the certification provisions contained in the 1982–83 high-altitude regulations. These provisions provide manufacturers with

[3] "Report of the Committee on Environmental and Public Works, U.S. Senate," Report No. 95–127, May 10, 1977, available in EPA Docket No. A–80–1.

the option of either using the applicable Federal test procedures to demonstrate compliance with national emission standards at high altitude, or relying on engineering evaluations to determine compliance at high altitude. This latter certification technique is termed "self-certification," and is being provided to allow the use of more efficient methods for demonstrating compliance.[4]

This program is consistent with the President's goal of minimizing the costs of environmental regulations. Also, although self-certification could theoretically increase the risk of certifying some LDVs that do not comply with high-altitude standards, the nonexempt LDVs will be liable for meeting applicable standards while in-use at high altitude and EPA will also continue its emission factor program of testing in-use vehicles at high altitude. Thus, EPA is confident that this increased risk will not result in any air quality degradation in areas above 4,000 feet.

4. *Exemptions.* Based on the legislative history of section 206(f)(1), Congress apparently intended to make all models that are available at low altitude, available at high altitude. The Agency does not believe, however, that Congress wanted this to occur at the expense of forcing some vehicles off the low-altitude market. Stated more simply, EPA believes that Congress intended that the requirement for 1984 and later LDVs contained in section 206(f)(1) have a neutral effect on both low- and high-altitude automobile markets. Unfortunately, as explained below, without exempting certain vehicles from the high-altitude certification requirements, this will not be the case.

For the low-altitude market to be unaffected, it must be true that manufacturers can and will modify *all* of their normal low-altitude models for all-altitude control. Unfortunately, many low-power, high fuel economy vehicles normally marketed at low altitude would have significantly degraded acceleration performance when required to meet the high-altitude requirements and would, therefore, potentially become unsafe when sold and driven at higher elevations.[5] This would be possible because the requisite emission control techniques for all-altitude control for these vehicles would further reduce their performance at high altitude, as documented in EPA's High-Altitude Report to Congress.[6] Given this, manufacturers may decide to certify these high fuel-economy vehicles at high altitude but not offer them for sale, or more likely take them off both markets rather than possibly sell such poor performing vehicles at high altitude. In the first case, this would reduce model availability at high altitude and unnecessarily increase the cost of vehicles at low altitude. In the second case, it would reduce model availability at all altitudes and could have a serious impact on national fuel economy. In neither case would high-altitude air quality nor vehicle availability be improved. In essence, then, there is clearly no benefit to requiring that these vehicles be certified at both low and high altitudes because such a requirement will not only result in a high-altitude penalty, but in a nationwide penalty as well.

It is unlikely that Congress foresaw that strict application of section 206(f) could in fact frustrate the express goals of the provision. The serious impacts that would result from requiring every vehicle to be certified at both low and high altitudes is certainly contrary to Congress' desires to protect model availability at high altitude and to maximize national fuel economy. Additionally, permitting exemptions is not at odds with the statute. The Act requires that LDVs meet applicable standards regardless of the altitude at which they are sold and this rule prohibits the sale of exempted vehicles in high-altitude areas since such vehicles do not comply with the standards at high altitude. (These areas are defined in the current high-altitude regulations.) For these reasons, EPA finds that allowing exemptions from the high-altitude certification requirements for certain low-power vehicles is both proper and necessary.

The exemption provisions contained in this interim final rule use well-known vehicle design parameters or performance measurements to determine which low-power vehicles should have unacceptable performance at higher elevations. If a manufacturer finds it necessary to exempt a particular vehicle from the high-altitude certification requirements based on the performance criteria contained in the regulations, then that particular vehicle may not be marketed in designated high-altitude locations. (These areas are specified in the regulations, and lie above 4,000 feet.) Accordingly, the availability of exemptions will have no adverse effect on air quality in high-altitude areas.

The exemption criteria contained in this action are nearly identical to those included in the 1982–83 high-altitude LDV regulations with two minor differences. First, it was recently brought to EPA's attention that although the performance model used in the 1982–83 performance exemption provision generally is satisfactory, the model could be improved somewhat by simply changing one of the design parameters to reflect a vehicle's maximum power more accurately. Currently, maximum power is assumed to be accurately described by engine displacement. While this is generally true, the analogy is less accurate when gasoline-fueled vehicles, diesel-powered vehicles, and turbocharged versions of these vehicles are evaluated collectively in the performance model, as is presently the case. The various engines used in these vehicles all exhibit different horsepower ratings per unit of displacement. Because of this, some vehicles may not be eligible for exemption when indeed they should be. Therefore, EPA is offering manufacturers the option of using either: (1) The current exemption procedure, which includes the displacement parameter, or (2) a modified form of the current procedure, in which rated horsepower is substituted for displacement. A manufacturer may use only one of the two options in any single model year, however, to avoid the potential of permitting more exemptions than may actually be necessary based on these general models of performance.

Second, in reviewing the need to revise the performance exemption scheme for 1984 and later, EPA also found that even in its modified form, neither of the above performance models will always identify vehicles with unacceptable driveability at high altitude which should be eligible for exemption if the manufacturer should so choose. This is especially apparent if a vehicle with unacceptable performance would be eligible for exemption under one of the options, but cannot in fact be exempted because of the limitation on using one exemption option in any model year.

To deal with these instances, EPA is implementing a test procedure with which a manufacturer can actually measure the acceleration performance of a vehicle to determine if it is eligible for exemption. Under the test procedure, any vehicle with poorer performance (i.e., longer acceleration time) at high altitude than the manufacturer's worst performing vehicle at low altitude can be exempted. This test procedure may

[4] Self-certification was first established for 1982–83 model year vehicles at high altitude (46 FR 23053). The reader should refer to that reference for additional detail.

[5] When a vehicle is driven at higher elevations, the air it consumes is less dense due to its lower atmospheric pressure. As the air becomes less dense, less oxygen is available in a given volume of air to combine with fuel and produce power.

[6] Available for review in EPA Docket No. A–80–1.

be used in conjunction with either of the performance models described previously.

Under the current 1982–83 exemption provisions, manufacturers exempted about 4 percent of their total projected high-altitude LDV sales. Since the standards contained in this interim rule are more stringent than the 1982–83 high-altitude standards, the number of exemptions could increase somewhat for 1984. Based on experience with the current program, however, the Agency believes that the number of projected sales which manufacturers will exempt in the 1984 model year should not be much greater than about 5 percent of total high-altitude sales, even with the changes in the performance exemption procedures.[7]

The Agency is also establishing an additional requirement as part of the exemption procedure for 1984, which was not part of the 1982–83 provision, to ensure that all models certified for sale at low altitude are also certified for sale at higher elevations. Specifically, as a condition for exempting a particular vehicle, the manufacturer is required to certify for sale at both low and high altitude at least one version of that vehicle's "model type."[8] Additionally, for those model types with manual transmissions, the manufacturer must certify, at both altitudes, at least one version of each transmission configuration (excluding differences due to the presence of overdrive).[9] Even with these additional model type requirements, a manufacturer will have enough flexibility to design a vehicle configuration of the exempted model with acceptable performance at high altitude, while still meeting the applicable emission standards.

Even though a manufacturer could certify one configuration of a model type and then not sell that vehicle at high altitude, EPA believes that the expenditure of resources to develop and certify such a vehicle will result in it being offered for sale in high-altitude areas. As a practical matter, therefore, this additional requirement should make all of the "models" available to high-altitude dealers that are available at low altitude, with only certain configurations of each model being unavailable.

[7] "High-Altitude Sales Exemptions for Light-Duty Vehicles and Light-Duty Trucks," available for review in EPA Docket No. A–80–1, U.S. EPA, OANR, OMS, ECTD/SDSB, October 1982.

[8] As defined in 40 CFR Part 86.078–2, a model type is basically a unique combination of car line, basic engine, and transmission class.

[9] As defined in 40 CFR Part 86.078–2, and for the purposes of this regulation, a transmission configuration is basically the number of forward gears.

III. Issues Affecting the Rulemaking

A. *Technical Feasibility*

The Act does not require that EPA find the requirements of section 206(f)(1) to be technically feasible, since Congress mandated the implementation of this section. In any event, the requirements established by this interim final rule are technically feasible. This determination is based on the detailed analyses of various high-altitude control scenarios contained in the High-Altitude Report to Congress[6]. Specifically, the Agency expects that manufacturers will generally equip non-electronically controlled LDVs, i.e., those that are not computer controlled, with pressure-sensing devices (aneroids) to change engine calibrations automatically in response to changes in elevation. Electronically controlled LDVs, which would already have some capability to respond to changes in elevation, will generally require an expansion of their electronic capabilities and the addition of pressure-sensing devices (manifold absolute pressure sensors and aneroids) in order to achieve the applicable standards at both low and high altitudes. In most cases, the Agency expects that diesel-powered LDVs will not require any emission control hardware to comply with the applicable particulate standards at high altitude beyond that necessary for HC control, as described above.

B. *Economic Impact*

Based on the emission control hardware described above and on the detailed analyses contained in the High-Altitude Report to Congress[6], EPA estimates that by adopting these rules for 1984 and later LDVs, the purchase price of the average LDV sold nationwide will increase by about $13–$16, or 0.12–0.15 percent. From a national perspective, the aggregate 5–year cost of this mandated emission control program is estimated at $263–$325 million (expressed in 1981 dollars discounted at 10 percent per annum to 1984).

C. *Environmental Impact*

This mandated emission control program should not affect the emissions from LDVs at low altitude. At high altitude, however, an environmental benefit will occur (refer to the High-Altitude Report to Congress[6] for details). By adopting these regulations for 1984 and later LDVs, emissions of HC and CO at high altitude will be reduced by 9 percent and 31 percent, respectively, beyond that which would have resulted from a continuation of the 1982–83 program. These emission reductions will reduce ozone levels in high-altitude urban areas by up to 1 percent, while CO levels in these areas will be reduced by up to 3 percent. The particulate emissions from diesel-powered LDVs sold and driven at high altitude will also be reduced. However, this reduction could not be quantified due to lack of data on the particulate emissions of high-altitude vehicles.

D. *Leadtime*

The statutory requirements contained in section 206(f)(1) would be effective beginning in the 1984 model year regardless of whether or not EPA issued implementing regulations, and the Agency is aware that manufacturers have already begun development programs to respond to the Congressional requirement. The issuance of these regulations serves more to clarify the specific requirements of section 206(f)(1), ensuring that all manufacturers are operating under the same set of requirements. Since the program contained in this action is consistent with Congressional intent and implements the statutory requirements in a practical and reasonable manner, there should certainly be adequate time available for manufacturers to adjust the high-altitude control strategy they had presumed would be required to the details of these regulations.

E. *Selective Enforcement Auditing (SEA)*

The Agency is continuing its policy of forgoing SEA testing at high-altitude locations. Therefore, when EPA conducts an SEA of an "all-altitude" configuration, i.e., a vehicle that has been certified at both low and high altitudes, the Agency will require testing only under low-altitude conditions. If EPA subsequently revokes or suspends a certificate of conformity as a result of this testing, such revocation or suspension will apply to that vehicle configuration regardless of the altitude at which it might be sold or used.

When a manufacturer has been granted a performance exemption for a configuration designed principally for use at low altitude, EPA will require SEA testing only under low-altitude conditions. However, in addition to satisfying SEA requirements, each exempted configuration must have certified at least one corresponding all-altitude configuration of the same model type. Thus, revocation or suspension of a certificate of conformity by the Administrator for an all-altitude configuration will result in suspension of the certificate of conformity for any

corresponding exempted configuration of the same model type, unless another corresponding all-altitude configuration remains covered by the certificate.

Legal Authority: Statutory authority for this interim final rule is provided by sections 206(f)(1) and 301(a) of the Clean Air Act [42 U.S.C. 7525 and 7601]. Section 206(f)(1) of the Act provides that "[a]11 light-duty vehicles and engines manufactured during or after model year 1984 shall comply with the requirements of section 202 of this Act regardless of the altitude at which they are sold." Section 301(a) provides, in part, that "the Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this Act."

Public Participation: This rule is, in principal part, an interpretive rule providing the Agency's view of the proper reading of section 206(f)(1). Therefore, those portions of the rule do not need to be proposed prior to promulgation. To the extent that other provisions in the rules are not merely interpretive, the Agency finds that good cause exists for omitting as unnecessary, impracticable, and contrary to the public interest a notice of proposed rulemaking. This finding is based on the fact that these rules implement a statutory requirement that would become effective even in the absence of these regulations. Therefore, this action essentially does not implement any new requirement, but merely provides a uniform set of guidelines which are consistent with the existing statute.

It is also essential that these rules be promulgated via an interim final rulemaking so that manufacturers will have adequate time to certify and produce vehicles for the 1984 model year. There is simply not enough leadtime available for issuing a notice of proposed rulemaking for the 1984 model year prior to publishing final rules, without seriously disrupting the production schedules which many manufacturers are irreversibly committed to. Such a disruption could seriously affect the economic health of the entire industry. Issuing these rules for the 1984 model year via an interim final rulemaking should avoid such a serious problem. Elsewhere in today's Federal Register, EPA is proposing and soliciting comments on extending these provisions to the 1985 and later model years, although as explained above, notice and comment on the interpretive portions of the rules are not required.

The Agency will consider comments on all aspects of this rule which are received within 30 days after publication of this notice. If, as a result of these comments, amendments to the regulations are needed, EPA will initiate the rulemaking process to implement the appropriate changes.

Please submit written comments to: United States Environmental Protection Agency, Central Docket Section (A–130), Attn: Docket No. A–80–1, Waterside Mall, West Tower Lobby, Gallery I, 401 M Street SW., Washington, D.C. 20460.

The docket may be inspected between 8:00 a.m. and 4:00 p.m., Monday through Friday. A reasonable fee may be charged for copying service.

Administrative Designation: Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it has an annual effect on the economy of less than $100 million and it involves no significant adverse effect on competition, productivity, investment, employment, or innovation.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

Effect on Small Entities: The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires that EPA certify that its regulations do not have a significant impact on a substantial number of small entities. Small entities potentially affected by this regulation include the automobile dealerships selling LDVs throughout the nation. These dealerships could potentially be adversely affected in two ways. One, the price of a LDV could increase to the point of reducing sales. Two, the availability of certain vehicle configurations could be eliminated, again reducing sales.

EPA has designed these regulations to ensure that neither situation occurs. The cost of these regulations has already been described and should not adversely affect sales to any significant degree. Also, the existence of the performance-based exemption and the associated requirement to certify at least one "model type" for the high-altitude market should maximize model availability at all elevations. Therefore, I certify that this regulation does not have any significant impact on small entities.

Impacts on Reporting Requirements: Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 U.S.C. 3501 et seq., and have been assigned OMB control number 2000–0390.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: February 9, 1983.

Anne M. Gorsuch,

Administrator.

PART 86—[AMENDED]

For the reasons set forth in the preamble, Part 86 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. A new § 86.084–8 is added to read as follows:

§ 86.084–8 Emission standards for 1984 and later model year light-duty vehicles.

(a)(1) Exhaust emissions from 1984 and later model year light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 0.41 gram per vehicle mile (0.255 gram per vehicle kilometer);

(ii) *Carbon monoxide.* 3.4 grams per vehicle mile (2.11 grams per vehicle kilometer);

(iii) *Oxides of nitrogen.* 1.0 gram per vehicle mile (0.62 gram per vehicle kilometer) except that oxides of nitrogen emissions from light-duty diesel vehicles of the following 1984 model year engine families shall not exceed the prescribed levels:

Manufacturer	Engine family	Standard (gpm)
General Motors Corp.	5.7 liter (L)	1.5
	1.8L	1.5
	4.3L	1.5
	EF–C	1.5
BL Cars, Ltd.	2.4L–TC	1.5
	3.6L–TC	1.5
Daimler-Benz	2.4L	1.25
	2.0L	1.5
	3.0L-turbocharged (TC)	1.5
AB Volvo	2.4L naturally aspirated (NA).	1.5
	2.4L turbocharged (TC).	1.5
Peugeot	XD2S/XD3S–TC	1.5
	2.3L–NA–XD2C	1.2
	1.9L–NA–XUD9	1.5
Volkswagen AG	1.6L–NA–2250 pound inertia weight class (IW).	1.3
	2.0L–NA	1.5
	1.6L–TC–2250–IW	1.3
	1.6L–TC–2500–IW	1.4
	2.0L–TC	1.5
	1.6L–NA–2750–IW	1.4
	1.6L–NA–2500–IW	1.4
	1.6L–TC–2750–IW	1.4
Nissan Motor Co.	2.8L	1.5
	XM1	1.5
Isuzu Motors, Ltd.	1.8L	1.5
Chrysler Corp.	1.9L–NA	1.5
Ford Motor Co.	2.4L–TC	1.5
BMW	2.4L–TC	1.5
Renault	2.0L	1.5

(iv) *Particulate emissions* (diesels only). 0.60 gram per vehicle mile (0.373 gram per vehicle kilometer).

(2) The standards set forth in paragraph (a)(1) of this section refer to the exhaust emitted over a driving schedule as set forth in Subpart B of this part and measured and calculated in accordance with those procedures.

(b) (1) Fuel evaporative emissions from 1984 and later model year gasoline-fueled light-duty vehicles shall not exceed:

(i) *Hydrocarbons.* 2.0 grams per test.

(2) The standards set forth in paragraph (b) (1) of this section refer to a composite sample of the fuel evaporative emissions collected under the conditions set forth in Subpart B of this part and measured in accordance with those procedures.

(c) No crankcase emissions shall be discharged into the ambient atmosphere from any 1984 and later model year gasoline-fueled light-duty vehicle.

(d) [Reserved]

(e) [Reserved]

(f) [Reserved]

(g) Any 1984 model year light-duty vehicle that a manufacturer wishes to certify for sale shall meet the emission standards under both low- and high-altitude conditions as specified in § 86.082–2, except as provided in paragraph (h) of this section. Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications. Any emission control device used to meet emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

(h) The manufacturer may exempt 1984 model year vehicles from compliance at high altitude with the emission standards set forth in paragraphs (a) and (b) of this section if the vehicles are not intended for sale at high altitude and if the requirements of paragraphs (h) (1) and (2) of the section are met.

