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federal register

Friday
March 11, 1983

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Interstate Commerce Commission

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Immigration and Naturalization Service

Animal Drugs
Food and Drug Administration

Communicable Diseases
Centers for Disease Control

Communications Common Carriers
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General Services Administration

Health Care
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Health Insurance
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Income Taxes
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Growers' Referendum Results

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document contains the determination with respect to the referendum on the designation of the consolidated flue-cured tobacco markets of Mebane and Burlington, North Carolina. A referendum was conducted during the period of January 10–14, 1983, among tobacco growers who sell their tobacco at auction in Mebane and Burlington, North Carolina, to determine producer approval of the designation of these two markets as one consolidated market. Eligible producers voted unanimously in favor of the designation. Therefore, for the 1983 and succeeding flue-cured marketing seasons, the Mebane and Burlington, North Carolina, tobacco markets shall be designated as and be called Mebane-Burlington. The regulations are herein amended to reflect this new designated market.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Mary C. Duncan, (202) 447–5836.

SUPPLEMENTARY INFORMATION: A notice was published in the January 4, 1983, issue of the **Federal Register** (48 FR 316) advising that a referendum would be conducted among flue-cured producers who market their tobacco on the Mebane and Burlington, North Carolina, markets to ascertain if such producers favored the designation of the consolidated markets. Mebane and Burlington had been officially and separately designated on June 26, 1942 (7 FR 4811) under the Tobacco Inspection Act of 1935 (7 U.S.C. 511 *et seq.*).

The referendum was conducted among producers who were engaged in the production of flue-cured tobacco marketed in Mebane and Burlington, North Carolina, for calendar year 1982. Ballots for the January 10–14 referendum were mailed to approximately 650 producers. The Department received a total of 302 responses: 272 eligible producers voted in favor of the consolidation of the Mebane and Burlington markets, and 30 ballots were determined to be ineligible because 20 were postmarked prior to January 10, 1983, contrary to written instructions contained on the ballot, and 10 ballots were not completed and/or signed.

Upon the basis of the results of the referendum, it is determined that the consolidated market of Mebane-Burlington, North Carolina, is hereby designated as a flue-cured tobacco auction market and that this designated market shall receive mandatory, federal grading of tobacco sold at auction for the 1983 and succeeding seasons.

The referendum was held in accordance with the provisions of 7 U.S.C. 1312(c) and the regulations set forth in 7 CFR Parts 29 and 717.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be a "nonmajor" rule because it does not meet any of the criteria established for major rules under the executive order.

Additionally, in conformance with the provisions of Pub. L. 96–354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will have no adverse economic impact upon all entities, small or large, and will in no way affect the normal competition in the market place.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

PART 29—TOBACCO INSPECTION

Accordingly, the Department amends the regulations under the Tobacco Inspection Act contained in 7 CFR part 29, Subpart D, as follows:

§ 29.8001 [Amended]

The table contained in § 29.8001, entitled "Designated Tobacco Markets" is amended as follows:

(1) Item (t) is amended by deleting the words "Burlington, N.C." and "Mebane, N.C." from the column entitled Auction Markets.

(2) A new item (ww) is added under (vv) at end of the table, the new (ww) to read as follows:

Territory	Types of tobaccos	Auction markets	Order of designation	Citation
(ww) North Carolina.	Flue-Cured.	Mebane-Burlington.	Mar. 11, 1983	48 FR—.

Dated: March 7, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83–6398 Filed 3–10–83; 8:45 am]

BILLING CODE 3410–02–M

Food and Nutrition Service

7 CFR Part 210

National School Lunch Program

AGENCY: Food and Nutrition Service.

ACTION: Restatement of interim rule.

SUMMARY: This document corrects a technical error both in the January 1, 1981 and the January 1, 1982 revision of Part 210 of Title 7 of the Code of Federal Regulations. On September 26, 1980, the Department published an interim rule (45 FR 64068) which amended § 210.13(b) of the National School Lunch Program. This interim rule was to be effective January 1, 1981. On December 16, 1980, the Department published an emergency final rule, Amendment 44 to Part 210 (45 FR 82621) which also amended § 210.13(b). Amendment 44 was made effective upon publication in order to implement the provision in Pub. L. 96–

108 which required that fiscal year 1980 Claims for Reimbursement be submitted by January 1, 1981. The Department intended that the Amendment 44 language be replaced by the interim rule language on January 1, 1981. This would have extended the claim submission requirements to subsequent years. As a result of a technical error, the revised Code of Federal Regulations reflects the obsolete language of Amendment 44 rather then the interim provision set forth by the Department for the period beginning January 1, 1981. The Department is re-publishing the interim rule provision in order to correct the Code of Federal Regulations.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Chief, Policy and Program Development Branch, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Alexandria, Virginia 22302, (703) 756-3620.

PART 210—[AMENDED]

Accordingly, 7 CFR 210.13(b) is corrected to read as follows:

§ 210.13 Reimbursement procedures.

* * * * *

(b) Claims for Reimbursement shall include data in sufficient detail to justify the reimbursement claimed and to enable the State to provide the information for the reports required under § 210.14(g)(2). Claims for Reimbursement shall be received by the State agency, or FNSRO where applicable, by the 10th day of the month following the month covered. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a Claim for Reimbursement with the operations of the month immediately following the beginning month, or preceding the ending month. Claims for Reimbursement may not combine operations occurring during the ending month of a fiscal year with the beginning month of the next fiscal year. Claims for Reimbursement for meals served during any fiscal year shall be filed with the State agency, or FNSRO where applicable, prior to January 1, of the following fiscal year in order to be eligible for reimbursement. The State agency, or FNSRO where applicable, shall, as determined necessary through its administrative review processes or otherwise, promptly take corrective action with respect to any such claim. Such corrective action shall be completed in sufficient time to be reflected in the applicable final Program Operations and Financial Status Reports for the fiscal year as required under OMB Circular A-102 if reimbursement for such claims is to be made from funds made available for that fiscal year through the Letter of Credit process described under § 210.5(a) of this Part. Any requested increase in reimbursement level for any fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Reports, shall be submitted to FNS for approval. The request shall be accompanied by a written explanation of the basis for the adjustment and the actions taken to minimize the need for such adjustments in the future. If FNS approves of such increase, it shall make payments subject to the availability of funds. Any reduction in reimbursement level for any fiscal year resulting from corrective action taken after submission of the final fiscal year Program Operations and Financial Status Report shall be handled in accordance with the provisions of § 210.16 of this Part except that amounts recovered may not be used to make program payments.

* * * * *

(Catalog of Federal Domestic Assistance No. 10.555)

(Sec. 7(a), Pub. L. 95-627, 92 Stat. 3622, 42 U.S.C. 1751)

Dated: March 7, 1983.

Robert E. Leard,

Acting Administrator, Food and Nutrition Service.

Editorial Note: The text of 7 CFR 210.13(b) reprinted above was originally published in the **Federal Register** on September 26, 1980 (45 FR 64068). Subsequently, paragraph (b) was amended by an interim rule published in the **Federal Register** on July 20, 1982 (47 FR 31371). The text of the January 1, 1983 revision of Title 7, Code of Federal Regulations, Parts 210-299 will reflect the original text as amended by the July 20, 1982 amendment.

[FR Doc. 83-6341 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 402; Lemon Reg. 401, 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 March 13-19, 1983, and increases the quantity of lemons that may be shipped during the period March 6-12, 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 March 13, 1983, and the amendment is effective for the period March 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; 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 March 8, 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 has improved.

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.

PART 910—[AMENDED]

1. Section 910.702 is added as follows:

§ 910.702 Lemon regulation 402.

The quantity of lemons grown in California and Arizona which may be handled during the period March 13, 1983, through March 19, 1983, is established at 250,000 cartons.

2. Section 910.701 Lemon Regulation 401 (48 FR 9235) is revised to read as follows:

§ 910.701 Lemon regulation 401.

The quantity of lemons grown in California and Arizona which may be handled during the period March 6, 1983, through March 12, 1983, is established at 265,000 cartons.

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

Dated: March 10, 1983.

D. S. Kuryloski,

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

[FR Doc. 83–6583 Filed 3–10–83; 11:36 am]

BILLING CODE 3410–02–M

Farmers Home Administration

7 CFR Parts 1809, 1945, and 1951

Emergency Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its insured Emergency (EM) loan regulations to clarify Subpart D so that production loss calculations will be made on a fair and equitable basis for all farmers. This final rule terminates Subpart B and changes the title of Subpart D.

This action is needed to implement administrative changes to correct program deficiencies. The intended effect is to provide for more efficient administration of the program so that EM loans will be made on a fair and equitable basis to farmers suffering substantial agricultural losses, and who need the Federal assistance to continue their farming operations.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Keith L. Smalley, Emergency Loan Officer, Emergency Division, Farmers Home Administration, USDA, Room 5346–S, Washington, D.C. 20250, telephone (202) 382–1651.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be "non major". This action will cause no major increase in costs or prices for individuals, organizations, or other Government agencies affected; and there will be no 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.

This action does not directly affect any FmHA programs or projects that are subject to A–95 clearinghouse review.

The Catalog of Federal Domestic Assistance number is 10.404 Emergency Loan (EM).

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, Public Law (Pub. L.) 91–190, an Environmental Impact Statement is not required.

Need for Governmental Action

The Congress has been critical of FmHA's overall management of the Disaster Emergency Program. The Administration agrees with these criticisms.

Emergency (EM) loans are being made to farmers who have suffered losses to one crop while having offsetting good production in another crop(s). Although some corrective measures have been taken to assure that EM loans are needed and made only to those actually suffering production losses, it has become evident that a need exists for further revision and clarification of the regulations governing the EM loan program. Revisions must be made in Subpart D of Part 1945 so that farmers served under these regulations receive equal and fair treatment in obtaining EM loans.

The termination of Subpart B of Part 1945 eliminates the confusion that can be caused by having two loan regulations. The elimination of Subpart B will not have any effect on borrowers who were eligible for actual loss loans under Subpart B, as the time for applying for such loans has expired. Applicants for major adjustment and annual production loans are treated the same under Subpart D as they were under Subpart B. These loan applications will be processed under Subpart D of Part 1945. By terminating Subpart B of Part 1945, it will be necessary to revise the title of Subpart D, Part 1945.

A proposed rule was published in the **Federal Register** (47 FR 41978) on September 23, 1982. This action proposed revisions of Part 1945, Subpart B and Part 1945, Subpart D and the termination of processing EM loans under Part 1945, Subpart B as of September 30, 1982. A 60 day period was granted for public comment which ended November 22, 1982. Two comments were received. These comments were concerned about items that are statutory in nature and eligibility for EM loans. One of the comments was concerned about the deletion of acreage-poundage controls as a consideration in calculating production losses. This change in the regulations provides that crops under acreage-poundage controls will be treated the same as other crops in loss calculations thereby providing a more equitable basis for all loss calculations.

Since the September 23, 1982 date of publication of the proposed rule did not permit publishing the revisions to Part 1945, Subpart B as a final rule prior to September 30, 1982; the proposed revisions to Part 1945, Subpart B are withdrawn by this action and the regulation will be terminated on the close of business on the date this final rule is published in the **Federal Register**.

The following is a summary of the revisions being made by this action:

1. Subpart B, §§ 1945.51 through 1945.100 are removed and reserved.

2. The reference is deleted to disaster designations having a beginning incidence period date on or after May 26, 1981, in the title of Part 1945, Subpart D.

3. Section 1945.154 (a)(23) is revised to delete the reference to tobacco under acreage-poundage control as a consideration in establishing normal year's production and in calculating production losses. The source of records

and their priority of use is redesignated as §1945.163 (a)(1).

4. Section 1945.154 (a)(33)(i) is revised to clarify the definition of basic security.

5. Section 1945.154 (a)(33)(ii) is revised to clarify the definition of normal income security.

6. Section 1945.154 (a)(33)(iii) is revised to clarify the definition of additional security.

7. Section 1945.162 (a)(2) is revised to define a joint farming operation.

8. Section 1945.162 (d) is revised to reference this paragraph with § 1945.163 (a)(2)(xvii) in regard to calculating production losses when an applicant's farming operation is conducted in both a designated and nondesignated county(ies).

9. Section 1945.163 (a)(1) is completely revised to redesignate the source of prices and priority of records to be used in calculating production losses.

10. Section 1945.163 (a)(2)(i), (a)(2)(ii), (a)(2)(iv) and (a)(2)(vi) are revised for clarity and (a)(2)(xvii) is added to this paragraph to clarify how production losses are calculated for an EM applicant whose farming operation is conducted in both a designated and a nondesignated county(ies).

11. Section 1945.166 (a)(1) is revised to reference this paragraph with § 1945.163 (a)(2)(xvii).

12. Section 1945.166 (d) is revised for clarification.

13. Section 1945.167 (a) is revised for clarification.

14. Section 1945.167 (e) is revised to clarify that subsequent annual production EM loans can only be made to borrowers who were indebted for EM loan(s) on December 15, 1979.

15. Section 1945.167 (i) is added to this paragraph to provide that FmHA employees will not guarantee repayment of advances from other credit sources.

16. Section 1945.169 (f)(1) is revised to state that up to 75 percent of planned gross farm income can be advanced for annual production purposes, and to delete the reference to the greater of $100,000 or 75 percent of the estimated gross farm income when the applicant can provide only a first lien on a crop(s) and/or livestock and livestock products.

17. References to Subpart B of Part 1945 of this Chapter are deleted in Subpart A of Part 1809, Subpart A of Part 1945 and Subpart A of Part 1951 of this Chapter.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance, Intergovernmental relations, Livestock, Loan programs—Agriculture.

Therefore, Chapter XVIII Title 7, Code of Federal Regulations, is amended as follows:

PART 1809—APPRAISALS

Subpart A—Appraisal of Farms and Leasehold Interests

§ 1809.1 [Amended]

1. In Section 1809.1, paragraph (b) is amended by removing the words "and Subpart B" in line 7.

PART 1945—EMERGENCY

Subpart A—Disaster Assistance—General

§ 1945.21 and 1945.26 [Amended]

2. In §§ 1945.21(b)(2) and (c)(1), and 1945.26(d) amendments to the paragraphs are made by removing the words "Subparts B and D" and inserting in their place, "Subpart D."

Subpart B—Emergency Loan Policies, Procedures and Authorizations for Those Applications Associated With Disaster Designations Having a Beginning Incidence Period Dated Prior to May 26, 1981

§§ 1945.51-1945.100 [Removed and Reserved]

3. Sections 1945.51 through 1945.100 are removed and reserved.

Subpart D—Emergency Loan Policies, Procedures and Authorizations for Applications Associated with FmHA Disaster Designations Having a Beginning Incidence Period Date on or After May 26, 1982

4. The title of Subpart D is revised to read as follows:

Subpart D—Emergency Loan Policies, Procedures and Authorizations

§ 1945.154 [Amended]

5. In § 1945.154, paragraphs (a)(23), (a)(33)(i), (a)(33)(ii), and (a)(33)(iii) are revised to read as follows:

§ 1945.154 Definitions and abbreviations.

(a) * * *

(23) *Normal year's production.* The normal year's production is the average per acre yield or production per animal unit of the 4 better years out of the 5 years immediately preceding the disaster year.

* * * * *

(33) *Security.* * * *

(i) *Basic security.* Real estate, fixtures, personal property, *e.g.*, foundation herds, flocks, aquatic animals and plant organisms, and machinery and equipment serving as security. When no collateral other than crops, livestock and/or livestock products and/or repayment ability, as defined in § 1945.169(d) of this Subpart, is available as security for the loan(s), the collateral is also considered to be basic security and sales proceeds *will not* be released for any purpose unless the Farm and Home Plan for that crop year includes plans for release of the proceeds for necessary farm operating or family living expenses.

(ii) *Normal income security.* All collateral (crops, livestock, and/or livestock products) planned to be marketed in the regular course of business, except as set forth in subparagraph (a)(33)(i) of this section, unless liquidation is approved. When liquidation is approved, all security, including normal income security, becomes basic security and sales proceeds *cannot* be released except as reflected in the Farm and Home Plan for that crop year.

(iii) *Additional Security.* All collateral not covered by subparagraphs (a)(33)(i) or (ii) of this section including: general intangibles, accounts and contract rights, which is encumbered, in addition to basic security and normal income security. Real estate and chattels can be additional security if required by loan approval conditions.

* * * * *

§ 1945.162 [Amended]

6. In § 1945.162, paragraphs (c)(2) and (d) are revised to read as follows:

§ 1945.162 Eligibility requirements.

* * * * *

(c) * * *

(2) An individual involved in a joint farming operation is not considered to be an established farmer for EM loan purposes. A joint farming operation is an operation where two or more farmers work together sharing equally or unequally land, labor, equipment, expenses and income. The joint ownership of land and/or equipment or the exchange of labor and equipment in separate farming operations does not constitute a joint operation. Thus, the latter type of arrangement is not considered a joint operation, but two separate individual operations.

* * * * *

(d) *Operate in a disaster area.* An applicant for an actual loss loan must have sustained qualifying losses in an area in which the availability of EM loans for actual losses has been determined in accordance with Subpart A of Part 1945 of this Chapter and must have filed an application before the expiration of the termination date. When an applicant's farming operation is located both in a designated county(ies) and a non-designated

county(ies) refer to § 1945.163 (a)(2)(xvii) of this Subpart.

* * * * *

§ 1945.163 [Amended]

7. In section 1945.163, paragraphs (a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iv) and (a)(2)(vi) are revised and paragraph (a)(2)(xvii) is added to read as follows:

§ 1945.163 Determining qualifying losses, eligibility for actual loss loan(s) and the maximum amount of actual loss loan(s), annual production and major adjustment loan(s).

* * * * *

(a) *Production Losses.*

(1) The normal years production will be established by eliminating the poorest year of the 5-year production history immediately preceding the disaster year and averaging the remaining 4 years' production. The applicant *must* select the year to be eliminated. The year selected to be eliminated *must* be the same year for all farm enterprises (ie., *all* crops, livestock, and livestock products), which constituted a part of the applicant's farming operation during that year. A State Supplement will be issued which will be used in connection with subparagraph (a)(1)(iii) of this section. The State Supplement will contain average production figures provided by the USDA State Crop and Livestock Reporting Service, when available. If those records are not available, the State Supplement will contain statistical data on production from similar State or Federal bodies. When this information is available by County, County averages will be used. If available only by State, the State averages will be used throughout the State. In those States where neither a county nor State average is available for an agricultural commodity(ies), the State Director, with the advice of representatives of other Federal and State agricultural agencies, will establish County or State averages and advise County offices of these averages in the State Supplement. State directors and Farmer Programs Chiefs in adjoining States will consult with each other before releasing these figures. An applicant must use data from the production record source(s) in the order of priority as listed in subparagraphs (a)(1) (i), (ii) and (iii) of this section. The applicant will identify, on Form FmHA 1945-22, the production record source(s) to be used in determining the normal year's production for each commodity that was produced on all farms operated by the applicant in the disaster year. The order of priority of production records that will be used is:

(i) The applicant's actual reliable farm records.

(ii) The Agricultural Stabilization and Conservation Service (ASCS) established yields. When this production record source is used, an applicant must obtain the information from ASCS and submit it with the application to FmHA. This production record source will be used only for those commodities for which the applicant's reliable farm records were not maintained.

(iii) County or State averages. When this production record source is used, an applicant needs to provide production data for only the disaster year. The averages will be found in the State Supplement mentioned in paragraph (a)(1) of this section. This production record source will be used only for those commodities for which neither the applicant's reliable farm records nor ASCS established yields are available.

(iv) When one source of records is not available for the full 5 years preceding the disaster year a combination of record sources in paragraphs (a) (i), (ii) and (iii) of this Section will be used.

(v) When an applicant's production loss is on land being developed and maximum production capacity has not been attained, the State Director will establish normal yields on a case by case basis.

(2) * * *

(i) In calculating production losses, the same established unit prices will be used for the disaster year and the normal year in computing the dollar value of each enterprise. Unit prices will be established in accordance with subparagraph (a)(2)(iii) of this section. In the production loss calculation, those crop production yields and production per animal unit records authorized in subparagraphs, (a)(1) (i), (ii) and (iii) of this section will be used.

(ii) Information certified on Form FmHA 1945-22 for the disaster year for all single enterprises (as defined in § 1945.154(a)(15)(i)), which suffered a loss due to the disaster, will be transposed from Form FmHA 1945-22 to the appropriate places on Form FmHA 1945-26. The FmHA official completing Form FmHA 1945-26 is responsible for verifying loss information provided by the applicant. Information obtained from ASCS on Form FmHA 1945-29 will be cross checked with information provided by the applicant on Form FmHA 1945-22. Any discrepancies will be resolved, loss calculations adjusted if necessary, and the correct information recorded in the County Office case file. When the applicant's disaster loss is due to a reduction in *quality*, rather than due to a reduction in *quantity*, the applicant will be given credit for this by adjusting actual production yield downward. This will be accomplished by converting the dollar value of the quality loss to a yield reduction equal in value to the quality loss. When such an adjustment in necessary, the basis used in making the adjustment will be the applicant's *accurate* records of production and sales receipts showing the price received and the grade of the commodity in question. This information will be well documented by the County Supervisor.

* * * * *

(iv) The amount of actual production loss will be calulated for the single enterprise which is a basic part of the farming operation (see § 1945.154(a)(15) of this Subpart) by subtracting all compensatory disaster payments which are related to the disaster and which have been received or will be received; *i.e.*, crop insurance indemnity payments, ASCS disaster program payments, or any other disaster compensation *for that enterprise*, from the gross dollar amount of production losses for that enterprise as determined in subparagraph (a)(2)(iii) of the section.

* * * * *

(vi) Once eligibility is established based on production losses, the total production loss sustained by the applicant, directly attributable to the disaster, is computed by adding the gross dollar amount of production losses of *all* single enterprises, whether or not they constitute a basic part of the farming operation, and subtracting from this total all compensatory disaster payments received or to be received for those enterprises.

* * * * *

(xvii) When an applicant's farming operation(s) is conducted in a designated county(ies) and a nondesignated county(ies), eligibility will be established based on losses to a single enterprise which constitutes a basic part of the farming operation, without regard to whether the single enterprise is located in the designated county. The disaster year's *actual* yields, both in the designated and nondesignated counties, will be used to determine losses. Compensatory payments will be subtracted as explained in subparagraph (a)(2)(iv) of this section when determining eligibility. The amount of the production loss loan will be limited to the production loss sustained in the designated county, *minus* compensatory payments received or to be received for that portion of the

farming operation located in the designated county.

* * * * *

§ 1945.166 [Amended]

8. In § 1945.166 (a)(1) and (d) are revised to read:

§ 1945.166 Loan Purposes.

* * * * *

(a) *Loans for actual losses.*

(1) The amount of the maximum actual loss loan(s) in addition to the limitations contained in § 1945.163 (a)(2)(xvii) and (d) of this Subpart, is further limited to the actual dollar loss, or the actual amount of essential family, farm, and nonfarm enterprise credit that the applicant needs to carry on normal operations, *whichever is the lesser.* Actual loss loan funds will not be used to finance a nonfarm enterprise, unless such enterprise is needed to support a reasonable standard of living for the family. The use of the loss loan funds will be identified in the Farm and Home Plan so that a determination can be made as to whether such loan(s) were used for authorized purposes and covered all or a portion of the actual dollar loss.

* * * * *

(d) *Annual production and major adjustment loan indebtedness.* During fiscal year 1983, and all fiscal years thereafter, *no* annual production or major adjustment loan assistance may be made or guaranteed in any amount. Borrowers with EM loans outstanding on December 15, 1979, may receive subsequent EM annual production loans in accordance with the provisions of paragraph (b) of this section in amounts necessary to continue their normal farming operation(s) without regard to any indebtedness ceiling. (See § 1945.167(e), of this Subpart, concerning subsequent EM loans.)

* * * * *

§ 1945.167 [Amended]

9. In § 1945.167, the introductory text of paragraph (a) and paragraph (e) are revised and paragraph (i) is added to read as follows:

§ 1945.167 Loan limitations and special provisions.

(a) *Use of EM loan funds not authorized for expansion purpose(s).* EM actual loss loan funds *will not* be used to expand an applicant's farming, ranching, or aquaculture operation beyond that which constituted the normal predisaster operation(s). This limitation is not intended to prohibit minor changes in crop or livestock enterprises provided:

* * * * *

(e) *Subsequent EM loans.* Only those borrowers who were indebted for EM loans on December 15, 1979, and who received an initial annual production loan based on an application filed within 12 months from a disaster authorization dated prior to December 15, 1979, may receive subsequent EM annual production loans.

* * * * *

(i) *Prohibition on guaranteeing repayment of advances from other credit sources.* FmHA employees will not guarantee repayment of advances from other credit sources, either personally or on behalf of applicants, borrowers, or FmHA.

§ 1945.169 [Amended]

10. In § 1945.169, paragraph (f)(1) is revised to read:

§ 1945.169 Security requirements.

* * * * *

(f) *Operating purposes.*

(1) Loan funds used for annual production purposes will be secured by a first lien on the crop(s) and/or livestock and livestock products being financed with EM loan funds, plus enough additional security, as defined in 1945.154(a)(33)(iii) to assure that the Government's financial interest will be protected. When the applicant can provide *no* security other than a first lien on the crop(s) and/or livestock and livestock products, the amount of the loan will be limited to 75 percent of the planned gross farm income as shown on Form FmHA 431-2, or as shown on another acceptable plan of operation based on normal production and prices authorized by the State Director for developing annual farm plans within the State. When an EM borrower, who is indebted for an annual operating loan which is secured by only a first lien on the crop(s) and/or livestock and livestock products, needs a subsequent EM annual production loan to complete that year's farming operation, and the loan is needed to protect the Government's investment already in the crop and/or livestock and livestock products, the 75 percent gross income requirement may be waived by the State Director.

* * * * *

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

§ 1951.10 [Amended]

11. In § 1951.10, paragraph (a)(5) is amended by removing the words "§ 1945.56(b)(4) of Subpart B of Part 1945 and,"

(7 U.S.C. 1989; 7 CFR 2.23; 7 CFR 2.70)

Dated: January 26, 1983.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 83-6358 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule will accomplish two purposes. First, it will terminate the nonimmigrant status of Libyan nationals and third country nationals acting on behalf of Libyan entities who are presently engaged in aviation or nuclear-related education or training in the United States. Secondly, it will bar certain benefits to such individuals where the intent is to obtain such education or training. The Secretary of State has determined that this type of education or training is detrimental to the security of the United States, and that it falls within section 212(a)(27) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(27).

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-3048.

For specific information: Michael Heilman, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-2620.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR Part 214 will bar the continued education or training of Libyan nationals and third country nationals acting on behalf of Libyan entities, in the fields of aviation maintenance, flight operations and nuclear-related studies or training. This amendment will also prohibit changes in nonimmigrant status, school transfer, extensions of stay, reinstatement of student status, employment authorization and practical training, where the purpose is to obtain the prohibited training or education.

These prohibitions are based upon a determination by the Secretary of State that aviation and nuclear-related training by foreign nationals in the United States, whose skills could be used by the Government of Libya, are detrimental to the security of the United States within the meaning of section 212(a)(27) of the Immigration and Nationality Act, 8 U.S.C. 1182(a)(27). Based on this determination, the Department of State has suspended the issuance of nonimmigrant visas to persons who intend to travel to the United States to receive training. The Department of State will also revoke previously issued nonimmigrant visas when it is determined that the purpose of the individual's travel to the United States is to engage in the prohibited activity. The regulations published here will insure that persons in the barred categories who have already entered the United States, or who may subsequently enter, will not be able to participate in aviation or nuclear-related training or education programs.

This final rule is exempt from the requirements of Executive Order 12291 because the rule is issued with respect to a foreign affairs function of the United States.

Compliance with 5 U.S.C. 553 as to notice and delayed effective date is not required because the rule involves a foreign affairs function and it is in the public interest to avoid delay.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Employment, Schools, Students.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

Part 214 is amended by adding the following new § 214.5:

§ 214.5 Libyan and third country nationals acting on behalf of Libyan entities.

(a) Notwithstanding any other provision of this Title, the nonimmigrant status of any Libyan national, or of any other foreign national acting on behalf of a Libyan entity, who is engaging in aviation maintenance, flight operations, or nuclear-related studies or training is terminated.

(b) Notwithstanding any other provision of this chapter, the following benefits will not be available to any Libyan national or any other foreign national acting on behalf of a Libyan entity where the purpose is to engage in, or seek to obtain aviation maintenance, flight operations or nuclear-related studies or training:

(1) Application for school transfer.

(2) Application for extension of stay.

(3) Employment authorization or practical training.

(4) Request for reinstatement of student status.

(5) Application for change of nonimmigrant status.

(Secs. 103, 212, 214, 248; 8 U.S.C. 1103, 1182, 1184, 1258)

Dated: September 28, 1982.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 83-6357 Filed 3-10-83; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR PART 204

[Economic Regulation ER-1307A; Docket 38904]

Data To Support Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Approval of Reporting Requirements by the Office of Management and Budget.

SUMMARY: The Civil Aeronautics Board set a two-year review period for fitness determinations for nonoperating air carriers, in ER-1307 (47 FR 52977, November 24, 1982). The Office of Management and Budget approved the revised reporting requirements contained in this final rule (14 CFR 204.8) through December 31, 1984, under OMB No. 3024-0041.

DATES:

Effective: February 22, 1983.

Adopted: March 7, 1983.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-6042.

SUPPLEMENTARY INFORMATION:

List of Subjects in 14 CFR Part 204

Air carriers, Essential air service, and Reporting requirements.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-6405 Filed 3-10-83; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230, 239 and 274

[Release Nos. 33-6454, IC-13049; File No. S7-963]

Advertising by Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of temporary amendments to rule 482 and Form N-1 and solicitation of comments.

SUMMARY: The Commission is adopting on a temporary basis and soliciting comments on amendments to rule 482 under the Securities Act of 1933, applicable to investment companies registered under the Investment Company Act of 1940, and an amendment to Form N-1, the registration form used by open-end management investment companies. These amendments will permit registered investment companies to mail advertisements directly to prospective investors and would permit money market funds to advertise their effective yield.

DATE: The temporary amendments are effective March 11, 1983.

Comments should be received on or before April 29, 1983.

ADDRESS: Comments should be submitted in quintuplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comment letters should refer to File No. S7-963. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jane A. Kanter, Esq. (202) 272-2115, Special Counsel, or Gregory K. Todd, Esq. (202) 272-7317), Office of Disclosure Legal Services, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is today adopting on a temporary basis and publishing for comment amendments to rule 482 [17 CFR 230.482] under the Securities Act of 1933 (the "1933 Act") [15 U.S.C. 77a *et seq.*] and an amendment to Form N-1 [17 CFR 239.15, 274.11], the registration form used by open-end management investment companies. These amendments will: (i) Permit investment companies registered under the Investment Company Act of 1940 (the "1940 Act") [15 U.S.C. 80a-1 *et seq.*] to

send advertisements permitted under that rule by direct mail to potential investors, (ii) modify the present method of determining current yield by changing the method by which the base period return is calculated, and (iii) permit investment companies that are money market funds to advertise yield figures comparable to compound interest rates. The Commission solicits comments on these temporary amendments.

Background

In 1979, the Commission adopted rule 482 under the 1933 Act [1] to allow registered investment companies greater freedom to advertise through "bona fide" public media than is permitted in "tombstone" advertisements by rule 134 under the 1933 Act [17 CFR 230.134]. The Commission adopted rule 482 pursuant to section 10(b) of the 1933 Act [15 U.S.C. 77j(b)], which authorizes the Commission to permit, for certain purposes [2], the use of prospectuses that either omit in part or summarize the information contained in the full prospectus. Accordingly, a rule 482 advertisement is a prospectus for purposes of potential civil liability under section 12(2) of the 1933 Act [3] [15 U.S.C. 771(2)]. Rule 482 contains the following specific conditions: (i) The issuer must be registered under the 1940 Act or must be a business development company making a public offering of its securities pursuant to the 1933 Act; (ii) the advertisement must appear in a bona fide newspaper or magazine, or be used on radio or television; (iii) the advertisement must contain only information the substance of which is included in the issuer's statutory prospectus; and (iv) the advertisement must conspicuously state from whom a statutory prospectus may be obtained, and that the investor should read the statutory prospectus before investing in securities of the issuer.[4]

In 1980, rule 482 was amended to add the requirement that any quotation of a money market fund's yield in such an advertisement must be based on the "method of computation prescribed in Item 17 (and the instructions thereto) of Form N-1 * * * and [must identify the date of the last day in] the period used in computing that quotation."[5] These requirements were added in order to provide a standardized method of calculating yield by money market funds. The Commission believed that a standardized method was necessary so as to enable investors to compare accurately the yields of different funds.[6]

Discussion

After reviewing the requirements of rule 482 in light of experience with the rule and other developments discussed below, the Commission has determined to expand the availability of the rule in two regards: (i) To permit rule 482 prospectuses to be used in direct mail solicitations (the rule currently permits only mass media advertisements); and (ii) to permit money market funds to advertise effective yield on a basis that is comparable to the compound interest advertised by other financial institutions. The Commission is also making a technical change in the existing yield calculation formula to eliminate a bias in favor of funds that pay dividends monthly rather than daily.

Expansion to Permit Direct Mail Advertising

As stated above, rule 482 permits the use of omitting prospectuses in mass media advertising but not in direct mail solicitations.[7] With regard to this limitation, the release adopting the rule states that the Commission was concerned in 1979 that direct mail advertisements might be more likely than mass media advertisements to be viewed by investors as the primary selling document. In this regard, the Commission believed that, while economic considerations would keep mass media advertisements relatively short, direct mail advertisements might be so lengthy as to give the appearance of a full prospectus. Upon further consideration, however, the Commission is no longer convinced that the prohibition against rule 482 prospectuses being used for direct mail advertising is justified. First, rule 482 presently provides that the omitting prospectus must state conspicuously from whom a full statutory prospectus may be obtained and that the investor should read the full prospectus carefully before investing. The Commission believes that this legend substantially reduces the likelihood that an investor would confuse the direct mail advertisement with a full prospectus. Moreover, it would seem that direct mail solicitations, like mass media advertisements, would be subject to economic considerations which would tend to keep them relatively short. In particular, it appears that the postal costs of direct mail advertising should provide investment companies with an incentive for transmitting short documents that investors should not confuse with a statutory prospectus. The Commission requests specific information on the costs of direct mail.

In addition to the foregoing, the Commission has had three years of experience with the rule and is of the opinion that there is little reason to believe that, if rule 482 prospectuses were used for direct mail, investors would receive inaccurate, incomplete, or misleading information. Given that the securities laws do not require delivery of a prospectus prior to sale, investors who receive direct mail solicitations (pursuant to rule 482) that contain only information extracted from or

[1] The rule was adopted as rule 434d, Securities Act Release No. 6116, August 31, 1979 [44 FR 52818 (September 10, 1979)], but was renumbered as rule 482 without modification in 1982 with the revision of Regulation C under the 1933 Act. Securities Act Release No. 6383, March 3, 1982 [47 FR 11380 (March 16, 1982)].

[2] A "summary" or "omitting" prospectus authorized pursuant to section 10(b) of the 1933 Act may not replace the full statutory prospectus that must be delivered no later than the time at which the sale that is subject to section 5 of the 1933 Act [15 U.S.C. 77e] is confirmed. However, an authorized summary or omitting prospectus may be used prior to delivery of the full statutory prospectus.

[3] Rule 482 prospectuses, however, are not part of the registration statement for purposes of liability under section 11 of the 1933 Act [15 U.S.C. 77k]. Rule 134 "tombstone" advertisements are neither prospectuses nor part of the registration statement, and therefore neither section 11 nor section 12(2) liability attaches to such advertisements. Rule 134 was adopted pursuant to section 2(10) of the 1933 Act [15 U.S.C. 77b(10)], which authorizes the Commission to define communications that contain only certain limited types of information as not being prospectuses.

[4] Rule 482 also requires that the statement provided in 17 CFR 230.481(b)(2) ("A registration statement relating to these securities has been filed * * *") must be included if the advertisement is used prior to the effective date of the registration, but the statement provided by 17 CFR 230.481(b)(1) ("THESE SECURITIES HAVE NOT BEEN APPROVED * * *") need not be included in the advertisement. The advertisement need not be filed with the issuer's registration statement, but must be filed pursuant to rule 424 (17 CFR 230.424).

[5] Securities Act Release No. 6243, September 30, 1980 [45 FR 67079 (October 9, 1980)], defines a "money market fund" as any investment company that holds itself out as a "money market" fund or has an investment policy calling for investments in debt securities maturing in 13 months or less. Pursuant to that release, Form N-1 was amended to include new Item 17, which requires that prospectuses for money market funds include a description of a standardized method of computing yield, as set forth in that item, and a yield quotation based on that method. The yield quotation must be calculated by dividing the fund's average daily net investment income per share earned during the seven days ended on the date of the fund's most recent financial statements by its average daily price per share (usually $1.00) and multiplying the result by 365, with the resulting figure represented as a percent carried to at least the nearest hundredth of one percent.

[6] The method of calculating yield adopted by the Commission was originally recommended by the investment company industry. *See* Investment Company Institute (pub. avail. November 16, 1979).

[7] "Sales literature" may currently be sent by direct mail under section 2(10)(a) of the 1933 Act [15 U.S.C. 77(b)(10)(a)]. However, such sales literature must be accompanied or preceded by a full statutory prospectus.

summarizing the statutory prospectus may, in fact, in some cases receive better information prior to making an investment decision than they would otherwise. For these reasons the Commission believes that expanding rule 482 to permit the use of direct mail is consistent with the rule's purpose of providing more information to investors about alternative investment opportunities.[8]

Advertising Effective Yield

As discussed above, in 1980 the Commission adopted a standardized yield computation for use in prospectuses and advertisements of money market funds. Based on its experience with the standardized yield, the Commission is now proposing to modify that standardized yield computation. The proposal would change the method of determining the base period return and would permit the use of a compounded effective yield in addition to the simple annualized yield.

As a technical amendment to Item 17 of Form N-1, the Commission is changing the determination of the base period return to eliminate a bias in the current computation toward funds that pay dividends monthly rather than daily. Some money market funds declare and pay dividends daily; others declare them daily and pay them monthly. If funds of the same size were to earn the same return on their portfolios, a fund that pays dividends daily would declare a smaller amount of dividends per share over a period of time (because of a daily increasing number of shares outstanding) than one that pays monthly. As a result, the fund paying monthly dividends would show a higher yield.

As demonstrated in the example provided as the Appendix to this release, the proposed yield calculations are based on the consideration of a hypothetical account having a balance of exactly one share at the beginning of a seven day period. The base period return would be the change in the value of the hypothetical account during the seven day period, including dividends declared on the original share, dividends declared on any shares purchased with dividends on that share, and any monthly account charges or sales charges that would affect an account of average size, but excluding any capital changes. The adoption of this method of determining the base period return would eliminate the discrepancy that can result from differences in frequency of dividend payment.

As is the case with the existing standardized yield, capital changes (realized gains and unrealized appreciation and depreciation) are to be excluded from the computation of the base period return. Although some funds reflect capital changes in their dividends, the Commission believes that limiting the yield computation to net investment income better indicates the earning potential of a fund's portfolio and thus both promotes comparability of yields and reduces the potential for misleading investors by the use of advertised yields.

Use of a Compounded Effective Yield

The current standardized yield figure, which is the only one that money market funds may include in rule 482 advertisements, is an annualization, without compounding, of the rate of return the fund received on its portfolio during the base period. Nevertheless, while money market funds do not undertake to pay a stated rate of interest or to compound it at specified intervals, a money market fund investment may earn in effect a compounded rate of return. When a fund's portfolio instruments mature, it reinvests the proceeds (unless they are needed for some other purpose, such as redemptions). Since those proceeds include both original principal and interest earned, the fund has increasing amounts to invest each time a particular investment matures. Such a progressive growth of assets to invest in effect compounds the return received by the fund. Because the portfolios of money market funds consist, to a large extent, of instruments that will mature in substantially less than a year, these funds would realize over the course of a year, assuming consistent interest rates,[9] a return greater than that expressed by the simple annualization of the return earned in a seven day period.

Accordingly, the Commission believes that money market funds should be permitted to advertise, in addition to the uncompounded annualization of the return for the seven day base period, figures reflecting a compound effective yield in rule 482 advertisements. Such a change in rule 482 seems particularly appropriate in view of the fact that, in recent months, depository institutions have been permitted to offer accounts competitive with the money market funds, and interest rates on these accounts are permitted to be advertised on a compound basis. It is logical to assume that many investors wish to compare the rates advertised by the depository accounts with the yields advertised by money market funds, and such comparisons would be facilitated by permitting yield figures to be advertised on a basis equivalent to the compound interest rates advertised by depository institutions.

The amendment to Item 17 of form N-1 permits the use of an effective yield quotation based on daily compounding. Because the compound effect realized by a fund would be dependent on its receipt of investment proceeds upon maturity of its portfolio instruments, the Commission requests comment on whether a compounding period related to a fund's weighted average portfolio maturity would be more appropriate than daily compounding.

Temporary Adoption and Implementation

The Administrative Procedure Act ("APA") generally requires that any agency or commission publish a notice of proposed rule-making that provides adequate opportunity for comment by interested persons. Section 553(b)(B) of the APA provides an exception from this requirement in situations where the agency for good cause finds that prior notice and comment are "impractical, unnecessary, or contrary to the public interest." These standards are incorporated in Rule 4(b) of the Commission's Rules of Practice [17 CFR 201.4(b)], which requires publication of prior notice of proposed rule amendments "[e]xcept where the Commission finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest."

In addition, the APA provides in section 553(d) that an adopted rule must be *published* at least 30 days prior to the rule's effective date. However, section 553(d)(1) contains an exception to this required publication of an adopted rule and 30 day delay in effectiveness when the rule is a substantive one that grants an exception or relieves a restriction.

The purpose of the temporary amendments to rule 482 and Form N-1 is to permit investors to be better informed about competing investment alternatives including not only other money market funds, but also the new depository accounts that are directly competitive with and intended to be equivalent to

[8] In adopting Rule 482, the Commission stated that: Institutions such as savings and loan companies and insurance companies, which compete with investment companies for investor interest, are not subject to the same advertising limitations as investment companies, and thus existing limitations on investment company advertising may have had the effect of restricting the availability of information about all revelant investment possibilities.

Securities Act Release No. 6116 (August 31, 1979), 44 FR at 52816.

[9] The same assumption underlies the advertising of compounded yields by depository institutions.

money market funds. The Commission believes that it is particularly important at the present time that investors choosing among various investment opportunities have a broad range of information available to them to assist them in their investment decisions. The Commission is of the opinion that investors may be confused if they are not able to compare accurately these competing investment products. Accordingly, the Commission finds that notice and opportunity for comment are contrary to the public interest before the adoption of these amendments on a temporary basis. Further, the Commission finds that a 30 day delay in effectiveness after publication is not required pursuant to section 553(d)(1) of the APA, because the amendments to Rule 482 and Form N-1 relieve restrictions. Therefore, these temporary amendments to rule 482 and Form N-1 will become effective immediately upon publication in the **Federal Register.**

Funds desiring to use yield quotations in rule 482 advertisements, in accordance with that rule, must have in their prospectuses a description of the new method of determining current yield proposed in this release, and a quotation of current yield based on that method, which identifies the length of the base period and date of the last day in the base period used in computing that quotation. Funds wishing to use rule 482 to advertise their effective yield on a compound basis must also include in their prospectuses a corresponding quotation of effective yield determined in accordance with the method described herein.

The Commission is aware that the prospectuses of almost all money market funds already include a description of a standardized method of computing yield, as set forth in current Item 17 of Form N-1, and a yield quotation based on that method. The Commission believes that in view of the foregoing, funds wishing to include yield figures in rule 482 advertisements before their prospectuses are ready for regular updating, may revise their prospectuses to include a "sticker" containing the necessary information pursuant to rule 424(c) of the 1933 Act [17 CFR 230.424(c)].

List of Subjects

17 CFR Parts 230 and 239

Reporting requirements, Securities.

17 CFR Part 274

Investment companies, Reporting requirements, Securities.

Text of Temporary Amendments to Parts 230, 239 and 274

In accordance with the foregoing, Title 17 of the Code of Federal Regulations, parts 230, 239 and 274 is temporarily amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. In § 230.482, paragraph (a)(2) is removed, paragraph (a)(3) is redesignated as (a)(2), paragraph (a)(4) is redesignated as (a)(3); paragraph (a)(5) is redesignated as (a)(4), and paragraph (d) is revised as follows:

§ 230.482 Advertising by an investment company as satisfying requirements of section 10.

* * * * *

(d) In the case of an investment company which holds itself out to be a "money market" fund or has an investment policy calling for investment of at least 80% of its assets in debt securities maturing in 13 months or less, any quotation of such company's yield contained in such advertisements shall be: (1) A quotation of current yield based in the method of computation prescribed in Item 17 of Form N-1, set forth in §§ 239.15 and 274.11 of this chapter, and identifying the length of and the date of the last day in the base period used in computing that quotation, or (2) a quotation of current yield described in clause (1) above and a corresponding quotation of effective yield determined in accordance with the instructions to Item 17 of Form N-1.

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

2. By amending Item 17 of Part I of Form N-1 [§§ 239.15 and 274.11] to read as follows:

§ 239.15 Form N-1 for open-end management investment companies registered on Form N-8A.

§ 274.11 Form N-1 registration statement of open-end management investment companies.

* * * * *

Part I. Information Required in Prospectus of Registration Statement

* * * * *

Item 17 *Yield Quotations of Money Market Funds (Prospectus only)*

(a) * * *

(i) a yield quotation based on the seven days ended on the date of the most recent financial statements of the Registrant included in the prospectus, computed by determining the net change exclusive of capital changes in the value of a hypothetical pre-existing account having a balance of one share at the beginning of the period, dividing the net change in account value by the value of the account at the beginning of the base period to obtain the base period return, and multiplying the base period return by (365/7) with the resulting yield figure carried to at least the nearest hundredth of one percent; and

(ii) * * *

(b) For purposes of the calculation required in subsection (a), above, the determination of net change in account value must reflect:

(i) the value of additional shares purchased with dividends from the original share, and dividends declared on both the original share and any such additional shares; and

(ii) all fees that are charged to all shareholder accounts, in proportion to the length of the base period and the fund's average account size.

(c) The capital changes to be excluded from the calculation required in subsection (a) are realized gains and losses from the sale of securities and unrealized appreciation and depreciation.

Instructions:

1. In connection with the presentation of the yield figure, the prospectus must disclose any material net change in the yield figure that would result from the inclusion of capital changes that are excluded in the computation pursuant to Item 17(a).

2. In addition to the yield quotation required by Item 17, the registrant may also include a quotation of effective yield, carried to at least the nearest hundredth of one percent, computed by compounding the unannualized base period return by dividing the base period return by 7, adding 1 to the quotient, raising the sum to the 365th power, and subtracting one from the result, according to the following formula,

Effective yield = base period return/7 + 1) ^{365} − 1.

Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Aanalysis in accordance with 5 U.S.C. 603 regarding the amendments to rule 482 and Form N-1 proposed herein. The analysis notes that the temporary amendments would permit registered investment companies to mail

advertisements directly to prospective investors and would permit money market funds to advertise their effective yield. The objective of these amendments is to provide prospective investors with sufficient information to make an informed choice concerning the various investment alternatives available.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Gregory K. Todd, Esq., Office of Disclosure Legal Services, Securities and Exchange Commission, Room 5128, 450 Fifth Street, NW., Washington, D.C. 20549.