(1) A vehicle configuration shall only be considered eligible for exemption if the requirements of either paragraph (h) (1) (i), (ii), or (iii) of this section are met.

(i) Its design parameters (displacement-to-weight ratio (D/W) and engine speed-to-vehicle-speed ratio (N/V)) fall within the exempted range for that manufacturer for that year. The exempted range is determined according to the following procedure:

(A) The manufacturer shall graphically display the D/W and N/V data of all vehicle configurations it will offer for the model year in question. The axis of the abscissa shall be D/W (where (D) is the engine displacement expressed in cubic centimeters and (W) is the equivalent vehicle test weight expressed in pounds), and the axis of the ordinate shall be N/V (where (N) is the crankshaft speed expressed in revolutions per minute and (V) is the vehicle speed expressed in miles per hour). At the manufacturer's option, either the 1:1 transmission gear ratio or the lowest numerical gear ratio available in the transmission will be used to determine N/V. The gear selection must be the same for all N/V data points on the manufacturer's graph. For each transmission/axle ratio combination, only the lowest N/V value shall be used in the graphical display.

(B) The product line is then defined by the equation, $N/V = C(D/W^{-0.9})$, where the constant, C, is determined by the requirement that all the vehicle data points either fall on the line or lie to the upper right of the line as displayed on the graphs.

(C) The exemption line is then defined by the equation, $N/V = C(0.84\ D/W)^{-0.9}$, where the constant, C is the same as that found in paragraph (h)(1)(i)(B) of this section.

(D) The exempted range includes all values of N/V and D/W which simultaneously fall to the lower left of the exemption line as drawn on the graph.

(ii) Its design parameters fall within the alternate exempted range for that manufacturer that year. The alternate exempted range is determined by substituting rated horsepower (hp) for displacement (D) in the exemption procedure described in paragraph (h)(1)(i) of this section and by using the product line $N/V = C(hp/W)^{-0.9}$.

(A) Rated horsepower shall be determined by using the Society of Automotive Engineers Test Procedure, J 245, or any subsequent version of that test procedure.

(B) No exemptions will be allowed under paragraph (h)(1)(ii) of this section to any manufacturer that has exempted vehicle configurations as set forth in paragraph (h)(1)(i) of this section.

(iii) Its acceleration time (the time it takes a vehicle to accelerate from 0 to 40 miles per hour) under high-altitude conditions is greater than the largest acceleration time under low-altitude conditions for that manufacturer for that year. The procedure to be followed in making this determination is:

(A) The manufacturer shall list the vehicle configuration and acceleration time under low-altitude conditions of that vehicle configuration which has the highest acceleration time under low-altitude conditions of all the vehicle configurations it will offer for the model year in question. The manufacturer shall also submit a description of the methodology used to make this determination.

(B) The manufacturer shall then list the vehicle configurations and acceleration times under high-altitude conditions of all those vehicle configurations which have higher acceleration times under high-altitude conditions than the highest acceleration time at low altitude identified in paragraph (h)(iii)(A) of this section above.

(2) A vehicle shall only be considered eligible for exemption if at least one configuration of its model type (and transmission configuration in the case of vehicles equipped with manual transmissions, excluding differences due to the presence of overdrive) is certified to meet emission standards under low- and high-altitude conditions as specified in paragraphs (a) through (g) of this section. The Certificate of Conformity (the Certificate) covering any exempted configuration(s) of a model type will also apply to the corresponding non-exempt configuration(s) required under this subparagraph. As a condition to the exemption, any suspension, revocation, voiding, or withdrawal of the Certificate as it applies to a non-exempt configuration for any reason will result in a suspension of the Certificate as it applies to the corresponding exempted configuration(s) of that model type, unless there is at least one other corresponding non-exempt configuration of the same model type still covered by the Certificate. The suspension of the Certificate as it applies to the exempted configuration(s) will be terminated when any one of the following occur:

(i) Another corresponding non-exempt configuration(s) receive(s) coverage under the Certificate; or

(ii) Suspension of the Certificate as it applies to the corresponding non-exempt configuration(s) is terminated; or

(iii) The Agency's action(s), with respect to suspension, revocation, or voiding of the Certificate as it applies to the corresponding non-exempt configuration(s), is reversed.

(3) The sale of a vehicle for principal use at a designated high-altitude location that has been exempted as set forth in paragraph (h) of this section will be considered a violation of section 203(a)(1) of the Clean Air Act.

2. Section 86.084–24 is amended by revising paragraphs (b)(1)(v)(B)(*l*) and (b)(1)(viii)(B)(*l*) to read as follows:

§ 86.084–24 Test vehicles and engines.

* * * * *

(b) * * *

(1) * * *

(v) * * *

(B) * * *

(*l*) that all light-duty vehicles not exempt under § 86.084–8(h) comply with the emission standards at high altitude; and

* * * * *

(viii) * * *

(B) * * *

(*l*) that all light-duty vehicles not exempt under § 86.084–8(h) comply with the emission standards at high altitude.

* * * * *

3. Section 86.084–26 is amended by revising paragraphs (a)(3)(i)(B), (a)(3)(i)(C), (a)(3)(ii)(B), and (a)(3)(ii)(C), and by adding paragraphs (a)(3)(i)(D) and (a)(3)(ii)(D), as follows:

§ 86.084–26 Mileage and service accumulation; emission requirements.

* * * * *

(a) * * *

(3) * * *

(i) * * *

* * * * *

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.084–24(b)(1)(v) or (b)(1)(viii) shall be conducted at the mileage at which the engine-system combination is stabilized for emission testing under high-altitude conditions.

(C) Exhaust and evaporative emissions tests for emission-data vehicle(s) selected for testing under § 86.084–24(b)(1) (i), (ii), (iii), (iv), or (vii)(B) shall be conducted at the mileage at which the engine-system combination is stabilized for emission testing under low-altitude conditions.

(D) For each engine family, the manufacturer will select one vehicle previously selected under § 86.084–24(b)(1)(i) through (b)(1)(iv) to be tested under high-altitude conditions. Vehicles shall meet emission standards under both low- and high-altitude conditions without manual adjustments or modifications.

(ii) * * *

* * * * *

(B) Emission tests for emission-data vehicle(s) selected for testing under § 86.084–24(b)(1)(v) shall be conducted at the mileage at which the engine-system combination is stabilized for emission testing under low-altitude conditions.

(C) Exhaust and evaporative emission tests for emission-data vehicle(s) selected for testing under § 86.084–24(b)(1)(i) through (iv) shall be conducted at the mileage at which the engine-system combination is stabilized for emission testing under low-altitude conditions.

(D) For each engine family, the manufacturer will select one vehicle previously selected under § 86.084–24(b)(1)(i) through (b)(1)(iv) to be tested under high-altitude conditions. Vehicles shall meet emission standard under both low-altitude and high-altitude conditions without manual adjustments or modifications. In addition, any emission control device used to conform with the emission standards under high-altitude conditions shall initially actuate (automatically) no higher than 4,000 feet above sea level.

4. Section 86.084–35 is amended by revising paragraphs (a)(1)(iii)(D) and (a)(1)(iii)(F), as follows.

§ 86.084–35 Labeling.

* * * * *

(a) * * *

(1) * * *

(iii) * * *

* * * * *

(D) Engine tune-up specifications and adjustment, as recommended by the manufacturer, including but not limited to idle speed(s), ignition timing, the idle air/fuel mixture setting procedure and value (e.g., idle CO, idle air/fuel ratio, idle speed drop), high idle speed, initial injection timing, and valve lash (as applicable), as well as other parameters deemed necessary by the manufacturer. These specifications should indicate the proper transmission position during tune-up and what accessories (e.g., air conditioner), if any should be in operation.

* * * * *

(F) A statement, if applicable, that the vehicle has been exempted from compliance with the emission standards at high altitude as specified in § 86.084–8(h), that its unsatisfactory performance under high-altitude conditions makes it unsuitable for principal use at high altitude, and as a consequence, the emission performance warranty provisions of 40 CFR Part 85, Subpart V do not apply when the vehicle is tested at high altitude.

* * * * *

[FR Doc. 83-4009 Filed 2-17-83; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS–FRL–2260–2b]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines Emission Standards for 1985 and Later Model Year Light-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation would implement section 206(f)(1) of the Clean Air Act, as amended, for 1985 and later model year light-duty vehicles (LDVs). Under the statute, all 1984 and later model year LDVs must meet the national emission standards, regardless of the altitude at which they are sold. The regulation being proposed here for 1985 and later model years is identical to that being promulgated elsewhere in this **Federal Register** for the 1984 model year [See the preceding document in this Part III of this issue.]. Anyone desiring to review and comment on this proposal should refer to that interim final rulemaking for further information.

DATES: EPA will hold a public hearing on this action in Denver, Colorado, 30 days or more after this Notice of Proposed Rulemaking is published in the **Federal Register**. The public hearing will convene at 9:30 a.m. and adjourn when the business of the hearing has been completed. Written comments will be accepted for a period of 30 days following the close of the hearing. The exact date of the hearing will be announced in a future issue of the **Federal Register**.

ADDRESSES: The exact location of the public hearing will be announced in a future issue of the **Federal Register**. Written comments, other than those submitted directly at the hearing, should be submitted (preferably 4 copies) to: Central Docket Section (A–130), U.S. Environmental Protection Agency, Docket No. A–80–1, 401 M Street, SW., Washington, D.C., 20460. Docket No. A–80–1 is located in the U.S. EPA, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays. As provided in the 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Mr. Richard S. Wilcox, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105 (313) 668–4390.

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000–0390.

I. Public Participation

Any persons desiring to make a statement at the hearings should provide written notice of such intention to the Agency contact indicated above by March 10, 1983. This notice should include an estimate of the length of testimony and any need for audio-visual equipment. If possible, EPA requests that an advance copy of the proposed statement or material be included. The Agency also suggests that approximately 30 copies be brought to the hearings for distribution to the audience.

The record of the hearings will be left open for 30 days following the close of the hearings to allow submission of rebuttal and supplementary information. Any documents submitted during this period should be sent to the EPA central docket section at the address shown above (Docket No. A–80–1). It is also requested, but not required, that a copy of this submittal be sent directly to the Agency contact indicated above.

Commenters desiring to submit proprietary information should segregate that information from other comments to the greatest extent possible, and label it "Confidential Business Information." Submissions containing such proprietary information should be sent directly to the Agency contact indicated above, and not to the Docket, to ensure that proprietary information is not inadvertently placed in the public docket.

Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public without further notice to the commenter.

Mr. Richard D. Wilson is hereby designated as the Presiding Officer of the hearing. The hearing will be conducted informally. Technical rules of evidence will not apply. A written transcript of the hearing will be taken. Anyone desiring to purchase a copy of the transcript should make arrangements individually with the court reporter recording the hearing.

II. Authority

Statutory authority for this proposal is provided by sections 202, 206, and 301 of the Clean Air Act [42 U.S.C. 7521, 7525, and 7601].

Administrative Designation: Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The proposed regulation is not major because it would have an annual effect on the economy of less than $100 million as described elsewhere in this **Federal Register** (preceding document in this Part III), and it would not have any significant adverse effect on competition, productivity, investment, employment, or innovation.

This proposed regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

Effect on Small Entities: The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires that EPA certify that its regulations do not have a significant impact on a substantial number of small entities. Small entities potentially affected by this proposed regulation include the automobile dealerships selling LDVs throughout the nation. These dealerships could potentially be adversely affected in two ways. One, the price of a LDV could increase to the point of reducing sales. Two, the availability of certain vehicle configurations could be eliminated, again reducing sales.

EPA has designed this proposed regulation to ensure that neither situation would occur. The cost of this regulation is described elsewhere in this **Federal Register** (preceding document in this Part III) and should not adversely affect sales to any significant degree. Also, the existence of the performance-based exemption and the associated requirement to certify at least one "model type" for the high-altitude market would maximize model availability at the elevations. Therefore, I certify that this proposed regulation does not have any significant impact on small entities.

Impacts on Reporting Requirements: Information collection requirements contained in this proposed regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 U.S.C. 3501 et seq., and have been assigned OMB Control Number 2000–0390.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: February 9, 1983.

Anne M. Gorsuch,

Administrator.

[FR Doc. 83–4011 Filed 2–17–83; 8:45 am]

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federal register

Friday
February 18, 1983

Part IV

Department of Commerce

National Oceanic and Atmospheric Administration

Guidelines for Fishery Management Plans

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 602

[Docket No. 21130-240]

Guidelines for Fishery Management Plans

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

ACTION: Final rule.

SUMMARY: NOAA is revising the national standard guidelines for fishery conservation and management issued in July 1977 under the Magnuson Fishery Conservation and Management Act (the Act). The seven national standards of the Act represent statutory criteria and principles with which all fishery management plans (FMPs) must be judged consistent by the Secretary of Commerce. The Act requires the Secretary to issue guidelines based on the national standards to assist in the development and review of FMPs, their amendments, and regulations. Review and revision of the 1977 guidelines was needed to update and codify them to reflect current Secretarial interpretations and several years of operational experience in resolving fishery management issues. The guidelines are designed to improve the quality of FMPs by providing clearer, more comprehensive guidance and to produce a more uniform understanding of the Secretary's basis for FMP review and implementation.

DATE: Effective February 18, 1983.

FOR FURTHER INFORMATION CONTACT: Daphne White, Office of Fisheries Management, NMFS, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, telephone (202) 634-7218.

SUPPLEMENTARY INFORMATION:

Background

The guidelines NOAA has revised are currently found at 50 CFR 602.2, published on July 5, 1977, at 42 FR 34458. The Environmental Defense Fund (EDF) petitioned the National Marine Fisheries Service (NMFS) in October 1979 to initiate review and revision of all of Part 602. On February 8, 1980, NMFS granted the petition, in part, and issued an Advance Notice of Proposed Rulemaking (ANPR). The ANPR solicited comments on only those portions of the petition related to the national standards (Section 602.2), and on certain other national standard issues not addressed in the petition for which public comment was also deemed advisable. The ANPR was published at 45 FR 8686.

The major issues identified by the 45 commenters on the ANPR as needing policy clarification included establishment of fishery management objectives and consideration of short- vs. long-term effects of management regimes, and arose from the full range of national standard principles. A series of four regional workshops was held in September 1981, with personnel from NOAA and the Regional Fishery Management Councils, to examine feasibility and to discuss rationale directly with those to be affected. The proposed guidelines—Notice of Proposed Rulemaking (NPR), published on June 23, 1982, at 47 FR 27228—addressed the issues raised as a result of the EDF petition, the ANPR, the workshops, and the written followup comments to the workshops. Excerpts adapted from the NPR preamble and other relevant material providing useful explanatory information are retained as an Appendix to this publication.

Overview of Issues and Rational

Eighteen comments were received from outside NOAA: four Regional Fishery Management Councils (Councils), six State marine resource divisions, three commercial fishing interest associations, one environmental group, and four regional/Federal commissions/agencies. Four Councils wrote to say they had no further comments. Five issue areas continued to provoke serious comment: multi-species management, overfishing, achievement of OY, limited access, and the role of the Councils. The same generalizations may be applied regarding the approach of the commenters to the NPR as were made concerning the public response to the ANPR: industry generally supported flexibility and decentralization of fishery management decisions, while environmentalists favored more centralized direction. Many of the suggested changes were primarily editorial in nature, speaking to the need for clarification or further illustration. In general, NOAA's response was: (a) To maintain policy positions since they had been derived, for the most part, from decisions reflected in approved FMPs and discussed widely at the workshops, (b) to balance opposing points of view, and (c) to clarify the ambiguities. Many of the changes in the final guidelines are, in fact, refinements and clarifications, and as such are not necessarily addressed individually in the body of the comments and response section.

The statutory language of each standard is presented as paragraph (a) under the appropriate section of the guidelines.

Comments and Response

Section 602.2 Style Guide

1. Comment: Three commenters wanted definitions added to this section, to cover "maximum biological yield," "maximum economic yield," and "growth, localized, pulse, and economic" overfishing. The definition of "must" concerned five commenters, with objections centering on including "logical extension" (of the Act), and "national policy."

Response: NOAA did not add any of these definitions; changes were made in the definition of overfishing designed to make the meanings better understood (discussed under 602.11(d)(1)). Explanations of some of the overfishing descriptors are in the Appendix. NOAA retained "logical extension" as the essence of what interpretive guidelines do; every use of the word "must" was reviewed and five were changed. Reference to "national policy" was deleted.

Section 602.10 General

2. Comment: One commenter felt that any discussion of fishery management objectives in the guidelines was inappropriate because objectives are not mentioned in the Act.

Response: 602.10(b) and 602.11(e)(1) were retained because NOAA believes the establishment of objectives is central to the application of the national standards. Management measures cannot be judged except as they are directed to the achievement of an objective; the objectives of each FMP provide the context within which the Secretary judges consistency with the standards, the Act, and other applicable law.

Section 602.11 Standard 1

Overview

All but two of the commenters had things to say about this standard, in 38 separate suggestions. Comments were directed to the specific paragraph headings: (c) MSY, (d) Overfishing, (e) Specification of OY, (f) OY as a target, and (g) OY and foreign fishing. Most of them, however, can be aggregated under the two broad policy categories of the standard: Overfishing and achievement of OY. The comments and responses are grouped under these broader classifications, with appropriate reference to specific individual paragraph headings and numbers as necessary. Many of the comments focused on the need for clarification or

further explanation; all of these were taken into account, and appropriate changes were made but may not be cited individually in the preamble. Some of the commenters questioned NOAA's use of the terms "may," "should," and "must." All of these were reviewed, the usage was reevaluated and appropriate changes were made, but they are likewise not necessarily addressed individually. The preamble discussion centers, rather, on significant areas of disagreement among the commenters themselves, and disagreement of the commenters with NOAA's approach.

Overfishing

3. Comment: Four commenters expressed concern about the phrase "maintain or recover to" in the definition of overfishing (602.11(d)(1)), although from opposite perspectives. Two suggested deleting "maintain or"; two suggested deleting "or recover to." The problem is that using the two verbs together can be interpreted to define two separate stock levels: One, the level at which a stock can no longer produce maximum biological yield (MBY); the other, the level at which a stock can no longer recover to the level where it can produce MBY. The conflicting views of the commenters arise from two related questions: Degree of Council discretion, and degree of stock protection that should be required.

Response: NOAA agrees with the two commenters who favored deleting "maintain or," and believes that this change more clearly reflects the intent of the Act since jeopardizing the capacity of a stock to recover to MBY could be considered akin to the "irreversible damage" referred to in its legislative history. MBY would thus not necessarily be a goal; rather, the goal is the prevention of a stock's reaching a point where recovery to that level is not possible. While NOAA shares the concern of the two other commenters about the potential for targeting fisheries on depleted stocks, it believes that a ban on jeopardizing the capacity to *maintain* a level at which the stock can produce MBY goes beyond the intent of the Act. NOAA believes that, within the "irreversible damage" limits, it is up to the Councils to define allowable levels of impact on depressed stocks. "Capacity" is the operative word. The "buffer in favor of conservation" concept, favored by environmentalists and others concerned with protection of depressed stocks, is not diminished, because under standard 6 it can be factored into an FMP in a variety of different ways.

4. Comment: One organization questioned the legal basis for adding the non-biological factor "or economic value" to the definition of overfishing.

Response: It was added, at the suggestion of previous commenters and as a result of the workshops, because NOAA believes it is an inseparable concept in evaluating the stock level within which a Council might wish to operate. Maximum economic value could be less than MBY, depending on the market product desired. It is the "capacity" to recover to a maximum physical or economic value that is at issue. Both encompass protection from "irreversible damage" to the stock.

5. Comment: Several commenters challenged NOAA's approach to identifying exceptions to the overfishing prohibition in 602.11(d)(1). One organization argued that the guidelines authorize an open-ended array of extra-statutory exceptions to the prohibition, which in the organization's view constitutes a rewriting of the statute. It acknowledged, however, that the Secretary has the authority to define overfishing in a way that recognizes potentially different meanings in different contexts. The objection appeared the focus on the candid acknowledgement that overfishing of minor components may be an inevitable consequence of multi-species management. The organization offered a complicated substitute definition that allows for essentially the same type of overharvest, but places the concept in what it viewed as a more legal context. Another commenter proposed that the emphasis be placed on the overall management unit, obscuring the fact that overfishing may, in fact, occur on minor components. Two commenters were opposed to allowing any exception to the overfishing prohibition.

Response: NOAA did not change the approach. NOAA believes that, as management regimes become more comprehensive, the interrelationships of fishing pressure on target and nontarget (both major and minor) species will have to be addressed more directly. Unlike the first commenter, NOAA believes that an effective way of forcing an evaluation of the risk of overfishing in mixed-species fisheries is to label it as such, despite the appearance of conflict with the statutory language. NOAA disagrees with the second point of view, which could be perceived to lack concern for individual populations within a management unit. NOAA considers the interpretation of the remaining two commenters—that, in general, the guidelines permit overfishing to occur unless a stock is threatened with extinction—to be based on an ambiguity in the order of the section. NOAA made an editorial change in (d)(1) and in the OY analysis section, (e)(5), designed to clear up any ambiguity. A change was made in the OY factors section, (e)(3)(iii), to highlight the vulnerability of incidental or unregulated species.

6. Comment: Two commenters objected strenuously to the statement in 602.11(d)(4) that an FMP must contain measures to reduce fishing mortality unless it can be shown that reduced fishing pressure would not alleviate the problem. (This section discusses changes in environment/habitat conditions producing the appearance of overfishing.)

Response: NOAA changed "most effective management response" to "the only direct control" to make it clearer that, even if fishing pressure were not the cause of the problem, the Act limits the authority of the Councils in addressing the other causes. NOAA did not mean to "lock the fishery management system into regulating unless it can be proved that the regulations are ineffective." NOAA was trying to convey that when a downward trend is obvious, allowing unregulated levels of fishing pressure to continue assumes a greater-than-normal risk of increasing the stress. NOAA also changed "unless it can be shown" to "unless the Council asserts," a change acknowledging that such judgments are based on elusive evidence, at best, but that the national interest compels examination of the issue.

Achievement of OY

7. Comment: Three respondents commented on the relationship between exceeding OY and overfishing as expressed in 602.11(f)(2). The first did not understand how standard 1 could be violated if overfishing does not occur; the second wanted it made clear that exceeding OY was, in fact, overfishing; the third noted that exceeding OY would coincide with overfishing, except in the case of underutilized species or where allocations to users take precedence over conservation objectives.

Response: No change was made. NOAA believes it is important to keep the distinction clear between the two separate parts of standard 1: the directive is to prevent overfishing, and to achieve OY. Earlier working drafts of the guidelines had been organized to reinforce the separation of the two ideas. The proposed rule was reorganized, however, to respond to the direction of the workshop discussion and written comments, such that overfishing became an intrinsic limitation on OY—built into the OY

determination but maintaining a separate identity as a prohibition. For example, exceeding OY does not constitute overfishing when the fishery is not depressed. On the other hand, exceeding OY may constitute overfishing when the margins of tolerance are low. (Buffers to protect against overfishing because of uncertainty in estimating stock size or domestic harvest may be established in the form of reserves or a reduced OY.) Whether exceeding OY is overfishing is a separate issue from continual harvest at a level above a fixed-value OY. The latter violates the other half of the standard (which is to achieve OY), whether or not overfishing is the result.

8. Comment: One commenter proposed language that touched on this question from the OY rather than the overfishing standpoint—add "on a continuing basis" at the end of the second sentence of 602.11(f)(1).

Response: No change was made. NOAA believes that the Act requires an attempt to be made to achieve OY on an annual basis year after year, although it recognizes this won't always happen. NOAA believes that the proposed language obscures the "annual" part of the continuing obligation, and that the change would dilute the strength of (f)(2), where the distinction between exceeding OY and overfishing is described. Standard 1 may be violated from either side of the OY equation—if the level of harvest is continually above, or below, a fixed-value OY.

9. Comment: Several commenters expressed concern about different aspects of constructing multi-species management regimes, indicating that more guidance was needed.

Response: NOAA made several changes that address this problem. In 602.11(c)(1), the MSY section, this sentence was inserted: "One MSY may be specified for a related group of species in a mixed-species fishery." By making this change, NOAA intends to convey that if it is not possible or desirable to specify a separate MSY for each stock in the fishery, it is acceptable to specify one MSY for a group of related species. In 602.11(e)(3)(iii), the ecological factors in determining OY section, NOAA substituted "the vulnerability of incidental or unregulated species in a mixed-species fishery" for "the nature of a mixed-species fishery", and added "or competitive interactions". NOAA also added, at the end of 602.11(e)(4): "In the case of a mixed-species fishery, the incidental species OY may be a function of the directed catch or absorbed into an OY for related species." NOAA believes that these additions clarify and draw attention to the complex decisions that must be faced in multi-species management.

10. Comment: In 602.11(e)(3)(i), the economic factors in determining OY section, one commenter wanted to delete reference to improvement in the U.S. balance of trade as being beyond the scope of Council authority.

Response: NOAA agrees with the commenter, and deleted the reference.

11. Comment: Two commenters wanted to change "must" to "should" in 602.11(e)(4)(iv), the form of OY specification section, each for different reasons. Another wanted to add at the end of the first sentence, "it must be so converted".

Response: Upon reexamination, NOAA found that "must" had been used in this section in a way that was inconsistent with the 602.2 definition. The sentence was accordingly changed to read: "The OY specification can be converted into an annual numerical estimate to establish the TALFF and * * *" The third commenter's suggestion was felt to be unnecessary; in those cases when a TALFF is calculated, it is so converted in the FMP. The language here is meant to be descriptive.

12. Comment: Four commenters raised recurring questions concerning OY and foreign fishing, (section 602.11(g)). Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States (OY minus DAH). Three commenters took exception to the guideline statement that the achievement of OY under standard 1 requires that foreign fishing vessels be given reasonable opportunity to harvest this surplus (called TALFF, the total allowable level of foreign fishing). One commenter wanted further guidance on what conditions or situations would allow Councils to adjust OY so as to minimize or completely prevent any allocation of surplus beyond U.S. estimated annual harvest. One wanted it expressly stated that Councils may set OY equal to DAH, effectively preventing this allocation.

Response: No change was made. NOAA believes that achievement of OY includes giving foreign fishing vessels reasonable opportunity to harvest the "surplus" between DAH and OY. There is nothing to preclude Councils from setting OY equal to DAH now, if circumstances warranting it are documented. NOAA has written 602.11(e)(3)(i) to allow international economic considerations to influence the size of TALFF through adjustment of OY.

Section 602.12 Standard 2

13. Comment: One commenter was concerned that 602.12(c), the provision permitting collection of information about harvest within state boundaries if needed for proper implementation of the FMP, might invite excessive data collection.

Response: NOAA added the phrase: "and cannot be obtained otherwise", to avoid duplication of effort. All data collection called for within an FMP must be analyzed under the Paperwork Reduction Act.

14. Comment: One agency expressed concern about estimating human resource requirements and enforcement costs. It felt that some FMPs have not contained sufficient information to be useful, and submitted a list of minimum data required to make realistic assessments of the effort necessary to enforce regulations.

Response: NOAA agrees that the information is needed, but could not fit the specific suggestions into the guidelines framework. The analysis under standard 7 is as responsive as NOAA believes it possible to be in the national standard guidelines; enforcement and administrative costs are both addressed there.

Section 602.13 Standard 3

15. Comment: Two commenters wanted to change "encourage" to "require" in the first sentence of 602.13(b).

Response: "Encourage" was changed to "induce," because while NOAA agrees that a stronger word is appropriate, the standard does not explicitly mandate comprehensive management. It is an implied consequence of the statutory language. The guidelines go on to explain NOAA's interpretation of the term "comprehensive management".

16. Comment: One commenter expressed concern about multi-Council management, disagreeing with the guideline statement that preparation of one FMP should be the preferred course of action when the range of a stock overlaps Council areas.

Response: No change was made. NOAA believes that comprehensive management means every effort should be made to define the broadest possible management unit and to avoid the potential for conflicting management measures being issued by adjacent jurisdictions for a widely ranging stock.

17. Comment: Two commenters addressed the provision in 602.13(d)(2) that a management unit may contain, in addition to regulated species, stocks of

fish for which there is not enough information available to specify MSY and OY or to establish management measures, so that data on these species may be collected under the FMP. One commenter's objection was based on the semantic problem of allowing data collection of unregulated species within the management unit. The other commenter's concern centered on the scope of the permitted data collection on unregulated species, proposing that such efforts be limited to biological and ecological data.

Response: No change was made. The definition of "management unit" is important here: "a fishery or that portion of a fishery identified in an FMP as relevant to the FMP's management objectives." NOAA accepts inclusion within the management unit of those stocks of fish for which there is not enough information to specify MSY or OY or to establish management measures; however, the unregulated portion of the fishery for which data are being collected must have relevance to the objectives of the FMP. Since the specification of OY calls for an evaluation of social and economic data, limiting data collection efforts to biological and ecological information would be counterproductive to an eventual determination of OY.

Section 602.14 Standard 4

18. Comment: One commenter suggested replacing the third sentence in 602.14(b) with: "Conservation and management measures must equitably distribute the conservation burden across all user groups with significant impact on the stock(s)." The commenter also suggested a third example: "An FMP that permitted an ocean salmon fishery on a stock which significantly reduced or precluded inside fisheries on the same stock for conservation needs would violate standard 4."

Response: No change was made. This section deals with discrimination among residents of different States—a separate concept from equity, which is treated under section (c)(3), factors in making allocations. The commenter's concern is adequately addressed there. In addition, NOAA did not want to delete the third sentence, which contains an important point that—under certain conditions—could affect part of the problem identified in the proposed example. The two examples as given, however, illustrate the two points made in section (b).

19. Comment: Under 602.14(b), one commenter questioned whether intent or effect were the critical factor in determining whether discrimination has occurred, citing the examples as unclear on the point.

Response: The examples illustrate that, in fact, Councils have to be cognizant of both. However, the critical question in both examples is not intent or effect, but whether State residence, citizenship, or incorporation determines the result. In example 1, there appears to be both intent and effect. In example 2, the fact that spawning grounds have a physical location, the closure of which disadvantages those that live closest to it (who may or may not be citizens of another State), is not discriminatory in and of itself. If the closure differently affects citizens of different States, the discriminatory effect is incidental because it is not based on State residence. Discrimination is a distinct concept from equity, which is treated under section (c)(3), factors in making allocations.

20. Comment: One commenter questioned the use of the word "deliberate" in the definition of allocation (602.14(c)(1)), in particular reference to perpetuation of existing fishing practices as a deliberate allocation.

Response: No change was made. "Deliberate" is one of the most important operative words in the definition. If an FMP perpetuates existing fishing practices, the Council has made a deliberate and documentable choice among alternatives.

21. Comment: Two commenters proposed inserting "and management" after "conservation" in 602.14(c)(3), factors in making allocations.

Response: No change was made. This section is a paraphrase of the statutory language of standard 4, which does not include the words "and management". It is a lead-in to the fuller explanations of each of the statutory factors to be considered in making allocations.

22. Comment: One commenter believed that it is incorrect to define "conservation" in terms of either social or economic measures; the organization also felt that allocation of fishing privileges is not a conservation and management measure under the Act, and that optimizing yield is not necessarily a conservation measure.

Response: In maintaining its interpretation of that part of standard 4 which requires an allocation scheme to be "reasonably calculated to promote conservation," NOAA is cognizant of the inherent difficulty of rationalizing allocation schemes in those terms. However, NOAA believes the "wise use" sense of conservation to be sensible, within Congressional intent, and consistent with the Act's definition of "conservation and management." Wise use embodies optimizing yield, in the fullest definition of the term. NOAA softened the language in the first sentence of 602.14(c)(3)(ii) to make it clearer that the discretionary provisions of section 303(b), which describes numerous measures having distributive effects, are referred to as conservation and management measures in section 303(a).

23. Comment: One commenter proposed changing "single buyer" to "small groups of buyers" in 602.14(c)(3)(iii), avoidance of excessive shares. The commenter felt this change would conform the standards to accepted economic thought on market concentration.

Response: NOAA revised the section beginning with "under which a single buyer * * *" to read, "fostering inordinate control by buyers or sellers that would not otherwise exist." The exact wording suggested was not used because the term "small groups" is inexact. However, NOAA does recognize that one or a few entities in the market can exert sufficient influence to control the market. It was decided, therefore, to broaden the wording to include the thought that the allocation scheme should not encourate control by one *or more* buyers or sellers, thereby addressing the concepts of monopoly or oligopoly in fishery markets. The phrase "that would not otherwise exist" is a key part of this section. It recognizes that normal market structure can include monopolistic or oligopolistic conditions, particularly in local or regional areas. The phrase indicates only that the result of an allocation scheme should not be to foster greater control by buyers or sellers than that which would occur without the scheme. While reduction in the number of buyers or sellers is not necessarily inconsistent with the national standards, overt action by a Council to concentrate the industry so that market price manipulations could occur would be contrary to the standards.

Section 602.15 Standard 5

24. Comment: One commenter recommended that NOAA reconsider its whole approach to this standard: that instead of defining efficiency in terms of attaining the greatest benefits at the least cost to society, we should define it in terms of the least cost to the individual fisherman. The commenter believed that the guidelines as written prohibit free market action related to investment in fishery activities, and that limitations on the number of vessels

participating in a fishery bear no relationship to achieving optimum yield except where overcrowding exists.

Response: NOAA did not change its approach. NOAA believes that particular care should be taken when considering management of common property resources—where intensive individual market actions risk the "tragedy of the commons," a concept that comprises damage not only to the individual fisherman, but to the very resource on which he depends. Where there are no property rights, the role of government takes on the dimension of stewardship. NOAA also believes that managing at least cost to society and managing at least cost to the fisherman are not mutually exclusive. NOAA reads standards 5 and 7 together; to minimize costs of regulating also means to minimize costs to the industry of compliance. Section (d)(1) of the standard 7 guidelines is clear: "Management measures should be designed to give fishermen the greatest possible freedom of action in conducting business and pursuing recreational opportunities that are consistent with ensuring wise use of the resource and reducing conflict in the fishery." Finally, NOAA believes its approach does not imply any deterrent to free market action since it does not narrow any Council options. The Appendix expands on this discussion.

25. Comment: One commenter felt that the definition of efficiency (602.15(b)(2)) is too narrow and predetermines the objective. Two commenters proposed changes to indicate that economic efficiency is not always desirable. Two expressed resistance to the linkage between efficiency and conservation.

Response: NOAA added "or desirable" at the end of 602.15(b)(1). This makes it clearer that the level of efficiency to be attained is a judgmental decision. Efficiency should be evaluated along with the statutory policy principles expressed in the other standards. NOAA acknowledges in 602.15(b)(1) that "a goal of promoting efficient utilization of fishery resources may conflict with other legitimate social or biological objectives of fishery management", and again in (b)(2)(ii) that the "use of inefficient techniques or creation of redundant fishing capacity" are acceptable if they contribute to social or biological objectives. NOAA believes the linkage between efficiency and conservation to be valid in the wise use context and compatible with 602.14(c)(3)(ii); it does not automatically exclude resource or social reasons for justifying an inefficient fishery. The Appendix expands on this discussion.

26. Comment: One commenter proposed adding language in 602.15(b) to highlight the fact that the term "utilization" applies to both the commercial and recreational sectors of the industry. The general concern regarding application of guideline provisions to both sectors was expressed several times by this commenter and others.

Response: NOAA added a definition of "industry" in 602.2 to respond to this general concern, and to obviate the need to repeat "commercial and recreational sectors" throughout the guidelines.

27. Comment: Two commenters repeated their recommendations to delete the limited access section (602.15(c)) entirely.

Response: NOAA retained the section. NOAA agrees that limited access is only one tool among many; this point is expanded in the Appendix. However, because limited access is given special treatment in the Act, it was directly addressed in the 1977 guidelines and again in this revision.

28. Comment: Two commenters suggested inserting "and/or conservation" after "efficiency" in the first sentence of 602.15(c). One wanted to add "to distribute fishing effort over time and space, and" before "to combat".