Statutory Authority

These amendments are being adopted pursuant to sections 10 and 19(2) of the 1933 Act [15 U.S.C. 77j and 77s(a)] and section 38(a) of the 1940 Act [15 U.S.C. 80a-37(a)].

By the Commission.

Dated: February 28, 1983.

George A. Fitzsimmons,

Secretary.

APPENDIX

Example:

Assumptions:	
Value of a hypothetical pre-existing account with exactly one share at the beginning of the period	$1.000000000
Value of the same account* (excluding capital changes) at the end of the seven day period	$1.001919388
*This value would include the value of any additional shares purchased with dividends from the original share, and all dividends declared on both the original share and any such additional shares	
Monthly account charge for each account	$5.00
Average account size	[1] 10,000
Calculation:	
Ending account value	$1.001919388
Less beginning account value	1.000000000
Net change in account value	0.001919388
Monthly account charge	$5.00
	×12
Annual account charge	60.00
Seven days proportional charge per share based on average account size: (7/365)×60÷10,000 shares	0.000115068
Adjusted change in account value	$0.001804320
Base period return: (adjusted change/beginning account value) $0.001804320/$1.000000000=	0.01804320

Current yield=0.001804320×(365/7)=9.41%

Effective yield=$(1+0.001804320/7)^{365}-1$=9.86%

[1] Shares.

[FR Doc. 83-6342 Filed 3-10-83; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket Nos. 76G-0073, 76G-0445, 77G-0049, 77G-0099, 81G-0048, and 82G-0148]

Substances Generally Recognized as Safe; High Fructose Corn Syrup and Insoluble Glucose Isomerase Enzyme Preparations

Correction

In FR Doc. 83-3215, beginning on page 5716, in the issue of Tuesday, February 8, 1983, on page 5717, in the first column, in the sixth line, "(GRASP 7G0042)" should read "GRASP 4G0042)".

BILLING CODE 1505-01-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Gentamicin Sulfate Oral 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 Schering Corp. providing for safe and effective use of gentamicin sulfate oral solution in swine drinking water for control and treatment of colibacillosis and dysentery.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, filed NADA 91-191 providing for use of gentamicin sulfate oral solution (50 milligrams of gentamicin per millilter) in drinking water: (1) In wanling swine for control and treatment of colibacillosis caused by strains of *E. coli* sensitive to gentamicin; (2) in swine for control and treatment of swine dysentery associated with *Treponema hyodysenteriae*. Schering has demonstrated safety and effectiveness of the drug for the labeled conditions of use through submission of data derived from adequate and well controlled studies. The NADA is approved, and the regulations are amended accordingly.

On January 7, 1983 (48 FR 791), the agency approved the use of injectable gentamicin sulfate to treat porcine colibacillosis. Therefore, for the purposes of human safety, this NADA is considered to be a Category II supplement because it provides for an alternative route of administration (oral versus injectable) in the same species (swine). The sponsor demonstrated that 3 days after the last treatment with the recommended dosage of gentamicin sulfate oral solution, the total residues of gentamicin in the edible tissues are below the established tolerance. Accordingly, approval of this application poses no increased risk to humans from exposure to residues of gentamicin, and review of the underlying safety data was not required.

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 environment 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 impact analysis report (pursuant to 21 CFR 25.1(j)), 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. and 4 p.m., Monday through Friday.

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 (address above).

List of Subjects in 21 CFR Part 520

Animal drugs, oral.

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 520 is amended by adding new § 520.1044, to read as follows:

PART 520—ORAL DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.1044 Gentamicin sulfate oral solution.

(a) *Specifications.* Each milliliter of aqueous solution contains gentamicin sulfate equivalent to 50 milligrams of gentamicin.

(b) *Sponsor.* See No. 000085 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.300 of this chapter.

(d) *Conditions of use*—(1) *Amount.* Colibacillosis: 1 milliliter per 2 gallons of drinking water for 3 consecutive days, to provide 0.5 milligram/pound/day; swine dysentery: 1 milliliter per 1 gallon of drinking water for 3 consecutive days, to provide 1.0 milligram/pound/day.

(2) *Indications for use.* In weanling swine control and treatment of colibacillosis caused by strains of *E. coli* sensitive to gentamicin, and in swine for control and treatment of swine dysentery associated with *Treponema hyodysenteriae.*

(3) *Limitations.* For use in swine drinking water only. Do not store or offer medicated drinking water in rusty containers since the drug is quickly destroyed in such containers. Medicated drinking water should be prepared daily and be the sole source of drinking water for 3 consecutive days. Treatment may be repeated if dysentery recurs. Do not slaughter treated swine or food for at least 3 days following treatment.

Effective date. March 11, 1983.

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

Dated: March 3, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-6266 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 522

Implantation of Injectable Dosage Form New Animal Drugs Not Subject to Certification; Dinoprost Tromethamine Sterile Solution

Correction

In FR Doc. 83-3714 beginning on page 6330 in the issue of Friday, February 11, 1983, the third column of that page, the eighth line, the word "and" should not have appeared.

BILLING CODE 1505-01-M

21 CFR Part 555

Chloramphenicol Drugs for Animal Use; Chloramphenicol Tablets

Correction

In FR Doc. 83-3626 appearing on page 6331 in the issue of Friday, February 11, 1983, make the following corrections in the third column:

1. In the sixteenth line "§ 555.10a" should have read "§ 555.110a".

2. In § 555.110a (c)(1)(ii), the fourth line, the word "milligrams" should have read "milligram".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7873]

Income Tax; Taxable Years Beginning After December 31, 1953; Information Returns of Brokers.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to information returns of brokers. Changes to the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations require brokers to make returns of information on dispositions (including short sales) of securities commodities, regulated futures contracts, and forward contracts effected for customers. They also require barter exchanges to make returns of information with respect to exchanges of property or services through the barter exchange. The regulations affect brokers effecting dispositions (including short sales) of securities, commodities, regulated futures contracts, and forward contracts, and barter exchanges, providing them with the guidance needed to comply with the law.

DATES: Effective on March 3, 1983.

The regulations apply with respect to transactions occurring on or after July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Gregory A. Roth of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3238 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1982, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 6045 of the Internal Revenue Code of 1954 (47 FR 51415). The amendments were proposed to provide rules relating to returns of brokers under section 6045 of the Internal Revenue Code of 1954. Section 311 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 600) amended section 6045.

A public hearing was held on January 27, 1983. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Explanation of Provisions

The final regulations generally require brokers to make returns of information with respect to sales by customers. In addition, barter exchanges are required to file returns of information on exchanges of property or services through the barter exchange if there are at least 100 such exchanges during the calendar year. The rules in the final regulations are substantially the same as the rules in the notice of proposed rulemaking, which are summarized in the preamble of the notice of proposed rulemaking. Several rules have been changed, however, in response to public comments received. These changes are summarized below.

Comments and Changes Due to Comments

A number of comments suggested that the regulations should permit reporting on an aggregate rather than a transactional basis. For reasons set forth below, the Internal Revenue Service believes that transactional reporting is necessary. The Service recognizes, however, that brokers would benefit from additional time to implement a transactional reporting system. Accordingly, the final regulations permit brokers and barter exchanges to elect aggregate reporting for calendar year 1983 and should provide brokers and barter exchanges with sufficient time to implement a transactional reporting system in a cost-efficient manner.

Transactional reporting is necessary, as a general rule, so that the amount received in a sale of property can be matched with the basis of the property to determine gross income. The Service received numerous comments suggesting that aggregate reporting would reduce the burden on reporters and should be adequate for the Service's needs. These comments were given careful

consideration. In the case of broker reports that provide only gross proceeds information, however, the Service's planned uses of the reports (selecting returns for correction processing under the information returns processing program, selecting returns for audit, implementing audits, and monitoring taxpayer compliance) generally require transactional data. Transactional data facilitates thorough, accurate, and cost-efficient audits.

In the case of transactions in regulated futures contracts, however, the Service has concluded that aggregate reporting may provide adequate information since such reporting generally provides sufficiently accurate gross income information. Accordingly, the final regulations provide special aggregate reporting requirements for regulated futures contracts. A broker is required to separately report such contracts annually and on an account-by-account basis. As to regulated futures contracts in each customer account, the broker must report the realized profit or loss during the year, the unrealized profit or loss at the end of the preceding year, the unrealized profit or loss at the end of the year, and the unadjusted taxable gain or loss for the year. The reporting rules were formulated solely taking into consideration the optimal form of reporting of commodities transactions in general and without regard to considerations of the tax treatment of options on futures.

The Service intends to monitor taxpayer compliance with respect to regulated futures contracts to determine whether aggregate reporting hampers enforcement efforts to reduce avoidance of tax. If abuses are detected, the Service will reconsider these special reporting rules for regulated futures contracts.

Several comments objected to the requirement in the proposed regulations that brokers and barter exchanges file returns of information on magnetic media. In general, the comments requested additional time to implement magnetic media reporting and suggested that requiring the use of magnetic media would impose an undue burden on brokers and barter exchanges that lack the necessary data processing capacity. The comments also suggested that the exemption for brokers with fewer than 250 customers and barter exchanges with fewer than 250 members or clients is of limited applicability.

The final regulations require magnetic media reporting, but not until calendar year 1984. The final regulations provide, as did the proposed regulations, that the Commissioner may waive the magnetic media requirement on a showing of undue hardship. Existing brokers and barter exchanges must file an application for waiver on or before September 15, 1983; new brokers and barter exchanges will have at least two full months after becoming a broker or barter exchange to file an application for waiver. It is anticipated that the waiver authority will be exercised liberally so as not to unduly burden brokers and barter exchanges that lack both the necessary data processing facilities and cost-efficient access to computer service bureaus. This waiver policy will effect the relief that the exemption in the proposed regulations was intended to provide. Accordingly, these regulations do not include that exemption.

The proposed regulations provided that, for purposes of section 6045, a sale occurs on the date the customer becomes entitled to the gross proceeds thereof (settlement date). Comments received indicate that many brokers do not treat the settlement date as the sale date, but instead consider that a sale occurs on the date it is entered on the books of the broker (trade date). The final regulations allow a broker to report using either the settlement date or the trade date.

The proposed regulations required brokers to report the cost of property used to cover a short sale in the year of cover. A number of comments objected to this requirement because such cost information frequently is not available to the broker. In addition, this requirement was inconsistent with provisions of the regulations that required gross proceeds information with respect to other types of sales. The final regulations require brokers to report the amount received on the entry into the short sale in the year of entry. The Service recognizes that in situations where a short sale is not covered in the year of entry, the report by the broker under section 6045 will be made with respect to a year preceding the year in which the customer reports the sale for tax purposes.

The proposed regulations required brokers to report in terms of United States dollars the proceeds of a sale paid in a foreign currency directly or indirectly convertible into United States dollars, with conversion of the foreign currency into United States dollars at the exchange rate on the day of sale. Some brokers commented that it is difficult for them to determine what currencies are indirectly convertible. Additionally, some comments observed that there is no single exchange rate on a given day. Some comments expressed concern that the proposed regulations, in effect, required brokers to keep dual records for all affected accounts: one in the foreign currency and another in United States dollars.

The Service needs reports in United States dollars to audit returns effectively. However, the Service recognizes the need to provide some flexibility. Consequently, the regulations provide simplified rules for foreign currency conversion. Conversion is required as to any directly convertible foreign currencies and as to any indirectly convertible currencies specified in a notice published in the **Federal Register.** Conversion may be at the exchange rate on the day of sale or on the last day of the reporting period. A broker may use generally recognized financial publications as a source for exchange rates.

The Service received a number of comments on the exemption provided in the proposed regulations for obligor payments on short-term obligations and certain types of accounts at financial institutions. Many of the comments requested clarification of the scope of the exemption. Other comments noted that certain similar transactions that have no tax effect or are already subject to reporting under provisions of the Internal Revenue Code other than section 6045 were not exempt under the proposed regulations.

To clarify the proposed exemption and to extend the exemption to debt transactions otherwise adequately reported or not likely to have tax effect, the final regulations exempt obligor payments on nontransferable obligations (including savings bonds, savings accounts, checking accounts, and NOW accounts), obligations as to which the entire gross proceeds are reported by the broker under provisions of the Internal Revenue Code other than section 6045, retirement of short-term obligations that have original issue discount, and retirement of book entry or registered form obligations as to which no interim transfers have occurred.

Comments received from depository trusts, dividend reinvestment plans, and similarly situated brokers noted that they frequently purchase or redeem fractional shares for various reasons. It is possible that the cost of reporting such transactions would be disproportionate compared to the potential tax on such transactions. In response to these concerns, the regulations provide an exemption for redemptions and repurchases of fractional shares for less than $20.

Some comments requested that barter exchanges be allowed to report

exchanges in terms of trade credits rather than the cash equivalent of such credits. The Service is unable to use information reported in terms other than cash. Moreover, barter exchanges are better situated to convert credits into their cash equivalent than is the Service. Accordingly, this suggestion was not adopted.

Special Analyses

The Commissioner of Internal Revenue has determined that this rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

The Secretary of the Treasury certifies that the regulations in this document do not have a significant impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The Secretary's certification is based on a determination that the economic impact of the reporting requirements is primarily attributable to requirements imposed directly by the statute. The Service has significant discretion under the statute to require reporting of information other than information regarding gross proceeds. In general, however, the regulations require only gross proceeds information, the reporting of which is expressly contemplated by the statute. As to the manner of reporting, the regulations obtain the information contemplated by the statute in a usable form with the minimum possible impact on small entities and the economy in general. The regulations require reports with respect to each transaction and require the use of magnetic media because alternative methods of reporting provide information in an unusable form and would not result in the improved compliance contempleted by Congress. In an effort to minimize the burdens on brokers, the regulations permit brokers to elect a monthly, quarterly, or annual reporting period. Brokers also may send statements to their customers on the same basis. Although the Service believes year-end statements to customers would contribute to significant improvements in taxpayer compliance, it recognizes the possiblity that such a requirement would increase the burden imposed by the regulations. Finally, the impact of the regulations on small entities is minimized by certain exemptions.

Drafting Information

The principal author of these regulations is Gregory A. Roth of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR 1.6001-1—1.6109-2

Income taxes, Administration and procedure, Filing requirements.

PART 1—[AMENDED]

Admendments to the Regulations

The amendments to 26 CFR Part 1 are as follows:

Paragraph. New § 1.6045-1 is added immediately after § 1.6044-5. The new section is set forth below.

§ 1.6045-1 Returns of information of brokers and barter exchanges.

(a) *Meaning of terms.* The following definitions apply for purposes of this section:

(1) The term "broker" means a person that, in the ordinary course of a trade or business during the calendar year, stands ready to effect sales to be made by others. (2) The term "customer" means, with respect to a sale effected by a broker, the person (other than such broker) that makes the sale, if the broker acts as—

(i) An agent for such person in the sale;

(ii) A principal in the sale; or

(iii) The participant in the sale responsible for paying to such person or crediting to such person's account the gross proceeds on the sale.

[3] The term "security" means—

(i) A share of stock in a corporation (foreign or domestic);

(ii) An interest in a trust;

(iii) An interest in a partnership;

(iv) A debt obligation;

(v) An interest in or right to purchase any of the foregoing in connection with the issuance thereof from the issuer or an agent of the issuer or from an underwriter that purchases any of the foregoing from the issuer, or

(vi) An interest in a security described in paragraph (a)(3) (i) or (iv) (but not including options or executory contracts that require delivery of such type of security).

(4) The term "barter exchange" means any person with members or clients that contract either with each other or with such person to trade or barter property or services either directly or through such person. The term does not include arrangements that provide solely for the informal exchange of similar services on a noncommercial basis.

(5) The term "commodity" means—

(i) Any type of personal property or an interest therein (other than securities as defined in paragraph (a)(3)) the trading of regulated futures contracts in which has been approved by the Commodity Futures Trading Commission;

(ii) Lead, palm oil, rapeseed, tea, tin, or an interest in any of the foregoing; or

(iii) Any other personal property or an interest therein that is of a type the Secretary determines is to be treated as a "commodity" under this section, from and after the date specified in a notice of such determination published in the **Federal Register.**

(6) The term "regulated futures contract" means a regulated futures contract within the meaning of section 1256(b).

(7) The term "forward contract" means—

(i) An executory contract that requires delivery of a commodity in exchange for cash and which contract is not a regulated futures contract; or

(ii) An executory contract that requires delivery of personal property or an interest therein in exchange for cash, or a cash settlement contract, if such executory contract or cash settlement contract is of a type the Secretary determines is to be treated as a "forward contract" under this section, from and after the date specified in a notice of such determination published in the **Federal Register.**

(8) The term "closing transaction" means any termination of an obligation under a forward contract or a regulated futures contract.

(9) The term "sale" means any disposition of securities, commodities, regulated futures contracts, or forward contracts for cash, and includes redemptions of stock, retirements of indebtedness, and enterings into short sales. In the case of a regulated futures contract or a forward contract, the term "sale" means any closing transaction. When a closing transaction in a regulated futures contract involves making or taking delivery, the profit or loss on the contract is a sale, and, if delivery is made, such delivery is a separate sale. When a closing transaction in a forward contract involves making or taking delivery, the delivery is a sale without separation of the profit or loss on the contract from the profit or loss on the delivery, except that taking delivery for United States dollars is not a sale. The term "sale" does not include grants or purchases of options, exercises of call options, or enterings into contracts that require delivery of personal property or an interest therein.

(10) The term "effect" means, with respect to a sale, to act as—

(i) An agent for a party in the sale wherein the nature of the agency is such

that the agent ordinarily would know the gross proceeds from the sale; or

(ii) A principal in such sale.

Acting as an agent or principal with respect to grants or purchases of options, exercises of call options, or enterings into contracts that require delivery of personal property or an interest therein is not of itself effecting a sale. A broker that has on its books a forward contract under which delivery is made effects such delivery.

(11) The term "foreign currency" means currency of a foreign country.

(12) The term "convertible foreign currency" means a foreign currency that is either:

(i) Readily convertible into United States dollars; or

(ii) Of a type the Secretary determines is to be treated as a "convertible foreign currency," from and after the date specified in a notice of such determination published in the **Federal Register**.

(13) The term "cash" means United States dollars or any convertible foreign currency.

(b) *Examples.* The following examples illustrate the definitions in paragraph (a):

Example (1). The following persons generally are brokers within the meaning of paragraph (a)(1):

(i) A mutual fund, an underwriter of the mutual fund, or an agent for the mutual fund, any of which stands ready to redeem or repurchase shares in such mutual fund.

(ii) An obligor that regularly issues and retires its own notes.

(iii) A professional custodian (such as a bank) that regularly arranges sales for custodial accounts pursuant to instructions from the owner of the property.

(iv) A depositary trust or other person who regularly acts as an escrow agent in corporate acquisitions, if the nature of the activities of the agent is such that the agent ordinarily would know the gross proceeds from sales.

(v) A stock transfer agent for a corporation, which agent records transfers of stock in such corporation, if the nature of the activities of the agent is such that the agent ordinarily would know the gross proceeds from sales.

(vi) A dividend reinvestment agent for a corporation that stands ready to purchase or redeem shares.

Example (2). The following persons are not brokers within the meaning of paragraph (1)(a) in the absence of additional facts that indicate the person is a broker:

(i) A stock transfer agent for a corporation, which agent daily records transfers of stock in such corporation, if the nature of the activities of the agent is such that the agent ordinarily would not know the gross proceeds from sales.

(ii) A person (such as a stock exchange) that merely provides facilities in which others effect sales.

(iii) An escrow agent or nominee if such agency is not in the ordinary course of a trade or business.

(iv) An escrow agent, otherwise a broker, which agent effects no sales other than such transactions as are incidental to the purpose of the escrow (such as sales to collect on collateral).

(v) A floor broker on a commodities exchange, which broker maintains no records with respect to the terms of sales.

(vi) A corporation that issues and retires long-term debt on an irregular basis.

(vii) A clearing organization.

Example (3). A, B, and C belong to a carpool in which they commute to and from work. Every third day, each member of the carpool provides transportation for the other two members. Because the carpool arrangement provides solely for the informal exchange of similar services on a noncommercial basis, the carpool is not a barter exchange within the meaning of paragraph (a)(4).

Example (4). X is an organization whose members include retail merchants, wholesale merchants, and persons in the trade or business of performing services. X's members exchange property and services among themselves using credits on the books of X as a medium of exchange. Each exchange through X is reflected on the books of X by crediting the account of the member providing property or services and debiting the account of the member receiving such property or services. X also provides information to its members concerning property and services available for exchange through X. X charges its members a commission on each transaction in which credits on its books are used as a medium of exchange. X is a barter exchange within the meaning of paragraph (a)(4) of this section.

Example (5). A warehouse receipt is an interest in personal property for purposes of paragraph (a). Consequently, a warehouse receipt for a quantity of lead is a commodity under paragraph (a)(5)(ii). Similarly an executory contract that requires delivery of a warehouse receipt for a quantity of lead is a forward contract under paragraph (a)(7)(ii).

Example (6). The only customers of a depository trust acting as an escrow agent in corporate acquisitions, which trust is a broker, are shareholders to whom the trust makes payments or shareholders for whom the trust is acting as an agent.

Example (7). The only customers of a stock transfer agent, which agent is a broker are shareholders to whom the agent makes payments or shareholders for whom the agent is acting as an agent,

Example (8). D, an individual not otherwise exempt from reporting, is the holder of an obligation issued by P, a corporation. R, a broker, acting as an agent for P, retires such obligation held by D. Such obligor payments from R represent obligor payments by P. (See paragraph (c)(3)(v)). D, the person to whom the gross proceeds are paid or credited by R, is the customer of R.

(c) *Reporting by brokers*—(1) *Requirement of reporting.* Any broker shall, except as otherwise provided, report in the manner prescribed in this section.

(2) *Sales required to be reported.* Except as provided in paragraphs (c)(3), (c)(5), (g), and (p)(1), a broker shall make a return of information with respect to each sale by a customer of the broker effected by the broker in the ordinary course of a trade or business in which the broker stands ready to effect sales to be made by others.

(3) *Exceptions*—(i) *Sales for exempt recipients.* No return of information is required with respect to a sale by a customer that is an exempt recipient described in section 3452(c)(2) (A) through (E) or (G) through (I) (relating to exemptions from withholding) as determined under § 35.3452(c)–1.

(ii) *Multiple brokers.* In the case of a sale in which a broker is instructed to initiate the sale by a person that is an exempt recipient described in section 3452(c)(2) (F) or (K)(i) (relating to exemptions from withholding) as determined under § 35.3452(c)–1, no return of information is required with respect to the sale by the broker so instructed. In the case of a redemption of stock or retirement of securities, only the broker responsible for paying the holder redeemed or retired, or crediting the gross proceeds on the sale to such holder's account, is required to report the sale.

(iii) *Custodians and trustees.* No return of information is required with respect to a sale effected by a custodian or trustee in its capacity as such, provided the sale is otherwise reported by the custodian or trustee on a properly filed Form 1041 and all Schedule K–1 reporting requirements are satisfied.

(iv) *Sales at issue price.* No return of information is required with respect to a sale of an interest in a regulated investment company (within the meaning of section 851) that computes its current price per share for purposes of distributions, redemptions, and purchases so as to stabilize the price per share at a constant amount that approximates its issue price or the price at which it was originally sold to the public.

(v) *Obligor payment on certain obligations.* No return of information is required with respect to payments representing obligor payments on—

(*a*) Nontransferable obligations (including savings bonds, savings accounts, checking accounts, and Now accounts);

(*b*) Obligations as to which the entire gross proceeds are reported by the broker of Form 1099 under provisions of the Internal Revenue Code other than section 6045 (including stripped coupons issued prior to July 1, 1982); or

(*c*) Retirement of short-term obligations, as defined in § 35.3455(b)-1 (b)(1), that have original issue discount,

as defined in section 1232(b)(1).

(vi) *Callable obligations.* No return of information is required with respect to demand obligations that also are callable by the obligor and that have no premium or discount.

(vii) *Foreign currency.* No return of information is required with respect to a sale of foreign currency other than a sale pursuant to a forward contract or regulated futures contract that requires delivery of foreign currency.

(viii) *Fractional share.* No return of information is required with respect to a sale of a fractional share of stock if the gross proceeds on the sale of the fractional share are less than $20.

(ix) *Certain retirements.* No return information is required from an issuer or its agent with respect to the retirement of book entry or registered form obligations as to which the relevant books and records indicate that no interim transfers have occurred.

(4) *Examples.* The following examples illustrate the application of the reporting requirements:

Example (1). A, an individual, places an order with B, a person generally known in the investment community to be a federally registered broker/dealer, to sell A's stock in a publicly traded corporation. B, in turn, places an order to sell the stock with C, a second broker, who executes the sale. B discloses to C the identity of the customer placing the order. C is not required to make a return of information with respect to the sale because C was instructed by B, an exempt recipient described in section 3452 (c)(2)(F) and § 35.3452 (c)-1 (j), to initiate the sale.

Example (2). The facts are the same as in Example (1) except that B has an omnibus accont with C so that B does not disclose to C whether the transaction is for a customer of B or for B's own account. C is not required to make a return of information with respect to the sale because C was instructed by B, an exempt recipient described in section 3452(c)(2)(F) and § 35.3452(c)-1 (j), to initiate the sale.

Example (3). D, an individual not otherwise exempt from reporting, owns bonds that are held by E, a broker/dealer, in an account for D with E designated as nominee for D. Upon retirement of the bonds, the gross proceeds are automatically credited to the account of D. E is required to make a return of information with respect to the redemption because E is the broker responsible for making payment of the gross proceeds to D.

(5) *Form of reporting for regulated futures contracts*—(i) *In general.* A broker effecting closing transactions in regulated futures contracts shall report information with respect to regulated futures contracts solely in the manner prescribed in this paragraph (c)(5). In the case of a sale that involves making delivery pursuant to a regulated futures contract, only the profit on loss on the contract is reported as a transactions with respect to regulated futures contracts under this paragraph (c)(5); such sales are, however, subject to reporting under paragraph (d)(2). The information required under this paragraph (c)(5) must be reported on a calendar year basis, unless the broker is advised in writing by an account's owner that the owner's taxable year is other than a calendar year and the broker elects to report with respect to regulated futures contracts in such account on the basis of the owner's taxable year. The following information must be reported as required by Form 1099 with respect to regulated futures contracts held in a customer's account:

(*a*) The name, address, and taxpayer identification number of the customer.

(*b*) The net realized profit or loss from all regulated futures contracts closed during the calendar year.

(*c*) The net unrealized profit or loss in all open regulated futures contracts at the end of the preceding calendar year.

(*d*) The net unrealized profit or loss in all open regulated futures contracts at the end of the calendar year.

(*e*) The aggregate profit or loss from regulated futures contracts ((*b*)+(*d*)−(*c*)).

(*f*) Any other information required by Form 1099. See 17 CFR 1.33. For this purpose, the end of a year is the close of business of the last business day of such year. In reporting under this paragraph (c)(5), the broker shall make such adjustments for commissions that have actually been paid and for option premiums as are consistent with the books of the broker. No additional returns of information with respect to regulated futures contracts so reported are required.

(ii) *Examples.* The following examples illustrate the application of the rules in this paragraph (c)(5):

Example (1). On October 30, 1984, A, an individual who is a calendar year taxpayer not otherwise exempt from reporting, buys one March 1985 put on Treasury Bond futures (i.e. A purchases an option to enter into a short regulated futures contract of $100,000 face value U.S. Treasury bonds). A pays $500 for the option. On December 19, 1984, A, through B, exercises the option and enters into the futures contract. On February 15, 1985, A, through B, enters into a closing transaction with respect to the futures contract. These are A's only transactions in the account. Since B's books list A's regulated futures contract on December 31, 1984, B must report for A, for 1984, the unrealized profit or loss in the contract as of December 31, 1984. For 1985, B will report the same amount for A as the unrealized profit or loss at the beginning of 1985. The return of information for 1985 will also include the gain or loss from the contract in the net realized profit or loss from all regulated futures contracts sales during 1985.

Example (2). The facts are the same as in Example (1) except that A does not enter into the closing transaction, but instead, on March 20, 1985, B informs A that A will make delivery under the contract. On March 22, 1985, A does so; consequently, A becomes entitled to the gross proceeds. B enters the closing transaction on its books on March 20, 1985. In addition to the returns of information required by paragraph (c)(5), as described in Example (1), B must report the March 22, 1985 delivery as a separate transaction. B may use as the sale date for the delivery either March 20, 1985, the date the transaction is entered on the books of B, or March 22, 1985, the date A becomes entitled to the gross proceeds. B may not deduct the $500 premium from the gross proceeds with respect to the March 22, 1985 delivery.

Example (3). The facts are the same as in Example (2) except that A buys a call on Treasury bond futures and takes delivery. B will supply the returns of information required by paragraph (c)(5), as described in Example (1). B is not required to make a return of information with respect to A's taking delivery.

Example (4). C, an individual who is a calendar year taxpayer not otherwise exempt from reporting, has an account with D, a broker. C trades both regulated futures contracts and forward contracts through C's account with D. D must report C's regulated futures contracts on an annual basis as required by paragraph (c)(5). With respect to C's forward contracts, D may elect to use the calendar month, quarter, or year as D's reporting period as provided in paragraph (c)(6).

(6) *Reporting periods and filing groups*—(i) *Reporting period*—*(a) In general.* A broker may elect to use the calendar month, quarter, or year as the broker's reporting period. A broker may separately elect a reporting period for each filing group.

(b) Election. For each calendar year, a broker shall elect a reporting period by filing Forms 1096 and 1099 in the manner elected. A different reporting period may be subsequently elected by filing in the manner subsequently elected, provided no duplication of reported transactions results.

(ii) *Filing group*—*(a) In general.* A broker may elect to group customers or customer accounts by office, branch, department or other method of operational classification and separately file Forms 1096 and 1099 for each filing group.

(b) Election. For each calendar year, a broker shall elect filing groups by filing Forms 1096 and 1099 in the manner elected. Different filing groups may be subsequently elected by filing in the manner subsequently elected, provided no duplication of reported transactions results.

(iii) *Example.* The following example illustrates the rules of this paragraph (c)(6):

Example. The A department of C, a broker, files a separate report for each month of 1984, whereas the B department of C files one report for all of 1984. C makes no other

reports or returns of information under section 6045 for 1984. C had thereby elected two filing groups for 1984, the A department and the B department. The A department has the calendar month as its 1984 reporting period, whereas the B department has the calendar year as its 1984 reporting period. The same result would occur if A and B were offices or branches of C.

(d) *Information required.*—(1) *In general.* A broker that is required to make a return of information under paragraph (c) during a reporting period shall report on a separate Form 1096 for each filing group, showing such information as may be required by Form 1096, in the form, manner, and number of copies required by Form 1096.

(2) *Transactional reporting.* As to each sale with respect to which a broker is required to make a return of information under this section, the broker, except as provided in paragraphs (c)(5) and (p)(1), shall show on Form 1099 the name, address, and taxpayer identification number of the customer, the property sold, Committee on Uniform Security Identification Procedures (CUSIP) number of the security sold (if known), the gross proceeds, sale date, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(3) *Bond sales between interest payment dates.* As to each sale of a debt obligation prior to maturity with respect to which a broker is required to make a return of information under this section, a broker shall show separately on Form 1099 the amount of accrued and unpaid interest as of the sale date that must be reported by the customer as interest income under § 1.61-7(d) (but not the amount of any original issue or market discount). Such interest information shall be shown in the manner and at the time required by Form 1099 and section 6049.

(4) *Sale date*—(i) *In general.* Except as otherwise provided in this paragraph (d)(4), a broker may report a sale as occurring on the date the sale is entered on the books of the broker of the date the customer becomes entitled to the gross proceeds thereof. The method of reporting the date the sale occurs shall be consistently applied by the broker as to all reports with respect to a filing group during a calendar year.

(ii) *Exception.* For purposes of this section, a broker shall report a short sale as occurring on the date the short sale is entered on the books of the broker.

(iii) *Example.* The following example illustrates the application of the rules in this paragraph (d)(4):

Example. C, an individual not otherwise exempt from reporting, through J, a broker, enters into a short sale with respect to 100 shares of the stock of corporation B for $50 per share on July 12, 1985. J is required to report the sale as occurring on July 12, 1985 with gross proceeds of $5,000 dollars.

(5) *Gross proceeds.* The gross proceeds on a sale are the total amount paid to the customer or credited to the customer's account as a result of such sale reduced by the amount of any interest reported under paragraph (d)(3) and increased by any amount not so paid or credited by reason of repayment of margin loans. In the case of a closing transaction which results in a loss, gross proceeds are the amount debited from the customer's account. The broker may, but is not required to, take commissions and option premiums into account in determining gross proceeds, provided the treatment chosen is consistent with the books of the broker.

(6) *Conversion of proceeds paid in foreign currency*—(i) *Convertible currency.* In the event the proceeds of a sale are paid in convertible foreign currency, the amount subject to reporting under this section shall be computed by converting such foreign currency into United States dollars at the exchange rate determined in the following manner. The broker may choose, with respect to a filing group, to use either the exchange rate on the date the sale occurs or the exchange rate at the close of business on the last business day of the reporting period in which the sale occurs. In either case, the broker may use as such exchange rate the rate at which the broker was able to purchase the foreign currency at the relevant time or, if there is no such rate, the exchange rate quote for such foreign currency at such time in any generally recognized financial publication, provided the broker consistently uses the same publication.

(ii) *Nonconvertible currency.* [Reserved.]

(e) *Reporting of barter exchanges*—(1) *Requirement of reporting.* A barter exchange shall, except as otherwise provided, report in the manner prescribed in this section.

(2) *Exchanges required to be reported*—(i) *In general.* Except as provided in paragraphs (e)(2)(ii), (g), and (p)(2), a barter exchange shall make a return of information with respect to exchanges of personal property or services through the barter exchange during the calendar year among its members or clients or between such persons and the barter exchange. For this purpose, property or services are exchanged through a barter exchange if payment for property or services is made by means of a credit on the books of the barter exchange or scrip issued by the barter exchange or if the barter exchange arranges a direct exchange of property or services among its members or clients or exchanges property or services with a member or client.

(ii) *Exemption.* A barter exchange through which there are fewer than 100 exchanges during the calendar year is not required to report for, or make a return of information with respect to exchanges during, such calendar year. The Commissioner may require multiple barter exchanges to be combined for purposes of the proceeding sentence upon a determination that a material purpose for the formation or continuation of one or more of the barter exchanges to be combined was to receive one or more exemptions pursuant to this subparagraph.

(f) *Information required*—(1) *In general.* A person that is a barter exchange during a calendar year shall report on Form 1096 showing the information required thereon for such year.

(2) *Transactional reporting.* As to each exchange with respect to which a barter exchange is required to make a return of information under this section the barter exchange, except as provided in paragraph (p) (2), shall show on Form 1099 the name, address, and taxpayer identification number of each member or client providing property or services in the exchange, the property or services provided, the amount received by the member or client for such property or services, the date on which the exchange occurred, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(3) *Exchange date.* For purposes of this section an exchange is considered to occur with respect to a member or client of a barter exchange on the date cash, property, a credit, or scrip is actually or constructively received by the member or client as a result of the exchange. (See § 1.451-2 for rules pertaining to constructive receipt.)

(4) *Amount received.* The amount received by a member or client in an exchange includes cash received, the fair market value of any property or services received, and the fair market value of any credits to the account of the member or client on the books of the barter exchange or scrip issued to the member or client by the barter exchange, but does not include any amount received by the member or client in a subsequent exchange of credits or scrip. For purposes of this section, the fair market value of a credit

or scrip is the value assigned to such credit or scrip by the issuing barter exchange for the purpose of exchanges unless the Commissioner requires the use of a different value that the Commissioner determines more accurately reflects fair market value.

(5) *Meaning of terms.* For purposes of this paragraph (f)—(i) A credit is an amount on the books of the barter exchange that is transferable from one member or client of the barter exchange to another such member or client, or to the barter exchange in payment for property or services;

(ii) Scrip is a token issued by the barter exchange that is transferable from one member or client, of the barter exchange to another such member or client, or to the barter exchange, in payment for property or services; and

(iii) Property does not include a credit or scrip.

(6) *Reporting period.* A barter exchange shall use the calendar year as the reporting period.

(g) *Exempt foreign persons*—(1) *In general.* No return of information is required with respect to the participation in any transaction during a calendar year of a person who furnishes during such calendar year (or who has furnished during any of the two preceding calendar years) to the broker or barter exchange (irrespective of whether the branch of the broker or barter exchange is within or without the United States) a statement, signed under penalty of perjury, that such person is an exempt foreign person, unless an employee or other agent of the broker or barter exchange who is responsible for receiving or reviewing such statement has actual knowledge that such statement is incorrect. However, the broker or barter exchange may, at its option, require the statement to be provided with respect to each separate transaction. The broker or barter exchange shall retain such statement for at least four years following the end of the last calendar year for which a return of information is not required by reason of such statement. See § 1.6001-1 (relating to records in general) for the requirements relating to the retention of statements provided under this paragraph (g). If, after providing such statement, the person ceases to be an exempt foreign person, such person shall so notify the broker or barter exchange in writing within 30 days of this change in status. For purposes of this paragraph (g), an exempt foreign person is a person who, during a calendar year in which such person participates in transactions with respect to which a return of information would otherwise be required under this section—

(i) Is neither a citizen of the United States, a resident of the United States, nor a person treated as a resident of the United States by reason of an election under section 6013 (g) or (h);

(ii) Is not subject to the provisions of section 877;

(iii) In the case of an individual, has not been, and at the time the statement is furnished reasonably expects not to be, present in the United States for a period aggregating 183 or more days (or is a beneficiary of a tax treaty to which the United States is a party and pursuant to which gains from such person's transactions are exempt from Federal income taxation); and

(iv) At the time the statement is furnished, is not, or reasonably expects not to be, engaged in a trade or business in the United States during such year (or is a beneficiary of a tax treaty to which the United States is a party and pursuant to which gains from such person's transactions are exempt from Federal income taxation).

(2) *Example.* The following example illustrates the application of the exception to the reporting requirements for exempt foreign persons:

Example. In March 1983, F, an individual, opens an account with G, a foreign branch of a brokerage firm incorporated in the United States. G requires new customers to complete a form signed under penalty of perjury that includes 4 questions corresponding to the 4 criteria for an exempt foreign person listed in paragraph (g)(1)(i) through (iv). F's responses to the 4 questions indicate that the 4 criteria are satisfied, and the sole employee of G responsible for receiving and reviewing such statement has no actual knowledge to the contrary. G does not require F to provide a statement that F is an exempt foreign person for each separate transaction it effects on F's behalf and does not require F to provide such a statement on a periodic basis. During 1984, 1985 and 1986, F does not furnish to G a statement that F is an exempt foreign person. If G is not notified by F that F has ceased to be an exempt foreign person, G is not required to make a return of information with respect to sales effected for F during 1983, 1984 and 1985. However, if no other exception applies, G is required to make a return of information with respect to sales effected for F during 1986. The same result would occur if G were a United States branch of either a United States or a foreign brokerage firm.

(h) *Identity of customer*—(1) *In general.* For purposes of this section, a broker or barter exchange shall treat the person who appears on the books and records of the broker or barter exchange with respect to property or services as the principals with respect thereto.

(2) *Examples.* The following examples illustrate the rule of this paragraph (h):

Example (1). The records of A, a broker, show an account in the name of "B". B is a nominee for C. All reporting with respect to such account shall treat B as the customer.

Example (2). J, an individual, places an order with H, a broker, to sell J's stock that is held by P, a broker/dealer, in an account for J with P designated as nominee for J, and to credit the gross proceeds from the sale to J's account with P. The account is in the name of P, so that H's customer is P.

(i) [Reserved.]

(j) *Time and place for filing.* Forms 1096 and 1099 required under this section shall be filed after the last calendar day of the reporting period elected by the broker or barter exchange and on or before the end of the second calendar month following the close of the calendar year of such reporting period with the appropriate Internal Revenue Service Center, the address of which is listed in the instructions for Form 1096.

(k) *Requirement and time for furnishing statement*—(1) *Requirement for furnishing statements.* A broker or barter exchange making a return of information under this section with respect to a transaction shall furnish to the person whose identifying number is (or is required to be) shown on such return a written statement showing the information required by paragraph (c)(5), (d), (f), or (p) of this section and containing a legend stating that such information is being reported to the Internal Revenue Service if the return of information is not made on magnetic media, this requirement may be satisfied by furnishing to such person a copy of all Forms 1099 with respect to such person filed with the Internal Revenue Service Center. A statement shall be considered to be furnished to a person to whom a statement is required to be made under this paragraph (k) if it is mailed to such person at the last address of such person known to the broker or barter exchange.

(2) *Time for furnishing statements.* A broker or barter exchange may furnish the statements required by this paragraph (k) yearly, quarterly, monthly or on any other basis, without regard to the reporting period elected by the broker or barter exchange, provided that all statements required to be furnished under this paragraph (k) for a calendar year shall be furnished on or before January 31 of the following calendar year.

(l) *Use of magnetic media*—(1) *In general.* Except as otherwise provided by paragraph (l) (2) and (3), a broker or a barter exchange required to file returns of information under this section, shall, in lieu of filing Form 1099 for such year, file such returns of information on magnetic media

authorized by the Commissioner and shall follow the appropriate revenue procedures for such magnetic media filing in lieu of following Form 1099 instructions.

(2) *Exception for undue hardship.* (i) The Commissioner may authorize a broker or barter exchange to file returns of information on Form 1099 instead of on magnetic media if undue hardship is shown on an application filed with the appropriate Internal Revenue Service Center.

(ii) In the case of a person who is a broker or barter exchange on July 1, 1983, an application to file returns of information on Form 1099 must be filed on or before September 15, 1983. In the case of a person who becomes a broker or barter exchange after July 1, 1983, such application must be filed by the end of the second month following the month in which such person becomes a broker or barter exchange.

(3) *Transitional rule.* A broker or barter exchange may submit returns of information on Form 1099 for reporting periods that—

(i) End before January 1, 1984; or

(ii) Begin before 30 days after the date on which a timely filed request to file returns of information on Form 1099 is denied.

(m) *Reporting on options transactions.* [Reserved]

(n) *Reporting on bond discounts.* [Reserved]

(o) *Additional reporting by stock transfer agents.* [Reserved]

(p) *Transitional rules*—(1) *Information required from brokers.* In the case of reporting periods ending before January 1, 1984, a broker may show the information required by this paragraph (p)(1) on Form 1099 in lieu of the information required under paragraph (d)(2). As to each customer account for which a return of information is required under this section with respect to sales, the broker must report the name, address, and taxpayer identification number of the customer, the aggregate gross proceeds of all sales of the account during the reporting period for which a return of information is required under this section, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(2) *Information required from barter exchanges.* In the case of reporting periods ending before January 1, 1984, a barter exchange may show the information required by this paragraph (p)(2) on Form 1099 in lieu of the information required under paragraph (f)(2). As to each member or client providing property or services in an exchange for which a return of information is required under this section, the barter exchange must report the name, address, and taxpayer identification number of the member or client, the aggregate amount received by the member or client during the reporting period for property or services provided by such member or client in exchanges for which a return of information is required, and such other information as may be required by Form 1099, in the form, manner, and number of copies required by Form 1099.

(q) *Effective date.* This section applies to calendar year 1983 and all succeeding calendar years, and, as to 1983, only to transactions occurring on or after July 1, 1983.

(Secs. 6011(e), 6045 and 7805 of the Internal Revenue Code of 1954, (98 Stat. 610, 68A Stat. 747, 917; 26 U.S.C. 6011(e), 6045, 7805)

James I. Owens,

Acting Commissioner of Internal Revenue.

Approved: March 3, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83-5878 Filed 3-3-83; 4:49 pm]

BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 4, 5, and 7

[Notice No. 459]

Ingredient Labeling of Wine, Distilled Spirits, and Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Reinstatement of Treasury Decision ATF-66.

SUMMARY: This notice announces the Treasury Department's reinstatement of the ingredient labeling regulations as originally promulgated in T.D. ATF-66 (456 FR 40538; June 13, 1980). The Treasury Department and ATF are making this announcement pursuant to the order of the United States District Court for the District of Columbia, in *Center for Science in the Public Interest* v. *Department of the Treasury,* Civil Action No. 82-610.

By order dated February 8, 1983, the court vacated and set aside T.D. ATF-94, 46 FR 55093 (November 6, 1981) which rescinded T.D. ATF-66. This document requires ingredient labeling of alcoholic beverages after February 8, 1984.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Imelda M. Koett Kirk, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, 202-566-7806.

SUPPLEMENTARY INFORMATION: The Treasury Department and the Bureau of Alcohol, Tobacco and Firearms are announcing that T.D. ATF-66, 45 FR 40538 (June 13, 1980), requiring ingredient labeling of alcoholic beverages will be mandatory on February 8, 1984. The Treasury Department and ATF are making this announcement pursuant to the order of the United States District Court for the District of Columbia, in *Center for Science in the Public Interest v. Department of the Treasury,* Civil Action No. 82-610..

By order dated February 8, 1983, the court vacated and set aside T.D. ATF-94, 46 FR 55093 (November 6, 1981) which rescinded T.D. ATF-66. The court further ordered the Department to announce within 30 days a new date, not to exceed one year from the date of its order, upon which T.D. ATF-66 will be mandatory. The Government subsequently moved the court to amend its order to allow the Government 60 days in which to announce a new effective date so that the Government could decide whether to appeal before announcing a new mandatory compliance date. This motion was denied.

Publication of this notice is without prejudice to, and not a waiver of, the Government's right to appeal the district court's decision, seek a stay of the court mandated effective date of T.D. ATF-66 or take other appropriate administrative action. Such appeal, stay, or other action which the Government is still considering could result in a change in the mandatory date.

Signed: March 8, 1983.

Stephen E. Higgins,

Acting Director.

Approved: March 9, 1983.

David Q. Bates,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-6441 Filed 3-10-83; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DOD Regulation 6010.8-R, Amdt. No. 19]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Appeals and Hearings

AGENCY: Office of the Secretary, DOD.

ACTION: Amendment of final rule.

SUMMARY: This amendment revises policies and procedures for appealing benefit decisions made by Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Civilian Health and Medical Program of the Uniformed Services Europe (OCHAMPUSEUR) and CHAMPUS fiscal intermediaries. It will simplify the appeal process and provide more timely responses to appeal requests at all levels.

EFFECTIVE DATE: This amendment is effective May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Marion M. Blackburn, Policy Branch, OCHAMPUS, telephone (303) 361-4078.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DOD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

In FR Doc. 82-26095 appearing in the **Federal Register** on September 22, 1982 (47 FR 41761), the Office of the Secretary of Defense published a proposed amendment to Part 199 revising the policies and procedures for appealing benefit decisions made by Office of Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS), Office of Civilian Health and Medical Program of the Uniformed Services Europe (OCHAMPUSEUR) and CHAMPUS fiscal intermediaries. Public comments were to be submitted by October 22, 1982.

All comments supported the proposed rulemaking.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, Part 199 is amended to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

1. Section 199.8 is amended by removing the paragraph designations and adding or revising the following definitions, which are to be inserted in alphabetical order:

§ 199.8 Definitions.

(a) * * *

Amount in Dispute. "Amount in Dispute" means the amount of money, determined in accordance with the provisions of this Regulation, which CHAMPUS would pay for medical services and supplies involved in an adverse determination being appealed if the appeal were resolved in favor of the appealing party. See § 199.16 for additional information concerning the determination of "amount in dispute" under this Regulation.