Response: NOAA added "or conservation" as suggested, thus acknowledging explicitly that limited access may have a conservation purpose, rather than subsuming it within the concept of efficiency. It was felt that the second change might add confusion rather than clarification. At the suggestion of the second commenter, a descriptive sentence was added at the end of the section that amplifies the conservation effects: "In some cases, limited entry is a useful ingredient of a conservation scheme, because it facilitates application and enforcement of other management measures."

29. Comment: One commenter proposed to delete reference to units of effort as being confusing, and offered substitute language: "the number of participants in the fishery or to limit the amount caught by each individual participant."

Response: No change was made. NOAA believes the substitute is too limiting since units of effort may encompass people, vessels, types of gear, or other elements that act together to affect the volume of effort. Limiting the amount caught by each individual participant is not what NOAA characterizes as limited access unless the number of participants is also limited.

30. Comment: One commenter objected to the application of 602.15(e), the economic allocation paragraph, to U.S. fishermen only.

Response: While the legislative history of the Act suggests that standard 5 was primarily concerned with promoting efficiency in the U.S. fishing industry, the context and application of the final clause is somewhat obscure. NOAA has not yet been presented with a management measure (as distinguished from an OY specification) whose sole purpose was an economic allocation in favor of U.S. fishermen at the expense of foreign fishermen, or that favored one group of foreign fishermen over another—so that issue has never been squarely resolved. "U.S." was deleted to avoid foreclosing further discussion of the meaning of the clause.

Section 602.16 Standard 6

31. Comment: One commenter was concerned about expansion of the concept of variations to include social and economic occurrences in 602.16(c)(1).

Response: No change was made. This paragraph is primarily descriptive of conditions that may cause variations in "fisheries, fishery resources, and catches." It is a listing of potentially influential factual circumstances.

32. Comment: Two commenters wanted to change "should" to "must" in the second sentence of 602.16(c)(2), which sets forth the provision for a "suitable buffer in favor of conservation."

Response: No change was made. NOAA agrees that it is important that this effort be made, which is why four examples are given as to how to do it. However, such a buffer is not mandated. Two standard 1 provisions—allowing for adjustment of MSY prior to determining OY, and strengthening the OY ecological factors—particularly reinforce the standard 6 guidelines in this regard.

33. Comment: One commenter was under the impression that 602.16(2)(ii) permitted establishment of reserves without an amendment to an FMP.

Response: NOAA wishes to clarify that the section permits the establishment of reserves within an FMP for the purposes stated; however, if the FMP has been approved without a provision for reserves, the FMP must be amended to include it.

34. Comment: One commenter proposed substitution of "should" for "may" in 602.16(2)(iv), an example concerning habitat protection that illustrates how allowances for

uncertainties can be factored into an FMP.

Response: The change was not made because examples are descriptive and explanatory rather than advisory or exhortatory. NOAA did, however, change "may" to "should" in the lead-in sentence to the examples, to indicate that such actions were recommended.

35. Comment: One commenter was concerned that a flexible management regime as described in 602.16(d) makes it possible to act quickly without amending the FMP or its regulations. The commenter believed that the Councils should be required to document the action taken under a flexible plan. Another commenter was similarly concerned from the standpoint of achieving a balance between the Councils' primary responsibility for management and the Secretary's responsibility for oversight. The organization stated, "While we want flexible management plans, we do not want any FMP so flexible that the Secretary manages by regulatory fiat or a Council—or its designee—does so by default on the Secretary's part."

Response: NOAA added a clarifying paragraph (602.16(d)(1)) that addresses both problems: the concern about the public's opportunity to challenge the various contingency options and to review the criteria under which they would be used, and the concern about the division of functions between the Council and the Secretary.

Section 602.17 Standard 7

36. Comment: One commenter raised the question of who decides whether a plan is necessary—the Council or the Secretary—under 602.17(b). The question came up in the context of an objection to the provision precluding the need to collect data as an adequate reason for an FMP.

Response: No change was made. NOAA believes that the proposed guidelines allow for less costly ways to gather data than to prepare an FMP for that purpose alone. (See 602.12(c), 602.13(d)(2), and 602.17(b)(2)(vi).) Work plans for such FMPs have been disapproved. Use of the guidelines as supplementary guidance on "other applicable law" was discussed at the workshops; the standard 7 guidelines come as close as is appropriate to providing a bridge to the policies of the National Environmental Policy Act, the Paperwork Reduction Act, Executive Order 12291, and other legislative and executive actions in regulatory reform. The issue of who decides whether management is necessary was also broadly discussed at the workshops. It was agreed that the issue of whether a fishery needs management through regulations implementing an FMP is initially a Council decision; section 602.10(2) makes this clear. The new 602.16(d)(1) also describes the Councils' policy-setting role. NOAA has presented under standard 7 some of the reasons for management through regulation that are consistent with the two requirements of the standard—reducing costs and avoiding duplication. The list of criteria is not inclusive.

37. Comment: One commenter wanted section (b) deleted entirely, as inappropriate. The commenter felt that the criteria are useless because, by the time the guidelines are used, the decision on development of a plan has already been made; if used at all they should be in guidelines for FMP development or the scoping process.

Response: NOAA retained the section. The commenter has pinpointed the very reason for the section. The NOAA Office of General Counsel has interpreted standard 7 to apply to the whole FMP as well as to individual management measures. Initial judgments regarding the objectives of the FMP made with the assistance of the standard 7 criteria will have a better chance of reducing costs and avoiding duplication.

38. Comment: Two commenters proposed additions to the criteria; one commented that, while the individual criteria are unobjectionable, collectively they are so extensive as to make it necessary to prepare FMPs to make the determination.

Response: No change was made. Both suggestions were subsumed within the existing criteria. Individual criteria need not be aggregated to make judgments.

Classification

The amendments to the national standard guidelines are issued in conformity with the Executive Order 12291. The guidelines impose no information collection requests nor paperwork burden on the public under the Paperwork Reduction Act.

Because they produce no direct regulatory impact on the general public, industry, or small business, the Department of Commerce Office of General Counsel certified on May 12, 1982, that the guidelines will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act; thus, no Regulatory Flexibility Analysis is required. The guidelines indicate how NOAA interprets the fishery management principles in the national standards of the Act. They describe a range of acceptable management measures that could be adopted by the Councils, approved by the Secretary, and subsequently translated into regulations. The impact on the public occurs through specific management decisions contained within specific FMPs; until a given FMP is developed, there is no basis for evaluating the consequences of these decisions. Economic impact on small entities is addressed at a later date through RFAs for individual FMPs.

The term "significance" under the National Environmental Policy Act relates to impact on the human environment. Section 1508.14 of the Council on Environmental Quality regulations interprets "human environment" to include "the natural and physical environment and the relationship of people with that environment. This means that economic and social effects are not intended by themselves to require preparation of an environmental impact statement." Amendments to the national standard guidelines do not in themselves affect the human environment. The effect of the guideline amendments on the contents of FMPs is addressed through the requirement for environmental assessments and environmental impact statements. The consequences of specific management measures are addressed in those documents. For these reasons, NOAA determined on July 7, 1980, that an environmental assessment or an EIS is not required for revision of the national standard guidelines.

Explanation of Restructuring

NOAA is restructuring Part 602 by designating subparts to differentiate the subject matter of the guidelines and by renumbering the sections to make them easier to follow. The first phase of this restructuring is a part of this amendment.

List of Subjects in 50 CFR Part 602

Administrative practice and procedure, Fish, Fisheries, Fishing.

Dated: February 14, 1983.

William G. Gordon,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 602 is amended as follows:

1. The authority citation for Part 602 reads as follows:

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

2. The Part heading for Part 602 is revised;

Sections 602.1–602.6 are designated as Subpart A;

Sections 602.1 and 602.2 are revised;

Subpart B (Sections 602.10–602.17) is added, as set forth below:

PART 602—GUIDELINES FOR FISHERY MANAGEMENT PLANS

Subpart A—General

Subpart B—National Standards

Subpart A—General

§ 602.1 Purpose and scope.

The Act requires that any fishery management plan or amendment prepared by either the Regional Fishery Management Councils or the Secretary of Commerce, and any regulations issued to implement a fishery management plan or amendment, shall be consistent with seven national standards, the other provisions of the Act, and any other applicable law. Part 602 implements those portions of the Act that pertain to the development, content, submission, amendment, review, and implementation of fishery management plans, and establishes guidelines to assist in achieving the required consistency.

§ 602.2 Style guide.

(a) *Definitions.* The terms used in these guidelines have the meanings that are prescribed in section 3 of the Act. In addition, the following definitions apply:

The Act—the Magnuson Fishery Conservation and Management Act, as amended (U.S.C. 1801 *et seq.*), also known as the FCMA, or the Magnuson Act.

Council—Regional Fishery Management Council, as established by the Act.

Secretary—Secretary of Commerce.

(b) *Abbreviations.*

ABC—acceptable biological catch.
DAH—estimated domestic annual harvest.
DAP—estimated domestic annual processing.
EY—equilibrium yield.
FCZ—fishery conservation zone.
FMP—fishery management plan.
JVP—joint venture processing.
MSY—maximum sustainable yield.
OY—optimum yield.
PMP—preliminary fishery management plan.
TAC—total allowable catch.
TALFF—total allowable level of foreign fishing.

(c) *Word usage.*—(1) *Must* is used to denote an obligation to act; it is used primarily when referring to requirements of the Act, the logical extension thereof, or of other applicable law.

(2) *Should* is used to indicate that an action or consideration is strongly recommended to fulfill the Secretary's interpretation of the Act, and is a factor reviewers will look for in evaluating an FMP.

(3) *May* is used in a permissive sense.

(4) *May not* is proscriptive; it has the same force as *must not.*

(5) *Will* is used descriptively.

(6) *Shall* is not used at all, except when quoting the statutory language of each standard. "Must" is used instead of "shall" to avoid confusion with the future tense.

(7) *Could* is used when giving examples, in a hypothetical, permissive sense.

(8) *Can* is used to mean "is able to," as distinguished from "may."

(9) *Examples* are given by way of illustration and further explanation. They are not inclusive lists; they do not limit options.

(10) *Analysis,* as a paragraph heading, signals more detailed guidance as to the type of discussion and examination an FMP should contain to demonstrate compliance with the standard in question.

(11) *Determine* is used when referring to OY.

(12) *Adjust* is used when establishing a deviation from MSY for biological reasons, such as in establishing ABC, TAC, or EY.

(13) *Modify* is used when the deviation from MSY is for the purpose of determining OY, in accord with relevant economic, social, or ecological factors.

(14) *Industry* includes recreational and commercial fishing and the harvesting, processing, and marketing sectors.

Subpart B—National Standards

§ 602.10 General.

(a) *Purpose.* (1) This subpart establishes guidelines, based on the national standards, to assist in the development and review of FMPs, amendments, and regulations prepared by the Councils and the Secretary.

(2) In developing FMPs, the Councils have the initial authority to ascertain factual circumstances, to establish management objectives, and to propose management measures that will achieve the objectives. The Secretary will determine whether the proposed management objectives and measures are consistent with the national standards, other provisions of the Act, and other applicable law. The Secretary has an obligation under section 301(b) of the Act to inform the Councils of the Secretary's interpretation of the national standards so that they will have an understanding of the basis on which FMPs will be reviewed.

(3) The national standards are statutory principles that must be followed in any FMP. The guidelines summarize Secretarial interpretations that have been and will be, applied under these principles. The guidelines are intended as aids to decisionmaking; FMPs formulated according to the guidelines will have a better chance for expeditious Secretarial review, approval, and implementation. FMPs that are in substantial compliance with the guidelines, the Act, and other applicable law must be approved.

(b) *Fishery management objectives.* (1) Each FMP, whether prepared by a Council or by the Secretary, should identify what the FMP is designed to accomplish, i.e., the management objectives to be attained in regulating the fishery under consideration. In establishing objectives, Councils balance biological constraints with human needs, reconcile present and future costs and benefits, and integrate the diversity of public and private interests. If objectives are in conflict, priorities should be established among them.

(2) How objectives are defined is important to the management process. Objectives should address the problems of a particular fishery. The objectives should be clearly stated, practicably attainable, framed in terms of definable events and measurable benefits, and based upon a comprehensive rather than a fragmentary approach to the problems addressed. An FMP should make a clear distinction between objectives and the management measures chosen to achieve them. The objectives of each FMP provide the context within which the Secretary will judge the consistency of an FMP's conservation and management measures with the national standards.

§ 602.11 National Standard 1—Optimum Yield.

(a) *Standard 1.* Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery.

(b) *General.* The determination of OY is a decisional mechanism for resolving the Act's multiple purposes and policies, for implementing an FMP's objectives, and for balancing the various interests that comprise the national welfare. OY is based on MSY, or on MSY as it may be adjusted under paragraph (c)(4) of this section. The most important limitation on the specification of OY is that the choice of OY—and the conservation and management measures proposed to achieve it—must prevent overfishing.

(c) *MSY.*—(1) MSY, a theoretical concept, is the largest average annual catch or yield that can be taken over a period of time from each stock under prevailing ecological and environmental conditions. It may be presented as a range of values. One MSY may be specified for a related group of species in a mixed-species fishery. Since MSY is a long-term average, it need not be specified annually.

(2) In an unexploited stock of fish, the natural mortality rate is balanced by growth and recruitment rates on average. Once fishing pressure is applied, the balance of mortality, growth, and recruitment is altered, and the average value of these rates and the average population size changes. As the population size changes, a new balance of rates is achieved. The interrelationship between these rates and population size provides the basis for specifying the MSY of a stock. Techniques for estimating MSY depend on the scientific information available. The MSY may be derived from average past catches, stock production models, yield per recruit or dynamic pool models, spawner/recruit relationships, total biomass estimates and estimates of natural mortality, biomass estimates from ecosystem models, or other valid methods.

(3) The determination of OY requires a specification of MSY. However, where sufficient scientific data as to the biological characteristics of the stock do not exist, or the period of exploitation or investigation has not been long enough for adequate understanding of stock dynamics, or where frequent large-scale fluctuations in stock size make this concept of limited value, the OY should be based not on a fabricated MSY but on the best scientific information available.

(4) MSY may be only the starting point in providing a realistic biological description of allowable fishery removals. MSY may need to be adjusted because of environmental factors, stock peculiarities, or other biological variables, prior to the determination of OY. Examples are ABC, TAC, and EY. Such adjustments are valid, provided that they are explained and justified.

(d) *Overfishing.* (1) Overfishing is a level of fishing mortality that jeopardizes the capacity of a stock(s) to recover to a level at which it can produce maximum biological yield or economic value on a long-term basis under prevailing biological and environmental conditions. An FMP must prevent overfishing, except in certain limited situations. For example, harvesting the major component of a mixed fishery at its optimum level may result in the overharvest of a minor (smaller or less valuable) stock component. In another case, solving a particular problem may necessitate pruning larger fish from the population. A Council may decide to permit this type of overharvest if the analysis (paragraph (e)(5) of this section) identifies the benefits from such overfishing, and if the Council's action will not cause any stock component to require protection under the Endangered Species Act.

(2) Significant downward trends in spawning stock sizes and in average annual recruitment over a period of several years may signal that overfishing is occurring. These downward trends usually are preceded or accompanied by increased variability in annual recruitment and by major shifts to younger fish and fewer year classes in the spawning stock. If fishing continues at a rate that perpetuates the downward trends, the spawning stock eventually may be incapable of significant reproduction and may be irreversibly damaged.

(3) Declines in stock size may occur independent of fishing pressure, caused by a combination of factors such as natural fluctuations in the stock itself and in the environment, and man-made changes in essential habitat. Significant adverse alterations in the environment increase the possibility that fishing effort will contribute to a stock collapse. Decisions about the allowable level of fishing mortality will vary according to the conditions of the fishery and the amount of risk associated with different harvest rates.

(4) Since changes in environment/habitat conditions can produce the appearance of overfishing (as can new fishing pressure on an underutilized stock), care should be taken to identify the cause of the downward trends. Whether the trends in spawning stock size and in average recuitment are caused by environmental changes or by fishing effort, the only direct control under the Act is to propose management measures to reduce fishing mortality. Unless the Council asserts that reduced fishing pressure would not alleviate the problem, the FMP must include measures to reduce fishing mortality. If environmental changes are the primary cause of the downward trends, Councils may recommend restoration of habitat and other ameliorative programs.

(5) Fishing can produce a variety of effects on local and stockwide abundance, availability, size, and composition. Some of these effects have been called "overfishing"—with or without qualifiers such as growth, localized, and pulse. These effects are not "overfishing" under standard 1; a Council may recommend conservation and management measures to prevent or permit these effects, depending on the objectives of a particular FMP.

(e) *Specification of OY.*—(1) *OY and management objectives.* Ideally, the process of determining OY and the resulting specification integrate the various objectives of the FMP. Relative weighting of the elements of the OY determination will be influenced both by regional objectives and by national considerations. Rarely will a fishery be managed to meet a single objective. Objectives may conflict. Consequently, priority decisions should be made in developing objectives, the timing of their achievement, and the management measures to achieve them. (See section 602.10.)

(2) *Values in determining OY.* In determining the greatest benefit to the Nation, two values that should be weighed are food production and recreational opportunities (section 3(18)(A) of the Act). They should receive serious attention as measures of benefit when considering the economic, ecological, or social factors used in modifying MSY to obtain OY.

(i) "Food production" encompasses the goals of providing seafood to consumers at reasonable prices, maintaining an economically viable fishery, and utilizing the capacity of U.S. fishery resources to meet nutritional needs.

(ii) "Recreational opportunities" includes recognition of the importance of the quality of the recreational fishing experience, and of the contribution of recreational fishing to the national, regional, and local economies and food supplies.

(3) *Factors relevant to OY.* The Act's definition of OY identifies three categories of factors to be used in modifying MSY to arrive at OY: economic, social, and ecological (section 3(18)(B)). Examples are given below. Not every factor will be relevant in every fishery; for instance, there may be no Indian treaty rights. For some fisheries,

insufficient information may be available with respect to some factors to provide a basis for corresponding modifications to MSY.

(i) *Economic factors.* Examples are promotion of domestic fishing, development of unutilized or underutilized fisheries, satisfaction of consumer and recreational needs, and encouragement of domestic and export markets for U.S. harvested fish. Some other factors that may be considered are the value of industrial fisheries the level of capitalization, operating costs of vessels, alternate employment opportunities, and economies of coastal areas.

(ii) *Social factors.* Examples are enjoyment gained from recreational fishing, avoidance of gear conflicts and resulting disputes, preservation of a way of life for fishermen and their families, and dependence of local communities on a fishery. Among other factors that may be considered are the cultural place of subsistence fishing, obligations under Indian treaties, and world-wide nutritional needs.

(iii) *Ecological factors.* Examples are the vulnerability of incidental or unregulated species in a mixed-species fishery, predator-prey or competitive interactions, and dependence of marine mammals and birds or endangered species on a stock of fish. Equally important are environmental conditions that stress marine organisms, such as natural and man-made changes in wetlands or nursery grounds, and effects of pollutants on habitat and stocks.

(4) *Form of OY specification.*—(i) The "amount of fish" that constitutes the OY need not be expressed in terms of numbers or weight of fish. The economic, social, or ecological modifications to MSY may be expressed by describing fish having common characteristics, the harvest of which provides the greatest overall benefit to the Nation. For instance, OY may be expressed as a formula that converts periodic stock assessments into quotas or guideline harvest levels for recreational, commercial, and other fishing. OY may be defined in terms of an annual harvest of fish or shellfish having a minimum weight, length, or other measurement. OY may also be expressed as an amount of fish taken only in certain areas, or in certain seasons, or with particular gear, or by a specified amount of fishing effort. In the case of a mixed-species fishery, the incidental-species OY may be a function of the directed catch, or absorbed into an OY for related species.

(ii) If a numerical OY is chosen, a range or average may be specified.

(iii) In a fishery where there is a significant discard component, the OY may either include or exclude discards.

(iv) The OY specification can be converted into an annual numerical estimate to establish the TALFF and to analyze impacts of the management regime. There should be a mechanism in a multiyear plan for periodic reassessment of the OY specification, so that it is responsive to changing circumstances in the fishery.

(5) *Analysis.* An FMP must contain an analysis of how its OY specification was determined (section 303(a)(3) of the Act). It should relate the explanation of overfishing in paragraph (d) of this section to conditions in the particular fishery, and explain how its choice of OY and conservation and management measures will prevent overfishing in that fishery. If overfishing is permitted under paragraph (d)(1) of this section, the analysis must contain a justification in terms of overall benefits and an assessment of the risk of the species reaching a "threatened" or "endangered" status. If the stock has been diminished below a desired level, the analysis should include a program for rebuilding the stock. A Council must identify those economic, social, and ecological factors relevant to management of a particular fishery, then evaluate and weigh them to arrive at the modification (if any) of MSY. The choice of a particular OY must be carefully defined and documented to show that the OY selected will produce the greatest benefit to the Nation.

(f) *OY as a target.*—(1) The specification of OY in an FMP is not automatically a quota or ceiling, although quotas may be derived from the OY where appropriate. OY is a target or goal; an FMP must contain conservation and management measures, and provisions for information collection, that are designed to achieve it. These measures should allow for practical and effective implementation and enforcement of the management regime, so that the harvest is allowed to reach but not to exceed OY by a substantial amount. The Secretary then has the obligation to implement and enforce the FMP so that OY is achieved. If management measures prove unenforceable—or too restrictive or not rigorous enough to realize OY—they should be modified; an alternative is to reexamine the adequacy of the OY specification.

(2) Exceeding OY does not necessarily constitute overfishing, although they might coincide. Even if no overfishing resulted, continual harvest at a level above a fixed-value OY would violate national standard 1 because OY was exceeded (not achieved) on a continuing basis.

(g) *OY and foreign fishing.* Section 201(d) of the Act provides that fishing by foreign nations is limited to that portion of the OY that will not be harvested by vessels of the United States. The achievement of OY under national standard 1 requires that foreign fishing vessels be given reasonable opportunity to harvest such "surplus." The exception is where an annual fishing level is certified under section 201(d)(2)(B). The annual fishing level amount is allocated to foreign fishing, as is the remainder of the "surplus" (OY minus DAH); if the determinations under section 201(d)(4) are made, however, allocation of all or part of that remainder may be deferred until the next harvesting season.

(1) *DAH.* Councils must consider the capacity of, and the extent to which, U.S. vessels will harvest the OY on an annual basis. Estimating the amount that U.S. fishing vessels will actually harvest is required to determine the surplus.

(2) *Reserves.* Part of the OY may be held as a reserve to allow for uncertainties in estimates of stock size and of DAH. If an OY reserve is established, an adequate mechanism should be included in the FMP to permit timely release of the reserve to foreign fishermen, if necessary, so that full utilization of the OY may be achieved. An FMP may also provide for a direct transfer of a portion of DAH to TALFF.

(3) *DAP.* (i) Each FMP must identify the capacity of U.S. processors. It must also identify the amount of domestic annual processed fish (DAP), which is the sum of two estimates:

(A) The amount of U.S. harvest that domestic processors will process. This estimate may be based on historical performance and on surveys of the expressed intention of manufacturers to process, supported by evidence of contracts, plant expansion, or other relevant information; and

(B) The amount of fish that will be harvested but not processed (e.g., marketed as fresh whole fish, used for private consumption, or used for bait).

(ii) When DAH exceeds DAP, the surplus is available for JVP. JVP is a part of DAH.

§ 602.12 National Standard 2—Scientific information.

(a) *Standard 2.* Conservation and management measures shall be based upon the best scientific information available.

(b) *FMP development.* The fact that scientific information concerning a fishery is incomplete does not prevent the preparation and implementation of

an FMP (see related §§ 602.13(d)(2) and 602.17(b)).

(1) Scientific information includes, but is not limited to, information of a biological, ecological, economic, or social nature. Successful fishery management depends, in part, on the timely availability, quality, and quantity of scientific information, as well as on the thorough analysis of this information, and the extent to which the information is applied. If there are conflicting facts or opinions relevant to a particular point, a Council may choose among them, but should justify the choice.

(2) FMPs must take into account the best scientific information available at the time of preparation. Between the initial drafting of an FMP and its submission for final review, new information often becomes available. This new information should be incorporated into the final FMP where practicable; but it is unnecessary to start the FMP process over again unless the information indicates that drastic changes have occurred in the fishery that might require revision of the management objectives or measures.

(c) *FMP implementation.*—(1) An FMP must specify whatever information fishermen and processors will be required or requested to submit to the Secretary. Information about harvest within State boundaries, as well as in the FCZ, may be collected if it is needed for proper implementation of the FMP and cannot be obtained otherwise. The FMP should explain the practical utility of the information specified in monitoring the fishery, in facilitating inseason management decisions, and in judging the performance of the management regime; it should also consider the effort, cost, or social impact of obtaining it.

(2) An FMP should identify scientific information needed from other sources to improve understanding and management of the resource and the fishery.

(3) The information submitted by various data suppliers about the stock(s) throughout its range or about the fishery should be comparable and compatible, to the maximum extent possible.

(d) *FMP amendment.* FMPs should be amended on a timely basis, as new information indicates the necessity for change in objectives or management measures.

§ 602.13 National Standard 3—Management Units

(a) *Standard 3.* To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.

(b) *General.* The purpose of this standard is to induce a comprehensive approach to fishery management. The geographic scope of the fishery, for planning purposes, should cover the entire range of the stock(s) of fish, and not be overly constrained by political boundaries. Wherever practicable, an FMP should seek to manage interrelated stocks of fish.

(c) *Unity of management.* Cooperation and understanding among entities concerned with the fishery (e.g., Councils, States, Federal government, international commissions, foreign nations) are vital to effective management. Where management of a fishery involves multiple jurisdictions, coordination among the several entities should be sought in the development of an FMP. Where a range overlaps Council areas, one FMP to cover the entire range is preferred. The Secretary designates which Council or Councils will prepare the FMP, under section 304(f) of the Act.

(d) *Management unit.* The term "management unit" means a fishery or that portion of a fishery identified in an FMP as relevant to the FMP's management objectives.

(1) *Basis.* The choice of a management unit depends on the focus of the FMP's objectives, and may be organized around biological, geographic, economic, technical, social, or ecological perspectives. For example:

(i) *Biological*—could be based on a stock(s) throughout its range.

(ii) *Geographic*—could be an area.

(iii) *Economic*—could be based on a fishery supplying specific product forms.

(iv) *Technical*—could be based on a fishery utilizing a specific gear type or similar fishing practices.

(v) *Social*—could be based on fishermen as the unifying element, such as when the fishermen pursue different species in a regular pattern throughout the year.

(vi) *Ecological*—could be based on species that are associated in the ecosystem or are dependent on a particular habitat.

(2) *Conservation and management measures.* FMPs should include conservation and management measures for that part of the management unit within U.S. waters, although the Secretary can ordinarily implement them only within the FCZ. The measures need not be identical for each geographic area within the management unit, if the FMP justifies the differences. A management unit may contain, in addition to regulated species, stocks of fish for which there is not enough information available to specify MSY and OY or to establish management measures, so that data on these species may be collected under the FMP.

(e) *Analysis.* To document that an FMP is as comprehensive as practicable, it should include discussions of the following:

(1) The range and distribution of the stocks, as well as the patterns of fishing effort and harvest.

(2) Alternative management units and reasons for selecting a particular one. A less-than-comprehensive management unit may be justified if, for example, complementary management exists or is planned for a separate geographic area or for a distinct use of the stocks, or if the unmanaged portion of the resource is immaterial to proper management.

(3) Management activities and habitat programs of adjacent States and their effects on the FMP's objectives and management measures. Where State action is necessary to implement measures within State waters to achieve FMP objectives, the FMP should identify what State action is necessary, discuss the consequences of State inaction or contrary action, and make appropriate recommendations. The FMP should also discuss the impact that Federal regulations will have on State management activities.

(4) Management activities of other countries having an impact on the fishery, and how the FMP's management measures are designed to take into account these impacts. International boundaries may be dealt with in several ways. For example:

(i) By limiting the management unit's scope to that portion of the stock found in U.S. waters;

(ii) By estimating MSY for the entire stock and then basing the determination of OY for the U.S. fishery on the portion of the stock within U.S. waters; or

(iii) By referring to treaties or cooperative agreements.

§ 602.14 National Standard 4—Allocations

(a) *Standard 4.* Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be: (A) Fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

(b) *Discrimination among residents of different States.* An FMP may not differentiate among U.S. citizens, nationals, resident aliens, or

corporations on the basis of their State of residence. An FMP may not incorporate or rely on a State statute or regulation that discriminates against residents of another State. Conservation and management measures that have different effects on persons in various geographic locations are permissible, if they satisfy the other guidelines under standard 4. Examples of these precepts are:

(1) An FMP that restricted fishing in the FCZ to those holding a permit from State X would violate standard 4 if State X issued permits only to its own citizens.

(2) An FMP that closed a spawning ground might disadvantage fishermen living in the State closest to it, because they would have to travel farther to an open area, but the closure could be justified under standard 4 as a conservation measure with no discriminatory intent.

(c) *Allocation of fishing privileges.* An FMP may contain management measures that allocate fishing privileges if such measures are necessary or helpful in furthering legitimate objectives or in achieving the OY, and if the measures conform with paragraphs (c)(3) (i) through (iii) of this section.

(1) *Definition.* An "allocation" or "assignment" of fishing privileges is a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete user groups or individuals. Any management measure (or lack of management) has incidental allocative effects, but only those measures that result in direct distributions of fishing privileges will be judged against the allocation requirements of standard 4. Adoption of an FMP that merely perpetuates existing fishing practices may result in an allocation, if those practices directly distribute the opportunity to participate in the fishery. Allocations of fishing privileges include, for example, per-vessel catch limits, quotas by vessel class and gear type, different quotas or fishing seasons for recreational and commercial fishermen, assignment of ocean areas to different gear users, and limitation of permits to a certain number of vessels or fishermen.

(2) *Analysis of allocations.* Each FMP should contain a description and analysis of the allocations existing in the fishery and of those made in the FMP. The effects of eliminating an existing allocation system should be examined. Allocation schemes considered but rejected by the Council should be included in the discussion. The analysis should relate the recommended allocations to the FMP's objectives and OY specification, and discuss the factors listed in paragraph (c)(3) of this section.

(3) *Factors in making allocations.* An allocation of fishing privileges must be fair and equitable, must be reasonably calculated to promote conservation, and must avoid excessive shares. These tests are explained in paragraphs (c)(3) (i) through (iii) of this section:

(i) *Fairness and equity.* (A) An allocation of fishing privileges should be rationally connected with the achievement of OY or with the furtherance of a legitimate FMP objective. Inherent in an allocation is the advantaging of one group to the detriment of another. The motive for making a particular allocation should be justified in terms of the objectives of the FMP; otherwise, the disadvantaged user groups or individuals would suffer without cause. For instance, an FMP objective to preserve the economic status quo cannot be achieved by excluding a group of long-time participants in the fishery. On the other hand, there is a rational connection between an objective of harvesting shrimp at their maximum size and closing a nursery area to trawling.

(B) An allocation of fishing privileges may impose a hardship on one group if it is outweighed by the total benefits received by another group or groups. An allocation need not preserve the status quo in the fishery to qualify as "fair and equitable," if a restructuring of fishing privileges would maximize overall benefits. The Council should make an initial estimate of the relative benefits and hardships imposed by the allocation, and compare its consequences with those of alternative allocation schemes, including the status quo. Where relevant, judicial guidance and government policy concerning the rights of treaty Indians and aboriginal Americans must be considered in determining whether an allocation is fair and equitable.

(ii) *Promotion of conservation.* Numerous methods of allocating fishing privileges are considered "conservation and management measures" under section 303 of the Act. An allocation scheme may promote conservation by encouraging a rational, more easily managed use of the resource. Or it may promote conservation (in the sense of wise use) by optimizing the yield, in terms of size, value, market mix, price, or economic or social benefit of the product.

(iii) *Avoidance of excessive shares.* An allocation scheme must be designed to deter any person or other entity from acquiring an excessive share of fishing privileges, and to avoid creating conditions fostering inordinate control, by buyers or sellers, that would not otherwise exist.

(iv) *Other factors.* In designing an allocation scheme, a Council should consider other factors relevant to the FMP's objectives. Examples are economic and social consequences of the scheme, food production, consumer interest, dependence on the fishery by present participants and coastal communities, efficiency of various types of gear used in the fishery, transferability of effort to and impact on other fisheries, opportunity for new participants to enter the fishery, and enhancement of opportunities for recreational fishing.

§ 602.15 National Standard 5—Efficiency.

(a) *Standard 5.* Conservation and management measures shall, where practicable, promote efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.

(b) *Efficiency in the utilization of resources.*—(1) *General.* The term "utilization" encompasses harvesting, processing, and marketing, since management decisions affect all three sectors of the industry. The goal of promoting efficient utilization of fishery resources may conflict with other legitimate social or biological objectives of fishery management. In encouraging efficient utilization of fishery resources, this standard highlights one way that a fishery can contribute to the Nation's benefit with the least cost to society: given a set of objectives for the fishery, an FMP should contain management measures that result in as efficient a fishery as is practicable or desirable.

(2) *Efficiency.* In theory, an efficient fishery would harvest the OY with the minimum use of economic inputs such as labor, capital, interest, and fuel. Efficiency in terms of aggregate costs then becomes a conservation objective, where "conservation" constitutes wise use of all resources involved in the fishery, not just fish stocks.

(i) In an FMP, management measures may be proposed that allocate fish among different groups of individuals or establish a system of property rights. Alternative measures examined in searching for an efficient outcome will result in different distributions of gains and burdens among identifiable user groups. An FMP should demonstrate that management measures aimed at efficiency do not simply redistribute gains and burdens without an increase in efficiency.

(ii) Management regimes that allow a fishery to operate at the lowest possible cost (e.g., fishing effort, administration,

and enforcement) for a particular level of catch and initial stock size are considered efficient. Restrictive measures that unnecessarily raise any of those costs move the regime toward inefficiency. Unless the use of inefficient techniques or the creation of redundant fishing capacity contributes to the attainment of other social or biological objectives, an FMP may not contain management measures that impede the use of cost-effective techniques of harvesting, processing, or marketing, and should avoid creating strong incentives for excessive investment in private sector fishing capital and labor.

(c) *Limited access.* A "system for limiting access," which is an optional measure under section 303(b) of the Act, is a type of allocation of fishing privileges that may be used to promote economic efficiency or conservation. For example, limited access may be used to combat overfishing, overcrowding, or overcapitalization in a fishery to achieve OY. In an unutilized or underutilized fishery, it may be used to reduce the chance that these conditions will adversely affect the fishery in the future, or to provide adequate economic return to pioneers in a new fishery. In some cases, limited entry is a useful ingredient of a conservation scheme, because it facilitates application and enforcement of other management measures.

(1) *Definition.* Limited access (or limited entry) is a management technique that attempts to limit units of effort in a fishery, usually for the purpose of reducing economic waste, improving net economic return to the fishermen, or capturing economic rent for the benefit of the taxpayer or the consumer. Common forms of limited access are licensing of vessels, gear, or fishermen to reduce the number of units of effort, and dividing the total allowable catch into fishermen's quotas (a stock-certificate system). Two forms (i.e., Federal fees for licenses or permits in excess of administrative costs, and taxation) are not permitted under the Act.

(2) *Factors to consider.* The Act ties the use of limited access to the achievement of optimum yield. An FMP that proposes a limited access system must consider the factors listed in section 303(b)(6) of the Act and in section 602.14(c)(3) of these guidelines. In addition, it should consider the criteria for qualifying for a permit, the nature of the interest created, whether to make the permit transferable, and the Act's limitation on returning economic rent to the public under section 304(d)(1). The FMP should also discuss the costs of achieving an appropriate distribution of fishing privileges.

(d) *Analysis.* An FMP should discuss the extent to which overcapitalization, congestion, economic waste, and inefficient techniques in the fishery reduce the net benefits derived from the management unit and prevent the attainment and appropriate allocation of OY. It should also explain in terms of the FMP's objectives any restriction placed on the use of efficient techniques of harvesting, processing, or marketing. If during FMP development the Council considered imposing a limited-entry system, the FMP should analyze the Council's decision to recommend or reject limited access as a technique to achieve efficient utilization of the resources of the fishing industry.