* * * * *

Appealable Issue. "Appealable Issue" means disputed questions of fact which, if resolved in favor of the appealing party, would result in the authorization of CHAMPUS benefits or approval as an authorized provider in accordance with this Regulation. An appealable issue does not exist if no facts are in dispute, if no CHAMPUS benefits would be payable, or if there is no authorized provider regardless of the resolution of any disputed facts. See § 199.16 for additional information concerning the determination of "appealable issue" under this Regulation.

Appealing Party. "Appealing Party" means any party to the initial determination who files an appeal of an adverse determination or requests a hearing under the provisions of this Regulation.

* * * * *

Initial Determination. "Initial Determination" means a formal written decision on a CHAMPUS claim, a request for benefit authorization, a request by a provider for approval as an authorized CHAMPUS provider, or a decision disqualifying or excluding a provider as an authorized provider under CHAMPUS. Rejection of a claim or a request for benefit or provider authorization for failure to comply with administrative requirements, including failure to submit reasonably requested information, is not an initial determination. Responses to general or specific inquiries regarding CHAMPUS benefits are not initial determinations.

* * * * *

Party to the Initial Determination. "Party to the Initial Determination" includes CHAMPUS and also refers to a CHAMPUS beneficiary and a participating provider of services whose interests have been adjudicated by the initial determination. In addition, a provider who has been denied approval as an authorized CHAMPUS provider is a party to that initial determination, as is a provider who is disqualified or excluded as an authorized provider under CHAMPUS, unless the provider is excluded based on a determination of abuse of fraudulent practices or procedures under another federal or federally funded program. See § 199.16 for additional information concerning parties not entitled to administrative review under the CHAMPUS appeals and hearing procedures.

* * * * *

Representative. "Representative" means any person who has been appointed by a party to the initial determination as counsel or advisor and who is otherwise eligible to serve as the counsel or advisor of the party to the initial determination, particularly in connection with a hearing.

* * * * *

2. Section 199.16 is revised as follows:

§ 199.16 Appeal and hearing procedures.

(a) *General.* This Section sets forth the policies and procedures for appealing decisions made by OCHAMPUS, OCHAMPUSEUR, and CHAMPUS fiscal intermediaries, adversely affecting the rights and liabilities of beneficiaries, participating providers, and providers denied the status of authorized provider under CHAMPUS. An appeal under CHAMPUS is an administrative review of program determinations made under the provisions of law and regulation. An appeal cannot challenge the propriety, equity or legality of any provision of law or regulation.

(1) *Initial Determination.*

(i) *Notice of Initial Determination and Right to Appeal.*

(A) OCHAMPUS, OCHAMPUSEUR, and CHAMPUS fiscal intermediaries shall mail notices of initial determinations to the CHAMPUS beneficiary at the last known address. For beneficiaries who are under 18 years of age or who are incompetent, a notice issued to the parent or guardian, under established CHAMPUS procedures, constitutes notice to the beneficiary.

(B) CHAMPUS fiscal intermediaries and OCHAMPUSEUR shall notify providers of an initial determination on a claim only if the providers participated in the claim. (See § 199.13, "Claims Submission, Review and Payment.")

(C) Notice of an initial determination on a claim processed by a CHAMPUS fiscal intermediary or OCHAMPUSEUR normally shall be made on a CHAMPUS Explanation of Benefits (CEOB) form.

(D) Each notice of an initial determination on a request for benefit authorization, a request by a provider for approval as an authorized CHAMPUS provider, or a decision to disqualify or exclude a provider as an authorized provider under CHAMPUS shall state the reason for the determination and the underlying facts supporting the determination.

(E) In any case where the initial determination is adverse to the beneficiary or participating provider, or to the provider seeking approval as an

authorized CHAMPUS provider, the notice shall include a statement of the beneficiary's or provider's right to appeal the determination. The procedure for filing the appeal also shall be explained.

(ii) *Effect of Initial Determination.* The initial determination is final unless appealed in accordance with this § 199.16, or unless the initial determination is reopened by OCHAMPUS or the CHAMPUS fiscal intermediary.

(2) *Participation in an Appeal.* Participation in an appeal is limited to any party to the initial determination, including CHAMPUS, and authorized representatives of the parties. Any party to the initial determination, except CHAMPUS, may appeal an adverse determination. The appealing party is the party who actually files the appeal.

(i) *Parties to the Initial Determination.* For purposes of the CHAMPUS appeals and hearing procedures, the following are not parties to an initial determination and are not entitled to administrative review under this § 199.16.

(A) A provider disqualified or excluded as an authorized provider under CHAMPUS based on a determination of abuse or fraudulent practices or procedures under another federal or federally funded program is not a party to the CHAMPUS action and may not appeal under this section.

(B) A sponsor or parent of a beneficiary under 18 years of age or guardian of an incompetent beneficiary is not a party to the initial determination and may not serve as the appealing party, although such persons may represent the appealing party in an appeal.

(C) A third party, such as an insurance company, is not a party to the initial determination and is not entitled to appeal even though it may have an indirect interest in the initial determination.

(D) A nonparticipating provider is not a party to the initial determination and may not appeal.

(ii) *Representative.* Any party to the initial determination may appoint a representative to act on behalf of the party in connection with an appeal. Generally, the parent of a minor beneficiary and the legally appointed guardian of an incompetent beneficiary shall be presumed to have been appointed representative without specific designation by the beneficiary.

(A) The representative shall have the same authority as the party to the appeal and notice given to the representative shall constitute notice required to be given to the party under this Regulation.

(B) To avoid possible conflicts of interest, an officer or employee of the United States such as an employee or member of a Uniformed Service, including an employee or staff member of a Uniformed Service legal office or a CHAMPUS advisor, subject to the exceptions in Title 18, United States Code, Section 205, is not eligible to serve as a representative. An exception usually is made for an employee or member of a Uniformed Service who represents an immediate family member. In addition, the Director, OCHAMPUS, or designee, may appoint an officer or employee of the United States as the CHAMPUS representative at a hearing.

(3) *Burden of Proof.* The "Burden of Proof" is on the appealing party, affirmatively to establish by substantial evidence, the appealing party's entitlement under law and this Regulation to the authorization of CHAMPUS benefits or approval as an authorized provider. Any cost or fee associated with the production or submission of information in support of an appeal shall not be paid by CHAMPUS.

(4) *Late Filing.* If a request for reconsideration, formal review, or hearing is filed after the time permitted in this section written notice shall be issued denying the request. Late filing may be permitted only if the appealing party can reasonably demonstrate to the satisfaction of the CHAMPUS fiscal intermediary, OCHAMPUSEUR, or the Director, OCHAMPUS, or designee, that timely filing of the request was not feasible due to extraordinary circumstances over which the appealing party had no practical control. Each request for an exception to the filing requirement will be considered on its own merits.

(5) *Appealable Issue.* An appealable issue is required in order for an adverse determination to be appealed under the provisions of this section. Examples of issues which are not appealable under this section include:

(i) A dispute regarding a requirement of law or regulation.

(ii) The amount of the CHAMPUS-determined allowable cost or charge, since the methodology for determining allowable costs or charges is established by this Regulation.

(iii) Certain other issues on the basis that the authority for the initial determination is not vested in CHAMPUS. Such issues include but are not limited to the following examples:

(A) Determination of a person's eligibility as a CHAMPUS beneficiary is the responsibility of the appropriate Uniformed Service. Although CHAMPUS, OCHAMPUSEUR, and CHAMPUS fiscal intermediaries must make determinations concerning a beneficiary's eligibility in order to ensure proper disbursement of appropriated funds on each CHAMPUS claim processed, ultimate responsibility for resolving a beneficiary's eligibility rests with the Uniformed Services. Accordingly, a disputed question of fact concerning a beneficiary's eligibility will not be considered an appealable issue under the provisions of this § 199.16, but will be resolved in accordance with § 199.9, "Eligibility."

(B) Similarly, decisions relating to the issuance of a Nonavailability Statement (DD Form 1251) in each case are made by the Uniformed Services. Disputes over the need for a nonavailability statement or a refusal to issue a nonavailability statement are not appealable under this section. The one exception is when a dispute arises over whether the facts of the case demonstrate a medical emergency for which a nonavailability statement is not required. Denial of payment in this one situation is an appealable issue.

(C) The decision to disqualify or exlude a provider because of a determination against that provider of abuse, or fraudulent practices or procedures, under another federal or federally funded program, is not an initial determination which is appealable under this Regulation. The provider is limited to exhausting administrative appeal rights offered under the federal or federally funded program that made the initial determination of abuse, or fraudulent practices or procedures. However, a determination to disqualify or exclude a provider because of abuse, or fraudulent practices or procedures under CHAMPUS is an initial determination which is appealable under this Regulation.

(6) *Amount in Dispute.* An amount in dispute is required for an adverse determination to be appealed under the provisions of this section, except as set forth below.

(i) The amount in dispute is calculated as the amount of money CHAMPUS would pay if the services and supplies involved in dispute were determined to be authorized CHAMPUS benefits. Examples of amounts of money that are excluded by the Regulation from CHAMPUS payments for authorized benefits include, but are not limited to:

(A) Amounts in excess of the CHAMPUS-determined allowable charge or cost.

(B) The beneficiary's CHAMPUS deductible and cost-share amounts.

(C) Amounts which the CHAMPUS beneficiary, or parent, guardian, or other responsible person has no legal obligation to pay.

(D) Amounts excluded under the provisions of § 199.14 "Double Coverage", of this Regulation.

(ii) The amount in dispute, for appeals involving a denial of a request for authorization in advance of obtaining care, shall be the estimated allowable charge or cost for the services requested.

(iii) There is no requirement for an amount in dispute when the appealable issue involves a denial of a provider's request for approval as an authorized CHAMPUS provider or the determination to disqualify or exclude a provider as an authorized CHAMPUS provider.

(iv) Individual claims may be combined to meet the required amount in dispute if all of the following exist:

(A) The claims involve the same beneficiary.

(B) The claims involve the same issue.

(C) At least one of the claims, so combined, has had a reconsideration decision issued by OCHAMPUSEUR or a CHAMPUS fiscal intermediary.

Note.—A request for administrative review under this appeal process which does not involve an appealable issue § 199.16(a)(5)) or a sufficient amount in dispute (§ 199.16(a)(6)) may not be rejected at the reconsideration level of appeal. However, an appeal shall involve an appealable issue and sufficient amount in dispute to be granted a formal review or hearing.

(7) *Levels of Appeal.* The sequence and procedures of a CHAMPUS appeal vary depending on whether the initial determination was made by the CHAMPUS fiscal intermediary, OCHAMPUSEUR, or OCHAMPUS.

(i) *Appeal Levels for Initial Determination Made by OCHAMPUSEUR or CHAMPUS Fiscal Intermediary.*

(A) Reconsideration by OCHAMPUSEUR or CHAMPUS fiscal intermediary.

(B) Formal Review by OCHAMPUS.

(C) Hearing.

(ii) *Appeal Levels for Initial Determinqtions Made by OCHAMPUS.*

(A) Formal Review by OCHAMPUS.

(B) Hearing.

(b) *Reconsideration.* Any party to the initial determination made by OCHAMPUSEUR or the CHAMPUS fiscal intermediary may request a reconsideration.

(1) *Requesting a Reconsideration.*

(i) *Written Request Required.* The request shall be in writing, shall state the specific matter in dispute, and shall include a copy of the notice of initial determination made by OCHAMPUSEUR or the CHAMPUS fiscal intermediary such as the CEOB Form.

(ii) *Where to File.* The request shall be submitted to the office that made the initial determination such as OCHAMPUSEUR, or the CHAMPUS fiscal intermediary, or any other fiscal intermediary designated in the notice of initial determination.

(iii) *Allowed Time to File.* The request must be mailed within 90 days after the date of the notice of initial determination.

(iv) *Official Filing Date.* A request for a reconsideration shall be deemed filed on the date it is mailed and postmarked. If the request does not have a postmark, it shall be deemed filed on the date received by OCHAMPUSEUR or the CHAMPUS fiscal intermediary.

(2) *The Reconsideration Process.* The purpose of the reconsideration is to determine whether the initial determination was made in accordance with law, regulation, policies, and guidelines in effect at the time the care was provided or requested, or at the time the provider requested approval under CHAMPUS as an authorized provider. The reconsideration is performed by a member of the OCHAMPUSEUR or fiscal intermediary's staff who was not involved in making the initial determination and is a thorough and independent review of the case. The reconsideration is based on the information submitted which led to the initial determination, plus any additional information that the appealing party may submit or OCHAMPUSEUR or the fiscal intermediary may obtain.

(3) *Timeliness of Reconsideration Determination.* OCHAMPUSEUR or the fiscal intermediary normally shall issue its reconsideration determination no later than 60 days from the date of receipt of the request for reconsideration by OCHAMPUSEUR or the fiscal intermediary.

(4) *Notice of Reconsideration Determination.* OCHAMPUSEUR or the CHAMPUS fiscal intermediary shall issue a written notice of the reconsideration determination to the appealing party at his or her last known address. The notice of the reconsideration determinations must contain the following elements:

(i) A statement of the issue or issues under appeal.

(ii) The provisions of law, regulation, policies and guidelines that apply to the issue or issues under appeal.

(iii) A discussion of the original and additional information that is relevant to the issue or issues under appeal.

(iv) Whether the reconsideration upholds the initial determination or reverses it, in whole or in part, and the rationale for the action.

(v) A statement of the right to further appeal in any case where the reconsideration determination is less than fully favorable to the appealing party and the amount in dispute is $50 or more.

(5) *Effect of Reconsideration Determination.* The reconsideration determination is final if either of the following exists:

(i) The amount in dispute is less than $50.

(ii) Appeal rights have been offered, but a request for formal review is not received by OCHAMPUS within 60 days of the date of the notice of the reconsideration determination.

(c) *Formal Review.* Any party to the initial determination may request a formal review by OCHAMPUS if the party is dissatisfied with the reconsideration determination and the reconsideration determination is not final under the provisions of paragraph (b)(5) of this section. Any party to the initial determination made by OCHAMPUS may request a formal review by OCHAMPUS if the party is dissatisfied with the initial determination.

(1) *Requesting a Formal Review.*

(i) *Written Request Required.* The request must be in writing, shall state the specific matter in dispute, shall include copies of the written determination (notice of reconsideration determination or OCHAMPUS initial determination) being appealed, and shall include any additional information or documents not previously submitted.

(ii) *Where to File.* The request shall be submitted to the Chief, Appeals and Hearings, OCHAMPUS, Aurora, Colorado 80045.

(iii) *Allowed Time to File.* The request shall be mailed within 60 days after the date of the notice of the reconsideration determination or OCHAMPUS initial determination being appealed.

(iv) *Office Filing Date.* A request for a formal review shall be deemed filed on the date it is mailed and postmarked. If the request does not have a postmark, it shall be deemed filed on the date received by OCHAMPUS.

(2) *The Formal Review Process.* The purpose of the formal review is to determine whether the initial determination or reconsideration determination was made in accordance with law, regulation, policies, and

uidelines in effect at the time the care vas provided or requested, at the time he provider requested approval by CHAMPUS as an authorized provider, r at the time of the action by OCHAMPUS to disqualify or exclude a provider under CHAMPUS. The formal eview is performed by the Chief, Appeals and Hearings, OCHAMPUS, or lesignee, and is a thorough review of he case. The formal review letermination shall be based on the nformation upon which the initial letermination or reconsideration letermination was based, and any ddditional information the appealing party may submit or OCHAMPUS may btain.

(3) *Timeliness of Formal Review Determination.* The Chief, Appeals and Hearings, OCHAMPUS, or designee, normally shall issue the formal review letermination no later than 90 days rom the date of receipt of the request or formal review by OCHAMPUS.

(4) *Notice of Formal Review Determination.* The Chief, Appeals and Hearings, OCHAMPUS, or designee, hall issue a written notice of the formal eview determination to the appealing party at his or her last known address. The notice of the formal review letermination must contain the ollowing elements:

(i) A statement of the issue or issues nder appeal.

(ii) The provisions of law, regulation, policies and guidelines that apply to the ssue or issues under appeal.

(iii) A discussion of the original and ddditional information which is relevant o the issue or issues under appeal.

(iv) Whether the formal review upholds the prior determination or letermination or reverses the prior letermination or determinations in vhole or in part, and the rationale for he action.

(v) A statement of the right to request a hearing in any case where the formal eview determination is less than fully avorable, the issue is appealable, and he amount in dispute is $300 or more.

(5) *Effect of Formal Review Determination.* The formal review letermination is final if one or more of he following exists:

(i) The issue is not appealable. (See § 199.16(a)(5), "Appealable Issue.")

(ii) The amount in dispute is less than $300. (See § 199.16(a)(6), "Amount in Dispute.")

(iii) Appeal rights have been offered, but a request for hearing is not received by OCHAMPUS within 60 days of the late of the notice of the formal review letermination.

(d) *Hearing.* Any party to the initial letermination may request a hearing if the party is dissatisfied with the formal review determination and the formal review determination is not final under the provisions of paragraph (c)(5) of this section.

(1) *Requesting a Hearing.*

(i) *Written Request Required.* The request shall be in writting, state the specific matter in dispute, include a copy of the formal review determination and include any additional information or documents not previously submitted.

(ii) *Where to File.* The request shall be submitted to the Chief, Appeals and Hearings, OCHAMPUS, Aurora, Colorado 80045.

(iii) *Allowed Time to File.* The request shall be mailed within 60 days after the date of the notice of the formal review determination being appealed.

(iv) *Official Filing Date.* A request for hearing shall be deemed filed on the date it is mailed and postmarked. If a request for hearing does not have a postmark, it shall be deemed filed on the date received by OCHAMPUS.

(2) *The Hearing Process.* The hearing shall be conducted as a nonadversary, administrative proceeding to determine the facts of the case and to allow the appealing party the opportunity personally to present the case before an impartial hearing officer. The hearing is a forum in which facts relevant to the case are presented and evaluated in relation to applicable law, regulation, policies and guidelines in effect at the time the case was provided or requested, or at the time the provider requested approval under CHAMPUS as an authorized provider.

(3) *Timeliness of Hearing.*

(i) Except as otherwise provided in this section, within 60 days following receipt of a request for hearing, the Director, OCHAMPUS, or designee, normally will appoint a hearing officer to hear the appeal. Copies of all records in the possession of OCHAMPUS which are pertinent to the matter to be heard or which formed the basis of the formal review determination shall be provided to the hearing officer, and upon request, to the appealing party.

(ii) The hearing officer, except as otherwise provided in this Section, normally shall have 60 days from the date of written notice of assignment to review the file, schedule and hold the hearing, and issue a recommended decision to the Director, OCHAMPUS, or designee.

(iii) The Director, OCHAMPUS, or designee, may delay the case assignment to the hearing officer if additional information is needed which cannot be obtained and included in the record within the time period specified above. The appealing party will be notified in writing of the delay resulting from the request for additional information. The Director, OCHAMPUS, or designee, in such circumstances, will assign the case to a hearing officer within 30 days of receipt of all such additional information, or within 60 days of receipt of the request for hearing, whichever shall occur last.

(iv) The hearing officer may delay submitting the recommended decision if, at the close of the hearing, any party to the hearing requests that the record remain open for submission of additional information. In such circumstances the hearing officer will have 30 days following receipt of all such additional information, including comments from the other parties to the hearing concerning the additional information, to submit the recommended decision to the Director, OCHAMPUS, or designee.

(4) *Representation at a Hearing.* Any party to the hearing may appoint a representative to act on behalf of the party at the hearing unless such person is currently disqualified or suspended from acting in another federal administrative proceeding, or unless otherwise prohibited by law, this Regulation, or any other DoD regulation (See § 199.16 (a)(2)(ii).) A hearing officer may refuse to allow any person to represent a party at the hearing when such person engages in unethical, disruptive, or contemptuous conduct, or intentionally fails to comply with proper instructions, requests of the hearing officer, or the provisions of this Regulation. The representative shall have the same authority as the appealing party and notice given to the representative shall constitute notice required to be given to the appealing party.

(5) *Consolidation of Proceedings.* The Director, OCHAMPUS, or designee, may consolidate any number of proceedings for hearing when the facts and circumstances are similar and no substantial right of any appealing party will be prejudiced.

(6) *Authority of the Hearing Officer.* The hearing officer in exercising the authority to conduct a hearing under this Regulation will be bound by Chapter 55 of Title 10, United States Code, and this Regulation. The hearing officer in addressing substantive, appealable issues shall be bound by policy statements, manuals, instructions, procedures, and other guidelines issued by the Assistant Secretary of Defense (Health Affairs) (ASD(HA)) or designee or by the Director, OCHAMPUS, or designee, in effect for the period in which the matter in dispute arose. A

hearing officer may not establish or amend policy, procedures, instructions, or guidelines. However, the hearing officer may recommend reconsideration of the policy, procedures, instructions or guidelines by the Assistant Secretary of Defense (Health Affairs), or designee, when the final decision is issued in the case.

(7) *Disqualification of Hearing Officer.* A hearing officer shall voluntarily disqualify himself or herself and withdraw from any proceeding in which the hearing officer cannot give a fair or impartial hearing, or in which there is a conflict of interest. A party to the hearing may request the disqualification of a hearing officer by filing a statement detailing the reasons the party believes that a fair and impartial hearing cannot be given or that a conflict of interest exists. Such request shall immediately be sent by the appealing party or the hearing officer to the Director, OCHAMPUS, or designee, who shall investigate the allegations and advise the complaining party of the decision in writing. A copy of such decision shall also be mailed to all other parties to the hearing. If the Director, OCHAMPUS, or designee, reassigns the case to another hearing officer, no investigation shall be required.

(8) *Notice and Scheduling of Hearing.* The hearing officer shall issue by certified mail, when practicable, a written notice to the parties to the hearing of the time and place for the hearing. Such notice shall be mailed at least 15 days before the scheduled date of the hearing. The notice shall contain sufficient information about the hearing procedure, including the party's right to representation, to allow for effective preparation. The notice shall also advise the appealing party of the right to request a copy of the record prior to hearing. Additionally, the notice shall advise the appealing party of his or her responsibility to furnish the hearing officer, no later than 7 days prior to the scheduled date of the hearing, a list of all witnesses who will testify and a copy of all additional information to be presented at the hearing. The time and place of the hearing shall be determined by the hearing officer, who shall select a reasonable time and location mutually convenient to the appealing party and OCHAMPUS.

(9) *Dismissal of Request for Hearing.*

(i) *By Application of Appealing Party.* A request for hearing may be dismissed by the Director, OCHAMPUS, or designee, at any time prior to the mailing of the final decision, upon the application of the appealing party. A request for dismissal must be in writing and filed with the Chief, Appeals and Hearings, OCHAMPUS, or the hearing officer. When dismissal is requested, the formal review determination in the case shall be deemed final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this § 199.16.

(ii) *By Stipulation of the Parties to the Hearing.* A request for a hearing may be dismissed by the Director, OCHAMPUS, or designee, at any time prior to the mailing of notice of the final decision under a stipulation agreement between the appealing party and OCHAMPUS. When dismissal is entered under a stipulation, the formal review decision shall be deemed final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this § 199.16.

(iii) *By Abandonment.* The Director, OCHAMPUS, or designee, may dismiss a request for hearing upon abandonment by the appealing party.

(A) An appealing party shall be deemed to have abandoned a request for hearing, other than when personal appearance is waived in accordance with paragraph (d)(11)(xiii) of this section, if neither the appealing party nor an appointed representative appears at the time and place fixed for the hearing and if within 10 days after the mailing of a notice by certified mail to the appealing party by the hearing officer to show cause, such party does not show good and sufficient cause for failure to appear and failure to notify the hearing officer before the time fixed for hearing that an appearance could not be made.

(B) An appealing party shall be deemed to have abandoned a request for hearing if, before assignment of the case to the hearing officer, OCHAMPUS is unable to locate either the appealing party or an appointed representative.

(C) An appealing party shall be deemed to have abandoned a request for hearing if the appealing party fails to prosecute the appeal. Failure to prosecute the appeal includes, but is not limited to, an appealing party's failure to provide information reasonably requested by OCHAMPUS or the hearing officer for consideration in the appeal.

(D) If the Director, OCHAMPUS, or designee, dismisses the request for hearing because of abandonment, the formal review determination in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this section.

(iv) *For Cause.* The Director, OCHAMPUS, or designee, may dismiss for cause a request for hearing either entirely or as to any stated issue. If the Director, OCHAMPUS, or designee, dismisses a hearing request for cause, the formal review determination in the case shall be deemed to be final unless the dismissal is vacated in accordance with paragraph (d)(9)(v) of this section. A dismissal for cause may be issued under any of the following circumstances:

(A) When the appealing party requesting the hearing is not a proper party under the paragraph (a)(2)(i) of this § 199.16, or does not otherwise have a right to participate in a hearing.

(B) When the appealing party who filed the hearing request dies and there is no information before the Director, OCHAMPUS, or designee, showing that a party to the initial determination who is not an appealing party may be prejudiced by the formal review determination.

(C) When the issue is not appealable (see § 199.16(a)(5), "Appealable Issues").

(D) When the amount in dispute is less than $300 (see § 199.16(a)(6), "Amount in Dispute").

(E) When all appealable issues have been resolved in favor of the appealing party.

(v) *Vacation of Dismissal.* Dismissal of a request for hearing may be vacated by the Director, OCHAMPUS, or designee, upon written request of the appealing party, if the request is received within 6 months of the date of the notice of dismissal mailed to the last known address of the party requesting the hearing.

(10) *Preparation for Hearing.*

(i) *Prehearing Statement of Contentions.* The hearing officer may on reasonable notice require a party to the hearing to submit a written statement of contentions and reasons. The written statement shall be provided to all parties to the hearing, before the hearing takes place.

(ii) *Agency Records.*

(A) *Hearing Officer.* A hearing officer may ask CHAMPUS to produce for inspection, any records or relevant portions of records when they are needed to decide the issues in any proceeding before the hearing officer or to assist an appealing party in preparing for the proceeding.

(B) *Appealing Party.* A request to a hearing officer by an appealing party for disclosure or inspection of CHAMPUS records shall be in writing and shall state clearly what information and records are required.

(iii) *Witnesses and Evidence.* All parties to a hearing are responsible for producing, at each party's expense, meaning without reimbursement of payment by CHAMPUS, witnesses and other evidence in their own behalf, and for furnishing copies of any such documentary evidence to the hearing

officer and other party or parties to the hearing. The Department of Defense is not authorized to subpoena witnesses or records. The hearing officer may issue invitations and requests to individuals to appear and testify without cost to the Government, so that the full facts in the case may be presented.

(iv) *Interrogatories and Depositions.* A hearing officer may arrange to take interrogatories and depositions, recognizing that the Department of Defense does not have subpoena authority. The expense shall be assessed to the requesting party, with copies furnished to the hearing officer and other party or parties to the hearing.

(11) *Conduct of Hearing.*

(i) *Right to Open Hearing.* Because of the personal nature of the matters to be considered, hearings normally shall be closed to the public. However, the appealing party may request an open hearing. In that event, the hearing shall be open except when protection of other government purposes dictates closing certain portions of the hearing.

(ii) *Right to Examine Parties to the Hearing and Their Witnesses.* Each party to the hearing shall have the right to produce and examine witnesses, to introduce exhibits, to question opposing witnesses on any matter relevant to the issue even though the matter was not covered in the direct examination, to impeach any witness regardless of which party to the hearing first called the witness to testify, and to rebut any evidence presented. Except for those witnesses employed by OCHAMPUS at the time of the hearing, or records in the possession of OCHAMPUS, a party to a hearing shall be responsible, that is to say no payment or reimbursement shall be made by CHAMPUS, for the cost or fee associated with producing witnesses or other evidence in the party's own behalf, or for furnishing copies of documentary evidence to the hearing officer and other party or parties to the hearing.

(iii) *Burden of Proof.* The burden of proof is on the appealing party affirmatively to establish by substantial evidence the appealing party's entitlement under law and this Regulation to the authorization of CHAMPUS benefits or approval as an authorized provider. Any part of the cost or fee associated with producing or submitting information in support of an appeal shall not be paid by CHAMPUS.

(iv) *Taking of Evidence.* The hearing officer shall control the taking of evidence in a manner best suited to ascertain the facts and safeguard the rights of the parties to the hearing. Before taking evidence, the hearing officer shall identify and state the issues in dispute on the record and the order in which evidence will be received.

(v) *Questioning and Admission of Evidence.* A hearing officer may question any witness and shall admit any relevant evidence. Evidence which is irrelevant or unduly repetitious shall be excluded.

(vi) *Relevant Evidence.* Any relevant evidence shall be admitted, unless unduly repetitious, if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of such evidence over objection in civil or criminal actions.

(vii) *CHAMPUS Determinations First.* The basis of the CHAMPUS determinations shall be presented to the hearing officer first. The appealing party shall then be given the opportunity to establish affirmatively why this determination is held to be in error.

(viii) *Testimony.* Testimony shall be taken only on oath, affirmation, or penalty of perjury.

(ix) *Oral Argument and Briefs.* At the request of any party to the hearing made before the close of the hearing, the hearing officer shall grant oral argument. If written argument is requested, it shall be granted, and the parties to the hearing shall be advised as to the time and manner within which such argument is to be filed. The hearing officer may require any party to the hearing to submit written memoranda pertaining to any or all issues raised in the hearing.

(x) *Continuance of Hearings.* A hearing officer may continue a hearing to another time or place on his or her own motion or, upon showing of good cause, at the request of any party. Written notice of the time and place of the continued hearing, except as otherwise provided here, shall be in accordance with this Regulation. When a continuance is ordered during a hearing, oral notice of the time and place of the continued hearing may be given to each party to the hearing who is present at the hearing.

(xi) *Continuance for Additional Evidence.* If the hearing officer determines, after a hearing has begun, that additional evidence is necessary for the proper determination of the case, the following procedures may be invoked:

(A) *Continue Hearing.* The hearing may be continued to a later date in accordance with subsection (d)(11)(x) of this section.

(B) *Closed Hearing.* The hearing may be closed, but the record held open in order to permit the introduction of additional evidence. Any evidence submitted after the close of the hearing shall be made available to all parties to the hearing, and all parties to the hearing shall have the opportunity for comment. The hearing officer may reopen the hearing if any portion of the additional evidence makes further hearing desirable. Notice thereof shall be given in accordance with paragraph (d)(8) of this section.

(xii) *Transcript of Hearing.* A verbatim taped record of the hearing shall be made and shall become a permanent part of the record. Upon request, the appealing party shall be furnished a duplicate copy of the tape. A typed transcript of the testimony will be made only when determined to be necessary by OCHAMPUS. If a typed transcript is made, the appealing party shall be furnished a copy without charge. Corrections shall be allowed in the typed transcript by the hearing officer solely for the purpose of conforming the transcript to the actual testimony.

(xiii) *Waiver of Right to Appear and Present Evidence.* If all parties waive their right to appear before the hearing officer for presenting evidence and contentions personally or by representation, it shall not be necessary for the hearing officer to give notice of, or to conduct a formal hearing. A waiver of the right to appear must be in writing and filed with the hearing officer or the Chief, Appeals and Hearings, OCHAMPUS. Such waiver may be withdrawn by the party by written notice received by the hearing officer or Chief, Appeals and Hearings, no later than 7 days prior to the scheduled hearing or the mailing of notice of the final decision, whichever occurs first. For purposes of this Section, failure of a party to appear personally or by representation after filing written notice of waiver, shall not be cause for a finding of abandonment and the hearing officer shall make the recommended decision on the basis of all evidence of record.

(12) *Recommended Decision.* At the conclusion of the hearing, and after the record has been closed, the matter shall be taken under consideration by the hearing officer. Within the time frames previously set forth in this section, the hearing officer shall submit to the Director, OCHAMPUS, or designee, a written recommended decision containing a statement of findings and a statement of reasons based on the evidence adduced at the hearing and otherwise included in the hearing record.

(i) *Statement of Findings.* A statement of findings is a clear and concise statement of fact evidenced in the

record or conclusions that readily can be deduced from the evidence of record. Each finding must be supported by substantial evidence which is defined as such evidence as a reasonable mind can accept as adequate to support a conclusion.

(ii) *Statement of Reasons.* A reason is a clear and concise statement of law, regulation, policies, or guidelines relating to the statement of findings which provides the basis for the recommended decision.

(e) *Final Decision.*

(1) *Director, OCHAMPUS.* The recommended decision shall be reviewed by the Director, OCHAMPUS, or designee, who may concur without comment or who may prepare a written evaluation of the recommended decision. The Director, OCHAMPUS, or designee, shall not alter the recommended decision; however, the Director, OCHAMPUS, or designee, may return the recommended decision to the hearing officer for correction of technical or procedural errors. The hearing officer shall take appropriate action within 60 days to correct the technical or procedural errors and return the recommended decision to the Director, OCHAMPUS. In the absence of technical or procedural errors, the Director, OCHAMPUS, or designee, normally will take action with regard to the recommended decision within 90 days of its receipt.

(i) *Final Action.* If the hearing officer recommends in favor of the appealing party and the Director, OCHAMPUS, or designee, concurs in the statement of findings and statement of reasons, no further agency review is required. The appealing party will be notified by certified mail of the recommended decision and its adoption by the Director, OCHAMPUS, or designee, as the final agency decision.

(ii) *Referral for Final Review.* If the hearing officer recommends against the appealing party, whether or not the Director, OCHAMPUS, or designee, concurs, or if the Director, OCHAMPUS, or designee disagrees with the recommended decision (whether or not the finding is for or against the appealing party), the Director, OCHAMPUS, or designee, shall forward the recommended decision, together with a statement of concurrence or statement giving the reasons for disagreement, to the ASD(HA) for final agency action.

(2) *Assistant Secretary of Defense (Health Affairs).* The decision by the ASD(HA), or designee, concerning a case arising under the procedures of this § 199.16, shall be the final agency decision.

(i) *Review of the Recommended Decision.* The ASD(HA), or designee, shall adopt or reject the recommended decision. In the case of rejection, the ASD(HA), or designee shall prepare a statement outlining the reasons for disagreement with the recommended decision and the underlying facts supporting such disagreement. In this circumstance, the ASD(HA), or designee, may have a final decision prepared based upon the record, or may remand the matter to the hearing officer for appropriate action. In the latter instance, the hearing officer than shall submit a new recommended decision within 30 days of receipt of the remand order.

(ii) *Final Decision.* The decision of the ASD(HA), or designee, is final. Copies of the final decision shall be sent by certified mail to the appealing party or parties.

* * * * *

(10 U.S.C. 1079, 1086, 5 U.S.C. 301)

Dated: March 8, 1983.

M.S. Healy,

OSD Federal Register Liaison Officer, Washington, Headquarters Services, Department of Defense.

[FR Doc. 83-6298 Filed 3-10-83; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-8-FRL 2320-1]

Approval and Promulgation of State Implementation Plans; Utah Fluoride Plan—Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking; correction.

SUMMARY: This action corrects an error in the June 11, 1982 (47 FR 25335), approval of the Utah Fluoride plan under Section 111(d) of the Clean Air Act. In that action a new § 62.1110 under Subpart TT was erroneously established. That Section number is corrected to be § 62.11100.

FOR FURTHER INFORMATION CONTACT: David S. Kircher, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295, (303) 837-3711.

SUPPLEMENTARY INFORMATION: On June 11, 1982 (47 FR 25335), EPA approved the Utah plan for the control of fluoride emissions which was submitted under Section 111(d) of the Clean Air Act. In that approval EPA estblished a new section under Subpart TT of 40 CFR Part 62. The new section entitled "Identification of Plan" was incorrectly assigned the Section number 62.1110. That number is corrected to be § 62.11100.

Dated: August 26, 1982.

Steven J. Durham,

Regional Administrator.

[FR Doc. 83-6299 Filed 3-10-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amdt. G—60]

Use of Facsimile Signature; Public Voucher for Transportation Charges, SF 1113

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends the current requirement that facsimile signatures of certifying officers that appear in the "Payee's Certificate" section of the Public Voucher for Transportation Charges, SF 1113, be initialed by duly authorized persons. Eliminating this requirement will reduce cost and time to carriers.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch, Office of Transportation Audits (202-786-3014).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Background: A notice of proposed rulemaking was published in the **Federal Register** of September 29, 1982 (47 FR 42763), inviting comments for a period of 30 days ending October 29, 1982. No comments were received.

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger Services, Railroads, Transportation.

PART 101-41 [AMENDED]

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

1. Section 101-41.214-5(c) is revised as follows:

§ 101-41.214-5 Preparation of carrier billing form.

* * * * *

(c) The carrier shall complete the "Payee's Certificate" section of the voucher. Carriers may use a machine-typed name of the carrier's certifying official, provided the machine-typed official's name is initialed by a duly authorized person; or carriers may use a facsimile signature of the carrier's certifying official, as authorized by that official. The carrier shall complete the tear-off portion of the SF 1113 and shall not substitute a memorandum copy (SF 1113-A) for the tear-off portion.

* * * * *

Subpart 101-41.3—Freight Transportation Services Furnished for the Account of the United States

2. Section 101-41.310-2(c) is revised as follows:

§ 101-41.310-2 Preparation of carrier billing form.

* * * * *

(c) The carrier shall complete the "Payee's Certificate" section of the voucher. Carriers may use a machine-typed name of the carrier's certifying official, provided the machine-typed official's name is initialed by a duly authorized person; or carriers may use a facsimile signature of the carrier's certifying official, as authorized by that official.

* * * * *

(31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c))

Dated: February 15, 1983.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83-6324 Filed 3-10-83; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 32

Medical Care for Seamen and Certain Other Persons

AGENCY: Health Resources and Services Administration, PHS, HHS.

ACTION: Final rulemaking.

SUMMARY: This action is taken in order to delete obsolete material from Part 32 of the Public Health Service regulations dealing with medical care for seamen and other persons.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Walter W. Ward, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone number 301 443-1034.

SUPPLEMENTARY INFORMATION: Pursuant to section 986 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), the entitlement of American seamen and certain other persons formerly eligible for care at Public Health Service facilities under 42 U.S.C. 249 was terminated effective October 1, 1981. This final regulation revises Part 32 to remove those sections related to such care and rendered obsolete by Pub. L. 97-35. Also removed are provisions at 42 CFR 36.6(c) referencing circular instructions governing the care and treatment or physical examination of certain other persons at PHS hospitals and clinics. These circulars are obsolete following closure and transfer of the PHS hospitals and clinics (other than the National Hansen's Disease Center at Carville, Louisiana) pursuant to sections 985 through 988 of Pub. L. 97-35.

The provisions of 42 CFR Part 32 concerning care and treatment of persons with Hansen's disease, and emergency treatment for non-beneficiaries, remain unchanged.

Rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 553) generally involve publication of a notice of proposed rulemaking, affording interested persons the opportunity to comment, and publication of the final rule after consideration of the comments received. However, the statute allows the agency to dispense with notice and comment procedures:

(B) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

In this case notice and comment procedures are unnecessary because, as explained above, the changes made to Part 32 merely remove material made obsolete by congressional action.

Determination Concerning Impact of the Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that the changes made to the regulation remove obsolete material and do not affect health care providers or current PHS beneficiaries. The Secretary has also determined, in accordance with Executive Order 12291 of February 17, 1981, entitled "Federal Regulation" that the proposed rule does not constitute a "major rule" because it will not: Have an annual effect on the economy of $100 million or more; result in major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 32

Contagious diseases, Diseases, Emergency medical services, Hansen's disease, Health, Health care, Health facilities, Hospitals, Leprosy, Medical care, Medical facilities, Public health.

Dated: January 26, 1983.

Edward N. Brandt,

Assistant Secretary for Health.

Approved: February 18, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

For the reasons set out in the preamble, it is proposed to amend 42 CFR Part 32 as follows:

PART 32—[AMENDED]

1. The title and table of contents and authority citation for Part 32 are revised to read as follows:

PART 32—MEDICAL CARE FOR PERSONS WITH HANSEN'S DISEASE AND OTHER PERSONS IN EMERGENCIES

Definitions

32.1 Meaning of Terms.

Beneficiaries

32.6 Persons eligible.

Persons with Hansen's Disease

Sec.
32.86 Admissions to Service facilities.
32.87 Confirmation of diagnosis.
32.88 Examinations and treatment.
32.89 Discharge.
32.90 Notification to health authorities regarding discharged patients.
32.91 Purchase of services for Hansen's disease patients.

Nonbeneficiaries: Temporary Treatment In Emergency

32.111 Conditions and extent of treatment; charges.

Authority: Sec. 320, 321 and 322(b) of the Public Health Service Act (42 U.S.C. 247e, 248 and 249(b)).

2. Section 32.1 is amended by removing paragraphs (d), (e), (g) and (h), redesignating paragraph (f) as paragraph (d), and be revising paragraph (d), as so redesignated, to read as follows:

§ 32.1 Meaning of terms.

* * * * *

(d) "Authorizing official" means Service officers or eployees duly designated by the Director, Bureau of Health Care Delivery and Assistance, to authorize and provide care and treatment to beneficiaries at Service expense.

3. Section 32.6 is amended by removing paragraph (c) and revising paragraphs (a) and (b) to read as follows:

§ 32.6 Persons eligible.

(a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

(1) Persons afflicted with Hansen's disease; and

(2) Non-beneficiaries for temporary treatment and care in cases of emergency.

(b) Separate regulations govern: (1) The medical care of certain personnel, and their dependents, of the Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service (see Part 31 of this chapter);

(2) Physical and mental examination of aliens (see Part 34 of this chapter); and

(3) Medical care for Native Americans (see Part 36 of this chapter).

§§ 32.11 through 32.76 [Removed]

4. Sections 32.11 through 32.76 are removed.

§§ 32.86 through 32.91 [Authority citation removed]

5. The authority citation appearing under the undesignated heading "Persons With Hansen's Disease" and before the text of §§ 32.86 through 32.91 is removed.

§ 32.106 [Removed]

6. Section 32.106 is removed.

[FR Doc. 83-6353 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-16-M

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42 CFR Part 51b

Project Grants for Preventive Health Services and Grants for Influenza Immunization Programs

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Removal of regulation.

SUMMARY: The Public Health Service (PHS) amends its regulations at 42 CFR Part 51b by removing Subpart E governing Grants for Influenza Immunization Programs. These programs formerly were authorized under Section 317 of the PHS Act. Changes in legislation in 1981 eliminated authority for influenza immunization programs. Therefore, the regulation is obsolete and should be removed.

EFFECTIVE DATE: The removal is effective on March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Anthony M. Scardaci, Associate Director, Center for Prevention Services, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, telephone (404) 329-3773 or FTS: 236-3773.

SUPPLEMENTARY INFORMATION: Subpart E, Grants for Influenza Immunization Programs, was published as an interim final rule on November 14, 1978 (43 FR 52707) in accordance with the then-existing section 317(g)(1)(C) of the PHS Act, which authorized appropriations for disease control programs other than programs for which appropriations were specifically authorized. This authority was utilized by Congress to appropriate funds for influenza programs in the second supplemental appropriation for 1978, approved September 8, 1978. Funds have not been appropriated for influenza immunization programs since 1978.

Section 317 of the PHS Act was subsequently amended by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35 approved August 13, 1981). Section 928 of Public Law 97-35 eliminated the authority to appropriate funds for influenza immunization programs.

Due to changes in legislation, the current regulations are obsolete and should be removed. For this reason, the Secretary has determined that this final rule revoking an existing rule is not a "major rule" under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

PART 51b—[AMENDED]

Subpart E—[Removed and reserved]

Part 51b of Title 42, Code of Federal Regulations, is amended by removing Subpart E, §§ 51b.501 through 51b.506.

List of Subjects in 42 CFR Part 51b

Communicable diseases, Immunization.

Dated: January 31, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: February 22, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

[FR Doc. 83-6351 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-16-M

Centers for Disease Control

42 CFR Part 65

Fees for Direct Training—Centers for Disease Control

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Revocation of regulation.

SUMMARY: The Public Health Service revokes its regulation in 42 CFR Part 65 on direct training fees. The current regulation provides that the Centers for Disease Control may waive the fee requirement when such waiver is judged to be in the public interest. Changes in legislation in 1976 created separate authority for charging such fees and made the waiver provisions unnecessary, thus making the current regulation obsolete and requiring its revocation.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Seth N. Leibler, Ed. D., Acting Director, Center for Professional Development and Training, Centers for Disease Control, Atlanta, Georgia 30333, telephone (404) 262-6671 or FTS: 236-6671.

SUPPLEMENTARY INFORMATION: Section 311(b) of the Public Health Service Act (42 U.S.C. 243(b)) authorizes the Secretary of Health and Human Services to train State and local health workers. Under this authority, technical training historically has been provided by the Centers for Disease Control (CDC) to help ensure that health workers

throughout the country possess the necessary skills and knowledge to achieve the objectives of disease prevention and control programs.

In 1973, the Office of Management and Budget ruled that tuition should be paid by persons attending CDC training courses. Under the authority of 31 U.S.C. 483a, a notice was published in the **Federal Register** on June 25, 1973 (38 FR 16658), to amend Subchapter E of Chapter I, Title 42, by establishing a new Part 65 which set forth a fee policy and a fee schedule for training conducted by CDC. Interested persons were invited to participate in the rulemaking through the submission of comments.

In response to these comments, a waiver procedure for States was included in the final rule published in the **Federal Register** on October 12, 1973 (38 FR 28290). The waiver procedure required a written request for waiver of fees on the basis that such training was in the public interest.

Legislation in 1976 created a specific authority to charge for training fees and made the waiver provision unnecessary. Section 202(c) of Public Law 94-317, Disease Control Amendments of 1976, approved June 23, 1976, amended Section 311(b) of the PHS Act to provide that "The Secretary may charge only private entities reasonable fees for the training of their personnel * * *." Furthermore, the subsequent appropriations bills have contained language stating "* * * That training of employees of private agencies shall be made subject to reimbursement or advances to this appropriation for the full cost of such training." See Department of Labor and HEW Appropriations Act, 1977; Public Law 94-439; 90 Stat. 1422; approved September 30, 1976; and Department of Labor and HEW Appropriations Act, 1979; Public Law 95-480; 92 Stat 1572; approved October 18, 1978; together with the various continuing resolutions.

In accordance with the 1976 amendment to Section 311, the waiver provisions are not applicable, since CDC now charges fees to all private agencies and does not charge fees to State and local Government agencies. Also the charging of fees is now done under the authority of Section 311, rather than under 31 U.S.C. 483a, which had required regulations.

Due to changes in legislation, the current regulations are obsolete and should be removed. For this reason, the Secretary has determined that this final rule revoking an existing rule is not a "major rule" under Executive Order 12291. Further, because this rule does not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

List of Subjects in 42 CFR Part 65

Educational study programs, Health professions.

PART 65—[REMOVED]

Part 65 of Title 42, Code of Federal Regulations, is removed, effective on March 11, 1983.

Dated: January 31, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Approved: February 18, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

[FR Doc. 83-6350 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6363

[NM 55270]

New Mexico; Restoration of Lands to Ownership of the Caddo and Delaware Tribes; Oklahoma

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order 6363.

SUMMARY: This action will terminate the withdrawal of 15 acres of ceded public lands and restore them to the ownership of the Caddo and Delaware Tribes.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Delores L. Vigil, New Mexico State Office, 505-988-6659

SUPPLEMENTARY INFORMATION:

By virtue of the authority contained in Section 3 of the Act of June 18, 1934, 25 U.S.C. 463, and pursuant to the recommendations of the Tribal Council and the Acting Assistant Secretary of Indian Affairs, and a finding by the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Caddo and Delaware Tribes of Indians to the United States pursuant to agreement ratified by the Act of March 2, 1895, 28 Stat. 876,896, having been reserved for use by the Bureau of Indian Affairs for school, agency, cemetery and administrative purposes and not needed for such uses, are hereby restored to tribal ownership for use and benefit of the Caddo and Delaware Tribes of Indians and are added to and made a part of the existing reservation, subject to valid existing rights:

Indian Meridian

T.8 N., R.10 W.,
sec. 34, W½NE¼NE¼NW¼NW¼ and S½NW¼NE¼NW¼NW¼ and SE¼NW¼NW¼NW¼ and SW¼NE¼NW¼NW¼ and NW¼SE¼NW¼NW¼ and N½NE¼NE¼NW¼.