(e) *Economic allocation.* This standard prohibits only those measures that distribute fishery resources among fishermen on the basis of economic factors alone, and that have economic allocation as their only purpose. Where conservation and management measures are recommended that would change the economic structure of the industry or the economic conditions under which the industry operates, the need for such measures must be justified in light of the biological, ecological, and social objectives of the FMP as well as the economic objectives.

§ 602.16 National Standard 6—Variations and Contingencies.

(a) *Standard 6.* Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.

(b) *Conservation and management.* Each fishery exhibits unique uncertainties. The phrase "conservation and management" implies the wise use of fishery resources through a management regime that includes some protection against these uncertainties. The particular regime chosen must be flexible enough to allow timely responses to resource, industry, and other national and regional needs. Continual data acquisition and analysis will help the development of management measures to compensate for variations and to reduce the need for substantial buffers. Flexibility in the management regime and the regulatory process will aid in responding to contingencies.

(c) *Variations.* (1) In fishery management terms, variations arise from biological, social, and economic occurrences, as well as from fishing practices. Biological uncertainties and lack of knowledge can hamper attempts to estimate stock size and strength, stock location in time and space, environmental/habitat changes, and ecological interactions. Economic uncertainty may involve changes in foreign or domestic market conditions, changes in operating costs, drifts toward overcapitalization, and economic perturbations caused by changed fishing patterns. Changes in fishing practices, such as the introduction of new gear, rapid increases or decreases in harvest effort, new fishing strategies, and the effects of new management techniques, may also create uncertainties. Social changes could involve increases or decreases in recreational fishing, or the movement of people into or out of fishing activities due to such factors as age or educational opportunities.

(2) Every effort should be made to develop FMPs that discuss and take into account these vicissitudes. To the extent practicable, FMPs should provide a suitable buffer in favor of conservation. Allowances for uncertainties should be factored into the various elements of an FMP. Examples are:

(i) Reduce OY. Lack of scientific knowledge about the condition of a stock(s) could be a reason to reduce OY.

(ii) Establish a reserve. Creation of a reserve may compensate for uncertainties in estimating domestic harvest, stock conditions, or environmental factors.

(iii) Adjust management techniques. In the absence of adequate data to predict the effects of a new regime, and to avoid creating unwanted variations, a Council could guard against producing drastic changes in fishing patterns, allocations, or practices.

(iv) Highlight habitat conditions. FMPs may address the impact of pollution and the effects of wetland and estuarine degradation on the stocks of fish; identify causes of pollution and habitat degradation and the authorities having jurisdiction to regulate or influence such activities; propose recommendations that the Secretary will convey to those authorities to alleviate such problems; and state the views of the Council on unresolved or anticipated issues.

(d) *Contingencies.* Unpredictable events—such as unexpected resource surges or failures, fishing effort greater than anticipated, disruptive gear conflicts, climatic conditions, or environmental catastrophes—are best handled by establishing a flexible management regime that contains a range of management options through which it is possible to act quickly without amending the FMP or even its regulations.

(1) The FMP should describe the management options and their consequences in the necessary detail to guide the Secretary in responding to changed circumstances, so that the Council preserves its role as policy-setter for the fishery. The description enables the public to understand what may happen under the flexible regime, and to comment on the options.

(2) FMPs should include criteria for the selection of management measures, directions for their application, and mechanisms for timely adjustment of management measures comprising the regime. For example, an FMP could include criteria that allow the Secretary to open and close seasons, close fishing grounds, or make other adjustments in management measures.

(3) Amendment of a flexible FMP would be necessary when circumstances inthe fishery change substantially, or when a Council adopts a different management philosophy and objectives.

§ 602.17 National Standard 7—Costs and Benefits.

(a) *Standard 7.* Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

(b) *Necessity of Federal management.* (1) *General.* The principle that not every fishery needs regulation is implicit in this standard. The Act does not require Councils to prepare FMPs for each and every fishery—only for those where regulation would serve some useful purpose and where the present or future benefits of regulation would justify the costs. For example, the need to collect data about a fishery is not, by itself, adequate justification for preparation of an FMP, since there are less costly ways to gather the data (see § 602.13(d)(2)). In some cases, the FMP preparation process itself, even if it does not culminate in a document approved by the Secretary, can be useful in supplying a basis for management by one or more coastal States.

(2) *Criteria.* In deciding whether a fishery needs management through regulations implementing an FMP, the following general factors should be considered, among others:

(i) The importance of the fishery to the Nation and to the regional economy.

(ii) The condition of the stock or stocks of fish and whether an FMP can improve or maintain that condition.

(iii) The extent to which the fishery could be or is already adequately managed by States, by State/Federal programs, by Federal regulations pursuant to FMPs or international commissions, or by industry self-regulation, consistent with the policies and standards of the Act.

(iv) The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.

(v) The economic condition of a fishery and whether an FMP can produce more efficient utilization.

(vi) The needs of a developing fishery, and whether an FMP can foster orderly growth.

(vii) The costs associated with an FMP, balanced against the benefits (see paragraph (d) of this section as a guide).

(c) *Alternative management measures.* Management measures should not impose unnecessary burdens on the economy, on individuals, on private or public organizations, or on Federal, State, or local governments. Factors such as fuel costs, enforcement costs, or the burdens of collecting data may well suggest a preferred alternative.

(d) *Analysis.* The supporting analyses for FMPs should demonstrate that the benefits of fishery regulation are real and substantial relative to the added research, administrative, and enforcement costs, as well as costs to the industry of compliance. In determining the benefits and costs of management measures, each management strategy considered and its impacts on different user groups in the fishery should be evaluated. This requirement need not produce an elaborate, formalistic cost/benefit analysis. Rather, an evaluation of effects and costs, especially of differences among workable alternatives including the status quo, is adequate. If quantitative estimates are not possible, qualitative estimates will suffice.

(1) *Burdens.* Management measures should be designed to give fishermen the greatest possible freedom of action in conducting business and pursuing recreational opportunities that are consistent with ensuring wise use of the resource and reducing conflict in the fishery. The type and level of burden placed on user groups by the regulations need to be identified. Such an examination should include, for example: capital outlays; operating and maintenance costs; reporting costs; administrative, enforcement, and information costs; and prices to consumers. Management measures may shift costs from one level of government to another, from one part of the private sector to another, or from the government to the private sector. Redistribution of costs through regulations is likely to generate controversy. A discussion of these and any other burdens placed on the public through FMP regulations should be a part of the FMP's supporting analyses.

(2) *Gains.* The relative distribution of gains may change as a result of instituting different sets of alternatives, as may the specific type of gain. The analysis of benefits should focus on the specific gains produced by each alternative set of management measures, including the status quo. The benefits to society that result from the alternative management measures should be identified, and the level of gain assessed.

Appendix A to Subpart B

Explanatory Material

Overview

The guidelines allow for innovative policy evolution in response to new social or economic circumstances, and set out the benchmarks of current fishery management policy under the Act. With responsible management of a valued national resource as the goal, NOAA believes the guidelines should supply the Councils, as fishery management planners, a means to assess their work in developing and documenting their decisions. To that end, certain sections of the guidelines specifically address requirements and options for contents of an FMP, supplementing and drawing into sharper focus provisions of § 602.3 (Contents of Fishery Management Plans), currently in effect. These sections are usually indicated by the paragraph heading "analysis," within which is given more detailed guidance as to the kind of discussion and examination that an FMP should contain to demonstrate consistency with the standard in question. Words within these sections were carefully chosen to convey levels of effort and information commensurate with need (e.g., "consider," "take into account," "explain," "discuss," "examine," "analyze," "identify").

Fishery management decisions affect the fishing industry, the government and the individual taxpayer/consumer. Members of industry, citizens, and those responsible for implementing a fishery management regime need to know the reasons for decisions that affect them. Thus, it is important that certain issues (particularly those that are controversial) undergo enough examination and discussion to illuminate the options, demonstrate the rationales, and justify the final choice of management regime. This implicit democratic principle of accountability in government underlies and reinforces the Secretary's statutory responsibility to make informed judgments regarding an FMP's consistency with the national standards. The principle is reflected in the philosophies of the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (FRA), the Paperwork Reduction Act (PRA) and Executive Order (E.O.) 12291—all of which seek accountability in regulatory action.

Section 602.2 contains a style guide, which explains the use of specific words to distinguish the advisory, explanatory, or obligatory nature of the guideline language.

and presents other words within the precise context of the guidelines.

Section 602.10 makes it clear that FMPs in substantial compliance with the guidelines, the Act, and other applicable law must be approved. The guidelines are meant as a protection for everyone in the FMP system. Their acceptance and use are a matter of practical utility for the Councils and of public commitment of the agency to consistent application of the policies stated. As an aggregation of policies developed through creative Council responses to regional fishery management problems, they are a way of sharing the empirical knowledge gained over the life of the Act.

Standard 1

Maximum Sustainable Yield (MSY)

Past controversy concerning MSY has related to its adequacy as a goal to be achieved by management. As used in the Act, MSY is a baseline tool in the determination of OY. In recognizing that MSY represents the underlying biological rationale upon which most determinations of OY rest, the guidelines set forth a more flexible framework for its calculation. Recognition of the need for flexibility in approaching MSY and OY has come as a result of plan review experience and Council innovation in adapting these concepts to the characteristics of different fisheries.

It is clear that because the Act requires the MSY specification, every attempt should be made to specify it. The guidelines acknowledge that MSY may be derived from a number of formulas or models (depending on the level and type of information available), that the use of range for MSY is satisfactory, and that in some fisheries a numerical MSY is not essential in establishing an appropriate underlying biological basis for OY. NOAA believes that Congressional intent is served if OY rests, even in these cases, on the best directly relevant biological information available.

The guidelines permit adjustment of (deviation from) MSY prior to determining OY under certain conditions, provided that the adjustment is fully justified in terms of environmental, ecological, or biological data available for the management unit under consideration. One type of adjustment is illustrated by the concept of Acceptable Biological Catch (ABC), used by some Councils. Following from the guideline definition of MSY as a long-term average, ABC is an annually determined catch that may differ from MSY for biological reasons—lower or higher to allow for fluctuating recruitment. It may be set lower than MSY to rebuild overfished stocks, or to be conservative when there is inadequate data on the status of the stocks.

Other types of adjustment to MSY have been made to allow for the influence of environmental factors. For example, the Gulf of Mexico shrimp MSY is adjusted annually through the use of an environmental calculation involving water flow and temperature characteristics. This fishery also illustrates that the biological resiliency and high fecundity of some stocks may allow OY to become a descriptive statement, equivalent—for all practical purposes—to MSY: OY in the Gulf shrimp FMP is equal to all the shrimp harvested under the FMP's management measures. Another instance where stock characteristics influence the determination of OY directly (making a numerical calculation of MSY immaterial) is the stone crab FMP, in which OY is all the stone crab caught with a minimum claw size. (Descriptive OYs can be converted into an annual numerical estimation for purposes of deriving TALFF, and for other reasons.) In cases where specification of MSY may not be technically possible because of lack of assessment data—such as might occur in an unutilized resource for which a fishery suddenly develops or in species that are minor components of mixed species fisheries—the OY still must be derived from biological information, as for example, the proportional abundance of associated species.

Overfishing

Overfishing is a relative term; it cannot be defined in isolation from its biological, economic, or ecological consequences, nor from its relationship to given management objectives. The prevention of overfishing has as its goal the protection of a stock's general reproductive capacity and its productivity in terms of maintaining an adequate supply of catchable fish.

The guidelines state that significant downward trends in spawing stock size and in average annual recruitment to the fishery may signal that overfishing is occurring. Recruitment is the process of adding new fish to the catchable population by the growth of smaller fish, or movement of fish into a fishing area from an unfished area. For an individual fish, recruitment occurs when the fish becomes large enough to be, in some degree, vulnerable to capture by the fishing gear used in the fishery. Thus, one refers to "recruitment to the fishery" to indicate the process of becoming catchable or becoming a recruit.

Ascertaining when these downward trends in stock size and recruitment have been established is a judgment based on information gained over time from scientific stock assessment, from harvesters and processors (through logbooks, catch samples, interviews, weigh-out slips, etc.), and from other sources such as aerial surveys or hydroacoustic data. NOAA also recognizes that a decline in stock size or abundance may occur independent of fishing pressure and that adverse changes in essential habitat may increase the risk that fishing effort will contribute to a stock collapse.

The guidelines specify that an FMP should explain how its conservation and management measures will prevent overfishing, including a program for rebuilding the stock if it has been diminished below a desired level. They also indicate that even if fishing pressure were not the cause of the problem, the Act limits the authority of the Councils in addressing the other causes. The only direct control available under the Act, under any circumstances, is to reduce fishing mortality. These controls might include, for example, establishment of catch quotas, closed seasons, closed areas, limits on mesh size, limited vessel days, and limits on vessels entering the fishery.

Fishing can produce a variety of effects on local and areawide abundance, availability, size, and composition of a stock. Some of these effects have been called "overfishing"; however, the guidelines state that these effects are not "overfishing" under standard 1, and that a Council may recommend conservation and management measures to prevent or permit these effects, depending on the objectives of a particular FMP. These "permissible" types of overfishing have been called "growth," "localized," and "pulse" overfishing.

Growth overfishing occurs when fishing pressure or some other factor results in the taking of too many fish before they have reached their optimum size for harvest. It may be the result of a planned attempt to harvest preferentially because of a demand for a smaller product, a high discard rate of a non-target species, faulty fishing practices, or heavy fishing pressure. Growth overfishing may be discouraged or disallowed by regulating mesh sizes or imposing area closures, to force fishing on larger or more marketable fish, as in the cases of butterfish, surf clams, or Gulf of Mexico shrimp.

Localized overfishing occurs when small portions of a fishery are temporarily overfished at a particular point in space and time. It can occur in reef fish fisheries when fishing pressure causes a temporary denuding of a particular reef. However, the chief characteristic of this type of overfishing is its temporary nature (i.e., the remainder of the stock of fish can repopulate the overfished portion).

Pulse overfishing can be tolerated under certain conditions. For example, it may be desirable for economic and social reasons in a specific fishery to allow the taking of a given amount of fish in a short time, and then let the stock rest for a period. Extra care should be taken so that pulse fishing does not result in serious long-term depletion.

As management regimes become more comprehensive, the interrelationships of fishing pressures on target and nontarget (both major and minor) species will have to be addressed more directly. NOAA believes that rational management of any multi-species fishery includes acknowledging the fact that overharvesting minor subcomponents may be unavoidable. The guidelines allow such overharvesting if the benefits are analyzed, the individual populations within a management unit so affected are identified, and an assessment of the risk of the species reaching a "threatened" or "endangered" status is made so that Council action will not cause any stock component to require protection under the Endangered Species Act.

Whether to allow any type of overfishing will continue to be argued among economists, biologists, industry representatives, and environmentalists. The policy question centers on whether the primary responsibility under the Act is to the resource or to the users of the resource, on the "wise use"/preservation dichotomy inherent in the word "conservation," and on the tension between risk and predictability. NOAA believes that the overfishing sections of the guidelines are responsive to the findings of the Act,

particularly when read in conjuction with the standard 6 guideline provisions for buffers, reserves, and framework plan flexibility.

Optimum Yield (OY)

NOAA believes it important to keep the distinction clear between the two separate parts of standard 1: To prevent overfishing, and to achieve OY. The guidelines are written such that overfishing is an intrinsic limitation on OY; it is built into the OY determination, yet maintains a separate identity as a prohibition. For example, exceeding OY does not constitute overfishing when the fishery is not depressed. On the other hand, exceeding OY may constitute overfishing when the margins of tolerance are low. (Buffers to protect against overfishing because of uncertainty in estimating stock size or domestic harvest may be established in the form of reserves or a reduced OY.)

Whether exceeding OY is overfishing is a separate issue from continual harvest at a level above a fixed-value OY. The latter violates the other half of the standard (which is to achieve OY), whether or not overfishing is the result. Standard 1 may be violated from either side of the OY equation—if the level of harvest is continually above, or below, a fixed-value OY. NOAA believes that the Act requires that an attempt be made to achieve OY on an annual basis year after year, though recognizing that this may not always happen.

The guidelines also state that in the case of a mixed species fishery, the OY for incidental species may be a function of the directed catch, or absorbed into an OY for related species.

NOAA believes that achievement of OY includes giving foreign fishing vessels reasonable opportunity to harvest that portion of the OY that will not be harvested by vessels of the United States (OY minus DAH, called the total allowable level of foreign fishing—TALFF). However, nothing precludes Councils from setting OY equal to DAH (effectively eliminating TALFF), if circumstances warranting it are documented. NOAA has written the guidelines to allow international economic considerations to influence the size of TALFF through adjustment of OY.

Standard 2

Application of this standard affects the operation of all the other standards. The level of information influences the establishment of MSY, OY, and management unit composition; it underlies determinations of allocations, judgments of efficiency, adjustments for variations and contingencies, and evaluations of costs and benefits. The guidelines address the questions of timeliness, opposing bodies of opinion, and practical utility of the information specified, and emphasize the continuing need for information for monitoring and in-season adjustment decisions under a flexible management regime. A voluntary system of data collection is permissible, but requires a justification under the Paperwork Reduction Act, and is not covered under the Act's confidentiality provision. (Under the NOAA data security system, all individually collected fishery data are treated internally with the same degree of protection.) It is acceptable to collect data within State boundaries when needed for proper implementation of an FMP, but duplication of effort should be avoided. Successful data collection depends on the protection of confidential data, the public trust in that protection, and the public perception of the valid uses of those data. The validity of the entire process may hinge on the cooperative attitudes of constituents, the research community, and the relevant governmental institutions.

Standard 3

Standard 3's principle of comprehensive management works well with standard 7's principle of avoiding duplication. The emphasis in the revision is on the scope, composition, and unity of the management unit, and on coordination and cooperation rather than on potential jurisdictional tension. NOAA believes that range-wide planning should encourage active State participation in the planning process, and that such planning will provide clear direction to the States as to what is needed to implement the proposed management regime effectively. This is consistent with Council practice; the result should be greater compatibility between Federal and State management measures.