The area described aggregates 15 acres in Caddo County.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

March 3, 1983.

[FR Doc. 83-6284 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72; FCC 82-579]

Access Charges; MTS and WATS Market Structure

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC, pursuant to the Fourth Supplemental Notice of Inquiry and Proposed Rulemaking published on June 21, 1982, at 47 FR 26668, adopts rules for the computation and assessment of end user and carrier's carrier access charges and the creation of an exchange carrier association to prepare access charge tariffs and distribute pooled access charge revenues. The Commission concluded that this action was necessary because existing methods of access compensation produce unlawful discrimination and preferences in interstate rates. These rules were designed to eliminate such unlawful discrimination and preferences.

EFFECTIVE DATE: March 12, 1983.

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

FOR FURTHER INFORMATION CONTACT: Albert Halprin, Chief, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202) 632-9342.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 69

Access charges, Cost allocation, Exchange carrier association, Revenue pooling, Tariffs.

In the matter of MTS and WATS Market Structure CC Docket No. 78–72, Phase I.

Third Report and Order

Adopted: December 22, 1982.
Released: February 28, 1983.

By the Commission: Commissioners Quello, Fogarty, Dawson, Rivera and Sharp issuing separate statements; Commissioner Jones concurring and issuing a separate statement.

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I. Introduction

A. Outline of the Plan

1. When this Commission initiated this proceeding to determine an optimal market structure for the MTS–WATS market, we concluded that it would also be necessary to prescribe the compensation that exchange carriers should receive for the origination or termination of all interstate and international services of all carriers. We recognized that it would be impossible to determine "access" compensation for services of carriers that compete with MTS or WATS without correcting existing disparities in access compensation among services offered by AT&T and its telephone company partners.

2. We subsequently invited comments upon a tentative plan for carrier's carrier access charges that would allocate exchange plant costs among four service categories on the basis of relative use. We hoped that such a plan would eliminate discrimination or preferences in rates that were charged to end users of all services that we regulate. Comments in this and other proceedings and other developments led us to conclude that the tentative plan would not produce a correct solution to the discrimination problem. The recovery of fixed costs through usage charges produces discrimination among MTS users that is a primary cause of the inter-service disparities. The comments in this proceeding reveal a fairly broad consensus that this is the case.

3. We have accordingly concluded that a substantial portion of fixed exchange plant costs that are assigned to interstate services should ultimately be recovered through flat per line charges that are assessed upon end users. We are adopting access charge computation rules that will accomplish that result.[1] Those rules incorporate exceptions for pay telephones, the portion of a local dial switch that is sometimes described as non-traffic sensitive, and "private line" facilities used for services that are not close substitutes for MTS. Certain other fixed costs assigned to interstate services for customer premises equipment, inside wiring, and a Universal Service Fund will not be recovered through end user charges and will continue to be recovered through carrier's carrier charges. The Universal Service Fund will be designed to preserve universal service by enabling high cost local exchange companies to establish local exchange rates that do not substantially exceed local exchange rates charged by other local exchange companies.

4. A transitional plan is necessary for several reasons. Immediate recovery of high fixed costs through flat end user charges might cause a significant number of local exchange service subscribers to cancel local exchange service despite the existence of a Universal Service Fund. Such a result would not be consistent with the goals of the Communications Act. Some transitional adjustments are also necessary to avoid anomalous effects of existing disparities in interstate costs in different areas and to establish access charges for competing carriers that reflect existing inequalities in the quality of access arrangements. The transitional plan will also enable us to adjust rules in the future if unexpected developments demonstrate that changes are warranted.

5. This combination of factors has led us to adopt rules that incorporate two transitions. Some fixed costs in addition to any high cost or Universal Service Fund costs will be recovered through carrier's carrier charges during a 5-year transition period. A substantial portion of those costs will initially be assessed to AT&T as a charge for premium access. The remaining costs will be assessed to end users and will be recovered through a combination of usage and flat charges during a 7-year transition period. Before the end of the fifth year of the 7-year transition, we will evaluate the rules and policies adopted in this *Report and Order* and, if necessary, will make adjustments needed to promote the expressed goals of this proceeding. A minimum charge will be assessed upon all end users. The remainder of the costs may be recovered through usage charges until the usage charge for any line equals a cap or maximum. We are giving the exchange carriers considerable discretion to devise a combination of minimum, usage and maximum charges. This will give the carriers discretion as to how rapidly to phase in flat charges. It will enable carriers to respond quickly to any bypass threat where this is a problem, while allowing for a more gradual phase-in where it is not. We are, however, imposing some limits upon carrier discretion. A minimum charge cannot be less than $2 per month for residential customers and $4 per month for business customers and the business minimum cannot exceed 200% of the residential minimum. Maximum charges will assure that customers do not pay more through end user charges for interstate use of a line that is used for local exchange and interstate services than they would pay for a line that is dedicated to a particular interstate service.

6. We are also prescribing rules for the computation of carrier's carrier

[1] The rules are contained in Appendix A. Appendices B and D list persons who filed comments in response to the *Second* and *Fourth Supplemental Notices*. Appendices C and E contain summaries of those comments. Appendix F contains supplemental information with respect to the "bypass" phenomenon and Appendix G contains supplemental information with respect to the universality of service.

charges for access services other than exchange plant. Although the tentative plan we described in 1980 would have limited the definition of access to facilities that are used in common by exchange and interexchange services, we have expanded the definition of access to correspond with the *Modified Final Judgment* in the AT&T antitrust case.[2] We have established nine different elements for such carrier's carrier changes and are prescribing rules for the computation of each element charge that are tailored to the nature of each service. We have established two elements for the use of local dial switches, three elements for operator services, and two elements for other switching and transmission facilities. We have also established a Billing and Collection element and a Special Access element that consists primarily of the use of a variety of "private line" facilities.

7. We have decided that we should neither compel all exchange carriers to join in pooled uniform charges for all access elements nor permit unrestricted deaveraging. We are mandating the creation of an exchange carrier association that will collect and distribute the carrier's carrier portion of the non-traffic sensitive charges and file tariffs and administer revenue pools for companies that choose to join in the association's common tariffs for other access elements.

8. We are directing AT&T to prepare the initial association tariffs in order to ensure that access charges will be in place on January 1, 1984.

B. Background: The Origins and Purpose of the Access Charge Proceeding

9. This proceeding began in February, 1978 with the issuance of a *Notice of Inquiry and Proposed Rulemaking* (the *"Initial Notice"*), 67 FCC 2d 757 (1978), to determine the MTS–WATS market structure that would best serve the public interest. To resolve this fundamental question, we have issued four subsequent notices of inquiry.[3] Each represented a refinement in our understanding of the issues requiring resolution. In the *Third Supplemental Notice,* we concluded that a general policy of open entry in the domestic MTS/WATS market, including Hawaii, would be in the public interest. While tentatively reaching the same conclusion for the Alaska submarket, we decided to give further consideration to issues relating to that submarket. In light of the conclusions reached in the *Third Supplemental Notice,* we determined that future proceedings in this docket would be restricted to consideration of two issues. In Phase I of the docket, we would develop a system of access charges by which local telephone companies would receive compensation for the use of their plant to complete competitive interstate telecommunications offerings. In Phase II we would determine the appropriate market structure for MTS/WATS in the Alaskan submarket.

10. We recently resolved Phase II of the docket by affirming our tentative conclusion that an open entry policy in the Alaskan interstate MTS/WATS market would be in the public interest. *See Second Report and Order* in CC Docket No. 78–72, FCC No. 82–515, released November 30, 1982. Today we resolve Phase I by adopting rules that will determine the rates interexchange carriers and end users will pay for access to local telephone company facilities used to complete interstate service offerings. We believe that through these rules we shall achieve the competitive market structure that is the explicit goal of both this proceeding and of the MFJ.

11. As we have noted above, this phase of the proceeding was instituted to determine, first, whether the existing methods of compensation for exchange plant used in interstate telephone service should be replaced by a tariffed access charge framework and, second, if so, what the structure of such tariffs should be. The entry of the MFJ has effectively mooted the first question. Currently, approximately 80% of revenues for this plant are covered by the Bell System's Division of Revenues process. This private contractual agreement has transferred revenues of almost $7 billion per year within the Bell System. On the date of divestiture, the system will no longer exist. The MFJ requires the termination of this system and its replacement by a generalized tariffed offering of access service.

12. While it would theoretically be possible to maintain the private settlements mechanism (which is equivalent to the Division of Revenues plan) to compensate non-Bell telephone companies, we believe that, even absent this *Report and Order,* some generalized access charge tariff scheme would result. We now decide that the public interest requires that the basic structure of such access tariffs be set by this Commission. We expect access tariffs to be filed in 1983 and require that such access tariffs be in conformance with the rules adopted herein.

13. The plan described in this *Report and Order* is, of course, limited to basic, or regulated, services. The plan is also limited to interstate and foreign services subject to our jurisdiction. We have assumed, for purposes of the proceeding, that the existing *Separations Manual* correctly identifies the costs assignable to those interstate and foreign services. Some commenting participants, *e.g.,* Satellite Business Systems, have argued that non-traffic sensitive access costs should no longer be allocated between the intrastate and interstate jurisdictions. They propose that a single charge should recover the entire revenue requirement associated with non-traffic sensitive facilities. They claim that such a charge should fall within Federal jurisdiction, despite the Supreme Court's decision in *Smith* v. *Illinois Bell Telephone,* 282 U.S. 133 (1930). In this proceeding we need make no determination as to whether *Smith* requires jurisdictional separations of NTS plant. As we said in the *Fourth Supplemental Notice,* 90 FCC 2d at 154, it is the separations process that determines what costs must be recovered from the interstate jurisdiction by means of an access charge. That process is currently being investigated by a Joint Board and is beyond the scope of this docket. In the *Order Requesting Further Comments* ("Joint Board Order" hereinafter), the Joint Board specifically invited parties to comment on whether separation of NTS costs by jurisdiction is required, and on the desirability of a discretionary assignment of 100 percent to either jurisdiction.[4] 47 Fed. Reg. 54479, 54517 (December 3, 1982).

14. Finally, we have limited our consideration here to the provision of that portion of interstate and foreign service which we consider to be "access" service. We had earlier used the term "access" to describe the use of certain exchange plant necessary to originate and terminate interexchange services. We have, however, decided to expand the scope of our access charge

[2] *See* Modified Final Judgment in United States v. American Telephone and Telegraph Co., Civil Nos. 74–1698 and 82–0192, —— F. Supp. ——, 47 Fed. Reg. 40, 392 (D.D.C. 1982), (hereinafter "MFJ").

[3] Supplemental Notice of Inquiry and Proposed Rulemaking ("First Supplemental Notice"), 73 FCC 2d 222 (1979), Second Supplemental Notice of Inquiry and Proposed Rulemaking ("Second Supplemental Notice"), 77 FCC 2d 224 (1980); Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking ("Third Supplemental Notice"), 81 FCC 2d 177 (1980); and Fourth Supplemental Notice of Inquiry and Proposed Rulemaking ("Fourth Supplemental Notice"), 90 FCC 2d 135 (1982).

[4] A decision to assign 100% to either jurisdiction would, of course, require changes in the access charge rules we are adopting.

rules to conform to the boundaries established by MFJ. In the *Fourth Supplemental Notice* we suggested that it might be desirable to expand our access charge plan to encompass all services or facilities that will be included in access charges of the divested Bell Operating Companies ("BOCs") and invited "interested persons to submit suggestions for accomplishing that purpose." 90 FCC 2d at 153. We have concluded that such a course would be desirable because disparities would be likely to arise in the future if independent telephone companies and the undivested BOCs [5] are compensated through some other mechanism for services or facilities that are included in divested BOC access charges. The access rules we prescribe will therefore cover all services and facilities that are classified as exchange access for purposes of the MFJ. We are, however, adopting less detailed rules for the computation of charges for access elements that we might have excluded from our plan if the MFJ did not exist. For non-access interstate facilities and services, we have assumed that any questions concerning apportionment or allocation will be resolved in the *Interim Cost Allocation Manual* or a successor to that *Manual*.[6]

15. Although Phase I of this docket is a part of a larger proceeding to determine and encourage an optimal structure for a market that includes MTS and WATS, we have not limited this phase to the apportionment of access costs among competing interexchange carriers. The *Initial Notice* said that we expect to prescribe "divisions" for all interstate services of all carriers. 67 FCC 2d at 759.

16. We reiterated this view in the *Second Supplemental Notice*. We explained that subsequent events had confirmed our preliminary conclusion that it will not be possible to establish access compensation for the MTS–WATS equivalent services of the new interexchange carriers without correcting existing disparities in access compensation that is paid directly or indirectly by users of services offered by the telephone company partnership. AT&T had proposed access charges for MTS–WATS equivalent services that purported to establish parity with the access compensation for MTS and WATS that the BOCs receive through the Bell System division of revenues process. Carriers that provided the MTS–WATS equivalent services claimed that the proposed charges would create unlawful discrimination because the charges would be much higher than the charges that customers of Foreign Exchange ("FX") service pay for access service at the foreign exchange or "open" end. Those carriers alleged that the access they received was identical with the access FX customers received. The affected carriers eventually entered into an agreement known as "ENFIA" that established an intermediate rate for MTS–WATS equivalent (or "Execunet/SPRINT type") access for an interim period.[7] This Commission concluded that allowing the negotiated rate for an interim period would serve the public interest.

17. The *Second Supplemental Notice* concluded (77 FCC 2d at 230–231):

> The history of the ENFIA negotiations demostrates that it would be impossible to prescribe any charges for the origination and termination of services that are functionally equivalent to MTS or WATS without determining the appropriate relationship among origination and termination services for MTS–WATS, functional equivalents of MTS–WATS, and FX–CCSA open ends. That history also indicates that there is no basis for assuming that the present relationship is appropriate.

18. That *Notice* also concluded that "the discrimination problem" is not confined to differences in access compensation among MTS, WATS, FX, CCSA and MTS–WATS equivalent services and described a tentative access charge plan that included the origination and termination of private line services. *Id.* at 231. Some comments that were filed in response to the *Second Supplemental Notice* questioned the inclusion of private line services other than FX and CCSA in an access charge plan.[8]

19. Private line services are not as distinct from an engineering or an economic perspective as they are sometimes perceived to be. A private line between two customer locations is normally routed in much the same manner as are telecommunications that use the switch that is used also for local exchange service. The access portion of the private line service consists primarily of the provision of lines or loops that connect a customer terminal with the interexchange portion of the facilities. The exchange carrier uses the right-of-way that it was granted for the purpose of providing local exchange service to place that line between the customer location and the interexchange facility.

20. Private line and message services not only employ similar facilities, but are also frequently used by customers to satisfy the same telecommunications needs. The interchangeability factor necessarily requires that at least some private line access service be included in an access compensation scheme that is designed to establish parity among all services that are reasonably interchangeable with MTS. We have specifically established such parity with MTS for the "open end" of FX and CCSA services.

21. It would be possible to distinguish private line service that is a close substitute for MTS from private line service that is not. We could possibly accomplish our original purpose by limiting access charge rules to access for MTS, WATS, MTS–WATS equivalents, FX, CCSA and other private line service that is a close substitute for MTS, limiting the scope of access to the use of equipment, facilities, or right-of-way used in common with local exchange services.

22. As already noted, however, we have decided, in response to the MFJ, to expand the scope of access to include all tariffed services and facilities that the BOCs will provide for the origination or termination of interstate calls. The decree definition of access service—and thus the conforming definition of access service relied upon in this *Report and Order*—includes some services and facilities that we might exclude in designing access charges for the sole purpose of establishing parity among MTS and all telephone company or "other" carrier services that are close substitutes for MTS.

23. The provision of an origination-termination service could be viewed as providing an interexchange carrier with access to exchange facilities. The service could also be viewed as providing an end user or subscriber with access to interexchange services through exchange facilities that interconnect with interexchange facilities.[9] The earlier notices in this

[5] Cincinnati Bell Inc. and Southern New England Telephone Company.

[6] The *Interim Cost Allocation Manual* or *"ICAM"* was adopted in *Amer. Tele. and Tele. Co.*, 84 FCC 2d 384, *recon. denied*, 88 FCC 2d 667 (1981), *affirmed sub nom. MCI Telecommunications Corp. v. FCC ("ICAM")*, 679 F.2d 408 (D.C. Cir. 1982), to establish rules for the apportionment of AT&T costs among the MTS, WATS, private line and ENFIA service categories. We expect to provide guidance in separate proceedings to enable AT&T to reflect access charges in *ICAM* cost apportionments.

[7] *See Exchange Network Facilities (ENFIA)*, 71 F.C.C. 2d 440 (1979).

[8] *E.g.*, American Satellite Co. Comments, p. 7; ARINC reply, p. 9.

[9] When a divested BOC provides interstate access to another carrier, "interexchange" will usually be synonymous with a service that is described as inter-LATA for purposes of the MFJ and the "exchange" facilities will correspond to intra-facilities. The geographic scope of access services provided by other local exchange telephone companies may be different. Such differences are

proceeding viewed access services as services that a local carrier provides to a long haul carrier. These notices assumed that the local carrier would receive access compensation from a long haul carrier. Most of the earlier notices assumed that a carrier's carrier charge would be the mechanism for access compensation. The *Fourth Supplemental Notice* invited comment upon some additional alternatives that could result in a combination of end user and carrier's carrier charges. We have decided to prescribe such a combination. Terms such as access, access service and access charges will be used in this *Third Report and Order* to encompass both end user and carrier's carrier charges.

24. The inequities between existing forms of compensation for the identical use of such access plant by different interstate services make these forms an inappropriate model for the development of access tariffs. We have decided that a single, uniform and nondiscriminatory structure for interstate access tariffs covering those services that make identical or similar use of access facilities is required by the Communications Act. While we have provided considerable flexibility for telephone companies within our access rules, we believe that the development of the competitive interstate telecommunications market requires certain uniform principles covering both BOC and independent telephone company access tariffs.

25. The amount of money that will have to be recovered through the access tariffs is immense. The revenue requirement for interstate NTS exchange plant alone will be approximately 8.5 billion dollars in 1984, the first year of our plan. An additional amount of approximately 2.5 to 3 billion dollars will be required to recover the costs of traffic sensitive plant for the first year. Based upon the assumption that 100 million lines will be in use in 1984 (as assumption we consider to be reasonably accurate), this translates into a total revenue requirement per access line of approximately $8.50 per month for NTS costs and $3.50 to $3.00 per month for traffic sensitive costs. In its first year the plan would assign $4.00 per line per month or $4.3 billion overall in interstate NTS costs to be recovered directly from the end user by his or her local telephone operating company. Of this amount a minimum of $2.00 for residential subscribers and $4.00 for business subscribers would have to be recovered through the use of a flat charge. The remainder of the $4.00 per line revenue requirement could be recovered, at the carrier's option, through traffic sensitive charges. The maximum amount that could be charged any customer directly would be no greater than the interstate costs of obtaining a private access facility dedicated to interstate use. NTS costs over $4.00 per line—approximately $4.2 billion—will continue to be collected in the first year of the plan through carrier's carrier charges. Of this amount, $1.4 billion will be paid by AT&T and its partners in the form of a charge for premium access.[10] The costs related to the Universal Service Fund, terminal equipment (CPE) ($1.4 billion in 1984) and inside wiring ($1.6 billion in 1984) will either be removed from the carrier revenue requirement through deregulation or will continue to be paid in subsequent years through carrier's carrier charges. The remaining amount collected through a carrier's carrier charge in the first year plus any additional amounts added in subsequent years will be converted to customer charges over a five year periiod. Over the same five year period the maximum end user charge that may be charged any specific customer for interstate access for message service will be reduced at the rate of 10% per year.

26. The plan is designed to move swiftly and surely from the present reliance on additions to the price of interstate toll minutes as the mechanism for recovery of these costs towards a pricing plan which recognizes that non-traffic sensitive costs covering plant dedicated to individual end users neither increase nor decrease as a result of usage made of that plant. We are taking this important step because we view this new direction as the only means of satisfying our goals of universal service, nondiscrimination, network efficiency, and prevention of uneconomic bypass.

27. Economics teaches us that, except in certain circumstances involving market failure, prices equal to the cost of producing another increment of a good, i.e., equal to the marginal cost of production, are optimal.[11] Provision of telephone services involves two marginal costs. One varies with the traffic level. The other varies with the number of access lines demanded. For this reason, efficient pricing requires both usage sensitive and non-usage sensitive charges for recovery of access costs.[12]

28. The cost imposed upon the nation's telecommunications system, and ultimately upon the general public, by our present usage sensitive method of recovering these NTS costs pose a substantial danger to the long term viability of our nation's telephone systems. New technologies and radical improvements in older technologies make available alternatives to the traditional telephone network. Telecommunications is substitutable for a wide variety of other goods and services produced by our society. Prices based upon the true cost characteristics of telephone company plant are necessary both to make a decision on whether use of the alternative technologies is appropriate and to make a decision on whether to substitute telecommunications for other activities.

29. As telecommunications plays a larger and larger role in fundamental U.S. industries, the problems resulting from inapproporiate pricing grow. Computer technology and communications have grown so similar that the Commission has redrawn its traditional definition of communications.[13] Access pricing that does not reflect cost can turn computer technologies from directions that would enhance the productivity of this essential U.S. industry and all of the industries that depend on computers and communications toward simple avoidance of non-cost based telecommunications prices. Investment may be misdirected as a result.

30. The possibility of users, particularly the nation's largest telecommunications users, abandoning the network for less efficient alternatives, *i.e.*, "uneconomic bypass", has been cited by many participants as a major justification for the movement

most likely to be reflect in the access element we have described as Common Transport. The formula we have adopted for the computation of access charges will enable carriers to devise charges for the "common transport" that a particular carrier provides. Adapting access charge rules to access service that a divested BOC provides to itself or another carrier for an intra-LATA transmission that is interstate for purposes of the Communications Act may require a special approach. We have decided that it would not be appropriate to establish guidelines for such situations before a final detrmination of LATA boundaries.

[10] Some independent telephone companies will continue to participate in joint rate offerings with AT&T after access charges become effective. Therefore, the premium will in fact be paid by an interexchange partnership. Section 69.207 describes that partnership as "the carriers that offer MTS and WATS * * *."

[11] *See*, for example, Francis M. Bator, "The Simple Analytics of Welfare Maximization," *The American Economic Review*, pp. 25–59, March 1957.

[12] *See also* P.R.G. Lazard and A.A. Walters, *Micro-Economic Theory*, McGraw-Hill Co., New York, 1978, p. 176.

[13] *See Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry)*, 77 FCC 2d 384 (1980) (Final Decision), *reconsideration*, 84 FCC 2d 50 (1980), *futher reconsideration*, 88 FCC 2d 512 (1981), *off'd sub nom. CCIA v. FCC*, 693 F. 2d 198 (D.C. Cir. 1982).

toward cost based customer access charges. Bypass is a growing phenomenon.[14] We also recognize that the elimination of preferential rates covering NTS access plant for large users is certain to increase significantly the incentives of these users to bypass the local phone network. We could attempt to eliminate bypass through our facility authorization authority, but have determined that this is not a good solution. See Part III. A., *infra.*

31. Despite the uncertainty surrounding the precise size and threat of uneconomic bypass, a delay in the institution of a system of access charges that does not recover most fixed costs through usage rates is not justified. If we delayed making a change now, it is likely that circumstances would quickly force such changes upon us. In such a case, however, we would be unable to afford the luxury of the gradual transition needed to satisfy our objective of maintaining affordable service. Moreover, as a result of bypass, delay might mean higher long run costs for those who were required to remain on the network, and even for those who were able to use bypass services.

32. Moreover, were we to delay instituting the smooth movement towards a rational pricing system until a sufficient number of large users had initiated constructing alternative bypass systems, it could well be too late for any remedial action. Usually uneconomic bypass is uneconomic only before the construction of bypass facilities starts. Once a large telecommunications user has committed significant capital to building a private bypass system, the maintenance of that system is no longer uneconomic. Consequently, we believe that prompt action is essential to preserve the public interest.

33. We believe it is important to state explicitly that this decision does not, in any way, constitute a judgment that subsidizing the costs of basic telephone services for certain customers or for all customers is improper. Our decision is, rather, based upon the more limited judgment that an attempt to generate revenues for such subsidization through a permanent bundling of NTS costs into interstate toll rates would be a harmful and, ultimately, futile approach—one that could lead to the deterioration of a nationwide telephone network providing a variety of services to a wide variety of consumers.

34. In the *Second Supplemental Notice* we had described a plan for imposing usage based charges for access to the local network upon both private line and public switch services. We had first thought that such an approach would assure full, fair competition in the MTS/WATS market and also avoid unlawful preferences or discrimination between private line users and users of switched services. Comments filed in response to that *Notice* caused us to question whether the plan might have the fundamental flaw of encouraging heavy users of private line service to bypass the local network. Our concern has been heightened by the terms of the MFJ that require AT&T to divest itself of its operating companies (other than Cincinnati Bell and Southern New England). For the first time AT&T itself could have a significant incentive to bypass local exchange facilities if such bypass would be profitable.

35. Responding to these concerns, in the *Fourth Supplemental Notice* we introduced an alternative approach that we believed could achieve our primary goals of promoting competition and eliminating discrimination while avoiding the potential problems of the original plan. Instead of creating an access rate structure for private line services like the usage-base MTS/WATS rate structure, we considered the possibility of treating facilities used for access to the public switched network like private line facilities. Specifically, we discussed the possibility of assigning the costs of non-traffic sensitive subscriber plant directly to the customers using it. Thus the costs of private line facilities would continue to be directly assigned, removing one potential incentive for heavy users of such services to bypass local facilities. Every customer of interstate switched services would, however, pay a flat monthly charge reflecting the cost of the non-traffic sensitive subscriber plant dedicated to his use in connection with these services. The plan we adopt today will ultimately point toward this result. In order to avoid the adverse effects that could accompany such a departure from the traditional way in which end users have paid for their use of interstate services, the plan provides for the gradual introduction of these end user access charges. This plan, like the tentative plan of the *Second Supplemental Notice,* still imposes a carrier's carrier charge upon all interexchange carriers for the use of the remainder of local telephone company plant upon which they rely to complete their interstate service offerings.

II. Commission Authority To Adopt Access Charge Rules

36. Most comments that have been filed in response to the various notices we have issued in this proceeding do not discuss the scope of this Commission's statutory authority to prescribe access charges for the origination and termination of interstate and foreign services. Almost all of the participants have assumed that this Commission does have the power to prescribe some kind of access service compensation arrangement.

A. Section 201(a) Authority

37. After noting that the division of revenues and settlements "have traditionally been industry devised" (67 FCC 2d at 759), the *Initial Notice* said (*id.*) that "[i]t may be timely to exercise our jurisdiction under Section 201(a) of the Communication Act to establish the divisions of charges." The carriers that provide local exchange service receive most of their access compensation through the division of revenues and settlements procedures that have been devised to divide revenues from joint rate services among the members of the telephone company partnership. Section 201(a) authorizes this Commission to replace the industry-devised contractual arrangement with a Commission-devised formula.

38. Section 201(a) provides in pertinent part:

> It shall be the duty of every common carrier * * * in accordance with the orders of this Commission, in cases where the Commission, after opportunity for hearing, finds such action necessary or desirable in the public interest, to establish physical connections with other carriers, to establish through routes and charges applicable thereto and the divisions of such charges, and to establish and provide facilities and regulations for operating such through routes.

39. After received comments in response to the *Initial Notice* and considered filings that were provoked by AT&T's initial ENFIA taffif, we tentatively concluded that a system of carrier's carrier access charges should be established to replace the existing combination of carrier's carrier charges, end user charges, and contractual "divisions" and "settlements." That conclusion was announced in the *Supplemental Notice* and a tentative plan for carrier's carrier access charges was described in the *Second Supplemental Notice.*[15]

[14] Our staff has conducted a preliminary survey of the current status of bypass services. The results of that survey are set forth for informational purposes as Appendix F of the *Report and Order.*

[15] Several different methods have been used in the telecommunications and transportation industries to compensate participating carriers when two or more carriers participate in the transmission or transportation. The utlimate customer or end user

40. Western Union comments that were filed in response to the *Second Supplemental Notice* claimed that Section 201(a) cannot be invoked to replace carrier's carrier access charges with different carrier's carrier charges. Western Union noted that the term "divisions" is normally used to describe the division of joint rate revenues and that it does not maintain any joint rates with the telephone companies. We have concluded that Western Union's claim is incorrect because the language and history of Section 201(a) demonstrate that Congress used the term "divisions" in that particular provision to encompass any arrangement for the compensation of carriers that participate in a through service.[16] That term is at least broad enough to include carrier's carrier charges that compensate an exchange carrier for its participation in a through service that an interexchange carrier offers to the public.

41. Section 201(a) authorizes this Commission to prescribe "divisions" if we find that such action is "necessary or desirable."[17] We have concluded that it is necessary and desirable to establish access charges in lieu of existing access compensation arrangements in order to eliminate existing access compensation disparities and to prevent the development of disparities that might arise if a variety of access compensation mechanisms were used in the future.

B. Section 205 Authority

42. When we issued the *Fourth Supplemental Notice* that invited comments upon some alternative plans that included end user access charges, we expanded the list of Communications Act provisions we might invoke to include Section 205. Section 205(a) of the Act, 47 U.S.C. § 205(a), empowers this Commission to prescribe end user or carrier's carrier charges for any interstate or foreign service.

43. Although the rules we are adopting will not establish the precise charge for most access elements, we are establishing many of the steps that carriers must follow in order to compute access charges. Our Section 205(a) power to prescribe charges includes the power to prescribe steps in the computation of charges. We have exercised that power in the past in prescribing a rate of return that is to be used in computing charges and in prescribing an allocation of investment and expense among major service categories that is to be used in computing AT&T rates. Those actions were affirmed in *Nader* v. *FCC*, 520 F. 2d 182, 204 (D.C. Cir. 1975) and *MCI Telecommunications Corp.* v. *FCC ("ICAM")*, *supra*.

44. Section 205(a) provides in pertinent part that whenever "the Commission shall be of the opinion that any charge * * * is or will be in violation of any of the provisions of this Act, the Commission is authorized and empowered to determine and prescribe what will be the just and reasonable charge * * *." Thus, this Commission must find that existing charges are or will be unlawful and that the new methods for computing charges will be "just and reasonable" in order to prescribe methods for computing charges pursuant to Section 205(a).[18]

45. Paragraph 28 of the *Second Supplemental Notice* states that disparities in access service compensation "may also indirectly result in end user rates which violate Section 202(a) of the Communications Act * * *." 77 FCC 2d at 230. We refrained from using conclusory language in that paragraph in order to afford persons who might wish to defend the *status quo* an opportunity to do so before we made a final determination with respect to the legality of the existing combination of access service compensation arrangements. We are now prepared to make such a determination.

46. Section 202(a) provides:

> It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communications services, directly or indirectly, by any means, or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

47. The portion of Section 202(a) that prohibits "unreasonable discrimination" in connection with "like services" was derived from Section 2 of the original Interstate Commerce Act, 24 Stat. 379. Section 2 of the Interstate Commerce Act was designed primarily to eliminate rebates to favored shippers that produced different charges for the shipment of the same quantity of the same commodity at approximately the same time.

48. The portion of Section 202(a) that prohibits "undue" preferences was derived from Section 3(1) of the Interstate Commerce Act, 24 Stat. 380. Section 3(1) of that Act was designed to remedy disparities in rates to different points that did not reflect actual cost differences. Although Section 3(1) was designed primarily to remedy the locality discrimination problem, the prohibition also encompassed excessive rate differentials for different commodities and shipments of different quantities of the same commodity.

49. In view of the origin of Section 202(a) the unjust discrimination prohibition must be interpreted as imposing a heavy burden upon telecommunications carriers to justify any differential in rates for like services and the undue preference prohibition must be interpreted as imposing a duty upon carriers to maintain rational and reasonable differentials for unlike services.

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could be billed separately for the service each carrier provides, but the end user usually pays one of the carriers and that carrier transmits money to the other carrier. The end user may pay a combination or end-on-end rate that is equal to the combined separate charges of the participating carriers. The end user may pay a joint rate and the carriers may divide joint rate revenues in accordance with an agreed or prescribed formula. Sometimes one of the carriers offers the service to the public and pays a charge to a connecting carrier for the use of the other carrier's facilities. We have used the term "carrier's carrier" charge to describe such an arrangement and have used the term "end user" to distinguish the ultimate user from a carrier or an enhanced service provider that obtains services as a customer of another carrier. The carrier's carrier charge arrangement produces essentially the same result as the remission of a "local" rate by a carrier that collected a combination rate charge. Changes in a carrier's carrier charge are not, however, automatically and instantaneously reflected in the rate that an end user pays.

[16] In *St. Louis Southwestern R. Co.* v. *United States*, 245 U.S. 135, 139 n.2 (1917), the Court defined "through route" as "an arrangement, express or implied, between connecting railroads for continuous carriage of goods from the originating point on the line of one carrier to destination on the line of another." The Court added (*id.*) "Through carriage implies a through rate. This 'through rate' is not necessarily a 'joint rate.' It may be merely an aggregation of separate rates fixed independently by the several carriers forming the through route * * *." The reports of the House and Senate Commerce Committees on bills that became the Communications Act of 1934 describe Section 201(a) as requiring carriers "to establish with other carriers physical connections, through routes, through rates, and divisions of through rates." Committee on Interstate Commerce, S. Rep. No. 781, 73rd Cong., 2d Sess., p. 4 (1934); Committee on Interstate and Foreign Commerce, H.R. Rep. No. 1850, 73rd Cong., 2d Sess., p. 5 (1934).

[17] *See United Telephone Co. of the Carolinas*, 54 FCC 2d at 289, 290 (1975), *Affirmed, United Telephone Co. of the Carolinas* v. *FCC*, 559 F. 2d 720 (D.C. Cir. 1977).

[18] Section 205(a) states that the prescription power may be exercised "after full opportunity for hearings, upon complaint or under an order for investigation and hearing made by the Commission on its own initiatives * * *." Notice and comment rulemaking proceedings are sufficient to satisfy that hearing requirement. *American Tel. & Tel. Co.* v. *FCC*, 572 F. 2d 17, 21–23 (2d Cir.), *cert. denied*, 439 U.S. 875 (1978). Such proceedings also satisfy the Section 201(a) hearing requirement. *Bell Telephone Co. of Pennsylvania* v. *FCC*, 503 F. 2d 1250, 1264–68 (3rd Cir. 1974), cert. denied, 422 U.S. 1026 (1975).

50. The existing access service compensation arrangements do not produce results that are consistent with those Congressional objectives. This is scarcely surprising in view of the manner in which those arrangements evolved. Neither the carriers nor the regulators viewed access service as a distinct service before this Commission ordered the telephone companies to provide access service to the new "specialized" carriers.[19] The preexisting access compensation arrangements were by-products of managerial or regulatory decisions that were made for some purpose other than fixing access service compensation. Access service compensation for the new carriers could not be fixed in a manner that established parity with each of the preexisting services offered by the telephone companies or the old "other" carriers.

51. Comments from the carriers that receive access service compensation generally acknowledge that there is no system. Although comments from some carriers and some end users that indirectly pay access service compensation claim that any discrimination or preference problem can and should be remedied without changing the access compensation for some services, none of the participants has attempted to demonstrate that there is any reasonable or rational relationship to justify the wide disparities among the charges for access that are directly or indirectly levied upon users of the various interstate services that might satisfy the requirements of Section 202(a). It is readily apparent that it would be impossible to do so. Indeed, the current methods of recovering costs of jointly used non-traffic sensitive subscriber plant for MTS, open-end FX, CCSA and WATS services and the ENFIA services are totally different and produce widely differing results even though each service uses the same plant in the same manner. The FX and CCSA services pay local exchange rates for open end access, the MTS/WATS equivalent services must pay the higher ENFIA rates, and MTS and WATS pay even higher access compensation through the settlements and divisions of revenues process. The level of the ENFIA charge has been negotiated to reflect a discount from the MTS access compensation. It was also designed to produce a rate that is higher than the local exchange rate paid by FX and CCSA customers. Since no one has attempted to justify the disparate rates charged for like access services in this proceeding, we must find them to be unlawfully discriminatory. Moreover, the access compensation differences among services that do use exchange plant differently bear little relationship to actual cost differences. In the absence of any justification for such rate disparities, we must also find that such disparities violate the prohibition of undue preferences. We accordingly conclude that the existing combination of access service compensation arrangements violates Section 202(a) of the Communications Act.[20]

52. Moreover, the existing access compensation arrangements produce results that conflict with Congressional goals other than the elimination of discrimination or preferences that are discussed in Subpart II.D, *infra*. Congress has conferred broad powers upon this Commission in Section 4(i) of the Act, 47 U.S.C. 154(i), to adopt orders and regulations to achieve those goals. Those powers would be sufficient to enable us to adopt the access charge rules we are adopting in this *Report and Order* apart from the powers conferred by Sections 201(a) and 205.[21]

53. We believe that the procedures for computing access charges that we are prescribing in this phase of this proceeding are "just and reasonable" or "just, fair and reasonable" for purposes of Section 205(a). Several comments that were filed in response to the *Second Supplemental Notice* urged us to consider the then recent decision in *MCI Telecommunications Corp. v. FCC*, 627 F. 2d 322 (D.C. Cir. 1980), in deciding how to proceed in prescribing new access service compensation arrangements. That court concluded that a Section 205(a) just and reasonable warranty does not require absolute certainty and precision. After noting that WATS tariffs had remained in effect for several years after this Commission concluded that AT&T had failed to demonstrate that existing tariffs are just and reasonable, that Court declared (*id.* at 340):

> [The Communications Act] assumes that rates will be finally decided within a reasonable time encompassing months, occasionally a year or two, but not several years or a decade. The standard of "just and reasonable" rates is subverted when the delay continues for several years. Rate making theories may change; new information may become relevant; one proceeding may have to take account of another. But there must be some reasonably prompt decisionmaking point at which the FCC says: "To the best of our knowledge and expertise at this time, the rates are just and reasonable. Perfect, perhaps not, but just and reasonable, yes." That is all the statute requires.

54. Thus, a prescribed rate is just and reasonable for purposes of Section 205(a) if it represents the best approximation of a rate that satisfies all statutory requirements that this Commission is capable of devising within a reasonable period of time. We proceeded on that assumption when we adopted an *Interim Cost Allocation Manual* for AT&T services that we described as "far from perfect." *Amer. Tele. and Tele. Co., supra*, 84 FCC 2d at 411. The Court of Appeals for the District of Columbia Circuit affirmed that exercise of our Section 205 prescription powers. *MCI Telecommunications Corp. v. FCC (ICAM), supra.*

55. The rules we are adopting in this order are designed in part as a replacement for ICAM allocations of exchange and certain interexchange plant costs. We believe that these rules represent a significant further improvement. In light of the Court of Appeals interpretation of the Section 205(a) warranty requirement, we can and do warrant that the rules for the computation of access charges and the allocation of access charge revenues that we are prescribing are "just and reasonable." [22]

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[19] *See Specialized Common Carrier Services*, 29 FCC 2d 870, 940 (1971), *affirmed sub nom. Washington Utilities and Transportation Commission* v. *FCC*, 513 F. 2d 1142 (9th Cir.), *cert. denied*, 423 U.S. 836 (1975). See also *Bell System Tariff Offerings*, 46 FCC 2d 413 (1974), *affirmed sub nom. Bell Tel. Co. of Pennsylvania* v. *FCC, supra.*

[20] That conclusion is reinforced by the observations in a December 17, 1981 MCI filing. That filing was styled as a complaint, but could not be processed as a complaint because it was not directed at any existing tariff. We accordingly decided to incorporate that document as a comment in the access charge phase of this docket. *See Extension of ENFIA Agreement*, 90 FCC 2d 6, 9, n.3 (1982) *review pending sub nom. MCI Telecommunications Corporation v. FCC*, D.C. Cir. No. 82-1553. That MCI filing argued that "local exchange service" provided to business customers with PBXs, foreign exchange customers, WATS extension customers, Federal Telephone System customers, value-added carriers, domestic record carriers, international record carriers, time sharers and CCSA customers, was functionally identical to "local exchange service" provided to MCI. MCI requested that the Commission issue an order requiring that unlawful discrimination promptly be eliminated. As a result of this *Report and Order*, any discrimination among interstate services will be eliminated.

[21] In *Nader v. FCC, supra*, the Court observed (520 F. 2d at 203): The discretion that must be afforded the Commission in the exercise of its ratemaking power is enhanced by Section 4(i) of the Communications Act, 47 U.S.C. 154(i) (1970), which gives the Commission the power to issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions.

[22] Our decision to adopt the ICAM at that time was based in part upon our desire to comply with the Court of Appeals schedule for the resolution of some questions relating to WATS tariffs. Similar considerations have caused us to conclude that we should not defer the adoption of access charge rules

C. Effect of Dual Regulation Upon Commission Powers

56. A number of participants have asserted that this Commission cannot prescribe particular types of access charges or cannot prescribe access charges at this particular time because such actions would intrude upon the jurisdiction or prerogatives of state regulatory commissions. One participant has even asserted that this Commission cannot prescribe interstate access charges of any kind because such power is vested in the state commissions.[23]

57. We believe the latter claim reflects a misconception with respect to the nature of jurisdiction to regulate interstate commerce. Any action of this Commission that establishes or prescribes charges for the origination and termination of interstate services cannot appropriately be described as a "preemption" of state regulation because such charges are appropriately within the federal jurisdiction, not state jurisdiction. Federal rate regulation began with the enactment of the Interstate Commerce Act in 1887. The creation of a federal commission to regulate interstate rail rates was prompted in part by the Supreme Court decision in *Wabash, St. Louis & Pacific Railway Co. v. Illinois*, 118 U.S. 557 (1886), that held that state legislatures and state commissions cannot regulate rates for interstate railroad shipments because such regulation is precluded by the Commerce Clause of the United States Constitution. The Interstate Commerce Act filled the gap in railroad regulation that was created by the *Wabash* decision. That Act was amended in 1910 to fill a similar gap in telecommunications regulation. The Communications Act of 1934 transferred jurisdiction to regulate interstate and foreign telecommunications rates from the Interstate Commerce Commission to this Commission.

58. The origination or termination of an interstate communication, including the use of a local loop between an end user's home or office and a local switch of a local exchange carrier, is necessarily a part of an interstate communication.[24] It is as much "in commerce" as the interexchange trunk that actually crosses a state line. If the *Wabash* principle is still applicable, the states would not acquire jurisdiction to regulate rates for such interstate access even if this Commission were abolished.

59. The Supreme Court's decision in *Smith v. Illinois Bell, supra*, supports this view of federal jurisdiction. In *Smith* the Court considered the validity of a state public utility commission prescription of telephone rates based on evidence that made no distinction between the interstate and intrastate uses of jointly used telephone property. The telephone companies and the regulators had been using a "board-to-board" separations methodology to determine toll and local exchange rates. The toll rates reflected transmission costs from one long distance switchboard to another. All the costs we have described as NTS and some of the traffic sensitive exchange plant costs were reflected in local exchange service rates. The Supreme Court concluded that the board-to-board method was improper. The Court said (*id.* at 148):

> The separation of the intrastate and interstate property, revenues and expenses of the company is important not simply as a theoretical allocation to two branches of the business. It is essential to the appropriate recognition of the competent governmental authority in each field of regulation.

60. We reject claims in some comments that the *Smith* decision in some way precludes this Commission from establishing any flat rates for interstate access.[25] The Supreme Court did not purport to determine whether state or federal commissions should mandate flat or usage rates or some combination of flat and usage rates for exchange or toll services. Such rate structure questions were not presented in that case and were not discussed in the opinion. The Court merely attempted to ensure that state or federal regulators do not exceed the limits of their respective powers when they determine economic and social policy questions that have been entrusted to their judgment.

61. The decision to exclude interstate access from local rates could have been implemented by including the interstate access costs in flat or usage rates regulated by federal regulators without violating any express or implicit directive in the *Smith* opinion. AT&T made the decision to recover the interstate exchange plant costs on a usage basis when it recomputed its interstate investment and expenses in 1943 to reflect some exchange plant costs in interstate MTS rates. It had always imposed distance-weighted usage charges upon MTS customers and did not change the pre-existing rate structure when some NTS costs were added to the MTS costs. The NTS exchange plant costs represented a relatively small part of interstate MTS costs at that time. Changes in relative costs and separations allocations during the intervening years have caused NTS costs to become a very significant part of MTS costs. No opinion of this Commission prior to the *Fourth Supplemental Notice* discusses legal, economic or policy implications of recovering the NTS portion of MTS costs through flat or usage charges. Thus, the inclusion of flat charges in an access charge plan does not conflict with precedent. It merely alters a carrier-initiated practice that appears to be the product of historical accident.

62. We accordingly conclude that this Commission's discretion to establish flat or usage charges or some combination of flat and usage charges for interstate access is not inconsistent with past court or Commission decisions.

63. Some comments have expressed the view that we are required to consult with state regulators though the Joint Board mechanism before we make any final decision to adopt an access charge plan.[26] We received extensive comments with respect to the appropriate role of a Joint Board in response to the *First Supplemental Notice*. We concluded in the *Second Supplemental Notice* that a Joint Board referral of questions with respect to interstate rates and the apportionment of interstate costs among interstate services would not be necessary or desirable. 77 FCC 2d at 236.

64. Most who claim that a Joint Board must or should be consulted claim that interstate access charges will affect jurisdictional separations.[27] Section

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in order to achieve further refinements. The MFJ will cause the filing of BOC access charge tariffs that will become effective on the day of divestiture unless we reject or suspend the tariffs. The public interest would not be served if we allowed BOC access charge tariffs to become effective and implemented a significantly different methodology a few months later. We have decided that we should act now in order to establish Commission access charge rules that can be implemented at the beginning of 1984.

[23] District of Columbia Public Service Commission, pp. 2–4.

[24] *See, e.g., New York Telephone v. FCC*, 631 F. 2d 1059 (2d Cir. 1980).

[25] *See* Kansas Corporation Commission, p. 8; California Public Utilities Commission, p. 3; Haviland Telephone Co., p. 6; NARUC Reply, p. 8; Roseville Reply, p. 4.

[26] *See* Kansas Corporation Commission Staff, pp. 1–2; Michigan Action Group, p. 6; NARUC, p. 4; Missouri Public Service Commission Staff, pp. 2–3; Michigan Public Service Commission, p. 4; California Public Utility Commission, p. 3; Rural Telephone Coalition, pp. 43–48; REA, p. 2; Haviland Telephone Co., p. 5; Utah Public Service Commission, p. 2; Ketchikan Public Utilities, pp. 3, 10; Rural Coalition Reply, p. 41; NARUC Reply, pp. 8–9.

[27] We are using the term "separations" to describe the process of apportioning investment and expense between the interstate and intrastate jurisdictions. We are not using the term "separations" to describe the divisions/settlements process that is described in the *Second Supplemental Notice. Id.* at 226–228.