Because the potential for incompatibility does exist, however, the guidelines require an FMP to discuss the interrelationship between State management activities and the proposed Federal regime. Federal regulations supersede any conflicting State regulations of FCZ fishing (F/V American Eagle v. Alaska, No. 2227 (Alaska, Nov. 21, 1980)). State landing laws and other forms of indirect regulation of FCZ fishing may be affected by implementing an FMP. The required analysis focuses attention on these impacts and on the effect of inconsistent State action on attaining the objectives of the FMP. This latter discussion will assist in determining Secretarial responsibilities under section 306(b) of the Act.

Standard 3 calls for management of a "stock" throughout its range. NOAA feels that the use of the words "stock," "fishery," and "management unit" is significant, and has endeavored to use the appropriate term in the guidelines. A stock may be larger than the fishery, as is the case when only a portion of the stock is actively fished. A fishery may be larger than a stock, when more than one stock is fished together. The management unit may ignore a portion of a fishery or stock when it includes a transboundary fishery or when a minor portion of the unit is fished within the area of authority of another Council. Examples are given of the perspectives around which a management unit may be organized.

Standard 4

To assist Councils in making what are usually the most controversial decisions within an FMP, NOAA has tried to confront the human issues surrounding fishery management directly, consistent with its concern for the econoimic and social consequences of regulation.

The guidelines address the "discrimination among residents of different States" issue as an extension of the Federal "privilege and immunities" clause of the U.S. Constitution, which means that Councils may not rely on, nor incorporate within an FMP, a State law that discriminates against residents of a different State. Discrimination is a distinct concept from equity.

Fishery management is essentially a series of allocations among present users, between present and future users, between public and private interests. The guidelines define "allocation" for purposes of the standard as a direct and deliberate distribution of the opportunity to participate in a fishery among identifiable, discrete groups of fishermen. Because only measures that meet the definition will be judged against the standard, this is a critical and sensitive differentiation.

Many management measures may have an *incidental* effect on the fishing privileges enjoyed by different groups of U.S. fishermen. Any quota has a distributive effect on present and future users through its impact on stock maintenance or rebuilding. Area closures may cause practical difficulties for smaller vessels or those located far from open areas. Seasonal quotas create difficulties for those whose economics of operation do not permit a long period of inactivity.

Direct allocations, by contrast, have been made by the several Councils in a variety of FMPs in the past: Quotas by classes of vessels (Atlantic groundfish), quotas for commercial and recreational fishermen (Atlantic mackerel), different fishing seasons for recreational and commercial fishermen (salmon), assignment of ocean areas to different gears (stone crab), and limiting permits to present users (surf clam). These direct allocations were approved under standard 4 because the Councils complied with the three statutory criteria of the standard in constructing their allocation schemes.

The guideline's definition is an attempted middle ground between all measures affecting fishing practices and measures designated as allocations in an FMP. The distribution must be direct and deliberate, but a Council could not disclaim an intent to allocate through a measure that had obvious and inevitable allocative effects.

NOAA believes that the required analysis of allocations and alternative schemes considered—including the status quo—will help to focus attention on the existing distribution of privileges and the alteration of that distribution which Federal management will impose. Each FMP should contain the Council's judgment on fairness and equity, conservation promotion, and possible monopolistic or oligopolistic effects of the proposed allocations.

The guidelines link "fairness" with FMP objectives and OY and acknowledge that fishing rights of treaty Indians and aboriginal Americans should be factored into Council judgments. Rational use of the resource is suggested as one way an allocation scheme may promote conservation. A more visible conservation purpose is illustrated by the moratorium on entry of new vessels into the surf clam fishery, initiated to mitigate a resource crisis in a stock.

Standard 5

NOAA believes that, for purposes of standard 5, efficiency can be defined as the ability to produce a desired effect or product (or achieve an objective) with a minimum of effort, costs, or misuse of valuable biological and economic resources. In other words, Councils should choose management measures that achieve the FMP's objectives with minimum cost and burdens on society. NOAA believes that particular care should be taken when considering management of common property resources—where intensive individual market actions risk the "tragedy of the commons," a concept that comprises damage not only to the individual fisherman, but to the very resource on which he depends. Where there are no property rights, the role of government takes on the dimension of stewardship. NOAA also believes that managing at least cost to society and managing at least cost to the fisherman are not mutually exclusive. NOAA reads standards 5 and 7 together; to minimize costs of regulating also means to minimize costs to the industry of compliance.

The guidelines also recognize the difficulty inherent in reconciling particular economic and social needs of industry participants and consumers with this goal of efficiency. For example, maximizing employment opportunities by allowing continued overcapitalization instead of reducing effort might be considered inefficient in terms of an economic goal, but not necessarily in terms of a social goal. Or, when it is necessary to preserve a subsistence way of life or enjoyment of recreational fishing, application of the efficiency standard may not be appropriate. Councils thus may have to choose between—or rank—competing objectives.

NOAA believes that an FMP should not restrict the use of productive and cost-effective techniques of harvesting, processing or marketing, unless such restriction is necessary to achieve the conservation or social objectives of the FMP. For example, the Pacific salmon FMP provides for use of a barbless hook to decrease mortality of sublegal coho and chinook. The high seas salmon FMP requires "heads on" landing for fin-clipped coho and chinook to insure recovery of coded wire tags used to establish a needed distribution data base. In both cases, reduction in efficiency was outweighed by the conservation benefit.

Administrative efficiency can be a factor in choosing between management regime alternatives, as well. The Gulf of Mexico shrimp FMP's cooperative Texas closure, for example, increased the effectiveness and efficiency of enforcement.

NOAA chose to address the questions surrounding "limited access" in the context of standard 5 rather than in standard 4, even though limited access, by its nature, is an allocative measure. In fact, the guidelines caution that any limited access system must be consistent with section 303(b)(6) of the Act and the standard 4 guidelines. NOAA believes that placement within standard 5 puts the emphasis more appropriately on concepts of economic efficiency in achieving OY rather than on the contentious issues of right of entry, or limit on effort, per se. The placing of limited access within the standard 5 context does not imply, however, that efficiency is always attained by limited access, nor that limited access is the most desirable method of attaining efficiency, nor that efficiency is the only purpose for limited access, nor that limited entry has always resulted in the benefits listed in the guidelines.

Standard 6

NOAA recognizes that each fishery exhibits unique uncertainties, and that the unpredictable nature of the fishery resource caused by vulnerability to changing conditions and unforeseeable events makes long-term planning difficult. Long-term objectives are more easily attainable in the more stable fisheries. The guidelines clarify that it is possible to compensate for variations by establishing buffers; protection against contingencies is urged through use of flexibility in the regulatory process.

Standard 7

The principles of standard 7 coincide with many earnest and recently intense efforts of NOAA and the Councils to streamline the FMP process. As more FMPs have come on line, the costs of enforcement and of collecting data for monitoring, while reduced per FMP, have increased in total. The rising costs of fishing, due in part to dependence on petroleum-based products, has intensified the need to consider the impact of potentially burdensome regulations. Thus, it has become necessary to be more precise in evaluating the costs to industry and to goverment, to support comprehensive management, and to work toward a flexible regulatory structure.

NOAA believes that the requirements of E.O. 12291 and other regulatory reform legislation quite appropriately focus attention on the threshold question of the actual need for management through regulation. Even when a Council believes there is an advantage to managing a fishery, growing public concern over excessive Federal regulation of private activities and over the need to reduce the cost of government emphasizes the responsiblity to ensure that FMPs are developed only for those fisheries where the need for Federal regulation can be clearly demonstrated. For these reasons, the guidelines propose criteria to assist in making these threshold decisions.

NOAA recognizes that the wide diversity of fisheries and of management objectives increases the difficulties of devising a quantitative cost/benefit analysis for fishery management measures. However, under the guidelines, the types of analyses suggested under standards 4 and 5 would be the first steps in evaluating relative distribution of gains and burdens produced by each alternative set of management measures. While weight of intangibles such as recreational enjoyment, habitat protection, or social dislocation often cannot be expressed in dollar terms, NOAA believes they should be considered and described as explicitly as possible.

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Friday
February 18, 1983

Part V

Department of the Interior

Bureau of Land Management

Combined Hydrocarbon Leasing; Procedures for the Leasing of Combined Hydrocarbon Resources; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3140

[Circular No. 2520]

Combined Hydrocarbon Leasing; Procedures for the Leasing of Combined Hydrocarbon Resources

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking provides the procedure to be used by the Secretary of the Interior in implementing a competitive leasing program in Special Tar Sand Areas as required by the Combined Hydrocarbon Leasing Act of 1981.

EFFECTIVE DATE: March 21, 1983.

ADDRESS: Any inquiries or suggestions should be sent to: Director (540), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

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SUPPLEMENTARY INFORMATION: The proposed rulemaking providing procedures for the Leasing of Combined Hydrocarbon Resources was published in the **Federal Register** on June 14, 1982 (47 FR 25720), with a 45-day comment period. In addition, a public information meeting was held on the proposed rulemaking in Salt Lake City, Utah, on June 15, 1982.

During the comment period, ten written comments were received on the proposed rulemaking, seven from industry sources and three from Federal agencies. These written comments and the oral comments received at the information meeting were given careful consideration.

In general, the comments were favorable to the proposed rulemaking and its purpose. The comments expressed satisfaction at the speed with which the Department of the Interior was implementing the provisions of the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070). The comments on specific points will be discussed in the section they cover. Only those sections that were the subject of comments will be discussed.

Section 3141.0–5 Definitions

The term "Special Tar Sand Area" contained in paragraph (b) has been amended by the final rulemaking to clarify that the orders designating the Special Tar Sand Areas were orders of the Department of the Interior, rather than Secretarial orders. This is a technical correction.

A new paragraph has been added to the definition section by the final rulemaking. This paragraph defines the term "oil". The decision to add this term was based on the fact that its addition clarifies the final rulemaking, making it easier to understand.

Section 3141.0–8 Effect of existing regulations

Several comments were received on this section of the proposed rulemaking which recommend additions to the language of paragraph (a) to specifically identify those provisions of 43 CFR Part 3100 that are applicable to the provisions on competitive combined hydrocarbon leases. In the alternative, the comments suggested that additional sections be added to the final rulemaking to specifically provide the detailed procedures to be used in issuing combined hydrocarbon leases. After careful consideration of this issue, the final rulemaking amends paragraph (a) to provide a detailed listing of those sections of part 3100 that are applicable to combined hydrocarbon leasing. When the proposed rulemaking revising 43 CFR Group 3100 is finalized, any needed changes will be made to this section.

One comment on paragraph (b) of the proposed rulemaking objected to the inclusion of the provision concerning diligent development because the Combined Hydrocarbon Leasing Act, in the comment's view, does not impose a requirement for diligent development on leases issued under its provisions. The point raised in the comment was well taken and paragraph (b) has been amended to state that the provisions of 30 CFR Part 231 apply to the development and approval of plans of operations on combined hydrocarbon leases issued under this subpart. This includes the requirement that prior to commencement of operations, the successful lessee shall either develop a plan of operations as provided in 30 CFR 231.10 or file an application for a permit to drill as provided in 30 CFR Part 221. Since the requirements for a plan of operations provided in 30 CFR 231.10 presently contain no requirement to demonstrate diligence, this requirement has been removed by the final rulemaking. In addition, the 10-year primary term for a combined hydrocarbon lease appears sufficient incentive for diligent development of tar sand under a combined hydrocarbon lease. However, the Department of the Interior expects its lessees to conduct all development activities in a manner consistent with the prudent operator standard of diligent development. In addition, the final rulemaking amends paragraph (b) for clarity.

Section 3141.1 General

A comment was received concerning applications for a lease or permit filed under 43 CFR Part 2920. The comment suggested that the term of any lease issued in association with a combined hydrocarbon lease run for a period at least as long as that of the combined hydrocarbon lease. Section 2920.9–3(a) provides various methods by which a lease or permit will terminate and governs the term of such leases or permits. This provision gives an authorized officer all the authority needed to set the term of an associated lease or permit and no change has been made in this portion of the proposed rulemaking by the final rulemaking.

Paragraph (a) of this section has been revised by the final rulemaking to clarify its intent. Another change made by the final rulemaking in this section and other sections of the proposed rulemaking, is to remove the reference to the Utah State Office of the Bureau of Land Management in order to follow the existing procedure of referring to the proper BLM office. Once the revised regulations for 43 CFR Group 3100 are finalized, the term "proper BLM office" defined in that revision will apply to this subpart.

Section 3141.2–2 Exploration licenses

The purpose of this section of the proposed rulemaking is to establish procedures which would allow an individual to conduct core drilling and other exploration activities within Special Tar Sand Areas only for tar sand resources by obtaining an exploration license. All applications for an exploration license would be processed in accordance with the procedures outlined in this section. Language has been added to the final rulemaking to make it clear that its provisions are only applicable to those lands where the surface is under the jurisdiction of the Bureau of Land Management.

Another comment recommended that the final rulemaking allow for the issuance of exploration licenses on areas outside a designated Special Tar Sand Area. Exploration licenses are issued under the authority granted the Secretary of the Interior to manage the public lands and their resources by various statutes. This authority is not limited to Special Tar Sand Areas.

Therefore, this section of the final rulemaking has been amended to allow the issuance of exploration licenses for tar sand for areas adjacent to Special Tar Sand Areas. This amendment will allow greater administrative efficiency in the issuance of exploration licenses for tar sand. However, it should be noted that the Combined Hydrocarbon Leasing Act limits the authority of the Secretary of the Interior to issue combined hydrocarbon leases to designated Special Tar Sand Areas.

Paragraph (b)(5) has been amended by the final rulemaking to require the applicant to justify the granting of an exploration license for an area in excess of 5,120 acres. This amendment clarifies the intent of this paragraph of the proposed rulemaking.

Paragraph (c) of the proposed rulemaking required an applicant for an exploration license to permit an opportunity for participation by others in the exploration activity on a pro rata cost share basis. This requirement was objected to by several comments. After careful consideration of the comments and the purpose of the paragraph, the final rulemaking has been amended to give the authorized officer discretionary authority to require an applicant to provide an opportunity for participation in exploration activity under an exploration license.

A comment on paragraph (e)(2) of the proposed rulemaking questioned the $2 per acre per year fee required by the proposed rulemaking and recommended that it be reduced or eliminated. After careful consideration of the comment and its implications, the $2 per acre per year rental has been retained by the final rulemaking because it represents an adequate return to the taxpayers for the activities covered by the rulemaking.

Paragraph (e)(4) of the proposed rulemaking has been amended by the final rulemaking to clarify the intent of the proposed rulemaking that information will be supplied by an exploration licensee only upon the request of the Bureau of Land Management. Another change made to this paragraph by the final rulemaking was in response to several comments concerning the period of time that proprietary data would be treated as confidential. The comments expressed the view that the 3-year limit provided by the proposed rulemaking was too short and might compromise the competitive position of licensees. The change made by the final rulemaking provides the Bureau of Land Management with discretion to release the data when it determines that public access to the data will not damage the competitive position of the licensee.

Paragraph (e)(8) of the proposed rulemaking has been revised by the final rulemaking to clarify its requirements. A careful analysis of the paragraph indicated that its provisions were confusing and needed clarification.

Section 3141.4–2 Consultation With Others

One comment was received on this section of the proposed rulemaking. The comment raised questions about the language of the consultation process and recommended that it be expanded and clarified, with special emphasis on the limitations on the issuance of combined hydrocarbon leases in units of the National Park System. The final rulemaking revises the section, dividing it into two paragraphs and expanding its scope.

In addition, to further the Department of the Interior's policy of consultation with the affected State government, this section is revised to state more clearly that the Secretary of the Interior will solicit detailed recommendations from the Governor of the affected State concerning which tracts to lease. Language has also been added to this section to provide for sending written notice to the Governor of the affected State concerning acceptance or rejection of his/her recommendation regarding lease sales. Provision has also been made for publication of his/her decision in the **Federal Register** in addition to the written notification.

Section 3141.5–1 Economic Evaluation

Two changes have been made in this section by the final rulemaking. The first change is a clarification that makes it clear that the authorized officer will request an economic evaluation on each proposed lease tract prior to a lease sale. A second change made by the final rulemaking is moving the minimum bid requirement to the section on conduct of sale, where it more appropriately belongs.

Section 3141.5–3 Royalties and Rentals

This section of the proposed rulemaking, which received several comments, establishes the royalty rate for combined hydrocarbon leases. It is recognized that some methods of extraction will result in the value of the product produced from tar sand differing from that produced from more traditional sources. In accordance with section 7 of the Combined Hydrocarbon Leasing Act, this section allows the Secretary of the Interior, at the request of the lessee, to review and reduce the lease royalty rate prior to the commencement of comercial operations, with the intent of promoting development and maximizing production of the resource by requiring enhanced recovery methods. The final rulemaking amends the proposed rulemaking to provide that the Bureau of Land Management will establish the procedures for implementing the pre-production royalty rate reduction.

One of the principal issues raised in the comments on royalty reduction was a request that the potential lessees be assured that a reduction would be granted upon a reasonable request. The final rulemaking makes no change on this point. However, the Secretary of the Interior will be responsive in carrying out the provisions of the Combined Hydrocarbon Leasing Act and will use the discretion granted by that Act to promote development and maximize production of the tar sand resource. It would be inappropriate to limit the Secretary's discretionary authority by having the final rulemaking require the granting of a royalty rate reduction upon request, as some comments suggested.

In addition, several comments were received on this section of the proposed rulemaking which dealt with the procedure that would be used for establishing the basic royalty rate for tar sands. Specific questions were raised on what the royalty would be computed upon, and where in the processing procedure the royalty would be assessed. As noted in the comments, these issues are beyond the purview of this rulemaking. The Bureau of Land Management is presently developing procedures for addressing these issues. No change has been made on this point by the final rulemaking.

Section 3141.6–2 Publication of Notice of Competitive Lease Offering

In addition to some editorial changes that have been made by the final rulemaking for clarity, this section has been amended to require that the notice of competitive lease offering contain a notice of the amount of the minimum bid.

Section 3141.6–3 Conduct of Sales

Several comments were received that questioned whether sealed bidding followed by oral bidding provided by the proposed rulemaking would in fact encourage competition in the leasing process. In response to these comments and in keeping with Department of the Interior policy, this section has been changed by the final rulemaking to remove all mention of oral bidding.