410(c) of the Communications Act, 47 U.S.C. 410(c), requires that this Commission obtain an Initial Decision of a Joint Board composed of three federal and four state commissioners before we adopt any change in separations rules.

65. The Missouri Public Service Commission Staff claims a Joint Board referral is mandatory because the implementation of access charges will affect the results that are produced by any separations formula. We do not believe Section 410(c) requires any Joint Board consideration of decisions that merely indirectly affect separations results. Every rate decision by this Commission or any state commission has some effect upon separations results. The regulatory processes would be paralyzed if consultation were required before a state or federal commission adopted any decision that affects separations results.

66. Most participants who say that interstate access charge questions should be referred to a Joint Board contend that the adoption of access charges rules will affect the final decision in the pending Docket 80-286 proceeding to reexamine separations rules for the apportionment of exchange plant. NARUC and the Rural Telephone Coalition even assert that the outcome of that proceeding will be "foreordained" by any decision to adopt rules for the computation of interstate access charges. *See* NARUC Reply, p. 9.

67. Such fears are unfounded. We have, of course, asked the Joint Board to consider consistency with access charges in formulating its recommendations for separations changes. *Amendment of Part 67 of the Commission's Rules*, 78 FCC 2d 837, 845 (1980).[28] We have also necessarily made some assumptions with respect to the likely outcome of the pending separations proceeding in order to devise access charge rules that can be implemented in 1984. These actions should not be interpreted as a final decision upon the part of this Commission with respect to questions in Docket No. 80-286 and should not be interpreted as inhibiting the discretion of the Joint Board in formulating its recommendations. If the final decision in that proceeding departs from our current assumptions in a manner that requires a revision of the access charge rules, we will, of course, revise the rules we are adopting in this *Report and Order*.

68. Some participants have recommended that we either refer access charge questions to the Docket 80-286 Joint Board or defer action on access charges until we make a final decision with respect to separations changes in order to avoid the possibility that access charge rules may have to be revised to fit unanticipated separations changes. We have concluded that such a course would not be desirable under the present circumstances because a delay of a few months in the adoption of access charges would not allow sufficient lead time to enable carriers to prepare access charge tariffs that can be filed on or before October 3.[29] If BOC access charges that are not based upon these rules become effective at the beginning of 1984 and radically different charges were substituted a few months later, we could expect considerable confusion and disruption. Such a scenario would be likely to create far greater problems than any changes that might be required to adapt access charges to fit unanticipated separations changes.[30]

69. Some participants have suggested that we refer access charge questions to a Joint Board because they hope that such a proceeding would produce a consensus among all regulators that would enable carriers to compute interstate and intrastate access charges in the same manner. It appears doubtful that such a consensus would emerge within a short period of time. Some participants have proposed alternative methods to achieve unified access charges. SBS has proposed that we preempt state regulation of intrastate access charges and others have suggested that we delegate responsibility for interstate access charges to the state commissions. We rejected somewhat similar suggestions when we adopted the *Second Supplemental Notice*. 77 FCC 2d at 232.

70. Unified access charges conceivably might be achieved without new legislation by assigning 100% of the exchange plant investment and related expenses to one jurisdiction or the other. Such a change in jurisdictional separations would, of course, have to be considered by a Joint Board in the first instance. The Joint Board has recently invited comments with respect to the legality and desirability of a 100% assignment of NTS costs in Docket 80-286. *See* para. 13, *supra*.

71. We believe there is reason to hope that a considerable degree of uniformity will in fact emerge even though this *Report and Order* does not require that state commissions follow this Commission's approach to charging for access. The same considerations that have led us to conclude that our plan is an appropriate strategy for reducing discrimination may lead many state commissions to reach similar conclusions. Moreover, all commissions will necessarily recognize that administrative efficiency is served when a single approach to structuring access charges for long distance use of local plant is adopted. State commissions that do not choose to recover all costs in precisely the same way will undoubtedly find many of our methodologies helpful. State commissions will also have an incentive to adopt end user charges because failure to adopt a similar approach to the recovery of non-traffic sensitive costs assigned to state toll would increase toll rate disparity.[31]

72. Our access charge plan for NTS plant is based upon the following four principles. First, it is important to move towards collecting these costs from customers rather than carriers and on a flat rather than on a usage sensitive basis. Second, it is important to accomplish the transition to flat rates in a smooth and measured way. Third, it is vital to ensure that the plan does not threaten the universal character of telephone service. Fourth, the plan should provide for sufficient flexibility so that telephone companies serving dramatically different service areas can adopt transitional approaches that best serve their unique areas.

73. While the precise timing and mechanics of our access charge plan are based upon the interstate telecommunications market, we believe that these same four principles can serve as the basis for appropriate and acceptable state access charge plans. Obviously, the precise minima, maxima and transition periods would reflect not only unique state usage characteristics but also the level of NTS assignment to state toll service. We stand ready to provide technical or other assistance to

[28] Part III of the *Joint Board Order* discusses possible separations changes to achieve consistency with access charges.

[29] Access charges must be filed on October 3, 1983, to provide a full 90 days notice before a January 1, 1984 effective date.

[30] Many decisions that affect the computation of access charges will, of course, be made in the separations proceeding. For example, the size of the Universal Service Fund, the characteristics of participating exchange carriers, and the formula that indirectly determines Fund distributions to particular local exchange carriers will be determined in Docket 80-286 after an Initial Decision of that Joint Board.

[31] Toll rate disparity describes the condition that occurs when, because of different ratemaking philosophies adopted by the federal and state jurisdictions and other factors, a call of given duration is priced at different levels depending upon whether it is intrastate or interstate. Toll rate disparity sometimes results in a price for a call to a city in the same state that is much higher than the price for a call to a more distant city in another state.

state commissions that wish to integrate their access charge plans with the interstate approach. This integration would also be appropriate, technically feasible and reasonable with respect to traffic sensitive plant.

D. Effect of Section 1 Upon Commission Discretion

74. Although we are establishing rules for the computation of interstate access charges in order to remedy discrimination and preferences that violate Section 202(a) of the Communications Act, we are also required to consider other policies in designing an appropriate remedy. A variety of different methods could be used to produce access charges that do not result in unreasonable discrimination or undue preferences. We must be guided by Congressional goals expressed in Section 1 of the Act, 47 U.S.C. 151, in choosing among such methods. We observed in the *First Supplemental Notice* that "[a]ll provisions of the Act must be read in the light of that statement of purpose." 73 FCC 2d at 230.

75. Section 1 provides in relevant part:

> For the purpose of regulating interstate and foreign commerce in communications by wire and radio so as to make available, so far as possible, to all people of the United States a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication, * * * there is hereby created a commission to be known as the "Federal Communications Commission," * * * which shall execute and enforce the provisions of this Act.

76. The *First Supplemental Notice* said (73 FCC 2d at 230):

> The reference to the rapidity and efficiency of service and the adequacy of facilities obviously means that Congress wanted to maintain and enhance the quality of communications services. The reference to reasonable charges demonstrates that Congress was also concerned with the level of rates and expected this Commission to follow policies which would minimize the cost of communications services to ultimate users. This concern with the cost and quality of service demonstrates that economic efficiency is one of the goals of the Act.

77. An efficient communication service could also be defined in a narrower sense as efficient utilization of a network that enables a carrier to provide service at the lowest possible unit cost. Customer choices that affect the utilization of a network are necessarily influenced by the rate structure. Therefore, the creation of customer incentives that will promote efficient network utilization necessarily must be one of the objectives of any rate structure proceeding.

78. The bypass phenomenon that we discussed in the *Fourth Supplemental Notice* can be viewed as a network utilization problem. Diversion of traffic to bypass facilities that are in fact more costly than the access facilities provided by the local exchange telephone companies obviously would not promote efficient utilization of telecommunications facilities. Therefore, we concluded that discouraging uneconomic bypass must be one of the criteria for the design of an access plan.

79. The *Fourth Supplemental Notice* identified a fourth objective in addition to eliminating discrimination or preferences, promoting efficient network utilization generally, and discouraging uneconomic bypass. We said that an access charge plan should be designed to "limit any substantial setback in the availability of telephone service" (90 FCC 2d at 147) and noted that some options could produce "an increase in the price of access to the public network, and a possible reduction in the subscriber base." *Id.* at 140.

80. Most participants who filed comments in response to the *Fourth Supplemental Notice* apparently agree that encouraging persons to subscribe to local exchange service must be one of the objectives of this proceeding. This is usually described as the "universal service" objective or goal. The term "universal service" has rarely been defined. Most participants apparently agree that "universal service" has existed on a nationwide basis for several years. In the context of this proceeding a "universal service objective" means avoiding actions that would cause a significant number of local exchange service subscribers to cancel that service.

81. Although interstate access charges will not have any effect upon local exchange service rates, a customer's decision to subscribe to local exchange service will necessarily be affected by the combined fixed charges that a customer must pay to access all services from a terminal in his own home or place of business. One could not describe every increase in fixed charges subscribers must pay for local, intrastate toll and interstate access as conflicting with a universal service objective. Such a conflict would arise only if the magnitude and timing of any increase in the fixed charges were sufficient to cause a significant number of subscribers to cancel service.[32]

82. Although most participants apparently agree that universal service is one of the goals of the Act, MCI has questioned the existence of such a statutory goal. Comments, p. 5, Reply, pp. 5–6. The term "universal service" does not appear in the Communications Act and the existence of a universal service goal may not be self-evident from the language Congress used to describe its purposes in Section 1.

83. The *First Supplemental Notice* noted that making service "available * * * to all the people of the United States * * * at reasonable charges" could mean that "Congress wanted to create conditions in which such services, or some of them, are 'affordable' to all." 73 FCC 2d at 231. We also said: "While this may be a credible interpretation of Section 1, it does not appear to be the only possible interpretation." *Id.* We have now concluded that the "available * * * to all" language does contemplate that telephone exchange service should be made available at reasonable rates. Such a universal service goal should also be inferred from the Congressional declaration that "promoting safety of life and property through the use of wire and radio communication" is one of the purposes of the Act. A subscription to local exchange service can be useful for safety purposes.

84. Many of the participants have argued that the relative universality of service affects the value of a telecommunications service for all users of a service. If some persons elected to cancel local exchange service, other customers would not be able to place local or long distance calls to those persons. Even if economic efficiency were the sole goal of the Act, a diminution of universal service might reduce economic efficiency in a broader sense.

85. In addition to those four objectives, we necessarily must consider the competitive effects of alternative rate structures. We concluded in the *Third Supplemental Notice* that a competitive interexchange market structure will further the goals of the Communications Act. If identical access services were offered to all competing interexchange carriers, we could assume that cost-based access charges will lead to an optimal interexchange market structure. This is not the case today and it will not be possible to remedy all inequalities in access service offerings before the initial access charges become effective. Therefore, preserving an

[32] Appendix G of this *Report and Order* describes and discusses past studies of the effect of rate increases upon demand for local exchange telephone service.

opportunity for fair competition during a transition period must also be viewed as an objective that will further the goals of the Act.

86. The relative priorities that should be afforded goals or factors that can be inferred from Section 1 is an open question. The priorities question was also discussed in the *First Supplemental Notice*. Paragraph 24 said (73 FCC 2d at 231):

> Some comments have suggested that we establish relative priorities in this Supplemental Notice which will be observed if some of the explicit or implicit goals of the Act conflict. It would be unwise to assign any priorities at this time. It seems unlikely that Congress intended to give priority to any particular goal under all conceivable circumstances. A public interest determination is necessarily a balancing process which requires the exercise of judgment, and different goals may take precedence depending on the facts of each case. Therefore, we shall wait until the facts have been developed in the record before we attempt to set priorities for goals in this case.

87. Although those observations related primarily to the entry policy question and a Section 214 public interest determination, we believe that a similar balancing process is required when we exercise our Section 201(a) power to establish through rate divisions or our Section 205 or Section 4(i) powers to prescribe steps in the computation of a charge.

88. An ideal access charge plan would eliminate all discrimination or preferences within or among services, create incentives for the most efficient utilization of all telecommunications facilities, discourage all uneconomic bypass, ensure that no local exchange service subscriber cancels that service, and establish full and fair competition in the interexchange services market. All of those objectives could not be fully accomplished simultaneously and immediately even if we had perfect knowledge. Therefore, we necessarily must exercise judgment and discretion in devising an access charge plan that takes all of those objectives into account.

89. Neither the language of the Act nor past court or Commission opinions preclude this Commission from striking a reasonable balance. On the contrary, Congress undoubtedly anticipated that an exercise of judgment would be required when be required when it declared that it was creating this Commission in order to achieve multiple purposes "so far as possible." Congress conferred broad discretion upon this Commission in order to enable us to fulfill that mandate.

III. Guidelines for Recovery of NTS Costs

A. Alternative Strategies For Reducing Discrimination

90. Exchange plant that an end user or subscriber would need in order to use any local or long distance service is often described as non-traffic sensitive or NTS plant because the cost of providing such equipment does not vary with usage. NTS encompasses all equipment that a subscriber would need to access the local exchange switch including terminals and other customer premises equipment, the protection block and drop wire and the line or loop between the customer's premises and a local exchange switch or a manual switchboard.

91. A portion of a local dial switch is also classified as non-traffic sensitive plant for separations purposes in order to segregate costs of terminating a line in the switch from the costs of switching. We proposed to include such costs in a non-traffic sensitive element in the tentative plan described in the *Second Supplemental Notice*. We subsequently asked a Joint Board to reexamine the classification of local dial switching equipment.[33] Inasmuch as that proceeding may produce new classifications we have decided that it would not be appropriate to include any local dial switching equipment in an NTS access plan at this time.

92. In order to achieve parity between interstate and international services that use the same subscriber line that is used for local exchange service and other services that are close substitutes for such services, an NTS plan must include comparable facilities that are used by such substitute services. Therefore, for purposes of this *Report and Order* NTS also includes portions of various lines on the customer's side of the class 5 or "end office" that are dedicated to a particular service. These include a WATS access line, an FX or CCSA "closed end" line, or a "private line" terminating in a PBX or other customer premises equipment that may be used for local exchange service. Our NTS plan does not encompass customer side dedicated lines that do not terminate in such equipment.

93. In the *Second Supplemental Notice* we presented a tentative plan to achieve parity among such services by apportioning the total NTS costs among four service categories—MTS/WATS, FX–CCSA Open End, OCC–ENFIA and Private Line—on the basis of relative use. This would have represented a substantial departure from the cost apportionment that is presently used to compute private line rates. The *Separations Manual* has generally assigned the entire cost of facilities that are used exclusively for interstate service to the interstate jurisdiction and has usually apportioned the cost of facilities used jointly for interstate and intrastate calling. A usage-based formula has traditionally been used to apportion jointly used NTS facilities between the jurisdictions. For ratemaking purposes all costs of AT&T assigned to the interstate jurisdiction are apportioned among interstate service categories through the *ICAM*.[34] The costs assigned by the *ICAM* to private line services are, in general, based upon the assignment of these costs to the interstate jurisdiction. Thus, the present rates for private line services reflect the "directly assigned" costs of private line loops. Inasmuch as private line customers normally have very high usage per line as compared to MTS customers, a usage cost allocation would produce a per line assigment to private lines that is much higher than the per line cost that is directly assigned under the *Separations Manual*.

94. Many of the comments that were filed in response to the *Second Supplemental Notice* contended that it would be unjust, inequitable and unlawful to compel private line customers to pay charges that are based upon a cost assignment that exceeds the actual cost of the line they use. Many of those comments also contended that a usage assignment of such fixed costs would be uneconomic because it would discourage usage by pricing the facilities in a manner that greatly exceeds the actual costs of the private line loops.

95. Those arguments caused us to reexamine the assumption that discrimination or preferences between private line and MTS users could best be corrected by assigning all NTS costs on a usage basis. The ratemaking principles advanced in those comments would compel the conclusion that the existing MTS rate structure is incorrect because the usage rates for MTS allocate some fixed costs on a usage basis. The same arguments would support the conclusion that the MTS rate structure compels large MTS users to subsidize other MTS users because a large user of that service would pay NTS costs that substantially exceed the cost of the NTS facilities such a customer uses to make MTS calls. That analysis also suggests

[33] *Amendment of Part 67 of the Commission's Rules, supra*, 78 FCC 2d at 842.

[34] *See* footnote 6, *supra*. With some exceptions the other telephone companies concur in AT&T's tariffs for MTS, WATS and private line service.

that the increasing use of private lines for purposes that could be served by MTS reflects an effort to avoid the subsidy that is inherent in the MTS rate structure and that private lines are being used inefficiently to serve purposes that from a network standpoint could be accomplished more economically through MTS.

96. The discrimination or preference problem could not be solved by maintaining the *status quo*. If one assumes that all users of competing services should pay per minute charges for NTS, total equality could be achieved by apportioning total NTS costs among such services on the basis of minutes of use. If one assumes that all users of competing services should pay per line charges, total equality could be achieved by continuing to assign private line NTS costs on a direct assignment basis and revising the MTS rate structure to include a flat charge for NTS and a reduced usage charge for the other exchange and interexchange facilities that are used to place an MTS call. We described those alternatives as "pure strategies" in the *Fourth Supplemental Notice* because they would produce equality on a per minute or on a per line basis. For convenience, we called the usage apportionment described in the *Second Supplemental Notice* "Pure 1" and the per line apportionment alternative "Pure 2."

97. Section 202(a) of the Communications Act does not require total equality of rates at all times or under all circumstances. The Act prohibits "unjust or unreasonable" discrimination, "undue or unreasonable" preferences, and subjecting persons or localities to an "undue or unreasonable prejudice or disadvantage." This necessarily implies that departures from total equality are permissible and may be required to achieve Communications Act goals other than the elimination of discrimination or preferences. The *Fourth Supplemental Notice* accordingly invited comments upon "mixed" strategies that might combine usage and flat charges or usage and fixed cost apportionments. We described two examples of such "mixed strategies" in that *Notice* and invited interested persons to suggest other alternatives. The *Notice* called the two examples "Mixed 1" and "Mixed 2" for convenience. "Mixed 1" would have allocated NTS costs between MTS/WATS and private line service using "equivalent lines." While the charge for private line users would have been a flat rate, each would be required to participate in the "contribution" to the local revenue requirement embodied in an interstate revenue requirement based on the subscriber plant factor. The "Mixed 2" strategy would have continued charging for private line services on a dedicated basis, but would have imposed a new rate structure on MTS. Under this plan, customers would be charged a usage based rate for recovery of NTS costs up to a cap. After this point, no additional NTS contribution would be required. Thus there would be economically efficient pricing for those calls made after the cap was reached.

98. Our decision to invite comments on alternative plans was based on developments that had occurred since the adoption of the *Second Supplemental Notice* and that suggested that Pure 1 might not be feasible even if we concluded that per minute equality would be ideal. At the time we adopted the *Second Supplemental Notice* we assumed that a reapportionment of costs among service categories would produce a shift from telephone company private line services to MTS that would enhance efficient utilization of the telephone companies network by discouraging the use of service-dedicated lines for purposes that could be served by the use of lines that can be commonly used for multiple services to multiple points. We also assumed that the reallocation of costs would produce a reduction in MTS rates.

99. The comments that were filed in this proceeding in 1980 did not dispute those assumptions, but some of the 1981 comments in the Joint Board proceeding did. Several of those comments noted that new technologies provide alternatives to the use of any telephone company loop for the origination or termination of interexchange telecommunications. Some asserted that any change in rate structure that increases telephone company private line charges would cause private line users to shift to such alternative services. Some also asserted that the access compensation that is reflected in MTS rates must also be reduced in order to avoid a shift to alternative technology services that "bypass" all telephone company facilities.

100. The subsequent settlement of the AT&T anti-trust case caused us to conclude that bypass may be an even more imminent possibility than it originally appeared to be. AT&T would have a much greater capability to provide bypass services on a large scale than other entrants in interexchange markets. AT&T would not have any incentive to do so as long as it retained a massive investment in local exchange facilities. The divestiture of all of its local exchange facilities would remove that inhibition.

101. The selection of a cost apportionment method necessarily affects the decision to prescribe end user or carrier's carrier access charges or some combination of such charges. Although some access charge options might be implemented through any of those methods, the Pure 2 alternative necessarily requires flat rates that are assessed upon end users in order to ensure that each end user pays the fixed costs that are attributable to NTS facilities that are dedicated to that particular user. Such a flat end user charge also must be collected by the exchange carrier because the subscriber line that is used for MTS access can be used for other interstate services including open end WATS, FX and CCSA originations and terminations and switched services offered by carriers that compete with AT&T interexchange services. The *Fourth Supplemental Notice* assumed that Pure 1 or Mixed 1 would be implemented through carrier's carrier access charges and Mixed 2 would be implemented through end user charges.

102. Each of the plans received support from at least some of the participants who responded to the *Fourth Supplemental Notice*. Several states and small telephone companies preferred the Pure 1 scheme. Mixed 1 received some support from commenting parties. This approach was supported (at least as an interim measure) by several participants who were convinced that a Pure 1 approach was overly restrictive.[35] Participants supporting this approach argued that private line users should be expected to contribute to the support of the nationwide system. To some extent the support for Mixed 1 appeared to be based on the perception that this approach represents a relatively small deviation from the current rate structure.

103. Pure 2, or some variation of Pure 2, was supported by many of the participants who filed comments in response to the *Fourth Supplemental Notice*. Most of the support for Mixed 2 came from those who saw it as the first step toward a Pure 2 approach. However, while the concept of a rate structure combining a flat fee with a usage-based charge to recover NTS costs received considerable support, the Mixed 2 scheme itself was viewed by most participants as unviable. Because many customers make few or no calls in any one period, and because the

[35] *See*, e.g., Comments of Florida PSC, Michigan PSC Staff, NARUC, Oregon PUC, Washington UTC.

interstate jurisdiction is assigned NTS costs regardless of the actual use of those facilities, both the charge per unit of use and the cap would have had to be so great that the benefits of cost-based pricing would have been denied to most consumers. Thus, even those participants supporting a rate structure that combined a usage charge with a flat fee were almost unanimous in recommending that each end user be assessed some flat fee for access to the network regardless of his actual usage.

104. We have decided that none of the access charge options presented in our *Fourth Supplemental Notice* is entirely satisfactory. The access charge plan that we are adopting herein is more complex, and we believe it fair to say more sophisticated, than any of these options. Our new plan, however, incorporates elements of the options in the *Fourth Supplemental Notice* and reflects the ideas and suggestions expressed in many of the comments.

105. The pure strategies that were discussed in the *Fourth Supplemental Notice* do have the advantage of providing for a uniform rate structure for MTS and WATS service on the one hand, and private line services on the other. This is an important advantage because we have found that it is virtually impossible to eliminate discrimination among services while maintaining the current MTS/WATS structure and encouraging cost-based rates for other services. We have attempted for many years to eliminate unreasonable discrimination among private line, WATS, and MTS services. These attempts have imposed heavy burdens on users, carriers, and on the Commission, but have achieved, at best, mixed results. We conclude that the costs associated with the nontraffic sensitive plant used to provide these services must ultimately be recovered through charges based on the same rate structure.

106. These NTS facilities are essentially identical regardless of the service with which they are associated. Specifically, all of these facilities include access loops and associated wire and CPE that are dedicated to particular customers and allocated to the interstate jurisdiction. We have found in Part II. B, *supra*, that the rate structures for recovering the costs of these similar facilities are very different and result in unlawful discrimination. Only by charging for these facilities on a similar basis can the problems of discrimination be resolved.

107. Although the Pure 1 approach would have the advantage of charging all facilities on the same basis, we must reject the Pure 1 option. Comments by numerous participants have convinced us that bypass is an actual threat and present danger.[36] For this reason, and because of the dynamic economic distortions that Pure 1 would impose on the U.S. economy, we find Pure 1 to be an unacceptable solution.[37]

108. In the *Fourth Supplemental Notice*, we asked whether large users were likely to abandon the network if they were forced to pay prices equal to those paid by MTS users (the Pure 1 approach). Numerous comments indicated that bypass is real. Even with today's rate structure, which allows many large users to escape paying the full MTS rate through use of private line or other services, many large corporations and state, local, and federal governments are planning or using facilities that bypass the local loop. Newly available technologies such as digital termination service (DTS) and cellular radio provide valuable new services in their own right, but may also be used to provide uneconomic bypass if access pricing continues to diverge from cost. Alternative means of resolving unlawful discrimination among services (such as the plan proposed in the *Second Supplemental Notice)* would encourage still more bypass.

109. Because users have alternatives to the traditional telephone network, it is increasingly difficult to force heavy users to pay rates that greatly exceed their costs. Such users would abandon the network, leaving the small consumers who have fewer options with the full costs of the network. Indeed, attempts to overrecover cost from those groups most able to escape these charges may backfire and result in inferior service to large and small users alike.

110. Many participants responded to our expressed concern with the effects of uneconomic bypass by suggesting that we use our powers under Section 214 of the Communications Act, 47 U.S.C. 214, to deny authorizations to construct facilities that would bypass local telephone company facilities.[38] We reject that suggestion. We noted in the *Fourth Supplemental Notice* that a flat prohibition of bypass services would not be desirable because bypass services can serve functions that are not adequately served by existing telephone company services. We also noted that overpricing of telephone company services could lead to the substitution of bypass services that may in fact be more costly to provide than telephone company services that could serve the same purpose. We concluded that access charges should accordingly be designed to avoid this "uneconomic bypass" and invited interested persons to comment upon the compatibility of various pure or mixed NTS access plans with that objective.

111. We continue to adhere to this view. Development of bypass technology provides a competitive spur to ensure that the telephone system offers the type of service that is in demand and is technologically feasible. In many cases it may be appropriate to use some service other than the traditional wireline carrier. We are simply not in a position to determine what constitutes an uneconomic "bypass" service and what is a wholly new service that will attract a new set of users and enhance the ability of all users to make full use of telecommunications service-potential. For example, some comments assert that cellular services constitute a bypass technology. We have concluded, however, that cellular radio is a distinct service that serves distinct needs and that cellular service could be complementary to existing wireline service. Indeed, a given technology may be the efficient means of providing service to certain groups yet constitute uneconomic bypass for other services or groups.

112. In addition to the bypass problem, long run reliance upon usage-based prices for the recovery of fixed-costs will distort economy-wide investment decisions, artificially restrict calling patterns, and may jeopardize the competitive position the U.S. now holds in the world marketplace. In comments filed in response to the *Fourth Supplemental Notice*, NTIA has estimated that non-cost based pricing results in a $1.7 billion annual consumer loss due to repression of calls that would have been made at rates equal to cost. While we have some questions concerning the methodology used in this study, we find the prospect of losses of such a magnitude to be deeply disturbing.[39]

[36] *See, e.g.*, comments of Aeronautical Radio, Inc.; American Petroleum Institute; Association of Data Communications Users; AT&T and BOCs; Centel; Executive Agencies of the United States; Florida PSC; IBM; Ketchikan Public Utilities; Nevada PSC; NTIA; Pennsylvania PSC; Rochester Telephone; SBS; Southern New England Tel (SNET); Southern Pacific Communications (SPC); United Telephone System, Inc.; USITA; Western Union.

[37] Such distortions include the misdirection of investment and industry from paths that make the most productive use of communications to paths that respond to non-cost related communication pricing. For example, the development of computer and related technologies could be inhibited by such a rate structure.

[38] *See, e.g.*, NARUC and Rural Telephone Coalition comments.

[39] In an independent study, James Griffin estimates this loss (including the loss due to

113. Cost-based rates provide correct signals to the marketplace. Both investors and consumers are certain to respond to such cost-based rates by redirecting their behavior in ways that redound to the benefit of the U.S. economy. In the short run, substantial growth in toll calling could be expected as consumers make better use of the network. In the long run, technologies that make more intensive use of the telecommunications system will create even larger benefits. In an economy increasingly dependent upon information and communications, the dynamic losses caused by investment misdirection can no longer be afforded.

114. Arguments against the Mixed 1 option were similar to those leveled against Pure 1. As with the Pure 1 approach, rates for private line users would be substantially increased. As with Pure 1, it was argued that such substantial rate increases would result in bypass and in economic inefficiency. Several of these participants also argued that the means by which the contribution would have been allocated between private line and message services under Mixed 1 was arbitrary.[40]

115. We are persuaded that either the Pure 1 or Mixed 1 approaches would result in rates that are unrelated to costs for an important class of users and that any subsidy that could be collected from these rates would be shortlived. As users who are best served by the telephone network found lower priced (though higher cost) alternatives, society as a whole would be the loser and the public interest would be disserved.

116. The Mixed 2 plan would eliminate much of the discrimination between private line and message services through use of a ceiling rate. Telephone subscribers who make no use of the interstate network, however, would continue to pay nothing. Supporters of the Mixed 2 approach argued that this approach would resolve the bypass threat by greatly reducing the total bill paid by any large user, while continuing to allow small users and non-users to pay very little or nothing, maintaining universal service.[41]

117. We are convinced, however, that the Mixed 2 proposal, as described in the *Fourth Supplemental Notice*, is unworkable. The distribution of interstate calls by subscribers is highly skewed. A substantial portion of total callers make no calls in any given month. Under the Mixed 2 approach, such users would pay nothing. Heavy users are currently a small fraction of total users, but make a large majority of total calls. Such users would be protected by the maximum charge. The Mixed 2 approach, however, does not alter total revenue requirements. The costs allocated to the interstate jurisdiction are unlikely to fall as a result of the Mixed 2 approach. To recover revenue requirements, access tariffs would have to levy heavy usage charges on moderate users. These charges could be far in excess of the current payments. This approach could result in an inefficient and undesirable increase in the number of subscribers who make no interstate calls. As a result, telephone companies could find themselves unable to devise charges to meet their authorized revenue requirements. For these reasons, we conclude that the Mixed 2 approach is inappropriate.

118. Proponents of the Pure 2 approach[42] argue that Pure 2 corresponds with economic cost causation and that only the Pure 2 approach can eliminate bypass, encourage efficient use of the national telecommunications network, and be sustained in a competitive environment. Pure 2 would also resolve the discrimination between private line and message service, a fundamental objective of this proceeding. It would do so by charging all users in the same way. Only costs that vary on a usage basis would be recovered on a usage basis. Costs imposed on a non-usage basis would be recovered on a non-usage basis.

119. The majority of those commenting supported the Pure 2 option for the same reasons they found both the Pure 1 and Mixed 1 schemes objectionable.[43] They assert that the Pure 2 approach would enhance network efficiency in at least two ways. First, since under this plan charges would reflect costs, they claim that Pure 2 would eliminate uneconomic bypass. Only these alternative technologies that have real advantages over the telephone network would survive. Second, usage based rates could fall substantially since such rates would no longer recover NTS costs. As a result, telephone users would no longer artificially restrain their calling. Users could weigh the price of a call against the benefit that they would receive from a call, and would make that call whenever the value of the call is at least equal to its cost.

120. Opponents of the Pure 2 approach[44] make two arguments. First, some contended that we could not lawfully impose charges on end users. Access charges, they argue, must be paid from interstate carriers to exchange carriers. In the alternative, some argued that we could not impose charges on subscribers who make no interstate calls. Second, many argued that even if we could impose such a charge we should not. It was argued that Pure 2 would constitute a substantial step away from universal service since many users would be unable or unwilling to pay the flat fee for interstate access. Further, it was argued that the Pure 2 approach could lead to the loss of nationwide rate averaging. These drawbacks, it was felt, would be particularly severe in high cost rural areas. Some of these considerations have led us to reject the Pure 2 approach.

121. We reject the notion that we cannot impose a flat fee on subscribers, or that a subscriber must make interstate calls before a subscriber can be assessed such a charge. A subscriber who obtains a line to a local dial switch or a manual switchboard necessarily obtains access to interstate as well as local services. The cost of that access has traditionally been described as non-traffic sensitive because such costs do not vary with usage. A subscriber who does not use the subscriber line to place or receive calls imposes the same NTS costs as a subscriber who does use the line. A subscriber who does not make local calls would normally pay a flat fee

intrastate MTS pricing) as $1.5 billion annually. *See* James M. Griffin, "The Welfare Implication of Externalities and Price Elasticities for Telecommunication Pricing," *Review of Economics and Statistics*, February 1982, pp. 59–66. Certain assumptions underlying the results of this study are questionable or unclear. Nevertheless, while this Commission has been unable fully to corroborate estimates of damage, the evidence that significant harm results from current pricing structures seems strong.

[40] *See, e.g.*, Comments of Ad Hoc Telecommunications Users; Aeronautical Radio, Inc.; AT&T/BOCs; First Data Resources; GTE; IBM; Kansas Public Service Commission; NTIA; Pennsylvania PUC.

[41] *See, e.g.*, Comments of Rural Electrification Administration, Virginia Corporation Commission.

[42] Proponents of the Pure 2 approach include ABC/CBS/NBC; Ad Hoc TeleCommunications Users Committee; Aeronautical Radio; Association of Long Distance Telephone Companies; AT&T/BOCs; Business Telecommunications Corporation; Department of Justice (in reply comments); First Data Resources; GTE; IBM; MCI; Rochester Tel; SNET; SPC; Tel. Systems Management Corp., *et al.*; US Tel; USTS; Western Union.

[43] AT&T and many other telephone companies that had supported the tentative plan in their comments filed in response to the *Second Supplemental Notice*, reversed their earlier position and agreed with heavy users that Pure 1 is an invitation to bypass.

[44] Those arguing against the Pure 2 approach include the California PUC; Consumers Union, *et al.*; Florida PSC; Haviland Telephone *et al.*; Michigan PSC staff; NARUC; National Association of State Utility Consumer advocates; North Dakota PSC; Rural Electrification Administration; Washington UTC; Wisconsin PSC.

for the exchange portion of such costs. Imposing a flat charge for the interstate portion of those costs is equally reasonable. Any other procedure violates the general principle that costs should be recovered from the cost-causative ratepayer whenever it is possible to do so.[45]

122. We find more merit, however, in the second point raised by the opponents of Pure 2. We cannot ignore the problems which the implementation of Pure 2, especially its implementation on an immediate basis, would have upon universal service and rural subscribers. It has become quite clear to us that the major goals in this proceeding—the continued assurance of universal service; the elimination of unjust discrimination or unlawful preferential rates; the encouragement of network efficiency; and the prevention of uneconomic bypass—are to some extent conflicting and that there is no possibility of devising a "perfect" plan that would fully and immediately effectuate all of our goals. Rather, it has become clear that any acceptable plan must balance these goals in a satisfactory manner. For example, it would be unacceptable for the Commission to put a plan into effect that ameliorates existing efficiency, bypass and discrimination problems, but which, at the same time, had serious consequences for universal service.

123. Moreover, we recognize that the balance to be drawn is a very delicate one and that some adjustments may be necessary. For this reason, we have felt it necessary to move cautiously and have incorporated a transition period for our plan. We have also taken the special precaution of establishing a Universal Service Fund to protect the needs of subscribers in rural or high costs areas. We now proceed in the succeeding sections to describe our plan.

B. The Long Range Plan

124. We are adopting a transition plan that will produce steps toward a rate structure that promotes optimal utilization of telecommunications facilities and a long range plan that will recover significant portions of NTS costs through flat charges that are collected from end users by exchange carriers. We believe it will be possible to achieve that result at the end of a transition period without jeopardizing universal service. We will, however, keep CC Docket 78–72 open in order to conduct a proceeding in the fifth year of the transition and to receive periodic or special reports during the course of the transition period that will enable this Commission to make any adjustments that might be necessary.

125. Although the long range NTS plan will not be fully effective until the 1990's, the total plan will probably be more understandable if we begin with a description of that plan. Under the long range plan, different charges will be assessed for the interstate use of lines that are also used for local exchange service and the use of lines that are dedicated to interstate service. The latter category includes interstate WATS access lines. It also includes all private lines, including closed end FX or CCSA lines, that terminate in a PBX, key system, or other customer premises equipment that is not used exclusively for a particular interstate service.

126. The charges for the line that is commonly used for multiple services will reflect the interstate portion of investment in that line, associated NTS plant, and other investment and expenses that are attributed to that element. We will call these the "Common Line" charges. The charge for the other category, which we will call "Dedicated Access Line", will inevitably be higher because it will reflect the total or unseparated cost of these facilities.[46]

127. We have made some revisions in the existing cost allocations to reflect private line usage of certain station equipment that is in fact jointly used by common line users and users of any private line that terminates in a PBX or similar equipment. Such jointly used equipment is apportioned to MTS and WATS under the current cost apportionment procedures. We are also apportioning a pro rata share of investment in unused or reserve lines to the Dedicated Access Line element. These changes will correct anomalies in the existing cost apportionment methods that impose an unfair burden upon MTS customers. We have decided to refrain from apportioning costs to a private line category as a surrogate for a leaky PBX charge as proposed in the *Second Supplemental Notice.* 77 FCC 2d at 241. This problem is likely to become much less significant in the future because the access charge plan will remove much of the incentive for substituting private line service for MTS. Moreover, any remaining inequity will be at least roughly balanced by the assignment of investment in unused lines to the Dedicated Access Line element on the basis of relative use. An apportionment that was based upon projected use would probably apportion a smaller portion of that investment to the Dedicated Access Line element because common line use is likely to grow at a faster rate than private line use in the future.

128. We are also establishing a third NTS category for pay telephones. Although the NTS costs associated with pay telephone calls do represent fixed costs, it would be impossible to recover such costs through flat rates. We are accordingly prescribing usage charges that will be collected from end users when an interstate or international call is made from a pay telephone. We will call this element the Pay Telephone Element.

129. We have also decided that a portion of the common line revenue requirement should be recovered through a carrier's carrier charge. At the present time most interstate common line costs are reflected in nationally averaged MTS and WATS rates, but the compensation that exchange carriers receive through the settlements and divisions of revenues process reflects the actual costs of each carrier that participates in the pool arrangement.[47] When we adopted the *Second Supplemental Notice* we assumed that we could eliminate discrimination and preferences in end user rates for interstate services without drastically altering the telephone industry's voluntary pooling arrangement. We accordingly proposed to establish carrier's carrier access charges that would be uniform in all exchanges of all carriers and proposed that access charge revenues be pooled in essentially the same manner that MTS and WATS revenues are pooled now.[48]

130. Although some comments that were filed in response to the *Second Supplemental Notice* questioned the desirability of uniform access charges with pooling, comments from both large and small telephone companies generally supported that proposal. None of the telephone companies indicated that it would not wish to be included in any such arrangement.

131. After the settlement of the AT&T antitrust case was announced, we recognized that it would probably be necessary to create different arrangements for the preparation of any common tariffs and the administration

[45] *See Phase II Final Decision and Order in Docket 19129,* 64 FCC 2d 1 (1977); *see also First Report and Order in CC Docket 79–105,* (uniform system of accounts), 85 FCC 2d 818 (1981).

[46] Although we are describing this element as the "Dedicated Access Line" element, it does not include all lines that are dedicated to interstate services. Some of those lines or portions of such lines are included in the Special Access and Dedicated Transport elements.

[47] That arrangement is described in the *Second Supplemental Notice. See* 77 FCC 2d at 226–228.

[48] The pool we proposed at that time would have differed from the settlements/divisions pool in some respects. *Id.* at 238–239.

of any revenue pools. The *Fourth Supplemental Notice* invited comment upon a proposal to create an association to perform administrative functions that AT&T would have performed under the tentative plan in the *Second Supplemental Notice*. The *Fourth Supplemental Notice* also invited further comments upon some possible alternatives to nationwide averaging of access charges.

132. The most recent comments demonstrate that the telephone industry consensus no longer exists. The AT&T comments indicate that the BOCs do not wish to participate in common access tariffs or access revenue pools. Rochester, Continental and Centel have also indicated that they do not wish to participate in such arrangements. Many telephone companies and others have argued that nationwide averaging of access charges should be maintained. Some contend that nationwide averaging with pooling is essential to avoid severe hardships for some subscribers.[49] Such national averaging would allow below cost rates in high cost rural areas with attendent gains in universal service. Opponents of nationwide averaging argue that averaging results in a deviation of costs from rates and the prospect of inefficient use of the network.[50] Some contend that averaging might also have an undesirable effect on incentives to contain costs.[51] Uniform rates also limit a carrier's flexibility to meet unique circumstances, such as an unusual threat of uneconomic bypass or a reduction in universal service in the area served by a particular carrier. If we adopt rules that require every carrier to follow the same path, we will be hardpressed to satisfy legitimate needs of companies that require more rapid movement toward cost-based pricing and those companies that require a more gradual transition.

133. For reasons that are explained more fully in Part VI, we have decided that we should not require every exchange carrier to participate in common tariffs for all access elements. We have also concluded that some adjustment in flat end user common line access charges must be made in order to balance the critical need to move towards a rational cost-based pricing system for access plant with the maintenance of universal service. We do not anticipate that end user rates will ever reflect the full common line NTS costs of the highest cost carriers.

134. Costs of different local exchange carriers do vary. Many of these cost variations are attributable to factors that carrier management cannot control. The Docket 80-286 Joint Board has tentatively endorsed an industry proposal to include a high cost factor in any new separations formula for the apportionment of NTS plant. *Joint Board Order, supra*, 47 FR at 54485. Such a factor would represent a percentage of the NTS costs of high cost companies that would be added to a base factor percentage to determine the portion of such a company's NTS costs that would be allocated to the interstate jurisdiction. Such a percentage factor would necessarily take into account any increasing cost pressures caused by inflation or other factors. The high cost factor would promote or preserve universal service by enabling high cost companies to establish local exchange rates that do not substantially exceed rates charged by other companies. In view of the purpose such a factor would serve, we will describe it as a universal service factor in this *Report and Order*. Revenues attributable to the universal service factor will be described as the Universal Service Fund.

135. The purpose that the Universal Service Fund would be designed to serve would obviously be frustrated if all NTS costs were recovered through end user charges that reflect the interstate NTS costs of a particular exchange carrier. Any reduction in the local exchange rates of such a carrier would be offset by increased end user access charges. We have accordingly decided that common line costs that are assigned to the interstate jurisdiction as a result of the application of a universal service factor should be recovered through an access charge that is assessed upon interexchange carriers.

136. Many parties have called for the creation of a "life line" exception to any mandatory flat customer access charge. Life line services have been introduced in a considerable number of state jurisdictions. Such rates have not always provided benefits to the class of users who are the intended beneficiaries.

137. We are, nevertheless, prepared to entertain waiver requests from carriers who wish to provide "life line" options under the following circumstances. First, any such waiver request should state with specificity the terms and conditions which apply to life line service. Second, such waiver requests must specify the revenues which would be lost were such a life line option to be instituted. Third, such waiver requests must specify the specific adjustment to the customer access charge tariff which has been made to secure the revenues lost through the life line option. During the transition period these measures may be either an increase in the minimum flat rates or an increase in the usage charge imposed upon customers for access service. An increase in the transitional maximum charge will not be permitted. Of course, states continue to have full authority to modify existing life line rates for local exchange telephone service or to institute such rates should they believe it is necessary to ameliorate the effects of interstate access charges.

C. The Transitional Plan for Carrier Common Line Charges

138. Although we expect that revenues from the Carrier Common Line element will eventually be limited to the Universal Service Fund portion of the Common Line revenue requirement, substantial additional amounts must be included in that carrier's carrier charge during an interim period to avoid anomalous results that would occur if deaveraged end user rates for all other Common Line costs were implemented in 1984.

139. We have recently adopted a change in jurisdictional separations rules that will accomplish the phased removal of CPE from the interstate rate base. We decided to implement that aspect of our decision in *Second Computer Inquiry, supra*, in that manner in order to avoid an abrupt increase in local exchange rates that would result if the interstate CPE allocation were removed on a flash cut basis. The Joint Board has recently invited comment upon an alternative formula that will achieve the same results even if the divested BOCs do not have any CPE to allocate after the divestiture occurs.[52]

140. The purposes of the phased removal of CPE or the allocation of surrogate CPE costs would be frustrated if costs assigned to the interstate jurisdiction to limit increases in local exchange service rates were added to end user access charges. Such a cost assignment could have the same effect upon end users as a local rate increase. In these circumstances, we have concluded that it would be more appropriate to recover such costs through a carrier's carrier charge. Since

[49] *See especially*, Haviland Telephone Company, p. 7; Ketchikan Public Utilities, p. 2; Michigan Action Groups, p. 6; Rural Telephone Coalition, p. 14; REA, p. 8; Curtis M. Bushnell, p. 2; First Data Resources Reply, p. 16; NARUC Reply, p. 2.

[50] *See, e.g.*, comments of AT&T; Centel; Continental Telecom; GTE (in the future); NTIA; Rochester Telephone; SNET; Cincinnati Bell; USTS; Vermont PSB; Western Union.

[51] *See especially* Rochester Telephone, p. 34.

[52] The alternative formula is described in Part IV. D. of the *Joint Board Order*.

such costs will disappear four years after the access charges become effective, the exclusion of such costs from End User Common Line charges will avoid churning effects upon End User Common Line charges that could make the transition to a new rate structure unnecessarily difficult.

141. Similar considerations warrant the exclusion of inside wiring costs from End User Common Line charges. Inside wiring that was capitalized as investment before this Commission required the expensing of inside wiring is being amortized and will disappear from the rate base in the early 1990's. We are also considering proposals to remove expenses associated with the installation of new inside wiring from interstate rate computations.[53] It would be inappropriate to add such costs to new flat charges imposed upon end users in view of the uncertainties with respect to the future status of inside wiring. It would also be inappropriate to recover inside wiring or CPE costs through a per line charge because there is little or no relationship between CPE or inside wiring costs of a particular subscriber and the number of loops used by that subscriber.

142. The present *Separations Manual* apportions NTS plant on the basis of a factor, which is called the Subscriber Plant Factor or SPF, that has been computed separately for each "study area." A study area normally means the area served by a particular telephone company within a particular state. The current factors differ widely from one study area to another and many companies that probably will not be classified as high cost companies have interstate NTS costs that are substantially higher than the national average because they happen to have a higher interstate SPF. If deaveraged end user rates were implemented under the present circumstances, their customers would be subjected to excessive rate increases.

143. The Joint Board is presently considering a number of alternatives to the current factors that would not be likely to produce such results. Any new factor that differs significantly from an existing factor is, however, likely to be phased in over a transition period. In these circumstances common line costs other than Universal Service Fund (USF), CPE and inside wiring costs that exceed an appropriate cut-off will be assigned to the Carrier Common Line element for an interim period.[54]

144. An additional assignment to the Carrier Common Line element is also desirable to place some limit upon the flat end user charges that carriers would be permitted to adopt during the transition period for End User Common Line charges. In view of all of these considerations, we have decided that, in 1984, Common Line revenue requirements that exceed $4 per line per month should be allocated to the Carrier Common Line charges.

145. The rules we are adopting establish a five-year transition period for the elimination of Common Line costs other than USF, CPE and inside wiring costs from the pooled Carrier Common Line charges. Common Line costs other than USF, CPE and inside wiring could be described as the third component of a Common Line revenue requirement. This third component contains all the residual costs. For each local telephone company, this total residual amount is calculated as follows:

Total interstate per line residual amount = total Common Line per line revenue requirement − $4. − (CPE + USF + Inside Wiring).

146. Over a five year period, the total residual amount is to be allocated annually between the End User Common Line charges and the Carrier Common Line charge under the following formula:

Year	Percent	
	Carrier contribution to total residual amount	End user contribution to total residual amount
1984	100	0
1985	80	20
1986	60	40
1987	40	60
1988	20	80
1989	0	100
1990	0	100

147. Thus, in the first year of the transition period these residual costs will be recovered fully through the Carrier Common Line charges imposed on all providers of interstate switched services. In the second year, only 80 percent of the residual costs for that year will be recovered from carriers, with 20 percent recovered from end users.

148. We recognize that end user charges constitute a substantial departure from the historic means of cost recovery. Exchange carriers are unfamiliar with this new system. Such carriers, especially small carriers that are unable to devote substantial resources to this task, might be subjected to unnecessary risks if forced to move immediately to full recovery of subscriber plant through subscriber charges. The Carrier Common Line charges, administered through the exchange carrier association, offer a limited degree of risk sharing and increased certainty to these exchange carriers in the early years of the new environment. The fairly rapid reduction of such charges through the transition appears likely to limit uneconomic bypass substantially during the transition to cost-based pricing.

149. The Carrier Common Line charge will also provide the mechanism to adjust the prices charged interexchange carriers for access to reflect differences in access quality. To achieve this result, we have required that the Carrier Common Line element be subdivided into two charges. The first charge, a usage charge, will be imposed upon all interexchange carriers. The second, a premium access charge, will be imposed upon only certain carriers described below.

1. The Usage Charge

150. This charge shall be calculated on a straightforward minutes of use basis for services using common lines (*e.g.*, MTS, WATS, FX, and OCC-ENFIA). This charge shall be levied on a nationwide equal per minute basis regardless of the costs of particular originating or terminating exchange carriers, the length of haul, or the rate charged by the interexchange carrier. An exchange carrier association, described in Part VI, shall be responsible for tariffing and collecting both the premium charge and this usage charge and distributing revenues to all participating carriers.

2. The Premium Access Charge

151. There is little disagreement that the quality of interconnection now received by the OCCs[55] through their ENFIA A arrangements is distinctly inferior to that received by the traditional interexchange partnership (predominantly AT&T). Indeed, it appears that the level of interconnection received by the OCCs even under ENFIA B and ENFIA C arrangements (if

[53] *See Deregulation of Customer Premise Inside Wiring*, 86 FCC 2d 885 (1981); *Notice of Proposed Rulemaking*, (CC Docket No. 82-681), 47 Fed Reg. 44770 (October 12, 1982).

[54] *See* Subpart F of the rules.

[55] The term "Other Common Carriers" or "OCCs" is often used to describe carriers other than telephone companies. The term "OCC" is used in the context of this *Report and Order* to describe an interexchange carrier that offers an MTS/WATS equivalent service such as Execunet or SPRINT.

available) is inferior to that received by the partnership.[56] Such quality differences would give a substantial advantage to the carriers that offer MTS and WATS unless access pricing is adjusted to account for quality differences until equal interconnection is available to all interexchange carriers. It is not clear, however, that this inferior level of interconnection is any cheaper to provide. Cost-based pricing would appear to require that all carriers pay their full costs regardless of any quality differences.

152. Over the past several years, BOCs have been compensated for use of their facilities for OCC interconnection through the ENFIA tariff. That tariff provides a 45 percent discount from the "SEP" amount, *i.e.*, the amount that AT&T calculates that BOCs receive for exchange access through the division of revenue process. This arrangement is the result of compromise, and was adopted only as an interim measure, until the issues involved in this proceeding are solved and an access charge devised.

153. While the OCCs have generally sought a continued rate differential, few participants in this proceeding now assert that any differential should take the form of a "discount". Southern Pacific argues, however, that the existing OCC rate should not be described as a discount since the concept of discount implies that the same good is being provided. While we shall not dispute that definition of discount, cost-based pricing does not appear to allow non-cost based rates, including reductions below the cost of service, regardless of whether the service being provided is inferior to an equally costly service provided others. Instead of justifying an OCC discount, MCI claims, in reply comments, that an AT&T surcharge is appropriate.

154. If the type of access received by AT&T can be provided only to one carrier (at least in the short run), then even if it does not cost much to provide this access to that one carrier, this access has an "opportunity cost" that is equal to the amount that other carriers would be willing to pay for this preferred access. The cost of providing the favored carrier with this unique level of access includes the denial of this access to other carriers. Those carriers who receive the level of service that could be provided to any number of carriers would pay the full costs of this service. Carriers who receive the premium access service would pay the observable costs and an additional amount reflecting these opportunity costs. A surcharge for such premium access could theoretically be computed to reflect such opportunity costs, but it would probably be necessary to conduct an auction to determine the amount a carrier would pay for such premium access. We have decided that an auction would not be feasible. We will, however, assess a charge upon AT&T and its interexchange partners that will reflect an estimate of premium value. We will describe that charge as the premium access charge. We will not, however, permit exchange carriers to recover premium value in addition to a total revenue requirement that is computed in the usual manner. The premium access payments will be deducted from the Carrier Common Line revenue requirement in order to compute usage charges.

155. Revenues collected from the premium carrier need not flow to the exchange carrier having the greatest value of premium access. Indeed, if exchange carriers were able to levy premium access charges, such exchange carriers would have strong incentives to continue to offer preferential service for a longer period than would be necessary. We have concluded, therefore, that the premium charge should be levied by the exchange carrier association on a nationwide basis.

156. By September of 1986, the quality of interconnection generally available to OCCs will have to be far closer to the quality of access offered the premium carrier because of MFJ requirements. Even then, however, there will still be differences having potential advantages to a premium carrier, including the premium carrier's position as fallback carrier for current subscribers not specifying some other default carrier, and the continued unique premium access to nonelectronic and small switches. This residual premium access will have some value, but will have a value far smaller than is given by its present position. A decreasing surcharge is, therefore, appropriate.[57]

157. A premium charge might be levied as either a lump sum or a per minute charge. We have determined that a lump sum approach serves the public interest. The value of premium access does not depend on the actual rate structure selected by the premium carrier or the usage generated through that rate structure. Rather, it depends on the value of premium access in its best alternative use. This value is constant without respect to the behavior of the particular carrier receiving premium access.

158. Thus, for example, the premium carrier may make investments to expand its network or reduce blockage in hopes of stimulating increased call volumes. If the premium charge were assessed on a usage basis, these investments might not be made even if they would redound to the benefit of the calling public. By levying a lump sum charge on the carrier receiving premium access, this distortion is avoided. The economic justification for a premium charge is, therefore, consistent with a lump sum charge rather than with a usage based premium charge.

159. We have invited proponents of a large or a small differential in the access compensation paid by OCCs and the telephone company partnership to submit a case for a particular differential both in this docket and in proceedings relating to the ENFIA agreement. Those participants have apparently been unable to produce submissions that have much evidentiary value. In these circumstances, we necessarily must exercise our best judgment to establish an appropriate premium amount.

160. The Element 3 discount in the ENFIA agreement was designed in part to reflect an estimate of the value of differences in access arrangements by the parties to that agreement, but that discount would not establish an appropriate 1984 premium even if that discount could be readily translated into a premium. We noted in *Extension of ENFIA Agreement, supra,* 90 FCC 2d at 16, that the formula for the computation of ENFIA charges was probably designed to produce a charge that would be higher than the FX Open End charge and lower than a charge that would replicate the compensation BOCs receive from the division of MTS revenues. This was apparently perceived to be necessary to achieve equity in view of access compensation disparities between MTS and FX.

161. The existence of those disparities was an important factor in our decision to extend the ENFIA agreement without altering the Element 3 discount factor. We said (*id.* at 16–17):

We believe it is still reasonable to allow OCCs to pay charges that are lower than MTS/WATS access charges and higher than

[56] ENFIA A provides interconnection to the line side of a Class 5 switch, ENFIA B provides interconnection to the trunk side of a Class 5 switch, and ENFIA C provides interconnection through a tandem switch.

[57] Nothing in the record causes us to expect any carrier other than the AT&T partnership will receive premium access. Improved access received by other carriers appears to reduce the vaule of AT&T's premium, but not to constitute a replacement of AT&T as the premium carrier. Our prescribing the gradual elimination of the premium access charge reflects our belief that exchange carriers will quickly move toward equal access.

other access costs during the interim period. That interim period will, of course, end when access charges are established pursuant to the rules we are prescribing in CC Docket No. 78-72.

162. The access charge rules we are adopting do eliminate those disparities. We would have adopted a smaller discount factor when we extended the ENFIA agreement if that factor had been designed for the sole purpose of reflecting the value of qualitative differences between ENFIA and MTS/WATS access. We would have made a further reduction in the ENFIA Element 3 discount if ENFIA Element 2 had been computed to reflect differences in switching costs that will be reflected in our rules for the computation of charges for the Local Switching element. See Part IV.A, *infra*. A smaller premium is also necessary because OCCs will be receiving some access before and during 1984 that is better than the ENFIA A arrangements that existed at the time the ENFIA agreement was negotiated. Nothing has occurred during the years since the ENFIA agreement was signed that would indicate that the parties to the ENFIA agreement overestimated the value of the qualitative differences in OCC and partnership access arrangements. Therefore, the 1984 premium should be smaller than an amount that would replicate the present ENFIA discount.

163. Nevertheless, a substantial premium access assessment is required in 1984 because significant disparities in the quality of access will exist during that year. Those disparities will continue to provide AT&T with a significant competitive advantage.

164. Although we have not approved a differential in access compensation to provide artificial advantages for new competitors, we are, of course, mindful of the adverse effect than an abrupt elimination of access compensation disparities could have upon competition under existing conditions of unequal interconnection. In view of the uncertainties with respect to the magnitude of premium access value and the future progress to equal access, we have decided that a phased elimination of the access compensation differential is justified in order to encourage full and fair competition. That course is consistent with our determination in this proceeding that a competitive interexchange market will produce significant public benefits.

165. We have decided to implement that decision by using the dollar amount of the interstate CPE costs or surrogate CPE costs of all local exchange carriers to determine the premium access assessment.

166. Those costs have been fixed through our decision to remove a base amount from the interstate rate base during a five year transition period that begins in 1983. Thus, the interstate CPE costs will be declining at the rate of 25 percent per year during the first years that access charges are in effect. Disparities in the quality of access arrangements for OCCs and premium carriers will be phased out during approximately the same time frame.

167. We also believe that 1984 interstate CPE costs, which we estimate to be about $1.4 billion, will correspond with our present estimate of 1984 premium access value. Such an assessment will be substantial and is likely to be significantly smaller than an assessment that would replicate the ENFIA A Element 3 discount. The use of CPE costs also serves administrative convenience.

168. We cannot, however, be certain that the decline in the premium value will correspond to the decline in CPE costs. We have accordingly described the CPE costs as a default formula for the computation of the premium in the access charge rules. Section 69.207 of the Rules says that premium access shall be equal to a CPE or CPE surrogate revenue requirement "[i]n the absence of a Commission order designating the premium access portion * * *." We do not intend to designate a different amount for the 1984 premium assessment, but we may designate a different amount in subsequent years if we have reason to believe that premium value is declining at a much faster or slower rate than the interstate CPE costs.

D. Transitional End User Common Line Charges

169. Although the allocation of Common Line costs to Carrier Common Line charges should be sufficient to offset anomalies that could result from the application of transitional separations factors, this would not be sufficient to avoid the disruptive effects of immediate implementation of flat charges for the entire end user portion. The introduction of a $4 per month per line charge for residential end users on a flash cut basis could create an undue risk that a number of residential users would choose to cancel local exchange service.[58]

170. As we noted in the *Fourth Supplemental Notice*, we are quite concerned about the impact of flat charges for NTS costs, and especially a sudden shift to flat charges, on small users and on subscribers in high cost areas. Despite the attractiveness of such flat charges from the standpoint of economic efficiency, we are unwilling to require immediate implementation of flat charges for the entire end user portion. The guidelines that we adopt, however, constitute a gradual transition to a new approach to compensation for interstate access that balances the goals of the Communications Act in a manner that best serves the public interest.

171. Many participants who found at least some flat charges acceptable or desirable argue that a transition period is appropriate.[59] Such a transition would allow subscribers and telephone companies the opportunity to adjust to the new environment. Other participants take the opposite view that a flash-cut approach would be most appropriate.[60] Such a flash cut would allow cost-based pricing immediately to go into effect and confer the economic advantages of flat charges that much earlier.

172. We have concluded that a transition to the flat End User Common Line charge we require is appropriate. A gradual transition allows a more comfortable adjustment to the new economic realities. If the timing of the transition is known, the dynamic efficiency losses that result from failing immediately to move will be small. The extremely long transition advocated by MCI appears unnecessary.

173. The gradual transition we are adopting has several advantages that, we believe, will outweigh any drawbacks. First, it establishes a schedule for movement to a cost-based access arrangement over a medium length period. Companies that have invested heavily in technologies made economic only by the continuance of uneconomic and non-cost based prices will have several years in which to amortize these investments. A pre-set transition will encourage investors to target new investments on technologies that are consistent with the underlying costs of the network and hence on the most efficient possible use of the nationwide telecommunications system.

174. A pre-set transition plan like the one we are adopting has the advantage of providing some certainty to those who must make investments in communications technologies. A fairly rapid movement toward cost-based

[58] Possible effects of access charges upon the universality of service are discussed in Appendix G.

[59] *See, e.g.*, Comments of Ad Hoc Telecommunications User's Committee; AT&T; MCI; NTIA; Pennsylvania PUC; SNET; SPCC; United Telephone System, Inc.; USITA; U.S. Tel.; Vermont PSB.

[60] *See, e.g.*, Comments of Aeronautical Radio, Inc.; GTE; Rochester Tel; Tel. Systems Management Corp., *et. al.*

pricing can allow time for corrections in past investment, yet new investments would be made with the forthcoming prices in mind. It appears unlikely that any company would spend the thousands or even millions of dollars necessary to take advantage of the variance between price and cost during the transition if it understands that the gap is to be reduced year by year, until it is completely eliminated at the end of a mid-length transition period. Thus, while the transition plan incorporates some features in the Mixed 2 plan in the *Fourth Supplemental Notice,* it will not have the fundamental flaw that the maximum rate must remain many times higher than cost.

175. We believe that a more lengthy transition would unnecessarily delay the advantages of cost based rates and might encourage unnecessary bypass and inefficient development of the economy. While the seven-year transition plan we have adopted might appear unnecessarily slow to some users and exchange carriers, the flexibility it provides will allow those carriers who feel compelled to move rapidly the opportunity to do so, while not forcing all carriers to adjust at this same pace. The details of the transition plan are explained in the next subpart and in Subpart C of the access charge rules.

E. End User Common Line Rate Structure

1. The Minimum Change

176. As we have already indicated, the End User Common Line charges will meet an increasing share of total NTS costs assigned to the interstate jurisdiction. This element, combined with the Carrier Common Line charges, will recover most of the costs of subscriber plant, including CPE, inside wire, outside wire (*i.e.,* the drop line and interface) and loop costs allocated to the interstate jurisdiction. All of these costs are non-traffic sensitive and, for the most part, are dedicated to particular consumers. (Only party line loops and any investment associated with coin phones are non-dedicated.)

177. During the transition period for End User Common Line charges we shall require that the access tariff include a minimum flat fee of at least two dollars per month for each residential common line. This payment shall be imposed regardless of whether the particular customer makes or receives any interstate calls. The minimum business line customer charge shall be four dollars per common line loop per month. The difference in these charges should reflect the typically higher interstate revenue requirement generated by business lines as compared to residential lines. In addition, we believe that this differential should reduce the incentive a business subscriber might have to use its dedicated facilities in a way calculated to reduce the usage sensitive portion of its access charge, solely to escape usage payments.

178. We also believe that a differential in the transitional minimum charges for business and residential customers is justified because we have selected a low residential minimum in order to avoid an adverse effect upon universal service. Minimum charges for business customers are unlikely to have any meaningful effect upon universal service because demand for business local exchange service—at least for a single line—tends to be inelastic. We have, however, concluded that some limitations should be imposed upon carrier discretion to select a higher minimum rate. Section 69.203 of our Rules precludes any carrier from establishing a business minimum charge that is more than 200% of the residential minimum charge.

2. The Usage Charge

179. The difference between the minimum flat fee (which must be at least two dollars per month per line for residence and four dollars per month per line for business) and the total revenue requirement associated with the end user charge (four dollars per month per line in the first year and increasing amounts in later years) may be recovered through a usage charge, up to a maximum.

180. Traditionally usage has been measured on the basis of minutes of use. The *Fourth Supplemental Notice* had suggested that a per call (rather than per minute) usage measure might be more appropriate for any usage component in the end user access charge. Because nontraffic sensitive costs do not vary with minutes or number of calls, we find neither of these approaches to be clearly superior in all cases. The selection should be based on which will lead to the smaller distortion in usage patterns.

181. Charging users on a per minute basis will encourage users to make shorter calls than they would under efficient pricing. Charging users on a per call basis would encourage them to make fewer and longer calls. Once customers make a call they would have an incentive to communicate as long as efficient, but this efficiency gain must be evaluated against the efficiency loss of fewer calls.

182. The selection of a measure of usage should be based on relative elasticities of demand.[61] If most short calls are made to convey pressing information, the per call charge would not discourage too many callers and this alternative would be desirable. If this is not the case and customers would be willing to make fewer calls or take advantage of patterned calling (*e.g.,* making collect or person-to-person calls that are designed to be refused but to convey information in the request), the per minute option would be preferable. Either a per call or a per minute charge could be used as a valuable component in our transitional plan. Such a charge could be set in order to recover revenue directly from end users (rather than carriers) while prolonging the period before all rates are set on a flat basis. In the *Fourth Supplemental Notice,* we expressed our belief that the elasticity and measurement cost conditions might warrant a per call charge. Several of the comments suggest that under a Mixed 2 option the per call fee would be so high that it would discourage large numbers of calls, and that a per minute charge would be more appropriate. Under the rate structure we have prescribed the per minute or per call charge would be substantially lower than would be necessary under a zero-based Mixed 2 option. We have concluded, however, that the selection of a measure of usage should be left to the exchange carriers. It is certainly possible that different carriers may face customer demands of varying elasticities. The choice that is appropriate for some may be inappropriate for others.

3. The Maximum Charge

183. Because common lines are similar to dedicated interstate lines, we shall require that the maximum collected on any such line through end user charges (the sum of the minimum and any usage payment) be less than or equal to the rate established for dedicated access lines. Throughout the transition period we shall require that no one customer be charged in excess of a pre-set maximum. To eliminate unlawful discrimination among services, the maximum should be no more than the rate that a customer would pay as an end user Dedicated Access Line charge.[62] In special cases, however, we may allow local companies facing hardship in meeting our requirements to raise the maximum and

[61] For a discussion of how relative elasticities of demand are related to cost recovery, *see* W. J. Baumol and D. Bradford, "Optimal Departures from Marginal Cost Pricing," American Economic Review, vol. 60, pp. 265–283, June, 1970.

[62] *See* § 69.205 of the rules for a description of the computation of maximum rates in each transition year

the rate charged for the Dedicated Access Line element above the Dedicated Access Line per line cost. Such an exception would be allowed only as a temporary expedient in the early years of the transition.

184. In each of the five years subsequent to the introduction of the access charge, the maximum allowed each carrier shall be reduced by 10 percent, but shall never fall below total interstate costs. The exchange carrier or the exchange carrier association may adjust either the minimum, usage component, or both to recover revenue. At the end of the five year transition period, the highest maximum allowed would be reduced to 50 percent of its initial level and all Common Line costs, other than the Universal Service Fund and inside wiring costs would be recovered directly from end users.

185. For the last two years of the seven year transition period, we shall allow exchange carriers to continue to recover their End User Common Line revenue requirement through such a combination of flat fee minimum charges and usage charges with the pre-set maximum. Exchange carriers facing substantial bypass threat may wish to introduce flat rate pricing for recovery of all End User Common Line costs early in the transition period. In areas where bypass is a smaller threat, the more gradual transition permitted by continuing to allow usage recovery (to a maximum) appears to have benefits that outweigh the costs.

186. A maximum End User Common Line charge that is no greater than the price paid for a dedicated interstate loop (such as that associated with a closed end WATS line) or an interstate closed end FX line will allow heavy users to make a more rational choice among private line, MTS, WATS or FX service. It would resolve fundamental problems facing this Commission in this and other proceedings. The maximum is also desirable in its own right to reduce the threat of bypass. Since a substantial share of non-traffic sensitive costs is to be assigned to the End User Common Line element and recovered through minimum and maximum charges, the portion of NTS costs recovered in usage sensitive interstate rates will be substantially reduced. Heavy users, therefore, will find message rates that are dramatically reduced toward costs and would find bypass a less desirable option. The expectation of further reductions in both the maximum and the usage charge will further reduce the dangers of uneconomic bypass.

187. Generally, the usage charges will be imposed upon originating callers. We find, however, that it would be inappropriate to assess a usage charge upon the originating caller for certain calls that have traditionally been charged to the recipient. These include collect MTS calls, IN-WATS calls, and calls to an FX or CCSA subscriber that originate at the open end. The purposes that these services were designed to serve would be frustrated if usage charges were assessed to the originating caller.

188. It would be difficult to assess such usage charges directly to the party who receives the call because that end user will normally be served by a different local exchange carrier. We have, therefore, decided to impose a charge upon the interexchange carriers that provide such services as a surrogate for usage charge upon the recipient of the call. Such surrogate charges will, of course, be reflected in the interexchange carrier's charges to recipients in a manner that indirectly recovers appropriate costs from such recipients.

189. We have described this surrogate charge as a "transitional surcharge" in our Rules. Section 69.206 of the Rules describes the formula for computing the transitional surcharges. Although the transitional surcharge will be a carrier's carrier charge, it is an integral part of the transition plan for End User Common Line charges. Transitional surcharge revenues will be deducted from the End User Common Line revenue requirement in order to compute the usage charges that are assessed directly to end users.

190. As ENFIA A access is currently provided, it is difficult for some exchange companies to attribute usage to originating customers. It might appear difficult, therefore, to apply the usage sensitive charges and the maximum charge to these services. One solution is to develop a surrogate charge for these services. We believe, however, that coordination of billing between the exchange carrier and the interexchange carrier offering ENFIA A service is more desirable, efficient, and non-discriminatory.

191. In this *Report and Order* we require local exchange carriers to offer billing services to all interexchange carriers if they offer billing services to any. *See* Part IV. C, *infra*. We anticipate that the OCCs will take advantage of exchange carrier billing services and will submit their calling records to the exchange carriers doing the billing. The exchange carriers can, and are expected to, compare the identities of ENFIA A or C callers with their own subscriber rolls, coordinate calls and callers made over ENFIA A or C lines with calls made over other types of interconnection, and bill the end user with a usage charge appropriate for the totality of interstate calls made. If OCCs take advantage of exchange carrier billing services, or if ENFIA A or C minutes can be attributed to end users without this service, no surrogate charge is necessary.[63]

192. So long as the maximum End User Common Line charge differs from the minimum, we must deal with the incentives that might encourage heavy use of one line for interstate and other lines for local or intrastate toll calling. We have considered two options. First, all users, business or residential, could be required to pay the maximum for all lines in addition to their first line. Alternatively, total usage could be aggregated and divided over total lines regardless of use.

193. Transitional issues become important in making that choice. While such users should not expect to be subsidized in the long run, it might be unjust and inefficient to require them to pay high rates if they made their original investments in good faith and with the expectation that the current pricing structure would continue. Furthermore, the number of lines is likely to be a very poor proxy for ability to pay. Such users appear entitled to the benefits of a transition.

194. We, therefore, shall require customers having multiple lines to pay as if their calling had been spread evenly over all of their lines. Because the total usage of all of these phones is aggregated, customers would have no incentive to load all interstate calling inefficiently on any one line. Moreover, the transition plan will tend to limit the willingness of any user to distort investment strategies in response to differences in single line and multiline rates.

F. Monitoring of the Effects of End User Charges

195. We are well aware that the plan we adopt today constitutes a significant departure from interstate pricing approaches developed in a monopoly environment. We are totally committed to insure that this approach does not lead to a disruption of our nation's telecommunications system or to the elimination of universal service. That commitment is reflected in our decision to exclude Universal Service Fund costs from end user charges before and after the transition periods that are described

[63] We are not including such a surrogate charge in the rules we are adopting, but will consider waiver petitions to permit such surrogate ENFIA A charges if a carrier demonstrates that it would not be feasible to collect the charges from end users. We would expect a strong showing that alternative methods are not feasible.

in this *Report and Order*. That commitment is also reflected in our decision to conduct another notice-and-comment phase of this docket before taking the final steps in the transition to flat rate end user charges.

196. In view of the importance that we attach to the universal service objective, we have decided that this Commission should also monitor the effects of the implementation of end user access charges during the transition period. We are accordingly directing the Common Carrier Bureau to develop and present to us a monitoring system designed to insure that any developments based upon our access charge plan which threaten the "universal" character of service are brought to our attention in sufficient time for us to be able to take ameliorative action. We further direct that such a plan be in place on or before January 1, 1984, the date of institution of access charges. This monitoring plan should be designed to place as little a burden as possible upon the small businesses which constitute the overwhelming majority of our nation's telephone systems. The Common Carrier Bureau is directed to present to us within 90 days of the release of this *Report and Order* its proposal for such a monitoring program.

IV. Guidelines for Recovery of Traffic Sensitive Costs

197. In the *Second Supplemental Notice* we presented a plan to prescribe access charges for four categories of interstate service: MTS/WATS; FX/CCSA open-end access; private line; and OCC-ENFIA. Because it would have included toll connecting trunks which did not carry exchange traffic, we rejected the definition of "exchange circuit plant" appearing in the *Separations Manual* as a basis for defining the investment to be included in the access revenue requirement. Instead, in order to determine the investment that would be allocated to exchange access services, we defined "exchange plant" as plant used to furnish both toll and local service. Investment in other plant, called interexchange plant, would be excluded from the access revenue requirement. 77 FCC 2d at 239–240.

198. We had proposed that investment in exchange trunk outside plant (OSP) used jointly for exchange and toll message service (exchange trunk OSP in Category 1.22) and related exchange trunk circuit equipment (central office equipment in Category 8.12) be distributed among the three message service categories on the basis of minutes of use. Investment in exchange plant used for private line services and related equipment was to be directly assigned to the private line category. (OSP linking end offices and toll offices, however, was to be excluded and considered interexchange plant.)

199. Investment in traffic sensitive Category 6 central office equipment (local dial switching equipment) was to be distributed among the message access service categories (MTS/WATS; OCC-ENFIA, and FX/CCSA) on the basis of relative dial equipment minutes (DEMs), except for that portion directly assigned to private line services like CCSA. We proposed to rely on the factors specified in the *Separations Manual* for allocating investment in other traffic sensitive plant among the four access service categories. Direct investment in traffic sensitive equipment unrelated to OCC exchange access, however, was to be excluded from exchange plant. If *Manual* factors could not be used, we proposed at least to rely upon *Manual* principles or, alternatively, relative minutes of use to distribute the cost of the remaining traffic sensitive plant among the service categories.

200. Because the costs and revenues associated with interstate FX and CCSA open-end access services have been treated as intrastate, we found it necessary to adjust the revenue requirement for each access service category to reflect a credit to the FX/CCSA category. Only in this way could we prevent a double charge to users of this interstate service. By the time our access charge plan is implemented, however, we expect that the *Separations Manual* will be revised. We note that the Joint Board has unanimously proposed that the investment, expenses and revenue attributable to interstate FX and CCSA open-end access services be treated as interstate costs and revenues.[64] Thus, when the access charge tariff replaces the intrastate tariff for these services, there should be no need to make the proposed credit adjustment.

201. To compute the access charge for each message service, we proposed that its revenue requirement be divided by total holding time minutes of use for that category to obtain a charge per holding time minute of use. An interstate carrier using that message access service would then pay the local carrier an amount equal to the product of that unit charge and that carrier's holding time minutes of use.

202. The MFJ is, of course, a supervening event that occurred since we released the *Second Supplemental Notice*. The MFJ not only requires AT&T's divestiture of the BOCs, but also imposes upon the BOCs the obligation to provide exchange access to all interexchange carriers equal in price and quality to that provided to AT&T. Recognizing that facilities to provide such access do not presently exist, the MFJ sets a timetable for phasing in the required equal access. Each BOC must begin to offer such access to all interexchange carriers no later than September 1, 1984.[65] BOCs must file tariffs (to be effective on the date of divestiture) which will govern BOC provision of exchange access to all interexchange carriers.

203. Tariffs described in the MFJ must meet the following general criteria:

(1) That they provide unbundled schedules of charges for all exchange access services, including those provided to AT&T (MFJ, App. B, Section B, para. 1);

(2) that they discriminate against no carrier or other customer (MFJ, App. B, Section B, para. 1);

(3) that they require interexchange carriers to pay only for the type of access they use (i.e., no "take it or leave it" bundling of services) (MFJ, App. B, Section B, para. 2);[66]

(4) that their charge for each type of exchange access must be cost justified (MFJ, App. B, Section B, para. 2).[67]

204. The MFJ defines "exchange access" to include any activity or function that a BOC performs in connection with the origination or termination of interexchange telecommunications. The judgment envisions a tariffed "menu" of such services from which an interexchange carrier may select the options it wants. It expects that each BOC will unbundle the rates for as many of these services or functions as technology will permit. The goal of this requirement is to give an interexchange carrier maximum flexibility in requesting and paying for

[64] *See Joint Board Order, supra*, 47 FR at 54495.

[65] By September 1, 1985, equal access must be available through end offices serving at least one-third of that BOC's exchange access lines. Unless a BOC obtains a waiver of the schedule requirements, equal access through each of its end offices must be available by September 1, 1986. Such a waiver is available only for end offices using electromechanical switches or serving fewer than 10,000 access lines. To receive the waiver, the BOC must show the Court that for particular categories of service the cost of equal access through such end offices outweighs the potential benefits to users of telecommunications services. Any denial of access based on this exception must be minimized both to its extend and duration. *See MFJ*, App. B, Section A, para. 3.

[66] Nothing in the decree precludes a BOC from also offering exchange access superior or inferior in type or quality to that provided AT&T at charges reflecting the increased or reduced cost of access.

[67] This means that differences in charges must be justified on the basis of differences in services.

the precise type of exchange access it requires.

205. As the Competitive Impact Statement prepared by the Department of Justice makes clear,[68] the MFJ does not purport to prevent the Commission from prescribing access charges to recover BOC costs allocated to exchange access by jurisdictional separations that do not satisfy all the conditions imposed by the MFJ upon carrier initiated tariffs. Its intent is only to require that, given the Commission's ground rules, the BOCs use a cost-based tariff structure, non-discriminatory in effect, to differentiate among the access charges they levy for each element of service.[69]

206. In the *Second Supplemental Notice,* we had concluded that the only way to eliminate the discrimination among interstate and foreign services was to develop "new allocation procedures in which formulae would be applied uniformly for all services to those plant elements which are used in basically the same way by all services and applied selectively to specific services for those plant elements which are used differently for different services." 77 FCC 2d at 231. Thus, the general criteria that the MFJ imposes upon BOC initiated access charges are fundamentally consistent with the goals of this proceeding. The MFJ, however, would include in access charges compensation for the use of facilities and services that our tentative plan had excluded from its definition of access services. In the *Fourth Supplemental Notice* we noted that while the BOCs could comply with MFJ requirements by filing supplemental charges for elements excluded from our rules for computing access charges, it might be desirable to adapt our plan to include charges for such facilities and services.[70] 90 FCC 2d at 153. We sought suggestions to adapt that plan to include these additional services and facilities.

207. We have concluded that, for reasons we have already discussed, the better choice is to adapt our tentative plan to account for the additional access elements contemplated by the MFJ. In particular, we have added to the plan an element we call the "Dedicated Transport element" through which local telephone companies will recover the interstate revenue requirement associated with the costs of the facilities linking the switches of interexchange carriers to the distribution facilities of local carriers. While we recognize that this element reflects costs that are fundamentally non-traffic sensitive in nature, we have chosen to include the Dedicated Transport element in our discussion of traffic sensitive costs because we perceive it to be an intrinsic part of the costs associated with providing interexchange carriers with access to the local network. Moreover, while the costs associated with the Dedicated Transport element are not traffic sensitive and will not be recovered through usage sensitive rates, these facilities will continue to have such an impact upon the local carrier's configuration of the traffic sensitive components of its network that we believe it is logical to discuss recovery of the cost associated with this component of local network facilities in this Part of this *Report and Order.*

208. The *Separations Manual* classifies certain central office equipment as non-traffic sensitive and allocates the related investment between the jurisdictions as if it were subscriber plant equipment. As previously noted, we have decided that we should not include this non-traffic sensitive central office equipment in our NTS plan because the separations classifications may change in the future. We are, nevertheless, including separate elements for traffic sensitive and non-traffic sensitive portions of Category 6 central office equipment in this part of our plan for the initial access charges because it appears unlikely that any changes in the separations classifications for Category 6 central office equipment could be implemented in 1984.

209. In the *Fourth Supplemental Notice,* we stated that we still found it "reasonable to expect interchange carriers to compensate exchange carriers for traffic sensitive costs on a traffic sensitive basis." 90 FCC 2d at 152. The tentative plan in the *Second Supplemental Notice* called for interexchange carriers to compensate exchange carriers for traffic sensitive costs on a traffic sensitive basis. In their responses to the *Fourth Supplemental Notice,* some participants stated that end users should be charged directly for all costs associated with access services, including traffic sensitive costs.[71] This, they asserted, would reduce administrative expenses and eliminate the inaccuracies of separations and settlements. We believe it would accomplish neither. With the adoption of our access rules, the settlement process for access service compensation will end. While billing end users for all access costs might indeed reduce administrative expenses for the interexchange carriers, such an approach would impose a tremendous burden on the exchange carriers and end users. If the customer originating the call had to pay directly for the costs of the facilities used to terminate his interstate call, this would require the terminating exchange carrier, apparently through recourse to the interexchange carrier involved, to identify the end user originating the call and then to bill that user directly for the costs associated with the type of interconnection provided to the interexchange carrier. This would not only impose substantially greater administrative burdens upon these exchange carriers, but also would constitute a drastic change in the relationships among end users, local telephone companies and interexchange carriers, a change that we cannot perceive to be in the public interest. If instead all end users are expected to bear the costs of all plant in their exchange area used to provide access service to interstate carriers, whether the resulting charge is flat, usage sensitive or a combination of both, almost certainly that approach will result in costs being recovered from customers who have not caused the exchange carrier to incur those costs. In particular, end users will be subsidizing the use of their local facilities by those terminating calls in their exchange area. Such an unfair result cannot be in the public interest. Moreover, this approach would not eliminate any alleged inaccuracies in the separations process.

210. In general, those participants addressing the appropriate structure for charges to recover traffic sensitive costs agreed that the rates should be usage sensitive.[72] In its comments to the *Fourth Supplemental Notice,* Southern Pacific adds that these charges should be sufficiently unbundled to assure that each interexchange carrier pays only for the local access facilities it receives. We believe that the rules we have adopted to recover the costs of access facilities are sufficiently refined to achieve this

[68] *See* Competitive Impact Statement filed by United States Department of Justice at 35–36, United States v. American Telephone and Telegraph Co., D.D.C. Civil Action No. 74–169.

[69] An antitrust decree could not, of course, limit this Commission's power to prescribe a system of charges that is designed to satisfy Communications Act requirements. The MFJ does not purport to do so.

[70] Examples of such facilities and services include the lines or trunks between a telephone company end office and an interexchange switch and billing and collection services.

[71] *See, e.g.,* Comments of United States Transmission Services, pp. 12, 20; Comments of the Association of Long Distance Telephone Companies, p. 6 at n. 10, pp. 25–26; Joint Comments of Tel. Systems Management Corporation, Satelco, Inc. and Teltec Saving Communications Co., p. 2; Comments of Curtis M. Bushnell, Public Utility Consultant, pp. 15, 19.

[72] *See, e.g.,* Comments of Centel, SBS and USITA.

result. Southern Pacific also asserts that these charges should be adjusted to reflect the diminished value of interexchange service resulting from unequal interconnection. We have already explained why we have chosen to rely upon a premium access charge to account for differences in the quality of interconnection offered to different interexchange carriers. *See* Part III.C, *supra*. Consequently, our rules for computing charges to recover traffic sensitive costs rely only upon cost causation to compute charges.

211. In developing our access charge rules we have considered exchange access for interexchange carriers providing switched services to be composed of two categories or groups of elements. The first category consists of the transmission (and related switching) facilities which carry interexchange traffic between the interexchange carrier's facilities and the Class 5 (end) office at which this traffic originates or terminates. This plant always includes some dedicated trunks which carry only that interexchange carrier's traffic to a switch within the exchange. It also includes the interface between the dedicated transport line and the exchange carrier's switch. For the OCCs, it would correspond to Rate Element 1 in the ENFIA A tariff (BSOC–8) and in the ENFIA B and C tariff (BSOC–9). This is the element we have called "Dedicated Transport." If the local switch is not the end office switch used to terminate or originate an interexchange call, additional trunks and possible local tandem switches will be required to complete transmition between that end office switch and the interexchange carrier facilities. Most of this equipment is traffic sensitive (TS) and because it may be shared by several carriers, we call the associated access element "Common Transport."

212. The second category, called the "end office" category, corresponds to the central office equipment in the end office at which the interexchange carrier's traffic originates or terminates. This element includes all the traffic sensitive central office equipment (COE) used to provide switching and related services, including operator assistance services. In this Part, we describe the guidelines we have developed to recover the costs allocated to the different plant elements within the categories. We also discuss the rules that will govern recovery of costs for such special services as Billing and Collection.

A. End Office Charges

213. To complete transmission of interstate or foreign switched communications to and from the premises of an end user, an interexchange carrier must rely upon facilities located at the end office to which that end user's telephone is directly linked. In particular it must use local dial switching equipment and may use operator services to assure successful transmissions. We refer to the charges associated with the use of this equipment generically as "end office charges." In this section we unbundle these charges into five elements: (1) Line Termination; (2) Local Switching; (3) Intercept services; (4) Information services; and (5) Operator Assistance services. The first two elements reflect an interexchange carrier's use of local switching equipment, which the *Separations Manual* classifies as Category 6 central office equipment; the remaining three elements reflect an interexchange carrier's use of equipment that the *Separations Manual* classifies as Category 1 central office equipment. For this reason we are adopting these *Separations Manual* categories as the basis for defining the direct costs allocated to each of these elements.[73]

1. Category 6 Central Office Equipment.

214. *Line Termination Element.* The *Separations Manual* divides Category 6 Central Office Equipment (COE) into non-traffic sensitive (NTS) and traffic sensitive (TS) subcategories to distinguish the fixed costs of terminating lines in the switch from the usage sensitive costs of switching.[74] The Line Termination element consists of the portion of the investment in the local switch that separations considers non-traffic sensitive and the associated indirect investment and expenses. Such costs should be recovered from all interstate carriers providing switched services and allocated among these carriers based on their relative conversation minutes.[75]

215. Separations has relied upon factors developed by Bell-USITA studies to determine the portion of investment in different types of switches that is and is not traffic sensitive. In CC Docket No. 80–286, the Joint Board is considering whether these factors should be revised.[76] We believe, however, that to assure that our access charge plan becomes effective on January 1, 1984, we must provide carriers with specific guidelines for developing their access charges as early as possible. Consequently, we must proceed to establish these guidelines without the benefit of the Joint Board's recommendations. We have concluded that in developing the access charges to become effective in 1984 it is reasonable to rely upon existing Bell-USITA factors to distinguish NTS from TS Category 6 COE. If Joint Board recommendations result in the revision of these factors, we would expect these changes to be reflected in access charges for later years.

216. Our tentative plan in the *Second Supplemental Notice* had assigned Line Termination costs to private lines even though they do not terminate in a Class 5 (end office) switch. We intended that apportionment to serve as a surrogate for certain costs, including those attributable to "leaky PBXs", that cannot be easily identified.[77] In the plan we adopt today, we have already allocated to private lines the costs of other NTS plant that could serve to ensure recovery as a surrogate for these less easily identifiable costs. We also believe that the leaky PBX phenomenon may become much less significant in the

[73] The procedures for computing charges for those elements are described in §§ 69.106–69.110 of the rules.

[74] That portion of non-traffic sensitive category 6 central office equipment used to provide trunk conditioning and signalling between the carriers' switching facilities is included in the Dedicated Transport element.

[75] The allocation of NTS Central Office Equipment on a usage basis represents an apparent inconsistency with the approach we have taken to recover almost all other non-traffic sensitive plant. We believe, however, that this apparent inconsistency is resolved by a closer examination of the facilities involved.

Non-traffic sensitive facilities the costs of which are to be recovered through end user charges are all dedicated to particular subscribers or, in the case of party lines, groups of subscribers. (The only exception is pay phone service, the costs of which are apportioned on a usage basis).

As compared to older electro-mechanical facilities, a far larger fraction of modern central office facilities has been classified as non-traffic sensitive. Such modern facilities can offer subscribers many more or improved service options than could the facilities that they replace. Not all subscribers require or even desire such additional services. It does not seem appropriate, therefore, to treat these facilities as if they were dedicated.

The Joint Board will have the opportunity more closely to investigate whether the *Separations Manual's* treatment of the costs associated with these electronic switches should be revised. It is possible that after its investigation is completed we shall perceive a need to revise the rate structure for this element so that it reflects cost causation more accurately.

[76] *See Joint Board Order, supra*, 47 FR at 54498.

[77] These costs include the costs of "hard wiring" these lines into place or otherwise providing special arrangements or treatment for private lines. They also include costs attributable to the "leaky PBX" phenomenon that we described in the *Second Supplemental Notice. See* 77 FCC 2d at 241. This phenomenon arises whenever an interstate call is "patched" through a PBX from a private line to a common subscriber line. That common line, the local exchange switch, another subscriber's common line and another subscriber's station equipment are all used to complete the call, but such private line usage of those facilities is not presently reflected in the computation of private line access service compensation.

future as cost-based access charges produce a shift to MTS by those private line customers capable of "leaking." For these reasons we are not assigning any Line Termination costs to private line services.

217. *Local Switching Element.* Through charges associated with this element, local carriers will recover the costs associated with interexchange carriers' use of traffic sensitive (TS) Category 6 Central Office Equipment (COE) to complete interstate switched services.[78]

218. In the *Second Supplemental Notice* we had concluded that no traffic sensitive costs should be assigned to services not using the local exchange's switching facilities. Consequently, we proposed that these costs be allocated on a usage basis among three switched service categories: MTS/WATS; FX/CCSA open end access; and OCC-ENFIA. Weighted dial equipment minutes (DEMs) were used as the unit of measurement.

219. The *Separations Manual* uses DEMs as the unit of measurement for purposes of allocating the traffic sensitive portion of Category 6 COE between the interstate and intrastate jurisdictions. However, § 24.83 of the *Manual* applies a weighting factor known as TWF (Toll Weighting Factor) to the "toll" DEMs to reflect the difference in average cost per toll minute of use as compared to the average cost per exchange minute of use. The present *Manual* does not specify the TWF factors.[79] Different factors were developed for different types of switches in the Bell-USITA studies that developed NTS-TS ratios for the same categories of switches. The TWF factor differs from the subscriber plant factor (SPF) in that TWF is related to cost causational principles. Long distance calls require switching capabilities that local exchange calls do not. The TWF factor was designed to segregate costs that are peculiar to long distance calls.[80]

220. In comments filed in response to the *Second Supplemental Notice,* Southern Pacific suggested that costs that are assigned to the interstate jurisdiction as a result of the application of the TWF factor should be excluded from the computation of ENFIA A access charges because ENFIA A services use the local exchange in the same manner as local exchange service.[81] (Comments, pp. 47–50). In Reply Comments to the same *Notice,* AT&T agreed that some adjustment would be reasonable. It noted that at the open-end FX also uses local exchange switching in the same manner as local exchange service. (Reply, p. 63).

221. In the recent *Joint Board Order,*[82] the Joint Board proposed that both interstate FX/CCSA open-end access services and interstate ENFIA services be explicitly recognized in the *Separations Manual* as interstate services. It also recommended that for apportioning costs of traffic sensitive switching equipment, all FX/CCSA, ENFIA A and ENFIA C dial equipment minutes be treated like exchange service DEMs with no toll weighting factor applied to them. Recognizing that ENFIA B appeared to use the local switch more like MTS than like exchange service, the Joint Board is seeking to determine whether the similarity between ENFIA B and MTS warrants treating DEMs generated by ENFIA B use of local switches like DEMs generated by MTS use.

222. If the average costs associated with different interstate switched services' use of local dial switching equipment vary, these differences should be reflected in the rate structure of this element in order to assure that there will be no unlawful discrimination in rates for functionally equivalent services. As a first approximation to achieving this goal we are requiring that exchange carriers establish separate charges for two categories of service. The first category corresponds to local dial switching provided through line side termination at a Class 5 (or end) office or, for interstate services other than MTS and WATS, through termination in a local tandem switch. The second corresponds to a local dial switching provided through trunk side termination at a Class 5 office for MTS/WATS equivalent services and switching provided for MTS and WATS. Based on avilable information we believe these service categories result in a grouping together of those interstate service offerings for which the average cost per minute of using the local switch is approximately the same. In particular, use of switching equipment by FX/CCSA open-end access, ENFIA A and ENFIA C services should fall within the first category of service while end office switching for MTS, WATS and ENFIA B should fall within the second category.

223. For computing 1984 access charges, the costs associated with local dial switching equipment shall be allocated between the two service categories based on relative DEMs, after the toll weighting factors developed in the separations process have been applied to DEMs generated by services in the second service category.[83] To convert these allocations to monthly per minute charges, the revenue requirement for each service category shall be divided by that category's projected average conversation minutes.[84] For a given month, the local switching equipment charge levied upon a carrier providing a service (or services) included in that service category will be the product of that category's unit charge and the conversation minutes generated by the carrier's service(s).

224. In responses to our *Second Supplemental Notice,* some participants had suggested that the tentative plan be modified in order to incorporate peak and off-peak pricing in the prescribed access charges. (Consumers Union Reply, pp. 9–10; NTIA Reply, pp. 32–33). Such a modification would presumably be limited to the traffic sensitive components like the Local Switching element inasmuch as non-traffic sensitive costs do not vary with usage. That suggestion warrants consideration as a long-run solution. However, we

[78] Some services classified as private line are, in fact, switched (*e.g.,* CCSA). If costs of some traffic sensitive switching equipment are now directly assigned to such services, we intend such direct assignment to continue.

[79] The Joint Board has tentatively recommended that this continue. *See Joint Board Order, supra,* 47 FR at 54505.

[80] Although the TWF factor was designed to reflect cost causational principles, it is not based on a historical cost causational principle. The *Manual* was designed to allocate costs between two "old" services that will continue to exist. Allocations are based upon actual relative use during a prior period rather than projected use during some future period.

[81] At the time these comments were filed, the ENFIA B and ENFIA C service offerings did not exist. ENFIA B and ENFIA C provide access through trunk side connections to end offices and through trunk side connections to tandem offices respectively. ENFIA B provides more signaling information to the interexchange carrier than does ENFIA A, as well as automatic number identification and answer supervision. ENFIA B also permits subscriber use of rotary dial telephones to reach OCC switches. While ENFIA C does not provide these additional services, it permits an OCC switch to serve subscribers in more than one exchange directly.

[82] *See Joint Board Order, supra,* 47 FR at 54495, 54498.

[83] We recognize that the Joint Board deliberations may result in development of new TWFs to be applied exclusively to ENFIA B services. We anticipate that the scheme for allocating investment in TS local dial switching equipment we prescribe here would be altered so that these new TWFs would be applied to ENFIA B DEMs. We believe, however, that it is unrealistic to expect that development of such new TWFs could be completed before the end of the third quarter of 1983. The carriers require a reasonable time to develop and file their 1984 access charges and we shall require time to review these filings. For this reason, we conclude that 1984 access charges should not reflect the development of any new TWFs for ENFIA B services.