As indicated earlier in this preamble, the final rulemaking moves the minimum bid requirement to this section, where it more appropriately belongs.

Section 3141.6–4 Qualifications

This section of the proposed rulemaking has been clarified by the final rulemaking to require that the bid statement must be signed by the bidder. The proposed rulemaking was not clear as to who was required to sign the bid statement.

Section 3141.6–5 Fair Market Value

In keeping with current Department of the Interior policies, the final rulemaking has a new section 3141.6–5 requiring a post-sale evaluation by the Bureau of Land Management to determine if the bids do in fact reflect fair market value of each tract offered through the competitive leasing program. This evaluation will assure the public that they have received fair market value for the use of the resources.

Miscellaneous

One comment was made regarding the Windfall Profit Taxes. Windfall Profit Taxes are outside the scope of this rulemaking and no action can be taken on the comment.

Editorial and grammatical changes, as needed, have been made.

The primary authors of this final rulemaking are Richard J. Aiken and Edward E. Coggs, Division of Coal, Tar Sands and Oil Shale, Bureau of Land Management; Bob Randolph and Orvall Hadley, Utah State Office, Bureau of Land Management, assisted by William Murray, Division of Energy and Resources, Office of the Solicitor, Department of the Interior and the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and that it 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 rulemaking is not expected to have an impact of $100 million annually on the economy since 70–80 percent of the resource available in the Special Tar Sand Areas is available for noncompetitive leasing under the conversion section of the Combined Hydrocarbon Leasing Act. The demand for competitively leased tar sand is expected to be limited to holders of converted combined hydrocarbon leases who will be seeking to round out their holdings. The cost of oil and gas development under this rulemaking will not differ significantly from that incurred under the oil and gas leasing regulations in Group 3100, although the cost of tar sand development will be higher than under the conversion regulations.

As pointed out in the preamble to the proposed rulemaking, the leasing provisions provided in this rulemaking are available to all entities wishing to avail themselves of the opportunity to lease combined hydrocarbon resources, regardless of the size of the entity. The final rulemaking follows the guidance set out in the Combined Hydrocarbon Leasing Act and is designed to provide an equitable process for leasing and development of combined hydrocarbon resources.

The information collection requirements contained in 43 CFR Subpart 3141 do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq. because there are fewer than ten respondents annually.

List of Subjects in 43 CFR Part 3140

Administrative practice and procedure, Environmental protection, Mineral royalties, Oil and gas reserves, Public lands—mineral resources.

Under the authority of the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070), the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351–359 et seq.) and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 3140, Group 3100, Subchapter C, Chapter II of the Code of Federal Regulations is amended by adding a new Subpart 3141 as follows.

Garrey E. Carruthers,

Secretary of the Interior.

January 18, 1983.

Subpart 3141—Competitive Leasing in Special Tar Sand Areas

Note.—The information collection requirements contained in 43 CFR Subpart 3141 do not require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq. because there are fewer than 10 respondents annually.

Sec.

Authority: 30 U.S.C. 181 et seq., 351 et seq., 43 U.S.C. 1701 et seq., 95 Stat. 1070.

Subpart 3141—Competitive Leasing in Special Tar Sand Areas

§ 3141.0–1 Purpose.

The purpose of this subpart is to provide for the competitive leasing of lands and issuance of Combined Hydrocarbon Leases within Special Tar Sand Areas.

§ 3141.0–3 Authority.

These regulations are issued under the authority of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 181 et seq.), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 et seq.), the Federal Land Policy and Manangement Act of 1976 (43 U.S.C. 1701 et seq.), and the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070).

§ 3141.0–5 Definitions.

As used in this subpart, the term:

(a) "Combined hydrocarbon lease" means a lease issued in a Special Tar Sand Area for the removal of any gas and nongaseous hydrocarbon substance other than coal, oil shale or gilsonite.

(b) "Special Tar Sand Area" means an area designated by the Department of the Interior's Orders of November 20, 1980 (45 FR 76800), and January 21, 1981 (46 FR 6077), and referred to in those orders as Designated Tar Sand Areas, as containing substantial deposits of tar and sand.

(c) "Tar sand" means any consolidated or unconsolidated rock (other than coal, oil shale or gilsonite) that either: (1) contains a hydrocarbonaceous material with a gas-free viscosity, at original reservoir temperature greater than 10,000 centipoise, or (2) contains a hydrocarbonaceous material and is produced by mining or quarrying.

(d) "Oil" means all nongaseous hydrocarbon substances other than those substances leasable as coal, oil shale or gilsonite (including all vein-type solid hydrocarbons).

§ 3141.0–8 Effect of existing regulations.

(a) The following provisions of part 3100 of this title, as they relate to competitive leasing, apply to the issuance and administration of combined hydrocarbon leases issued under this part.

(1) All of subpart 3100, with the exception of §§ 3100.5–2 and 3100.6–2;

(2) None of subpart 3101, except that §§ 3101.1–1, 3101.2–1, 3101.2–2 and 3101.4–5 do apply;

(3) All of subpart 3102;

(4) All of subpart 3103, with the exception of §§ 3103.3–1, those portions of 3103.3–2 dealing with noncompetitive leases, and 3103.3–4(a);

(5) All of subpart 3104;

(6) All of subpart 3105, with the exception of § 3105.1–4;

(7) All of subpart 3106, with the exception of § 3106.3–4;

(8) All of subpart 3107, with the exception of § 3107.7;

(9) All of subpart 3108; and

(10) All of subpart 3109, with special emphasis on § 3109.5–2(e).

(b) Prior to commencement of operations, the lessee shall develop either a plan of operations as described in 30 CFR 231.10 which ensures reasonable protection of the environment or file an application for a permit to drill as described in 30 CFR Part 221, whichever is appropriate.

(c) The provisions of 30 CFR Part 226 shall serve as general guidance to the administration of combined hydrocarbon leases issued under this subpart to the extent they may be included in unit or cooperative agreements.

§ 3141.1 General.

(a) All oil and gas within a Special Tar Sand Area shall be leased only by competitive bonus bidding and only combined hydrocarbon leases shall be issued for oil and gas within such areas.

(b) The acreage of combined hydrocarbon leases held within a Special Tar Sand Area shall not be charged against acreage limitations for the holding of oil and gas leases.

(c)(1) The authorized officer may noncompetitively lease additional lands for ancillary facilities in a Special Tar Sand Area that are shown by an applicant to be needed to support any operations necessary for the recovery of tar sand. Such uses include, but are not limited to, mill siting or waste disposal. An application for a lease or permit to use additional lands shall be filed under the provisions of part 2920 of this title with the proper BLM office having jurisdiction of the lands. The application for additional lands may be filed at the time a plan of operations is filed.

(2) A lease for the use of additional lands shall not be issued under this part when the use can be authorized under part 2800 of this title. Such uses include, but are not limited to, reservoirs, pipelines, electrical generation systems, transmission lines, roads and railroads.

(3) Within units of the National Park System, permits or leases for additional lands for any purpose shall be issued only by the National Park Service. Applications for such permits or leases shall be filed with the Regional Director of the National Park Service.

§ 3141.2 Prelease exploration within Special Tar Sand Areas.

§ 3141.2–1 Geophysical exploration.

Geophysical exploration in Special Tar Sand Areas shall be governed by subpart 3045 of this title. Information obtained under a permit shall be made available to the Bureau of Land Management upon request.

§ 3141.2–2 Exploration licenses.

(a) Any person(s) qualified to hold a lease under the provisions of subpart 3102 of this title and this subpart may obtain an exploration license to conduct core drilling and other exploration activities to collect geologic, environmental and other data concerning tar sand resources only on lands, the surface of which are under the jurisdiction of the Bureau of Land Management, within or adjacent to a Special Tar Sand Area. The application for such a license shall be submitted to the proper BLM office having jurisdiction of the lands. No drilling for oil or gas will be allowed under an exploration license issued under this subpart. No specific form is required for an application for an exploration license.

(b) The application for an exploration license shall be subject to the following requirements:

(1) Each application shall contain the name and address of the applicant(s);

(2) Each application shall be accompanied by a nonrefundable filing fee of $250.00;

(3) Each application shall contain a description of the lands covered by the application according to section, township and range in accordance with the official survey;

(4) Each application shall include 3 copies of an exploration plan which complies with the requirements of 30 CFR 231.10(a); and

(5) An application shall cover no more than 5,120 acres, which shall be as nearly compact as possible. The authorized officer may grant an exploration license covering more than 5,120 acres only if the application contains a justification for an exception to the normal limitation.

(c) The authorized officer may, if he/she determines it necessary to avoid impacts resulting from duplication of exploration activities, require applicants for exploration licenses to provide an opportunity for other parties to participate in exploration under the license on a pro rata cost sharing basis. If joint participation is determined necessary, it shall be conducted according to the following:

(1) Immediately upon the notification of a determination that parties shall be given an opportunity to participate in the exploration license, the applicant shall publish a "Notice of Invitation," approved by the authorized officer, once every week for 2 consecutive weeks in at least 1 newspaper of general circulation in the area where the lands covered by the exploration license are situated. This notice shall contain an invitation to the public to participate in the exploration license on a pro rata cost sharing basis. Copies of the "Notice of Invitation" shall be filed with the authorized officer at the time of publication by the applicant for posting in the proper BLM office having jurisdiction over the lands covered by the application for at least 30 days prior to the issuance of the exploration license.

(2) Any person seeking to participate in the exploration program described in the Notice of Invitation shall notify the authorized officer and the applicant in writing of such intention within 30 days after posting in the proper BLM office having jurisdiction over the lands covered by the Notice of Invitation. The authorized officer may require modification of the original exploration plan to accommodate the legitimate exploration needs of the person(s) seeking to participate and to avoid the duplication of exploration activities in the same area, or that the person(s) should file a separate application for an exploration license.

(3) An application to conduct exploration which could have been conducted under an existing or recent exploration license issued under this paragraph may be rejected.

(d) The authorized officer may accept or reject an exploration license application. An exploration license shall become effective on the date specifed by the authorized officer as the date when exploration activities may begin. The exploration plan approved by the Bureau of Land Management shall be attached and made a part of each exploration license.

(e) An exploration license shall be subject to these terms and conditions:

(1) The license shall be for a term of not more than 2 years;

(2) The rental shall be $2 per acre per year payable in advance;

(3) The licensee shall provide a bond in an amount determined by the authorized officer after consultation with the Mining Supervisor, but not less than $5,000. The authorized officer may accept bonds furnished under subpart 3104 of this title, if adequate. The period of liability under the bond shall be terminated only after the authorized officer determines that the terms and conditions of the license, the exploration plan and the regulations have been met;

(4) The licensee shall provide to the Bureau of Land Management upon request all required information obtained under the license. Any information provided shall be treated as confidential and proprietary, if appropriate, at the request of the licensee, and shall not be made public until the areas involved have been leased or only if the Bureau of Land Management determines that public access to the data will not damage the competitive position of the licensee.

(5) Operations conducted under a license shall not unreasonably interfere with or endanger any other lawful activity on the same lands, shall not damage any improvements on the lands, and shall not result in any substantial disturbance to the surface of the lands and their resources;

(6) The authorized officer shall include in each license requirements and stipulations to protect the environment and associated natural resources, and to ensure reclamation of the land disturbed by exploration operations;

(7) When unforeseen conditions are encountered that could result in an action prohibited by subparagraph (5) of this section, or when warranted by geologic or other physical conditions, the authorized officer may adjust the terms and conditions of the exploration license, may direct adjustment in the exploration plan;

(8) The licensee may submit a request for modification of the exploration plan to the authorized officer. Any modification shall be subject to the regulations in this section and the terms and conditions of the license. The authorized officer may approve the modification after any necessary adjustments to the terms and conditions of the license that are accepted in writing by the licensee; and

(9) The license shall be subject to termination or suspension as provided in § 2920.9–3 of this title.

§ 3141.3 Land use plans.

No lease shall be issued under this subpart unless the lands have been included in a land use plan which meets the requirements under Part 1600 of this title or an approved Minerals Management Plan of the National Park Service. The decision to hold a lease sale and issue leases shall be in conformance with the appropriate plan.

§ 3141.4 Consultation.

§ 3141.4–1 Consultation with the Governor.

The Secretary shall consult with the Governor of the State in which any tract proposed for sale is located. The Secretary shall give the Governor 30 days to comment before determining whether to conduct a lease sale. The Secretary shall seek the recommendations of the Governor of the State in which the lands proposed for lease are located as to whether or not to lease such lands and what alternative actions are available and what special conditions could be added to the proposed lease(s) to mitigate impacts. The Secretary shall accept the recommendations of the Governor if he/she determines that they provide for a reasonable balance between the national interest and the State's interest. The Secretary shall communicate to the Governor in writing and publish in the **Federal Register** the reasons for his/her determination to accept or reject such Governor's recommendations.

§ 3141.4–2 Consultation with others.

(a) Where the surface is administered by an agency other than the Bureau of Land Management, including lands patented or leased under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.), all leasing under this subpart shall be in accordance with the consultation requirements of subpart 3100 of this title.

(b) The issuance of combined hydrocarbon leases within units of the National Park System shall be allowed only where mineral leasing is permitted by law and where the lands are open to mineral resource disposition in accordance with any applicable Minerals Management Plan. In order to consent to any issuance of a combined hydrocarbon lease or subsequent development of combined hydrocarbon resources within a unit of National Park System, the Regional Director of the National Park Service shall find that there will be no resulting significant adverse impacts to the resources and administration of the unit or other contiguous units of the National Park System in accordance with § 3109.5–2(e) of this title.

§ 3141.5 Leasing procedures.

§ 3141.5–1 Economic evaluation.

Prior to any lease sale, the authorized officer shall request an economic evaluation of the total hydrocarbon resource on each proposed lease tract exclusive of coal, oil shale or gilsonite.

§ 3141.5–2 Term of lease.

Combined hydrocarbon leases shall have a primary term of 10 years and shall remain in effect so long thereafter as oil or gas is produced in paying quantities.

§ 3141.5–3 Royalties and rentals.

(a) The royalty rate on all combined hydrocarbon leases in 12½ percent of the value of production removed or sold from a lease. The Minerals Management Service shall be responsible for assessing tha administering royalties.

(b) The lessee may request the Secretary to reduce the royalty rate applicable to tar sand prior to commencement of commercial operations in order to promote development and maximum production of the tar sand resource in accordance with procedures established by the Bureau of Land Managment and may request a reduction in the royalty after commencement of commercial operations in accordance with § 3103.3–7 of this title.

(c) The rental rate for a combined hydrocarbon lease shall be $2 per acre per year, and shall be payable annually in advance.

(d) Except as explained in paragraphs (a), (b), and (c) of this section, all other provisions of subpart 3103.3 of this title apply to combined hydrocarbon leasing.

§ 3141.5–4 Lease size.

Combined hydrocarbon leases shall not exceed 5,120 acres.

§ 3141.5–5 Dating of lease.

A combined hydrocarbon lease shall be effective as of the first day of the month following the date the lease is signed on behalf of the United States, except that where prior written request is made, a lease may be made effective on the first of the month in which the lease is signed.

§ 3141.6 Sale procedures.

§ 3141.6–1 Initiation of competitive lease offering.

The Bureau of Land Management may, on its own motion, offer lands through competitive bidding. A request or expression(s) of interest in tract(s) for

competitive lease offerings shall be submitted in writing to the proper BLM office.

§ 3141.6–2 Publication of a notice of competitive lease offering.

Where a determination to offer lands for competitive leasing is made, a notice shall be published of the lease sale in the **Federal Register** and a newspaper of general circulation in the area in which the lands to be leased are located. The publication shall appear once in the **Federal Register** and at least once a week for 3 consecutive weeks in a newspaper, or for other such periods deemed necessary. The notice shall specify the time a place of sale, the manner in which the bids may be submitted; the description of the lands; the terms and conditions of the lease, including the royalty and rental rates; the amount of the minimum bid; and shall state that the terms and conditions of the leases are available for inspection and designate the proper BLM office where bid forms may be obtained.

§ 3141.6–3 Conduct of sales.

(a) Competitive sales shall be conducted by the submission of written sealed bids.

(b) Minimum bids shall be not less than $25 per acre.

(c) In the event that only 1 sealed bid is received and it is equal to or greater than the minimum bid, that bid shall be considered the highest bid.

(d) The authorized officer may reject any or all bids.

(e) The authorized officer may waive minor deficiencies in the bids or the lease sale advertisement.

(f) A bid deposit of one-fifth of the amount of the sealed bid shall be required and shall accompany the sealed bid. All bid deposits shall be in the form of either a certified check, money order, bank cashier's check or cash.

§ 3141.6–4 Qualifications.

Each bidder shall submit with the bid a statement over the bidder's signature with respect to compliance with subpart 3102 of this title.

§ 3141.6–5 Fair market value.

Only those bids which reflect the fair market value of the tract(s) as determined by the authorized officer shall be accepted; all other bids shall be rejected.

§ 3141.6–6 Rejection of bid.

If the high bid is rejected for failure by the successful bidder to execute the lease forms and pay the balance of the bonus bid, or otherwise to comply with the regulations of this subpart, the one-fifth bonus accompanying the bid shall be forfeited.

§ 3141.6–7 Consideration of next highest bid.

The Department reserves the right to accept the next highest bid if the highest bid is rejected. In no event shall an offer be made to the next bidder if the difference beween his/her bid and that of the successful bidder is greater than the one-fifth bonus forfeited by the rejected successful bidder.

§ 3141.7 Award of lease.

After determining the highest responsible qualified bidder, the authorized officer shall send 3 copies of the lease on a form approved by the Director, and any necessary stipulations, to the successful bidder. The successful bidder shall, not later than the 30th day after receipt of the lease, execute the lease, pay the balance of the bid and the first year's rental, and file a bond as required in subpart 3104 of this title. Failure to comply with this section shall result in rejection of the lease.

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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.

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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	
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List of Public Laws

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202–275–3030).

S. 61/Pub. L. 98–1 To designate a "Nancy Hanks Center" and the "Old Post Office Building" in Washington, District of Columbia, and for other purposes. (Feb. 15, 1983; 97 Stat. 3) Price: $1.75.