[84] These averages shall be developed through traffic studies, with necessary information being supplied by the interexchange carriers if the exchange carrier is unable to obtain such information directly.

could not devise adequate rules for computing cost-based peak or off-peak access charges for this traffic sensitive plan from the information in this record. Therefore the rate structure, at least for 1984 access charges, will reflect no discount for off-peak usage of traffic sensitive exchange facilities.[85]

225. It should be noted that the efficiency benefits of peak pricing flow from the use of peak pricing in end user rates. The use of peak pricing in a carrier's carrier charge need not have any direct effect upon usage. Consistency between carrier's carrier charges and end user rates would be desirable, but time of day pricing of access service compensation is not a condition precedent for time of day pricing of end user services. MTS tariffs have established different rates for different times for a number of years even though the settlements formula for computing MTS access service compensation has never assigned different weights to different MTS minutes.

2. Manual Switchboard Services

226. Category 1 central office equipment consists of investment in manual switchboards. Manual switchboards are used primarily in connection with MTS and WATS service. In reply comments to the *Second Supplemental Notice*, however, AT&T asserted that the OCC–ENFIA and FX–CCSA services should share in costs relating to manual switchboards providing information and intercept services because both FX–CCSA open end access and OCC–ENFIA services also rely upon those operator services. AT&T indicated that directory and intercept switchboards can be identified without undue difficulty. Therefore, we propose to associate Category 1 investment allocated to the interstate access with one of three access elements: (a) The Intercept element; (b) the Information element; and (c) the Operator Assistance element.

227. *Intercept Element.* A local carrier provides Intercept services when it causes a telephone call directed to an improper telephone number to be redirected to an operator or a recording that tells the caller why the call, as dialed, could not be completed and if possible, provides the correct number. By its nature, this service must be provided either to all interexchange carriers or to none. We believe that because all rely upon this service to assure successful completion of their customers' interexchange calls, all should share in the costs associated with its provision. There do not appear to be any cost or value differences with respect to the use of Intercept services that would warrant the application of any weighting factors to distinguish one interexchange carrier's use from another's. Therefore, we have decided to subject all interexchange carriers to a per minute Intercept charge that is computed by dividing costs allocable to this element by total conversation minutes for all switched or partially switched interstate services.

228. *Information Element.* As its name suggests, Information service is provided when, by dialing the proper service code or number, a customer is connected to an operator who will tell him the telephone number of another customer, provided that the latter's number is or will be listed in the telephone directory. Based upon AT&T's *Second Supplemental Notice* Reply Comments we conclude that the costs associated with this service can be unbundled from those associated with the use of other Category 1 COE. We believe that these costs should be unbundled from other manual switchboard costs. At the present time directory information that is provided for long distance services is provided through transmission facilities of AT&T and its interexchange partners. These costs will accordingly be assessed upon those carriers unless other interexchange carriers establish connections with such directory assistance facilities.[86]

229. *Operator Assistance Element.* This element describes the remaining interstate operator services, primarily direct assistance in the completion of toll calls. To this element we allocate that investment in Category 1 COE not already allocated to either the Intercept or Information elements, as well as the indirect investment and expenses associated with this Category 1 investment under our allocation rules. The costs associated with this element should be recovered through a non-discriminatory, usage-sensitive rate structure imposed only upon those interexchange carriers who in fact use these interstate Operator Assistance services.

B. Transport Charges

230. As part of its access service, each local exchange carrier will provide transmission (and possibly) switching facilities to carry interstate switched traffic between an interexchange carrier's facilities and the end office through which this traffic originates or terminates. This plant always includes some dedicated trunks or lines, which carry only that interexchange carrier's traffic to a switch within the area served by the local carrier.[87] We refer to the element corresponding to this plant as the "Dedicated Transport" element. If this exchange carrier switch is not the end office switch used to originate or terminate the interstate call, additional trunks, local office and local tandem switches will be required to complete the communications path between the originating (or terminating) end office and the interexchange carrier's facilities. We refer to the element corresponding to this plant as the "Common Transport" element.[88] The cost associated with both Dedicated Transport and Common Transport will be recovered as part of the carrier's carrier charge for access to the local company's facilities needed to complete interstate communications.[89]

1. Dedicated Transport Element

231. This element consists of the dedicated voice grade transmission facilities and the interface at which those facilities and the exchange carrier's switch are joined.[90] For non-

[85] We intend shortly to establish a Joint Board that will consider the need for changes to the *Separations Manual* that will allocate investment and expenses between the jurisdictions based on peak and off-peak use of exchange facilities. When that Board has completed its work on this subject, we shall reconsider our decision concerning a peak/off-peak rate structure for traffic sensitive access charge elements.

[86] If that contingency arises, exchange carriers that provide the information service will be required to devise an appropriate method to apportion such costs among all interexchange carriers that are connected with such directory assistance switchboards.

[87] In some cases, two exchange companies jointly might provide such a trunking service.

[88] The procedures for computing changes for the Transport elements are described in §§ 69.111 and 69.112 of the Rules.

[89] We are not, however, including any use of switching in a local dial (Category 6) switch in the Common Transport element.

[90] The facilities included in this element and other elements are the subject of the Settlement Agreement between the Bell System companies and the OCCs that we accepted as a disposition of Docket 20099. *See* 52 FCC 2d 727 (1975). That agreement established interim rates for the OCCs' use of certain Bell System facilities. It also established procedures for revising such rates that are still in effect. In particular, it permitted a carrier-initiated increase in the rates only on six months' notice to the OCCs. *Id.* at 734–35. We predicated our acceptance of that agreement on our finding that "the responsibilities undertaken by the parties are in the public interest because they expedite and further the implementation of established Commission policy." *Id.* at 732. If applied to the access tariffs which will replace the existing tariffs under which the BOCs provide dedicated transport facilities to the OCCs, such a notice requirement could prevent the timely implementation of these access tariffs. We have not determined whether the agreement purports to establish a notice requirement under these circumstances. Because we find such delay contrary to the public interest, we

premium carriers, *i.e.* the OCCS, this element would correspond to what is now designated as rate element 1 in the ENFIA A tariff. To this element we allocate investment in the outside plant linking the carriers' switching facilities as well as any Category 8 and non-traffic sensitive Category 6 central office equipment used to provide trunk conditioning and signaling between the carriers switching facilities.

232. USITA has suggested that the costs associated with this element be recovered through rate structures reflecting "capacity ordered." A rate structure based on "capacity ordered" may bear little relationship to what is, in fact, provided. We believe that an interexchange carrier should pay only for facilities it in fact receives. We can appreciate that in order to plan its network to assure the highest quality of service to all its customers a local carrier requires advance information of an interexchange carrier's anticipated needs and demands upon the local system. We do not believe that this information bears any intrinsic relationship to the costs incurred in currently providing services to these carriers.[91]

233. We are requiring that the revenue requirement associated with the Dedicated Transport element be split into three parts on the basis of relative net investment in: (1) Interface arrangements; (2) voice grade transmission facilities; and (3) equipment used to provide conditioning for such transmission facilities. As a result, the charge associated with the Dedicated Transport element will be the sum of a charge reflecting the costs of voice grade transmission facilities dedicated to an interexchange carrier's use, a charge reflecting the costs of conditioning those facilities and a charge reflecting the costs of any additional central office equipment located at the boundary between those facilities and the local carrier's switch to which they are joined. In requiring this unbundling of charges our aim is to assure that the charges imposed upon an interexchange carrier for its use of dedicated transport facilities reflect the costs associated with the facilities provided to that carrier.[92]

234. *Interface Arrangements.* To this subelement we have allocated all investment in central office equipment used to provide interface arrangements. We have taken this step because we recognize that exchange carriers will be offering to interexchange carriers access arrangements that rely upon central office equipment to provide different signaling and other capabilities. We shall require that each exchange carrier establish in its access tariff a separate charge for each additional kind of interface arrangement it proposes to offer.[93]

235. We shall require that each exchange carrier present a listing of subelements corresponding to all the interface arrangements it intends to offer. It is through these subelements that the carrier will recover the share of its projected revenue requirement for Dedicated Transport that our allocation rules have apportioned to interface arrangements. To provide carriers with sufficient flexibility to develop access charges reflecting the many kinds of interface arrangements they may choose to offer, we have refrained from prescribing rules specifying precisely how the charges associated with these subelements must be calculated. We do require, however, that differences in the charges for these interface arrangements reflect cost differences.

236. *Conditioning arrangements.* The quality of voice communications over transmission facilities may be impaired by such factors as trunk loss, noise or echo. Alone or in combination, these factors may partially or sometimes completely obscure the information content of voice transmissions. Transmission facilities, however, may be conditioned to control these parameters[94] in order to improve the quality of such transmissions.

237. We shall require that each exchange carrier present a system of subelements corresponding to all the conditioning arrangements it intends to offer. Subelement charges will also be designed to recover the aggregate conditioning revenue requirement and charges for particular subelements will be designed to reflect cost differences among conditioning arrangements.[95]

238. *Transmission facilities.* To this subelement we allocate investment in all dedicated voice grade transmission facilities to be provided to interexchange carriers to complete their interstate or international communications service. These dedicated facilities are analogous to the non-traffic sensitive subscriber line plant dedicated to an end user's use. Consequently, we shall require local telephone companies to recover the costs associated under our allocation rules with this subelement through a flat monthly charge imposed upon each interexchange carrier receiving access through such facilities. The costs associated with Dedicated Transport facilities are a function of two parameters. The first is the distance between the interexchange carrier's facilities and the "entry switch" through which that carrier's traffic enters the exchange area. The second is the number of voice grade channels provided to the interexchange carrier. The latter we shall call "conversation capacity." We shall require that the monthly charge levied upon an interexchange carrier for voice grade facilities dedicated to its use shall be based upon the conversation capacity provided by these facilities and a distance factor.

239. At this time all AT&T toll offices are linked to local offices through 4-wire or 4-wire equivalent voice grade facilities. At least some AT&T offices are collocated with end office switches. Other interexchange carriers, however, have never been allowed to collocate their switches with local telephone company switches. A strictly distance-sensitive rate structure for dedicated transmission facilities would thus give AT&T an unfair competitive advantage. Consequently, we shall require that for

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are abrogating any contractual notice requirement of the Settlement Agreement that might be applicable. Any other provision of the agreement or the subsequent ENFIA agreement that may be inconsistent with the Rules we are adopting will of course, cease to be effective when access charges become effective. The decision in *MCI Telecommunications Corp. v. FCC*, 665 F. 2d 1300 (D.C. Cir. 1981) does not preclude us from abrogating provisions that are inconsistent with our prescription of an access charge plan. That decision related to carrier-initiated tariff charges.

[91] *See* Reply Comments of United States Independent Telephone Association.

[92] We believe that this is very similar to the refinements within this rate element advocated by the Ad Hoc Committee and Southern Pacific in their comments submitted in response to the *Fourth Supplemental Notice. See* Report on Access Charges attached to Comments on the Fourth Supplemental Notice filed by the Committee and Comments of Southern Pacific Communications Company, Appendix B.

[93] Such arrangement might include, for example, an E & M lead interface, which is:

A specific form of interface between a switching system and a trunk in which the signaling information is transferred across the interface via 2-state voltage conditions on two leads, each with ground return, separate from the leads used for message information. The message and signaling information are combined (and separated) by a signaling system appropriate for application to the transmission facility.

Engineering and Operations in the Bell System (1977) at 652. For a general discussion of common interface arrangements, *see id.* at 181–86, 384–403.

[94] *See, e.g.,* the family of "W types" of conditioning offered in the Bell System's Facilities for Other Common Carrier Tariffs.

[95] Association tariffs may contain exceptions for participating carriers that offer interface and conditioning arrangements that differ from any standard subelements in the association tariff. Similar exceptions will be permitted for Special Access subelements.

purposes of computing a monthly charge associated with this subelement, for an interexchange carrier other than AT&T the distance between the interexchange carrier's facility and the "entry switch" to which it is linked shall be deemed to be the minimum of the following: the airline distance between the entry switch and this interexchange carrier facility; and the airline distance between the entry switch and any AT&T toll switch within 5 miles of the interexchange carrier's facility.[96]

240. We recognize that the costs of providing Dedicated Transport to a particular interexchange carrier also depend upon the transmission media selected to carry its traffic between its facilities and the "entry switch." A purely cost-based rate structure would tie the charges imposed on an interexchange carrier to this factor also. With all the permutations and combinations of transmission media possible, however, such a rate structure could easily become unworkably complicated. The rate structure we have adopted today, while not purely cost-based, avoids the administrative problems associated with such a rate structure and provides local exchange carriers with the incentive to use the most efficient means of transmitting traffic and the flexibility they need in planning their network. We believe that these advantages warrant this limited departure from cost-based pricing, at least during the first year in which access charges are in effect.

2. Common Transport Element

241. To this element we allocate the investment in all outside plants used in whole or in part to transmit an interexchange carrier's switched traffic between the end office at which it originates or terminates and the transport facilities dedicated to that carrier's use. We also allocate some investment in intermediate switching facilities such as local tandem offices.[97]

242. The costs associated with this access element are both usage and distance sensitive. Consequently, we are prescribing a rate structure that is both usage and distance sensitive. The measure of usage shall be conversation minutes of use, while the measure of distance shall be the airline distance from "entry switch" to the end office at which a call originates or terminates.

C. Other Charges.

1. Billing and Collection Services

243. To this element we are allocating all the costs associated with a local carrier's providing billing and collection services to an interexchange carrier. In particular this would include investment in Category 4 central office equipment, automatic message recording equipment, and most of the revenue accounting expenses allocated to the interstate jurisdiction.[98]

244. The MFJ would permit a BOC to restrict its offer of billing and collection services to only some interexchange carriers unless the BOC threatened to withhold service from a customer failing to pay charges levied by such intertexchange carriers.[99] The MFJ does require, however, that if a BOC offers billing and collection services to even one interexchange carrier, that the charge for this service must be in the BOC's access tariff. Only common carrier services can be tariffed. The hallmark of a common carrier service is that it is offered to all indifferently. *See CCIA* v. *FCC, supra,* slip op. at 25. Consequently, to assure a result consistent with our powers under Title II of the Communications Act of 1934, as amended, 47 U.S.C. 201 *et seq.*, and the intent of the MFJ, we shall require that an exchange carrier offering billing or collection or billing information services to one interexchange carrier must offer them to all.

245. In contrast with our treatment of rates related to other access elements, the only restrictions we shall place upon a local carrier offering Billing and Collection services is that it not discriminate among carriers selecting these services. Any differences in charges levied for these services must be cost justified.

2. Special Access

246. Special Access includes a variety of services and facilities that we have decided to include in our system of access charges in order to ensure that tariffed access charges of all exchange carriers encompass services and facilities that the divested BOCs will be offering pursuant to tariffed access charges.[100] If the MFJ did not exist, we would probably exclude these facilities from the access charge scheme and classify them as "interexchange" for this purpose. Most services that use these facilities—such as program transmission, telex, etc.—are not close substitutes for MTS and changes in existing rate structures would not be required in order to eliminate discrimination or preferences among MTS and services that are close substitutes for MTS.

247. The Special Access category also includes a portion of interstate or international private lines that terminate in a PBX or similar equipment and interstate WATS lines. We limit the Dedicated Access Line element to the portion of those lines on the customer side of an end office in order to create a Dedicated Access Line element that is analogous to the Common Line element. We use the demarcation in order to establish parity for comparable elements. A portion of such private lines and a portion of some WATS access lines that are not included in the Dedicated Access Line element are included in access service for purposes of the MFJ. We are assigning those portions of those lines to Special Access in order to make access changes for all carriers correspond with the BOC access charges.

248. Although we have described Special Access as an element for cost allocation purposes, the Special Assess category in fact encompasses a number of elements that must be priced separately. The same charges could not be applied to video "lines", telex lines and pieces of WATS access lines without creating unlawful preferences. Such facilities have very different cost characteristics and are used for very different purposes.

249. We have not attempted to provide guidelines for apportioning the Special Access revenue requirement among the rate elements or subelements within that category and we have not described the subelements that should

[96] This "five-mile" requirement is similar to one imposed in the MFJ upon any BOC-initiated tariff to reduce the competitive advantage AT&T enjoys over other interexchange carriers because of the location of some of its switches. The MFJ has required that under such tariffs until September 1, 1991, the charge for delivery or receipt of traffic of the same type between an end office and each interexchange carrier's facilities located within the exchange area (or any reasonable subzones) be equal per unit of traffic delivered or received for all such carriers. If the facilities of another interexchange carrier are located within 5 miles of an AT&T Class 4 switch, with respect to any end office served by that switch, the OCC facility is to be considered within the same subzone as the AT&T switch. This requirement applies even if a BOC uses different transmission and switching facilities to serve AT&T and the other interexchange carriers; it exists to assure that the OCCs are not charged more for transmission merely because AT&T's switches are more advantageously located with respect to or linked to an end office.

[97] We note that the plan we adopt today for developing a carrier's carrier charge will accommodate access arrangements provided by the independent telephone companies and by the divested BOC, regardless of the shape of the local access and transport areas (LATAs) ultimately approved by the court in United States v. Western Electric Company, D.D.C. Civil Action No. 82-0192.

[98] Computation of charges for this element is described in § 69.114 of the Rules.

[99] In the later case the MFJ does require the BOC to offer billing and collection services to all.

[100] Computation of charges for this element is described in § 69.113 of the Rules.

be used. This proceeding was not designed to develop criteria for designating such subelements or for apportioning costs among appropriate subelements and the record in this docket does not contain much information that would be useful for those purposes. Such questions have been or will be addressed in other Commission proceedings.[101] We are accordingly directing exchange carriers to establish subelements and methods for computing subelement charges that are consistent with applicable Commission rules and decisions.

V. Computation of Access Charges

250. In order to compute a charge for an access element it will generally be necessary to compute a revenue requirement for that element. Under the rate base—rate of return method of ratemaking costs or revenue requirements consist of two components. The return component is computed by multiplying the rate base or investment by an allowed rate of return. The expense component covers the carrier's allowable operating expenses.

251. We have decided that the usual rate base—rate of return method should be used to compute access charges for each element except Billing and Collection. We are not imposing any constraint upon the return carriers may earn for that service because local exchange carriers do not possess sufficient market power with respect to that service to warrant a rate of return prescription. If the local exchange carriers establish excessive Billing and Collection charges, the interexchange carriers can, and undoubtedly will, do their own billing and collection.

A. Rate of Return

252. We will require the exchange carriers to compute charges for all the other access elements that are targeted to earn the same return. We are not, however, specifying a prescribed return in the text of the access charge rules. Such prescriptions necessarily must be revised from time to time in *ad hoc* proceedings that are designed for that purpose. It would not be appropriate to effect changes in a prescribed rate of return through amendments to the rules. We are, however, requiring exchange carriers to use the currently authorized rate of return to compute access charges until that prescription is superseded by further order of this Commission.

253. We have already prescribed a rate of return of 12.75% for AT&T interstate operations. This targeted rate was established after consideration of all AT&T interstate capital costs, including capital costs associated with the provision of access service. Although that prescription has not been imposed directly upon other telephone companies, the existing partnership interstate settlements arrangement has been designed to enable every telephone company to realize the same achieved rate of return that AT&T realizes on interstate operations. Thus, the use of any rate of return other than 12.75% for the purpose of targeting access charges for BOCs or independent telephone companies would be a departure from the *status quo*.

254. Although the *Second Supplemental Notice* did propose to use the AT&T authorized rate of return for purposes of targeting access charges, the *Fourth Supplemental Notice* invited comment on the desirability of prescribing a different return inasmuch as BOC costs of capital may diverge from AT&T costs of capital after divestiture.[102] Most participants who have discussed this subject have suggested that the 12.75% return be used for the initial access charges. No evidence has been developed in this record that would enable us to predict any future divergence in AT&T and BOC costs of capital. Therefore, we will require that a 12.75% return be used to target access charges of any exchange carrier and interexchange services of AT&T until a different authorized rate of return is established in subsequent proceedings. We may or may not conduct separate proceedings to consider any future revisions in the prescribed rate of return for access and interexchange services.

B. Identification of Access Costs

255. Several steps are necessary to identify the investment and expense that is attributable to a particular access element. Investment and expenses relating to telephone operations must be segregated from other investment and expense. Interstate telephone operations investment and expense must be segregated from intrastate investment and expense. The access charge or exchange plant portion of interstate investment and expense must be segregated from other interstate investment and expense. The access portion must be allocated among the access elements.

256. Carriers are already obliged to perform the first two steps in order to compute revenue requirements for interstate services. This Commission has provided guidance for the identification of regulated service costs through accounting rules and decisions in tariff proceedings. We have also prescribed rules for the separation of investment and expense between the interstate and intrastate jurisdictions. Those rules are contained in the *Separations Manual* that has been incorporated as Part 67 of our Rules, 47 CFR Part 67. The telephone companies have developed detailed and elaborate procedures to implement the separations rules.

257. The tentative plan described in the *Second Supplemental Notice* would have used the division of revenue or "DR" procedure that AT&T developed to implement the *Separations Manual* in order to determine interstate investment and expense for the computation of access charges. Several comments that were filed in response to that *Notice* questioned the wisdom or propriety of using the DR procedures for that purpose. MCI noted that there is no single fixed document describing Bell System DR procedures that could be incorporated by reference in access charge computation rules. MCI observed that the 11-volume DR Manual is revised monthly and does not contain a complete description of the procedures used to separate interstate and intrastate costs. In its *Second Supplemental Notice* comments, MCI said (p. 55):

> The operative steps are actually taken by a computer located in Atlanta referred to as ISIS. AT&T has informally advised MCI that the programming for ISIS was developed sequentially over a period of many years and that there is no complete set of program inputs in existence.

258. Inasmuch as there is no fixed set of DR procedures we could not incorporate the DR procedures in access charge rules even if we could warrant that the DR procedures have produced accurate results in the past. Moreover, we are not in a position to give such a warranty. The SBS *Second Supplemental Notice* comments observed (p. 48) that the 11-volume DR Manual implements a 96-page *Separations Manual*. SBS implied that some errors of interpretation must have been introduced into the separations

[101] *See AT&T Private Line Rate Structure and Volume Discount Practices*, 74 FCC 2d 226 (1979).

[102] The *Fourth Supplemental Notice* also suggested that returns allowed by state commissions might be used if access charges are disaggregated on a state-by-state basis. The Executive Agencies of the United States recommended that procedure (Comments, p. 18), but Southern New England Telephone Company said (Comments, p. 12) that it would probably be "inappropriate" to use a state rate of return for any interstate service. Inasmuch as we have decided that such disaggregation would not be appropriate, there is no reason to give further consideration to that approach. Any nationwide charges necessarily must be based upon a nationwide rate of return.

implementation process in the course of amplifying the prescribed rules. Although our staff does monitor these processes, this Commission has not formally addressed the myriad of interpretation questions that are lurking within the separations implementation process.

259. USTS filed a petition for evidentiary hearing that was based in large part upon its contention that an evidentiary hearing would be required to compile a record that would enable us to prescribe any separations implementation procedures. We agree that an evidentiary hearing may be necessary to prescribe separations implementation procedures. We have, however, concluded that it will not be necessary to prescribe such procedures in order to prescribe rules for the computation of access charges. We are adopting rules for the computation of access charge revenue requirements that are based upon the premise that investment and expense attributable to regulated interstate operations has already been identified. We can proceed on that assumption without sanctioning separations implementation procedures that may be questionable or foreclosing interested persons from raising questions with respect to the accuracy of the underlying data when access service tariffs are filed.

260. We recognize that the information filed pursuant to Rule § 61.38 may not at present be sufficient to enable this Commission or affected persons to identify all questions with respect to the accuracy of interstate costs that might be raised in a tariff proceeding. We have, however, decided that we should not delay the adoption of access charge rules to resolve data problems that are not unique to access charges. Any errors in the separations implementation process affect all state and federal tariffs for services offered by telephone companies. Proceedings other than this docket can and will be used to make separations implementation more visible to regulators and all affected persons. [103]

261. The allocation rules we are adopting do establish procedures for segregating access investment and expense from other interstate investment and expense and procedures for apportioning the access investment and expense among access elements. We have generally used the term "interexchange category" to describe investment, etc., that is not apportioned to any access element. For convenience, we have combined apportionments between interexchange and access and apportionments among access elements in a single set of rules. We have included the Billing and Collection element in that apportionment scheme even though our rules do not require the computation of a revenue requirement for that element because it is necessary to apportion costs to that element in order to identify the costs that are attributable to the other elements.

262. The plan we have adopted for the allocation of certain non-traffic sensitive costs between end user and carrier's carrier charges requires a further step in order to compute charges for the End User Common Line and Carrier Common Line elements. The combined charges for those elements will be designed to recover a revenue requirement for the provision of common lines. Subpart F describes the procedure for segregating that revenue requirement among those elements. We have described the combined revenue requirement for those elements as the Common Line element in the investment and expense allocation rules. [104]

C. Apportionment of Investment

263. Investment can be described as direct investment or indirect investment. The direct investment includes the facilities and equipment such as terminals, lines and switches that are actually used in the telephone operations. Indirect investment includes land, buildings, vehicles, office furniture, etc.

264. The allocation of direct investment is generally determined by the nature of the access elements we have described in Parts III and IV of this *Report and Order*. The elements encompass functions that usually correspond to particular categories of facilities and equipment. [105] For example, the Intercept element encompasses the switching facilities and operator services that perform the intercept function and the portion of manual switchboard facilities that are used for that purpose are assigned to the Intercept element.

265. The direct investment allocation rules (§ 69.303–69.306) relate the description of access elements in Parts III and IV to the plant categories that have traditionally been used for separations purposes. The *Separation Manual* describes three major categories of direct investment—station equipment, outside plant or OSP and central office equipment or COE.

266. Station equipment consists primarily of equipment included in Account 231 (station apparatus), 232 (station connections) and 234 (large PBXs). All such equipment is normally described as nontraffic sensitive plant. Some station equipment is used exclusively in connection with Special Access or Pay Telephone services and is assigned to those access elements. Some station equipment is used by the telephone companies in their own operations and should be viewed as indirect investment that is not directly associated with any access element. That investment will be apportioned in the same manner as furniture, office equipment, vehicles, etc.

267. Most of the station equipment is used in conjunction with common lines, but this same equipment is often used in connection with WATS access lines or private lines. Whenever a private line terminates in a PBX, the PBX, the terminals and the inside wiring between the terminals and the PBX are used to originate or terminate calls that are transmitted over the private line. Therefore, this category must be apportioned between the Common Line element and the Dedicated Access Line element. We have decided to use an equivalent line concept that is similar to the Mixed 1 proposal for that purpose. The total number of common or local exchange subscriber lines will be multiplied by the applicable interstate separations factor to determine the Common Line element line count that will be used for purposes of that apportionment.

268. The Joint Board in Docket 80–286 is considering a new formula in order to replicate the results that would be produced by the present transitional plan for the elimination of CPE from the interstate rate base in an environment in which some local exchange telephone companies may not own any CPE. We have generally described such an interstate apportionment as surrogate CPE in the access charge rules. Inasmuch as any surrogate CPE investment or expense is indirectly attributable to the use of CPE, surrogate CPE will be apportioned in the same manner as CPE investment or expenses if we adopt such a transitional separations factor.

269. The apportionment of Outside Plant or OSP reflects the basic scheme of the access charge plan. The rules use the term "Customer OSP" to describe

[103] The exchange plant Joint Board has invited comments upon a proposal that may serve that purpose. *See Joint Board Order, supra*, 47 FR at 54490.

[104] Total revenue requirements for some other elements such as Local Switching, Dedicated Transport and Special Access will also have to be segregated to compute subelement charges.

[105] In view of the functional nature of the access charge elements, the rules for apportionment of direct investment in subpart D essentially define each access element except the End User Common Line and Carrier Common Line Elements.

lines that are included in our NTS plan and comparable portions of Special Access lines. That category does not include any line that connects an interexchange carrier or an enhanced service provider with the local exchange switch. The Customer OSP lines in use will, or course, be assigned to the Common Line, Pay Telephone, Dedicated Access Line or Special Access elements. An equivalent line apportionment will be used to apportion the unused voice grade lines among those elements.

270. The present separations formula includes common lines and WATS access lines in the same category for purposes of determining interstate investment. If we elect to retain that approach in the separations proceeding, an adjustment will be necessary in the apportionment between the Dedicated Access Line and Common Line elements in order to assign an amount to the Dedicated Access Line element that reflects unseparated investment in interstate WATS access lines. The access charge rules describe such a contingent adjustment.

271. OSP that is not classified as Customer OSP must be apportioned between access elements and the interexchange category. The MFJ demarcation points will be used for that purpose in order to produce traffic sensitive access elements for the independent telephone companies and the undivested BOCs that will be comparable to the access elements of the divested BOCs.

272. The remaining OSP will be apportioned between Special Access and the Transport elements. Special Access not only includes the portion of lines or trunks used for special services such as telex and video that are not located on the customer side of the end office, but also includes comparable portions of lines or trunks that are used for the "Dedicated Access Line" services. We have used this demarcation in order to produce charges for a Dedicated Access Line element that are comparable to the NTS common line charges.

273. The Transport elements encompass the trunks between the end office and the interexchange facility. These may include exchange trunks between Class 5 offices or Class 5 offices and tandem offices. The assignment to Dedicated Transport or Common Transport is, of course, determined by the definition of those elements that is described in Part IV. If the line or trunk is used exclusively for interexchange services of a particular interexchange carrier it is assigned to Dedicated Transport. Other lines or trunks that are classified as Transport facilities are assigned to the Common Transport element.

274. The description of traffic sensitive elements in Part IV of this *Report and Order* necessarily determines the apportionment of Central Office Equipment that is included in COE Categories 1 and 6 in the present *Separations Manual.* COE 1 equipment will be apportioned among the Intercept, Information and Operator Assistance elements. COE 6 equipment will be apportioned between the Line Termination and Local Switching elements.

275. Inasmuch as the Transport elements encompass facilities between the end office switch and the interexchange switch, tandem switch investment (COE Category 2) and any portion of COE Category 3 investment that is classified as exchange investment for purposes of the MFJ will be included in the Common Transport element. We are not, however, assigning any COE 6 investment to Common Transport when an interexchange transmission is routed through more than one local dial switch at the originating or terminating end. The apportionment formula for COE 6 investment has been designed to take such usage into account.

276. The *Separations Manual* classifies Automatic Message Recording Equipment as COE Category 4. Inasmuch as information recorded by such equipment is used primarily for billing purposes that investment will be assigned to the Billing and Collection element.

277. Although COE Category 5 is described as Other Toll Dial Switching Equipment, it includes equipment "used primarily for operator dialed toll * * * traffic." Any Category 5 equipment that may be classified as exchange for MFJ purposes will accordingly be assigned to the Operator Assistance element. Category 5 equipment that is not exchange equipment for MFJ purposes will, of course, be assigned to the interexchange category.

278. COE Category 7 includes the type of switching equipment that is used for services we have described as Special Access. Such investment will accordingly be assigned to Special Access unless it would be classified as interexchange for MFJ purposes.

279. The circuit equipment that is included in the COE 8 category will be assigned or allocated in the same manner as the associated OSP.

280. The *Second Supplemental Notice* proposed to use factors in the 1978 AT&T FDC 7 Central Submission for purposes of apportioning indirect investment and expenses. 77 FCC 2d at 243. Upon further reflection we have concluded that we should not use those factors for this purpose. Those factors were developed for an analogous but somewhat different allocation purpose and would accordingly have to be modified to fit our access charge plan.[106] Even if each factor could be adapted, it would not be desirable to use a cost allocation methodology that employs such a large number of different factors. Both BOC and independent telephone company data must be used to compute access charges. Some limitation must be placed upon the number of different categories that are used in order to enable independents to develop or provide data for the computation of access charges and the computation of distributions from any access charge revenue pools. We have accordingly used indirect investment and expense categories that are more aggregated than either the 1978 Central Submission categories or the categories described in the appendix to the AT&T *Second Supplemental Notice* comments.

281. Land and building investment represents the bulk of the indirect investment. We have accordingly concluded that we can strike an appropriate balance between excessive disaggregation and excessive aggregation by apportioning sub-categories of Land and Building investment in a particularized manner and apportioning all other indirect investment on the basis of the apportionment of combined direct investment and land and building investment.

282. We have decided to use the space categories in the *Separations Manual* for purposes of apportioning building investment. This should not impose an undue burden on the carriers because such investment has already been assigned to those categories in order to identify the interstate investment. Many of the space categories are closely related to equipment categories that we are using for purposes of apportioning the direct investment.

283. The *Separations Manual* divides Space Category 1 (Operating Room and Central Office Equipment Space) into three subcategories—Manual Switchboard, Circuit equipment, and Dial switching—that do correspond with identifiable equipment categories. Each of those categories will be apportioned

[106] Categories and factors that were subsequently adopted in the *ICAM* would also have to be adapted because they were designed for four service categories that are quite different from the functional access categories described in this *Report and Order.*

in the same proportions as the associated COE. Space Categories 2 and 3 also consist primarily of operator space and will be apportioned in the same proportions an manual switchboard investment.

284. Space Categories 4, 6 and 9 (Commercial Office, Revenue Accounting and General Office) are associated with major expense categories and will be apportioned in the same manner as combined expense in each such category.

285. Space Categories 5, 8 and 11 describe investment that is not related to any access service. Such investment will accordingly be assigned to the interexchange category.

286. Space Category 7 includes garage and storeroom space. Inasmuch as equipment that would be contained in such space is likely to be used primarily for OSP installation and repair that investment will be apportioned in the same proportions as combined OSP investment.

287. Space Category 10 investment (Antenna Support) will necessarily be apportioned in the same proportions as the antenna supported.

288. Most land investment can and will be apportioned in the same manner as the buildings that occupy the land. Storage space is likely to be used in the same manner as garage and storage space in buildings and will accordingly be apportioned in accordance with the same formula. Land other than storage space that is not occupied by a building obviously cannot be related to any particular category. Such investment will be apportioned in the same proportions as combined land investment in the other land categories.

D. Apportionment of Expenses

289. Expenses can also be classified as direct or indirect expenses. Certain expenses such as depreciation and maintenance can be directly associated with particular tangible investments in buildings, facilities and equipment. Such expense will be apportioned in the same manner as the associated investment. Property taxes can also be associated with a particular investment and will be apportioned in the same manner.

290. We have concluded that rental payments for the use of a switch or a building, etc., should be apportioned in the same manner that investment would have been apportioned if the carrier owned the equipment or the facility. Therefore, we are also describing such rental payments as direct expense.

291. Indirect expense includes taxes and certain hypothetical taxes that are treated as expenses for ratemaking purposes as well as the expenses in the 600 series of accounts. We have departed somewhat from the separations methodology for apportioning income taxes because that methodology includes some steps that appear to be unnecessary when charges for almost all the relevant categories are to be targeted to earn the same rate of return.[107] Inasmuch as the income taxes are taxes upon profits and the profits will be directly related to net investment, such tax expense will be apportioned upon the basis of relative net investment.

292. Hypothetical tax expenses, such as expense related to investment tax credits that are claimed for tax purposes, are associated with particular investments. Such expenses and related credits will accordingly be attributed to the associated investment and apportioned in the same manner as such associated investment.

293. Traffic expenses consist primarily of operator activities and will accordingly be apportioned among the three operator elements in the same proportions as th COE 1 investment.

294. A substantial portion of Commercial Expenses are generated by sales and advertising activities that should be excluded from access charges because there is no reason to anticipate that the local exchange carriers will have any reason to advertise exchange access services. We have accordingly assigned expenses in Accounts 642 and 643 to the interexchange category.

295. Commercial expense also includes Connecting Company Relations, Local Commercial expense, Public Telephone Commissions, Directory expenses and other commercial expenses. The public telephone commissions are obviously attributable to the Pay Telephone element and the directory expenses are obviously attributable to the Information element. Local Commercial expense consists primarily of billing and collection activities and will accordingly be assigned to the Billing and Collection element.

296. At the present time a substantial portion of Connecting Company Relations expense is attributable to the administration of the settlements process. That process will be replaced in large part by access charges. Companies will still incur expenses in connection with the computation of access charges and the computation of distributions from access charge revenue pools. We have, however, decided to classify the access charge expenses as revenue accounting expenses for purposes of this expense apportionment. Inasmuch as most of the expenses that will remain in the Connecting Company Relations category will be attributable to interexchange settlements, the Connecting Company Relations expense will be assigned to the interexchange category.

297. The remaining commercial expenses cannot readily be attributed to any category or element. Those expenses will be apportioned in the same proportions as the combined commercial expenses that have been directly assigned to an access element or the interexchange category.

298. Revenue accounting expenses that are not attributable to access charges will be assigned to the Billing and Collection element because such expenses are generated primarily by such activities. We have also established a formula for the allocation of access charge revenue accounting expenses among access charge elements. Most of those expenses will be allocated to end user access elements because the billing and collection of end user charges is likely to generate greater expense.

299. The Big 4 Wage Factor from the *Separations Manual* will be used to apportion certain expenses such as social security taxes and pensions that are closely related to wage expenses. The Big 4 Wage Factor is based upon the wage portion of maintenance, traffic, commercial and revenue accounting expenses.

300. The *Separations Manual* also uses the Big 4 Wage Factor to apportion general office expenses other than engineering expenses. We have concluded that it would be appropriate to use the same factor for this purpose. Inasmuch as engineering expense is related to the equipment and facilities that are used in telephone operations, we have decided to apportion that expense on the basis of the apportionment of the combined direct investment.

301. Although the existing license contracts between AT&T and the BOCs will be terminated before access charges become effective, it will still be necessary to apportion this type of expense because some independents have similar arrangements and the BOC central organization will probably perform some services that AT&T General Departments have performed in the past. We believe expenses for services that are performed by an affiliated company should be

[107] The separations methodology computes taxable income separately for interstate and intrastate services and uses that ratio to apportion tax expense. That step appears to be necessary for separations purposes because state and federal regulators authorize different returns.

apportioned in the same manner as expenses for services that a company performs for itself. We are accordingly requiring that license contract expense be apportioned in that manner.

302. Expenses and income charges and credits that are not included in one of the specific categories described in the rules will be apportioned on an aggregate basis. The Other Investment factor for indirect investment that is not land and building investment will be used for that purpose.

VI. Levels of Aggregation

A. Prior Proposals

303. The tentative plan described in the *Second Supplemental Notice* proposed nationally averaged carrier's carrier access charges and the creation of an access charge revenue pool. Uniform charges necessarily require revenue pooling because different exchange carriers have different costs. Some carriers would be overcompensated and others would be deprived of a compensatory return if each carrier kept the proceeds from access charges that are computed to reflect the average costs of all carriers.

304. The *Second Supplemental Notice* said that distributions from an access charge revenue pool would reallocate total access charge revenues "among the exchange carriers in order to enable each exchange carrier to receive its interstate exchange plant costs and a share of the residue that reflects its pro rata share of the interstate exchange plant investment." 77 FCC 2d at 233.

305. Some comments that were filed in response to the *Second Supplemental Notice* observed that we did not specify whether distributions taken from a pool would be based upon the authorized or the achieved rate of return. We always contemplated that any pool distributions would be based upon an achieved return although the charges would, of course, be designed to produce revenues that are equal to the authorized revenue requirement.

306. The *Fourth Supplemental Notice* invited comments upon the desirability and feasibility of some alternatives to nationwide uniform charges. One of those alternatives—separate access charges on a state-by-state basis—would have required revenue pooling. The other two alternatives—a separate schedule for a limited number of classes of exchange carriers or a separate schedule for a limited number of classes of exchanges—would not require revenue pooling.

307. All four alternatives were based upon the assumption that all exchange carriers would be participating in common tariff arrangements. We assumed that this would be the case because none of the telephone company comments that were filed in response to the *Second Supplemental Notice* expressed a desire to opt out of such arrangements. Inasmuch as some telephone company comments that were filed in response to the *Fourth Supplemental Notice* do express such a desire, the advantages or disadvantages of the alternatives described in that *Notice* may be academic unless we conclude that we can and should compel unwilling carriers to participate in common tariff arrangements.

B. Compulsory Common Tariffs

308. Most comments that discuss the advantages and disadvantages of common tariff arrangements apparently assume that this Commission does have discretion to require averaging or deaveraging, but a few participants have raised questions with respect to the scope of our discretion. Some carriers who do not desire to join in common tariff arrangements apparently believe that any carrier has an absolute right to establish its own rates based on its own costs.[108] Other participants who state that averaging is essential to achieve Communications Act goals contend, or at least imply, that it would be unlawful for us to permit any carrier to withdraw from averaged common tariff arrangements.

309. No provision of the Communications Act explicity supports either position. That Act does not expressly require averaged rates and it does not confer any express right to deaverage. Neither this Commission nor the courts have been required to determine whether a carrier has a right to establish separate charges because no carrier has ever attempted to withdraw completely from the uniform MTS rate structure.[109]

310. We believe that our general powers under Section 4(i) of the Act, 47 U.S.C. 154(i), are sufficient to enable this Commission to compel carriers to participate in common tariff arrangements if we find that such arrangements are necessary to accomplish Communications Act goals. Section 4(i) provides:

> The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions.[110]

311. A rule that requires a common tariff arrangement would not conflict with any express provision of the Act. A rule that makes participation in such arrangements voluntary also would not conflict with any express provision of the Act. Therefore, we do not have discretion to compel, or to refrain from compelling, participation in a common tariff arrangement.

312. We believe that our power to compel participation in such arrangements should be used sparingly. A carrier should not be prohibited from pursuing a course that its management believes to be in its best interests unless the public interest requires such a prohibition. A carrier obviously should not be precluded from filing separate access charge tariffs that reflect the costs of that carrier if such a prohibition would produce results that are less consistent with Communications Act goals than results that the filing of a separate tariff would produce.

313. In view of these conclusions we have decided that the advantages and disadvantages of mandatory common tariff arrangements should be examined separately for different groups of access elements. We have reached different conclusions for different groups.

314. The Carrier Common Line element was designed in part to mitigate the effects that unlimited deaveraging would produce. Therefore, we believe it is essential to recover those charges through interexchange carrier assessments that are computed on a uniform nationwide basis and to create a pool arrangement for the distribution of such revenues. Our purpose would be frustrated if some exchange carriers recovered the carrier's carrier portion of the Common Line revenue requirement directly from the interexchange carrier. Such a practice could lead to a deaveraging of MTS and other switched service rates that would reflect cost differences among carriers. This would impose burdens upon the customer of high cost or high SPF carriers that the Carrier Common Line charge was designed to avoid.

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[108] *See* especially Rochester Telephone Corporation Reply, p. 14.

[109] Rochester Telephone cites *American Telephone and Telegraph Company v. FCC*, 487 F. 2d 864 (2d Cir. 1973) and *MCI Telecommunications Corp. v. FCC*, 561 F. 2d 365, 375 (D.C. Cir.), *cert. denied*, 434 U.S. 1040 (1977), to support its claim that it has an absolute right to file its own tariffs. Neither case involved any question with respect to separate or common tariffs. Moreover, the general language with respect to carrier's rights related to revisions of carrier-initiated tariffs that had never been found to be unlawful. Those courts were not describing the scope of the remedial powers we may exercise after we have found that the entire telephone industry has been maintaining an unlawful rate structure.

[110] Those powers have been construed very broadly in the past. *See, e.g., U.S. v. Southwest Cable Co.*, 392 U.S. 197 (1968); *National Broadcasting Co. v. U.S.*, 319 U.S. 190 (1943).

315. A common tariff arrangement is also necessary at this time because a large portion of the Carrier Common Line revenue requirement will be recovered through the premium access assessment during the early years of the transition. Differences in the quality of interconnection will vary from place to place and from month to month during the transition period. Any effort to measure premium value in a particular exchange in a particular month would create significant administrative burdens for all carriers and for this Commission. We have decided that it would be preferable to compute an annual premium on a national basis that reflects our best estimate of the premium access that will exist during a particular year. It may be impossible to compute a premium access charge in any other manner.

316. The considerations that require a uniform nationwide charge for the carrier's carrier portion do not apply to the end user portion of the Common Line revenue requirement. Premium access is not a factor and separate tariffs for the end user portion need not impose hardships in high cost or high SPF areas.[111] There is accordingly no reason to preclude a carrier from devising its own charges if it wishes to do so.

317. Moreover, a compulsory common tariff arrangement for that element would not only be unnecessary, but would also be undesirable. We have designed transitional rules for End User Common Line charges that give carriers considerable discretion in designing a transition to flat rates for all end users. Flexibility is desirable because different approaches are likely to be appropriate for different carriers in different areas.

318. Our effort to achieve parity among services would be frustrated if a carrier filed a tariff for one or two end user elements that reflected its own costs and joined a common tariff for other end user elements that reflected average costs of a group of carriers. Some restriction upon the filing of separate end user tariffs is accordingly necessary in order to achieve the primary objective of this phase of this proceeding. Section 69.3 of our Rules permits a carrier to file a separate tariff for an end user access element if, but only if, that carrier files a separate tariff for all end user access elements.[112]

319. We do not perceive any significant advantage from requiring a common tariff for the other carrier's carrier elements that we have described as traffic sensitive. Any deaveraging of the access charges will not, of course, automatically lead to a deaveraging of the interexchange carrier's end user rates. Even if that result did occur, it appears doubtful that the differentials would be large enough to impose a significant hardship upon end users in particular areas. Present and proposed separations methods for the apportionment of traffic sensitive plant do not create the same kind of discrepancies that are or may be reflected in interstate NTS costs. Therefore, we will not preclude separate tariffs for the traffic sensitive elements.

320. We will, however, preclude a carrier from filing a separate tariff for any traffic sensitive element if the carrier does not file a separate tariff for all traffic sensitive elements. Many of these elements are closely interrelated and a combination of separate and common tariffs for the same carrier could produce anomalous results that are inconsistent with the goals and requirements of the Communications Act.

321. The existence of multi-carrier extended area arrangements also requires a further restriction upon the filing of separate tariffs for traffic sensitive elements. If an extended area arrangement exists an interexchange carrier that interconnects with any local exchange carrier in the extended area necessarily obtains access to the entire extended area. The local exchange carriers are essentially providing a joint access service. Therefore, we will not permit any local exchange carrier to file separate traffic sensitive tariffs for a portion of an extended area. We will permit carriers in an extended area to file a joint tariff for traffic sensitive elements that differs from any national common tariff if all of the participating carriers concur in the rate and agree upon an apportionment of the revenues. Such a joint tariff must, of course, reflect the combined costs of all participating carriers.

322. If carriers in an extended area cannot agree upon a rate for a particular area, common tariff arrangements that have been established nationally will have to be used for that purpose. Such a requirement is necessary to assure that some access charge will be effective in all areas even if the participating exchange carriers cannot agree upon rates or the division of revenues.

C. Deaveraging by a Carrier

323. A separate tariff for end user or traffic sensitive elements might be computed to reflect the average costs of a particular carrier or group of carriers. A tariff could also be devised to reflect greater disaggregation. The comments indicate that a few carriers may wish to file separate tariffs that are highly disaggregated.

324. Our discussion of deaveraging in the *Third Supplemental Notice* noted that past efforts to devise deaveraged rates for a particular carrier or group of carriers have not produced lawful rates. We also concluded that our past decisions have established a policy that precludes selective deaveraging by a carrier in the absence of a showing that such deaveraged rates reasonably approximate actual cost differences. 81 FCC 2d at 194. We said that we would continue to enforce that policy and we noted that Central Submission data submitted by AT&T indicates that AT&T did not have the data that would be necessary to justify a deaveraged rate schedule. 81 FCC 2d at 195.

325. We have not received any information in or out of this record during the intervening two years that would indicate that any carrier is presently in a position to devise highly disaggregated access tariffs that will not create new forms of discrimination. We have, therefore, concluded that unlimited deaveraging within tariffs of a particular carrier or group of carriers should not be permitted at this time.

326. Data that are collected on a study area basis may, however, be sufficient to enable a carrier to justify rate differentials among different study areas. We will, therefore, permit a carrier to file access tariffs with different rates in different study areas if it chooses to do so. Our decision to permit such filings does not, of course, relieve such a carrier of its duty to submit cost support data that will justify any such differentials.

D. Voluntary Common Tariffs

327. Most participants in this proceeding agree that exchange carriers who wish to enter into a voluntary common tariff arrangements and a voluntary revenue pool should be permitted to do so. Some participants have, however, observed that any averaging and pooling arrangement has some disadvantages. Some have said that such arrangements do not create incentives for users or carriers that promote economic efficiency.

328. AT&T observed (Comments, p. 71): "Because rate averaging separates prices from local costs, averaging encourages the overuse of the more costly but underpriced facilities and the underuse of the less costly but overpriced facilities."

[111] Universal Service Factor costs and transitional SPF costs will, of course, be assigned to the carrier's carrier portion. *See* Subparts III.B and III.C, *supra*.

[112] All of the restrictions upon separate tariffs and deaveraging are described in § 69.3.

329. Voluntary common tariff arrangements for access elements other than the Carrier Common Line element would not be likely to produce significant distortions because the lowest cost carriers are likely to withdraw from such pooling arrangements in due course. An access plan that includes such arrangements will probably ultimately produce common tariffs and revenue pools for a large number of relatively small companies that do in fact have comparable costs.

330. Some comments have observed that pooling does not create efficiency incentives for carriers that participate in a pool. For example, Rochester Telephone said (Comments, p. 34):

> If the pooled revenues are distributed according to each carrier's costs, as presumably they would have to be, there is little or no economic incentive to reduce the cost of access under this system. Indeed, an exchange carrier that reduces its costs becomes relatively more disadvantaged, for it receives from the pool a smaller proportion of the interstate revenues contributed by its subscribers to the pool.

331. The present partnership settlements arrangement for BOCs and independent telephone companies that are described as "cost study" companies essentially provides cost plus compensation for each carrier. This method of compensation does appear to create little or no incentive to improve efficiency. Many participants do believe, however, that any access charge revenue pool should be designed to provide a uniform return for all pool participants.[113]

332. Although a uniform common tariff arrangement necessarily requires a revenue pool, it does not inevitably require pool distributions that are based upon the settlements partnership model. It may be possible to create greater efficiency incentives by devising a pool distribution formula that does not guarantee a uniform return for all participants. Since such questions apply to involuntary as well as voluntary pools, we believe this possibility warrants further study. We do not, however, have sufficient information at this time to devise pool distribution rules that differ from the settlements model. The public interest would not be served by delaying initial access charges to devise such an alternative. We have accordingly decided to adopt distribution rules that do follow the settlements model.[114]

333. Rochester Telephone also asserts (Comments, p. 39) that companies that participate voluntarily in a common tariff and pooling arrangement "would run the risk of antitrust liability under the Sherman Act." It appears doubtful that common tariff and revenue pooling arrangements that are limited to access services could provide a basis for a colorable antitrust claim. The Sherman Act does not prohibit concerted activities, it merely prohibits concerted activities that are likely to produce an unreasonable restraint of trade.

334. We observed in the *Second Supplemental Notice* that such arrangements are unlikely to produce anticompetitive effects. That *Notice* said (77 FCC 2d 235):

> Local exchange facilities are presently provided exclusively on a monopoly basis and carriers providing such service do not compete with each other in the provision of that service. We recognize that this situation may change with time as improving technology (*e.g.*, direct satellite, cellular radio) makes exchange competition more economically feasible. However, these changes will not occur in the short run. (footnote omitted).

335. Access service competition between the carriers that are likely to participate in a pool is not likely to occur even in the more distant future. Alternative access that bypasses wireline facilities of a local exchange carrier is likely to be offered in conjunction with an interexchange service. Therefore, a local exchange carrier is not likely to be providing bypass in the franchise area of another local exchange carrier if that carrier is not providing interexchange services. The MFJ bars the divested BOCs from the interexchange market and most smaller independents do not have the means to enter that market. One can imagine large independents offering bypass services in BOC exchanges, but the BOCs are not likely to remain in any pools by the time that becomes a realistic possibility. Therefore, any common tariff and pooling arrangements that we are mandating or permitting cannot be viewed as price-fixing or profit-pooling by actual or potential competitors in an access service market.

336. The Justice Department apparently shares our perception of the competitive implications of voluntary access pools. The Justice Department comments do not oppose voluntary common tariffs or voluntary pools as such.

337. Such voluntary arrangements not only do not have disadvantages that would warrant a prohibition, but also have important advantages. The telephone industry is composed of a limited number of large companies that serve over 90% of the local exchange subscribers and a very large number of small companies that serve the remaining subscribers. Most of these smaller companies have never filed any tariff of any kind with this Commission. It would be totally unrealistic to expect such companies to prepare and justify separate tariffs in accordance with the rules we are adopting in this *Report and Order*. It would also be unrealistic to suppose that this Commission could review 1500 access tariffs in a meaningful manner if they did choose to do so. A common tariff arrangement that most of the exchange carriers can use is clearly necessary to make any access charge rules work. Such arrangements would, therefore, presumably be immune from antitrust sanctions because they are necessary to make the regulatory scheme work even if this Commission did not mandate or sponsor such arrangements. *See Silver v. New York Stock Exchange*, 373 U.S. 341 (1963).

338. The involuntary arrangements for universal service charges should not, of course, present any antitrust question because participation in those arrangements would be the product of regulatory coercion.[115]

E. Creation of the Association

339. A voluntary or involuntary common tariff arrangement necessarily requires that some entity compute the charges and prepare and justify the tariffs on behalf of all the participating carriers. A revenue pool requires that some entity compute the distributions that each participant is entitled to receive from the pool.

340. In the past AT&T has acted as a tariff filing agent for the entire industry and has also performed most of the administrative functions in connection with the settlements pooling arrangement. The AT&T role as a tariff filing agent is implicitly recognized in Section 203(a) of the Act. Section 203 requires every common carrier "except connecting carriers" to file tariffs with this Commission for interstate and international services. It also requires

[113] *See* GTE, p. 23; United Telephone System, Inc., p. 2; Ketchikan Public Utilities, p. 7, Curtis M. Bushnell, p. 21.

[114] The distribution of revenues to carriers that are not average schedule companies is described in Sections 69.607–69.610 of the Rules.

[115] The decision in *Cantor v. Detroit Edison Co.*, 428 U.S. 579 (1976), would not be analogous because the regulatory coercion in the rules we are adopting does not have the same *pro forma* character as the actions of the Michigan Commission.

that the tariffs describe charges between points on the carrier's system and between points on the carrier's system and "points on the system of its connecting carriers." This essentially relieved a "connecting carrier" of the burden of filing its own tariffs with this Commission and imposed that burden upon the carrier that is not described as a "connecting carrier." The term "connecting carrier" encompasses most independent telephone companies and probably encompassed almost all non-Bell companies when the Act was adopted. Thus, Congress effectively made AT&T a tariff filing agent for the entire industry.

341. The *Fourth Supplemental Notice* invited comment on a proposal to create a new intra-industry entity to perform the tariff filing and pool distribution functions because such an AT&T role in the post-divestiture environment would appear to conflict with the spirit, and possibly the letter, of the then proposed consent decree. Most comments from participants who do not oppose any common tariff or pooling arrangement have endorsed the industry association concept.

342. A few comments have questioned the desirability or legality of Commission action to mandate the creation of such an association. Such participants apparently believe that we should allow institutional arrangements for common tariffs and pools to emerge spontaneously. We do not believe that would be a feasible option if an access charge system is to be in place by the beginning of 1984. Such an association must have a functioning organization by the time the divestiture occurs. We necessarily must mandate the creation of an exchange carrier association and adopt some rules with respect to its organization and functions in order to ensure that an access charge system will work.[116]

343. Rochester Telephone has questioned our authority to mandate the creation of such an association and has described such an action as a delegation of powers to a private organization. Comments, p. 39; Reply, p. 13. We do not believe it would be appropriate to describe our action as a "delegation" because the preparation of tariffs and the administration of revenue pools is not a governmental function. It would probably be more accurate to describe our action as an exercise of our Section 203(b)(2) power to modify the requirements of Section 203 by creating a new entity to perform functions that Section 203(a) assigned to AT&T. If we failed to exercise our power to transfer such functions from AT&T to a new entity we would be creating an unnecessary conflict between the regulatory scheme and the MFJ. Moreover, as previously noted, the creation of such an association is essential to the success of an access charge system and is accordingly within our Section 4(i) power to issue orders that are necessary to the performance of our statutory functions.

344. Although the Justice Department did not oppose common tariffs or voluntary pooling of access charge revenues, the Department has expressed the view that this Commission should not sponsor a carrier association. That view may reflect a concern that a Commission-sponsored association could become a vehicle for other concerted activities that might have anti-competitive implications. We feel that such activities are unlikely. Nevertheless, we have decided that we should impose some restrictions upon the scope of the association's activities. We will preclude the association from engaging in activities that are not directly related to the preparation of access charge tariffs or the distribution of access charge revenues unless such additional activities are expressly authorized by this Commission. We will, of course, expect the association to seek prior approval for any additional association activities.

F. Organization of the Association

345. We have concluded that membership in the association should be limited to exchange carriers that participate in access charge revenue pools that are administered by the association and that the governing board should be composed exclusively of exchange carrier representatives. Although the *Fourth Supplemental Notice* invited comment upon the advisability of including a Commission representative on the association board, further reflection leads us to conclude that it would be unwise to do so. This Commission will be obliged to review the tariffs that the association files and to determine the merits of any petitions to investigate, suspend or reject such tariffs. An appearance of a conflict of interest might be created if a Commission representative participated in the association decisions that might be challenged in such proceedings. We have also decided not to accept suggestions that state commissions, interexchange carriers or consumers be represented on the governing board of the association. As we stated in the *Fourth Supplemental Notice*, "the Communications Act already provides safeguards adequate to protect the interests of these groups in the fair, evenhanded implementation of any access charge plan we might adopt." 90 FCC 2d at 150.

346. We have concluded that we should adopt a rule describing the membership of the governing board in order to establish appropriate representation for different classes of carriers. We are not, however, adopting that rule at this time. We will issue a supplemental order in this docket adopting such a rule and prescribing some organizational steps after the notice period expires for carriers that may choose not to participate in common tariffs for 1984.[117]

347. We do not plan to adopt rules that would restrict the association's discretion in acquiring staff or borrowing staff from its members or contracting with accounting firms, banks or others to perform some of the association's tasks. The observation in the *Fourth Supplemental Notice* that the BOC central organization might continue to perform many tariff preparation and pool distribution functions that have traditionally been performed by AT&T personnel was presented as a possible solution to staffing problems the association may encounter. We do not believe, and have never believed, that it would be necessary or desirable for this Commission to prescribe the staffing arrangements the association would be required to adopt.

348. The association will be responsible for filing the Carrier Common Line tariffs and common tariffs for every other access element for those carriers that choose to join in association tariffs.[118] In general, carriers may choose to participate in common tariffs for the end user elements or the traffic sensitive carrier's carrier elements or both. In order to enable the association to adjust its tariffs to reflect the costs of carriers that do choose to participate in common tariffs, we shall require that any exchange carrier that does not desire to participate in a common tariff provide ample advance notice that it has chosen to file a separate tariff.

349. The costs of managing the pooling and distribution, along with the costs of actually filing tariffs, are to be included among costs recovered through association charges.

[116] Those rules are set forth in Subpart G.

[117] We do not plan to invite further supplemental comments before we issue that supplemental order.

[118] This will, of course, take the form of a single tariff with multiple elements. We will permit carriers who do not join some elements to cross-reference the association tariff for elements such carriers join.

G. AT&T Role in Preparation of Initial Tariffs

350. It appears doubtful that the association could have an organization in place in sufficient time to prepare the initial access service tariffs that must be filed by October 3, 1983. We have accordingly decided that AT&T should continue to perform its traditional role in the preparation of tariffs for the telephone industry until the initial access charge tariff is ready for filing.[119] AT&T should, of course, respond to policy directives from the association directors when a governing board has been selected.

351. AT&T participation in the preparation of the initial access charge tariffs would probably be necessary even if the association could create a functioning organization immediately. AT&T will necessarily be required to file new end user tariffs for interstate and international services in order to reflect the effect of the access charges. In view of the magnitude of the changes that the implementation of initial access charges will produce, access charges and new end user charges for interexchange services should become effective simultaneously. We could not responsibly permit massive changes in end user rates to become effective upon less than 90 days notice and it appears doubtful that we could require more than 90 days notice for access tariff filings. In these circumstances, coordination in the development of access charge tariffs and new end user tariffs for AT&T services is essential to ensure a smooth transition.[120]

352. Such coordination problems should not be as significant in subsequent years because the changes in access charges probably will not be significant enough to require simultaneous changes in end user rates. It should be possible to achieve a smooth transition by mandating an AT&T role in the preparation of common tariffs for access charges that ends when the initial access charges are filed. We do not envision, mandate or sanction any AT&T role in the preparation of access charge tariffs or the distribution of access charge revenues after divestiture of the BOCs occurs.

353. The Justice Department comments indicate that the Department does not object to a pre-divestiture AT&T role in the preparation of access charge tariffs. We accordingly assume that the procedure we envision will not conflict with the letter or the spirit of the MFJ.

354. The preparation of the initial access charge tariffs will undoubtedly be a difficult task. In order to enable AT&T to begin collecting the necessary data, we are making this *Order* effective on the day after the date of publication in the **Federal Register**. We have decided to require exchange carriers that choose to file any separate tariffs for 1984 to notify AT&T of their decision within 40 days after the release of this *Report and Order*. We are also requiring that AT&T notify all the affected carriers that this notice requirement exists within 10 days of the release of this *Report and Order*.

355. It is vitally important that acceptable access tariffs become effective by the day on which divestiture of the BOCs occurs. We therefore feel compelled to monitor the progress of access charge preparation. To this end, we require AT&T to file progress reports until the initial access charges have been filed. The first report will be filed 8 weeks after the release of this *Report and Order* and subsequent reports will be filed at 6-week intervals.

356. We also expect that AT&T and any carrier that may choose to file a separate tariff will file petitions for waiver if shortcuts must be used to adapt readily available data to the methods we are prescribing for the computation and assessment of access charges. We recognize that some carriers will not be able to provide all of the data that would be required and that some kind of sample procedure will be necessary to develop data for average schedule companies. The filing of such waiver petitions will provide an additional opportunity to monitor the progress of access charge preparation.[121]

357. We believe the procedures we are adopting will achieve the purposes of this proceeding without imposing undue burdens upon any carrier or creating administrative burdens that exceed the capabilities of our staff.[122]

H. Regulatory Flexibility Certification

358. For the following reasons, we certify that the Regulatory Flexibility Act is not applicable to the rules we are adopting in this proceeding.

359. A few of the comments have questioned the adequacy of the initial regulatory flexibility analysis in the *Fourth Supplemental Notice*.[123] The Regulatory Flexibility Act is not literally applicable to this proceeding. That Act was apparently designed for the protection of small businesses that are directly subject to administrative rules rather than businesses that are indirectly affected by the results that any rules will produce. the access charge rules are, of course, imposed upon the local exchange carriers that will be required to compute and collect access charges in accordance with those rules. Those carriers are accordingly the only businesses that might be entitled to claim some protection under that Act.

360. Although some local exchange carriers are very small, no telephone company appears to fall within the Regulatory Flexibility Act's very special definition of a "small entity." That Act incorporates the definition of a "small business" in Section 3 of the Small Business Act as a definition of a "small entity." The latter definition excludes any business that is dominant in its field of operation. Exchange carriers, even small ones, enjoy a dominant monopoly position in their local service area. This Commission has found all exchange carriers to be dominant in the *Competitive Carrier Rulemaking*, 85 FCC 1, 23–24 (1980). Indeed the smallest exchange carriers are probably even more dominant than the large ones because bypass competition is very unlikely to develop in the areas they serve.

361. Although the Regulatory Flexibility Act is not applicable to this proceeding, Congress did express essentially the same policy objective in the Communications Act. Sections 2(b) and 203(a) of the 1934 Act were designed to relieve most small telephone companies from many reporting and other burdens that the Act imposed upon AT&T.

362. We recoginize that we cannot and should not expect a telephone company with eight employees to do everything that Pacific Telephone is expected to do. We have designed the access charge rules to minimize the administrative burdens that are imposed upon smaller companies. We have mandated the creation of an association

[119] Inasmuch as the association will be relieving AT&T of burdens imposed by Section 203, we expect that AT&T will lend funds to the association to permit it to function until it receives a disbursement from access charge revenues.

[120] End user rates of other interexchange carriers will undoubtedly also be changed to reflect access charges. We do not, however, expect to require 90 days notice from those carriers.

[121] The Chief of the Common Carrier Bureau will, of course, act upon any waiver petitions that do not present fundamental policy questions that require a Commission decision.

[122] We have necessarily been obliged to impose some restrictions upon the option of carriers that do not choose to join in common tariffs in order to prevent the filing of tariffs that could not be adequately reviewed. For example, the rules we are adopting preclude tariffs that are disaggregated within a study area. We may relax such restrictions in the future after we have acquired more experience with access service tariffs.

[123] *See* especially Small Business Administration comments.

that will perform tariff preparation and pool distribution functions and we have designed requirements for those functions that will adapt the existing average schedule settlements procedures to an access charge system. We believe that we have complied fully with the requirements of the Communications Act and the spirit of the Regulatory Flexibility Act.

VII. Conclusion

363. We emphasize how difficult and how important has been the task of devising an access charge plan. In this proceeding, we have focused on the present and the future rather than the past. The monopoly telecommunications environment of the past has ended. The approaches, taken in the past to balance the four goals of universal service, non-discriminatory, cost-based prices and a viable, efficient telecommunications network—goals which we believe have been the aim of the Communications Act since its passage—are no longer appropriate. These past approaches have essentially been nothing more than the development of special, discriminatory rates for different customers making identical use of access plant in interstate service. It is readily apparent that in an era of facilities-based competition and resale such approaches are not viable. Any attempt to insure continued support for local telephone service through the prohibition of bypass systems would lead to a stifling of innovation and, quite probably, to the transformation of the nation's telephone system—currently the best in the world—into an outmoded and technically inefficient system. Such a system would almost certainly be unable to attract sufficient capital to maintain, much less upgrade, the system.

364. In our *Fourth Supplemental Notice* we put forth for comment four differing approaches to the resolution of the principal question in the access charge docket. These were not presented as specific plans subject to a vote of the parties. Rather they were propounded as examples of the types of plans which could be developed. In issuing that *Notice* we hoped that participants would propose methods to combine or improve upon the simplistic approaches we described. Our hope was well justified. The comments filed by participants in this proceeding have, in overwhelming measure, been constructive and of tremendous value to us in fulfilling our task. Our task, we state once again, is to devise that access charge plan which best balances the many objectives of the Communications Act.

365. The plan we adopt today is largely based upon those comments. It recognizes both the need for some national averaging and the clear advantages of disaggregation when such disaggregation is desired by the carriers and is in the public interest. It clearly recognizes the need for a smooth transition from the existing system of discriminatory but largely usage based carrier charges to a new system relying chiefly upon flat customer charges. Such a movement is, in our opinion, necessary to serve the public interest and to insure the maintenance of our nationwide network of telephone service. Despite this we have, through our plan, insured that universal service will not be eliminated. The inclusion of a permanent, nationally averaged, carrier's pool to direct revenues to high cost areas is a central feature of this plan. We have not been limited by the traditional division between "traffic sensitive" and "non-traffic sensitive" costs in determining which costs should ultimately be placed upon individual customers. Rather, we have attempted to differentiate network functions, which may appropriately be recovered through carrier's carrier charges, from end user service, which can only be ordered by end users, which is dedicated to individual end users, and which must, in our opinion, be recovered from those end users.

366. We have directed the Common Carrier Bureau to develop a monitoring function to insure that the changes that will result from this *Report and Order* do not impair universal service. Such a monitoring function must and will be in place before the institution of access charges. Along with our transition plan, this will insure that, should unforeseen circumstances arise, we have an ample opportunity to act before irreparable harm to the universal character of telephone service takes place. We now commit ourselves to taking such action should, contrary to our expectations, it be necessary. Such actions might include adjusting end user flat charges, adjusting the Universal Service Fund, adjusting the degree of nationwide pooling, or requiring that certain transitional benchmarks be met.

367. Finally, we have provided a two-year period after individual phone companies are responsible for collecting most dedicated NTS costs from their subscribers before equal flat customer access charges will be required. We recognize that during the transition period some telephone companies may develop mechanisms for recovering those costs from their customers which will better balance the four goals of the Communications Act than can a single national plan. We will conduct a further notice and comment phase of this proceeding in the fifth year and will evaluate nationwide and local effects of the transition before proceeding with the final steps in the transition plan. We recognize that a plan that may be ideal for most of the country may not be ideal for all of the country. This *Report and Order* recognizes that individual carrier flexibility is fully consistent with the Communications Act. We expect to work with State regulatory commissions, and State legislatures, during the transition period to continue to seek better ways to reconcile the need for an efficient, cost-based cost recovery scheme with the need for a universal telephone system and to harmonize our efforts so as not to frustrate the achievement of our policies and objectives.

368. The task we have faced in designing our access charge plan has been, perhaps, the most difficult ever to come before the Commission. It is also, quite probably, the most important to have come before us. The correct resolution of this phase of this docket is an essential prerequisite for the development of meaningful competition in interstate telecommunications, for the assurance that common carrier telecommunications can play the central role in our nation's economy and, indeed, in the world economy that is warranted by its value to citizens and by its unique characteristic of being substitutable for a wide variety of goods and services. No one, and no commission, can predict the future of telecommunications with any degree of certainty. Our access charge plan is, in our opinion the best plan for the present and immediate future that can be devised based upon our present level of knowledge. We remain committed to careful monitoring of developments in the field of common carrier telecommunications and to making any adjustments that may be warranted, based upon these future developments, to serve the public interest.

VIII. Ordering Clauses

369. Accordingly, it is hereby ordered, That pursuant to 47 U.S.C. §§ 154(i) and (j), 201, 202, 203, 205, 218 and 403 and 5 U.S.C. § 553, Part 69 is added to the Rules of this Commission as set forth in the attached Appendix A, effective on the date following publication in the Federal Register.

370. It is further ordered, That each revenue requirement that is computed in accordance with such rules shall be

based upon a 12.75% return until further order of this Commission.

371. It is further ordered, That in accordance with the rules in Appendix A and the directives of this *Report and Order*, AT&T shall prepare the initial tariffs for interstate access services provided by members of telephone company association and shall file these tariffs no later than October 3, 1983.

372. It is further ordered, That AT&T file reports describing its progress in preparing these initial access tariffs with the Chief, Common Carrier Bureau. These reports shall continue until AT&T has filed the initial access tariffs. The first report shall be filed eight (8) weeks after the release of this *Report and Order*. Subsequent reports shall be filed thereafter at six (6) week intervals.

373. It is further ordered, That within ten (10) days of the release of this *Report and Order* AT&T shall notify each telephone company that has participated in the division of revenues or settlements process that the company is required to decide whether to file any tariffs separate from those filed by the association and to notify AT&T of its decision.

374. It is further ordered, That each telephone company that has participated in the division of revenues or settlements process shall notify AT&T of its decision to file any separate tariffs within forty (40) days of the release of this *Report and Order*.

375. It is further ordered, That the Petition for Evidentiary Hearing of the United States Transmission Systems, Inc. filed on June 26, 1980, is denied.

376. It is further ordered, That the Motions for Leave to File Late Comments filed by the Federal Executive Agencies and the Council on Wage and Price Stability are granted.

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

Federal Communications Commission.[124]

William J. Tricarico,

Secretary.

Note.—Due to the continuing effort to minimize publishing costs, Appendices B, C, D, E, F, G, and Attachments will not be printed herein. However, copies of this document in its entirety may be obtained from the Downtown Copy Center, 1114 21st St., N.W. Washington, D.C. 20037, (202) 452-1422. A copy is filed as part of the original and also available for public inspection in the FCC Dockets Branch, Rm. 239, and the FCC Library, Rm. 639, 1919 M St. N.W., Washington, D.C. 20554.

[124] See attached separate statements of Commissioners Quello, Fogarty and Sharp. Separate statements of Commissioners Jones and Dawson will be issued at a later date.

Appendix A

Part 69 is added to Chapter I of Title 47 of the Code of Federal Regulations to read as follows:

PART 69—ACCESS CHARGES

Subpart A—General

Sec.
69.1 Application of access charges.
69.2 Definitions.
69.3 Filing of access service tariffs.
69.4 Charges to be filed.

Subpart B—Computation of Charges

69.101 General.
69.102 Dedicated access line.
69.103 Pay telephone.
69.104 End user common line.
69.105 Carrier common line.
69.106 Line termination.
69.107 Local switching.
69.108 Intercept.
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69.110 Operator assistance.
69.111 Common transport.
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69.114 Billing and collection.

Subpart C—Computation of Transition Charges

69.201 General.
69.202 End user common line charges.
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69.204 Usage charges.
69.205 Maximum charges.
69.206 Transitional surcharges.
69.207 Premium access.
69.208 Transitional Carrier Common Line.

Subpart D—Apportionment of Net Investment

69.301 General.
69.302 Net investment.
69.303 Station equipment.
69.304 Customer OSP.
69.305 Carrier OSP.
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69.307 Buildings.
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Subpart E—Apportionment of Expenses

69.401 Direct expenses.
69.402 Current taxes.
69.403 Deferred tax expenses.
69.404 Traffic expenses.
69.405 Commercial expenses.
69.406 Revenue Accounting expenses.
69.407 General Office expenses.
69.408 Relief and pensions.
69.409 License contract expenses.
69.410 Other expenses.

Subpart F—Segregation of Common Line Element Revenue Requirement

69.501 General.
69.502 Base factor apportionment.
69.503 Apportionment of transitional portion.

Subpart G—Exchange Carrier Association

69.601 Exchange carrier association.
69.602 Board of directors.
69.603 Association functions.
69.604 Billing and collection of access charges.
69.605 Distribution of Carrier Common Line revenues.
69.606 Computation of average schedule company payments.
69.607 Disbursement of Carrier Common Line residue.
69.608 Carrier Common Line hypothetical net balance.
69.609 End User Common Line hypothetical net balances.
69.610 Other hypothetical net balances.

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

Subpart A—General

§ 69.1 Application of access charges.

(a) This Part establishes rules for access charges for interstate or foreign access services provided by telephone companies on or after January 1, 1984.

(b) Charges for such access services shall be computed, assessed and collected and revenues from such charges shall be distributed as provided in this Part. Access service tariffs shall be filed and supported as provided under Part 61 of this chapter, except as modified herein.

§ 69.2 Definitions.

For purposes of this Part:

(a) "Access Service" includes services and facilities provided for the origination or termination of any interstate or foreign telecommunication that is subject to regulation pursuant to Title II of the Communications Act or provided for the origination or termination of any interstate or foreign enhanced service that is exempt from tariff regulation pursuant to Subpart G of Part 64 of this chapter;

(b) "Annual revenue requirement" means the sum of the return component and the expense component;

(c) "Association" means the telephone company association described in Subpart G of this Part;

(d) "Big 4 Wage Factor" means that ratio of combined wage expense except building maintenance wage expense attributable to general office space in the following expense categories:

(1) Maintenance;

(2) Traffic;

(3) Commercial; and

(4) Revenue Accounting;

(e) "Buildings" includes investment that is described as building investment in the *Separations Manual;*

(f) "Carrier Outside Plant" or "Carrier OSP" means all outside plant that is not Customer OSP;

(g) "Central Office Equipment" or "COE" includes all equipment or

facilities that are described as Central Office Equipment in the *Separations Manual;*

(h) "Commerical Expenses" includes all expenses that are described as Commercial Expenses in the *Separations Manual,* except for any expense incurred in computing, billing or collecting access charges which shall be deemed to be Revenue Accounting expense;

(i) "Current taxes" includes taxes other than property taxes that are actually accured during the relevant period less credits attributable to past deferrals and does not include hypothetical taxes that are allowable expenses for ratemaking purposes or taxes assessed upon end users;

(j) "Customer Outside Plant" or "Customer OSP" means all lines or trunks on the customer side of a Class 5 or end office switch, including lines or trunks that do not terminate in such a switch, except lines or trunks that connect an interexchange carrier or enhanced service provider facility with such a switch;

(k) "Dedicated access line" means a WATS access line or a private line that does not terminate in customer premises equipment that is used exclusively for a particular interexchange service;

(l) "Direct Expense" means expenses that are attributable to a particular category of tangible investment described in Subpart D of this Part and includes:

(1) Maintenance;

(2) Depreciation and amortization;

(3) Rental payments for buildings, facilities or equipment; and

(4) Property taxes;

(m) "End user" means any customer of an interstate or foreign telecommunications service or enhanced service that is not a carrier or enhanced service provider except that a carrier other than a telephone company or an enhanced service provider shall be deemed to be an "end user" when such carrier or enhanced service provider uses a telecommunication service for administrative purposes and a person or entity that offers telecommunications services exclusively as a reseller shall be deemed to be an "end user" if all resale transmissions offered by such reseller originate on the premises of such reseller;

(n) "Entry switch" means the telephone company switch in which a dedicated transport line or trunk terminates;

(o) "Expense component" means the total expenses and income charges for an annual period that are attributable to a particular element or category;

(p) "Expenses" include allowable expenses in the 600 series of the Uniform System of Accounts apportioned to interstate or international services pursuant to the *Separations Manual* and allowable income charges apportioned to interstate and international services pursuant to the *Separations Manual;*

(q) "General Office Expenses" includes Executive (Account 661) expense, Treasury (Account 663) expense, Law (Account 664) expense, Other General (Account 665) expense and the portion of Accounting (Account 662) expense that is not Revenue Accounting expense;

(r) "Interexchange" or the "interexchange category" includes services or facilities provided as an integral part of an interstate or foreign telecommunications or an interstate or foreign enhanced service that is not described as "access service" for purposes of this Part;

(s) "License contract" means an agreement to reimburse an entity that is jointly owned by telephone companies or companies that own telephone companies or an entity that directly or indirectly controls or is controlled by, or is under direct or indirect control with, a telephone company, for services, facilities, patents or other know-how;

(t) "Line" or "trunk" includes transmission facilities such as microwave towers, satellites, earth stations, etc. as well as wire and cable;

(u) "Net investment" means allowable original cost investment in Accounts 100.1–100.4 and 122 that has been apportioned to interstate and foreign services pursuant to the *Separations Manual* from which depreciation, amortization and other reserves attributable to such investment that has been apportioned to interstate and foreign services pursuant to the *Separations Manual* have been subtracted and to which working capital that is attributable to interstate and foreign services has been added;

(v) "Originatibn" of a service that is switched in a Class 4 switch or an interexchange switch that performs an equivalent function ends when the transmission enters such switch and "termination" of such a service begins when the transmission leaves such a switch, except that:

(1) Switching in a Class 4 switch or transmission between Class 4 switches that is not deemed to be interexchange for purposes of the Modified Final Judgment entered August 24, 1982, in *United States v. Western Electric Co.,* D.C. Civil Action No. 82–0192, will be "origination" or "termination" for purposes of this Part, and;

(2) "Origination" and "termination" does not include the use of any part of a line, trunk or switch that is not owned or leased by a telephone company;

(w) "Origination" of any service other than a service that is switched in a Class 4 switch or a switch that performs an equivalent function ends and "termination" of any such service begins at a point of demarcation that corresponds with the point of demarcation that is used for a service that is switched in a Class 4 switch or a switch that performs an equivalent function;

(x) "Outside Plant" or "OSP" includes all equipment or facilities that are described as outside plant in the *Separations Manual;*

(y) "Private line" means a line that is used exclusively for an interexchange service other than MTS or WATS, including a line that is used at the closed end of an FX or CCSA service or any service that is substantially equivalent to a CCSA service;

(z) "Return component" means net investment attributable to a particular element or category multiplied by the authorized annual rate of return;

(aa) "Revenue Accounting Expenses" includes all expenses that are described as Revenue Accounting Expenses in the *Separations Manual* and expenses associated with the preparation of access charge tariffs and the distribution of access charge revenues;

(bb) "Station equipment" includes all equipment or facilities that are described as station equipment in the *Separations Manual* except station equipment that is used by telephone companies in their own operations;

(cc) "Telephone company" means a carrier that provides telephone exchange service as defined in Section 3(r) of the Communications Act of 1934;

(dd) "Traffic Expenses" includes all expenses that are described as traffic expenses in the *Separations Manual;*

(ee) "Unit of capacity" means the capability to transmit one conversation; and

(ff) "WATS access line" means a line or trunk that is used exclusively for WATS service.

§ 69.3 Filing of access service tariffs.

(a) A tariff for access service shall be filed with this Commission for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice, with a scheduled effective date of January 1.

(b) The requirement imposed by paragraph (a) of this Section shall not preclude the filing of revisions to those

annual tariffs that will become effective on dates other than January 1.

(c) Any access service tariff filing, the filing of any petitions for rejection, investigation or suspension and the filing of any responses to such petitions shall comply with the applicable rules of this Commission relating to tariff filings.

(d) The association shall file a tariff as agent for all telephone companies that participate in an association tariff.

(e) A telephone company or group of telephone companies may file a tariff that is not an association tariff. Such a tariff may cross-reference the association tariff for some access elements and include separately computed charges of such company or companies for other elements. Any such tariff must comply with the requirements hereinafter provided:

(1) Such a tariff must cross-reference association charges for the Carrier Common Line element or elements if such company or companies participate in the distribution of revenues from such elements;

(2) Such a tariff that cross-references an association charge for any end user access element or the transitional surcharge must cross-reference association charges for all end user access elements and the transitional surcharge;

(3) Such a tariff that cross-references an association charge for any carrier's carrier access element other than the Carrier Common Line element or elements and the transitional surcharge must cross-reference association charges for all carrier's carrier access charges other than the Carrier Common Line element or elements and the transitional surcharge;

(4) Any charge in such a tariff that is not an association charge must be computed to reflect the combined investment and expenses of all companies that participate in such a charge;

(5) A telephone company or companies that elect to file such a tariff for 1984 access charges shall notify AT&T on or before the 40th day after the release of the Commission order adopting this Part;

(6) A telephone company or companies that elect to file such a tariff for any year subsequent to 1984 shall notify the association not later than June 30 of the preceding year if such company or companies did not file such a tariff in such preceding year or cross-referenced association charges in such preceding year that will not be cross-referenced in the new tariff;

(7) Such a tariff shall not contain charges for any access elements that are disaggregated or deaveraged within a study area that is used for purposes of jurisdictional separations;

(8) Such a tariff for a company that provides extended area local exchange telephone service shall not establish any charge for a carrier's carrier access element that does not apply to the entire extended area; and

(9) Such a tariff shall not include a charge other than an association charge for an extended area that is served by two or more telephone companies without the concurrence of all telephone companies that serve such extended area.

§ 69.4 Charges to be filed.

(a) The end user charges for access service filed with this Commission shall include charges for each of the following elements:

(1) Dedicated Access Line;
(2) Pay Telephone; and
(3) End User Common Line.

(b) Except as provided in Subpart C of this Part, the carrier's carrier charges for access service filed with this Commission shall include charges for each of the following elements:

(1) Carrier Common Line;
(2) Line Termination;
(3) Local Switching;
(4) Intercept;
(5) Information;
(6) Operator Assistance;
(7) Common Transport;
(8) Dedcated Transport; and
(9) Special Access.

(c) The carrier's carrier charges for carriers that offer a billing and collection or billing information service shall also include a Billing and Collection element.

Subpart B—Computation of Charges

§ 69.101 General.

Except as provided in Subpart C of this Part, charges for each access element shall be computed and assessed as provided in this Subpart.

§ 69.102 Dedicated access line.

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon end users for each interstate or foreign dedicated access line.

(b) Such charge will be computed by dividing one-twelfth of the projected annual revenue requirement for the Dedicated Access Line element by the projected average number of interstate or foreign dedicated access lines in use during such annual period.

§ 69.103 Pay telephone.

(a) A charge that is expressed in dollars and cents per call shall be assessed upon end users for each interstate or foreign call that is placed from a pay telephone, except that collect or third number billing calls will not be assessed.

(b) Such charge shall be computed by dividing the projected annual revenue requirement for the Pay Telephone element by the projected annual number of calls that are subject to assessment.

§ 69.104 End user common line.

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon end users that subscribe to local exchange telephone service. Such charge shall be assessed for each line between the premises of an end of an end user and a Class 5 office that is or may be used for local exchange service transmissions.

(b) Charges to multi-line subscribers shall be computed by multiplying a single line rate by the number of lines used by such subscriber.

(c) Charges to party line subscribers shall be computed by dividing a single line rate by the number of users that share such line.

(d) The single line rate or charge shall be computed by dividing one-twelfth of the projected annual revenue requirement for the End User Common Line element by the projected average number of local exchange service subscriber lines in use during such annual period.

§ 69.105 Carrier common line.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign telecommunications services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Carrier Common Line element by the projected annual conversation minutes for all interstate or international services that use local exchange switching facilities. Each minute of use of any local exchange switch by such services shall be counted for purposes of computing and assessing this charge.

§ 69.106 Line termination.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange facilities for the provision of interstate or foreign telecommunications services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Line

Termination element by the projected annual conversation minutes for all interstate or foreign services that use local exchange switching facilities. Each minute of use of any termination in a local exchange switch by such services shall be counted for purposes of computing and assessing this charge.

§ 69.107 Local switching.

(a) Charges that are expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign services.

(b) Separate charges shall be established for two categories of service. The first category, or LS 1, shall consist of local dial switching for services other than MTS or WATS that is provided through a line side termination in a Class 5 switch or through a termination in a local tandem switch. The second category, or LS 2, shall consist of local dial switching for MTS and WATS and local dial switching for a service other than MTS or WATS that is provided through a trunk side termination in a Class 5 switch.

(c) The projected annual revenue requirement for Local Switching shall be apportioned between LS 1 and LS 2 on the basis of weighted relative usage. LS 1 dial equipment minutes shall be counted as one. LS 2 dial equipment minutes shall be multiplied by the Toll Weighting Factor or TWF that is used for jurisdictional separations purposes to allocate investment in a particular type of switch.

(d) A per minute charge for the LS 1 category shall be computed by dividing the LS 1 portion of the annual revenue requirement by the projected annual LS 1 conversation minutes.

(e) A per minute charge for the LS 2 category shall be computed by dividing the LS 2 portion of the projected annual revenue requirement by the projected annual LS 2 conversation minutes.

(f) If end users of an interstate or foreign service that uses local switching facilities pay message unit charges for such calls in a particular exchange, a credit shall be deducted from the Local Switching element charges to such carrier for access service in such exchange. The per minute credit for each such exchange shall be multiplied by the monthly conversation minutes for such service to compute the monthly credit to such a carrier.

(g) If all local exchange subscribers in such exchange pay message unit charges, the per minute credit described in paragraph (f) of this Section shall be computed by dividing total message unit charges to all subscribers in a particular exchange in a representative month by the total minutes of use that were measured for purposes of computing message unit charges in such month.

(h) If some local exchange subscribers pay message unit charges and some do not, a per minute credit described in paragraph (f) of this Section shall be computed by multiplying a credit computed pursuant to paragraph (g) of this Section by a factor that is equal to total minutes measured in such month for purposes of computing message unit charges divided by the total local exchange minutes in such month.

§ 69.108 Intercept.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use local exchange facilities for the provision of interstate or foreign telecommunication services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Intercept element by the projected annual conversation minutes for all interstate or foreign services that use local exchange switching facilities.

§ 69.109 Information.

(a) A charge shall be assessed upon all interexchange carriers that are connected to assistance boards through interexchange directory assistance trunks.

(b) If such connections are maintained exclusively by carriers that offer MTS, the projected annual revenue requirement for the Information element shall be divided by 12 to compute the monthly assessment to such carriers.

(c) If such connections are provided to additional carriers, charges shall be established that reflect the relative use of such directory assistance service by such interexchange carriers.

§ 69.110 Operator assistance.

(a) A charge shall be assessed upon all interexchange carriers that offer an operator-assisted service that uses local exchange switching facilities and uses the services of telephone company operators.

(b) If such service is provided exclusively to the carriers that offer MTS, the projected annual revenue requirement for the Operator Assistance element shall be divided by 12 to compute the monthly assessment to such carriers.

(c) If such a service is provided to additional carriers a charge that is expressed in dollars and cents per call shall be assessed upon each carrier that receives such a service.

(d) Such a per call charge shall be computed by dividing the projected annual revenue requirement for the Operator Assistance revenue requirement by the projected annual number of operator-assisted calls.

§ 69.111 Common transport.

(a) A charge that is expressed in dollars and cents per conversation minute shall be assessed upon all interexchange carriers that use switching or transmission facilities that are apportioned to the Common Transport element for purposes of apportioning net investment.

(b) The per minute charge shall be weighted by a distance factor that reflects the airline distance between the Class 5 or end office switch that serves an end user and the entry switch.

(c) Charges shall be designed to produce annual revenue that is equal to the projected annual revenue requirement for the Common Transport element.

§ 69.112 Dedicated transport.

(a) The projected annual revenue requirement for Dedicated Transport shall be divided into three parts. The revenue requirement shall be apportioned on the basis of relative net investment in the following investment categories:

(1) Interface arrangements;

(2) Voice grade transmission facilities; and

(3) Conditioning arrangements.

(b) Appropriate subelements shall be established for the use of interface arrangements. Charges for such subelements shall be assessed and computed as follows:

(1) Such charges shall be assessed upon all interexchange carriers for the interface arrangements they use to provide interstate or foreign services;

(2) Charges for all such subelements shall be designed to produce total annual revenues that are equal to the portion of the projected annual revenue requirement for Dedicated Transport that has been apportioned to the interface arrangements subelements; and

(3) Charges for individual subelements shall be designed to reflect cost differences among such subelements in a manner that complies with applicable Commission rules or decisions.

(c) A charge for the use of voice grade transmission facilities shall be assessed upon interexchange carriers that use such facilities to provide interstate or foreign services. Such charges shall be

expressed in dollars and cents per unit of capacity. Total units of capacity provided to an interexchange carrier shall be measured by ascertaining the number of conversations that could be transmitted simultaneously without producing blocking in the dedicated transport facilities. The capacity unit charge for carriers that offer MTS shall be weighted by a distance factor that reflects the airline distance between the entry switch and the interexchange facility. The capacity unit charge for other carriers shall be weighted by a distance factor that reflects the lesser or least of the airline distance between the entry switch and such carrier's interexchange facility or the airline distance between the entry switch and any interexchange facility of carriers that offer MTS that is located within 5 miles of such carrier's interexchange facility.

(d) Appropriate subelements shall be established for the use of conditioning arrangements. Charges for such subelements shall be assessed and computed as follows:

(1) Such charges shall be assessed upon all interexchange carriers that use conditioning arrangements in their provision of interstate or foreign services;

(2) Charges for all such subelements shall be designed to produce total annual revenues that are equal to the portion of the projected annual revenue requirement for Dedicated Transport that has been apportioned to the conditioning arrangements subelements; and

(3) Charges for individual subelements shall be designed to reflect cost differences among such subelements in a manner that complies with applicable Commission rules or decisions.

§ 69.113 Special access.

(a) Appropriate subelements shall be established for the use of equipment or facilities that are assigned to the Special Access element for purposes of apportioning net investment.

(b) Charges for all subelements shall be designed to produce total annual revenue that is equal to the projected annual revenue requirement for the Special Access element.

(c) Charges for an individual subelement shall be assessed upon all interexchange carriers or enhanced service providers that use the equipment or facilities that are included within such subelement.

(d) Charges for individual subelements shall be designed to reflect cost differences among subelements in a manner that complies with applicable Commission rules or decisions.

§ 69.114 Billing and collection.

(a) Billing and collection service shall be offered to all interexchange carriers if such a service is offered to any interexchange carrier. Charges shall be assessed upon all interexchange carriers that elect to use such services.

(b) Any difference in charges for such service or for a billing information service shall reasonably approximate cost differences in the service provided.

Subpart C—Computation of Transition Charges

§ 69.201 General.

Notwithstanding §§ 69.4, 69.104 and 69.105, charges for the access elements described in this subpart shall be computed in the manner described in this subpart for the period commencing January 1, 1984 and ending December 31, 1990.

§ 69.202 End user common line charges.

(a) Common line charges shall consist of a minimum charge that is expressed in dollars and cents per line per month, a maximum charge that is expressed in dollars and cents per line per month, and a usage charge that is expressed in dollars and cents per conversation minute or dollars and cents per call. Except as provided for in Section 69.206, all End User Common Line charges shall be assessed upon end users.

(b) The transitional End User Common Line charges shall be computed as provided in §§ 69.203–69.205.

§ 69.203 Minimum charges.

(a) A minimum charge shall be assessed upon each local exchange service subscriber that does not pay the maximum charge. A minimum charge may be established at any level that does not exceed the charge that would have been computed pursuant to § 69.104(d) for the year in question, provided that the minimum charge for a single line residential or party line subscriber shall not be less than $2 and the minimum charge for a single-line business local exchange service customer shall not be less than $4 or more than 200% of the residential minimum charge.

(b) The minimum for a multi-line local exchange service subscriber shall be computed by multiplying the applicable single line rate by the number of local exchange subscriber lines such subscriber uses.

(c) For purposes of this section, a line shall be deemed to be a residential line if the subscriber pays a rate for such line that is described as a residential rate in the local exchange service tariff. All other lines shall be deemed to be business lines.

§ 69.204 Usage charges.

(a) A usage charge shall be assessed for each originating conversation minute or originating call except originating minutes or calls for a collect MTS call, an In-WATS call or an open end FX, CCSA or CCSA equivalent call until the combined minimum and usage charges equal or exceed the maximum charge in a particular month. Third party billing calls shall be assessed to the line billed. Usage charges for a multi-line local exchange service subscriber shall be attributed equally to each line for purposes of determining whether such a subscriber shall pay the maximum charge for any line in any month.

(b) The usage charge shall be computed by subtracting projected annual revenues from maximum and minimum charges and the surcharges described in § 69.206 from the projected End User Common Line annual revenue requirement. That residual revenue requirement shall either be divided by the projected annual conversation minutes of end users that do not pay the maximum charge to compute a per minute charge or divided by the projected annual number of calls by such end users to compute a per call charge.

§ 69.205 Maximum charges.

(a) A maximum charge may be established at any level that is not less than the charge that would have been computed pursuant to section 69.104(d) for the year in question, provided that the maximum shall not be more than the charges described in paragraph (b) of this section unless a charge described in paragraph (b) of this section is less than the applicable § 69.104(d) charge.

(b) The maximum for each transition year shall be as follows:

(1) 1984—the Dedicated Access Line per line rate;

(2) 1985—90% of the 1985 Dedicated Access Line per line rate;

(3) 1986—80% of the 1986 Dedicated Access Line per line rate;

(4) 1987—60% of the 1987 Dedicated Access Line per line rate; and

(5) 1988–1990—50% of the 1988 Dedicated Access Line per line rate.

§ 69.206 Transitional surcharges.

(a) During the period that a usage charge is assessed upon end users, a surcharge shall be assessed upon interexchange carriers that offer MTS, In-WATS, FX, CCSA or CCSA equivalent service as a surrogate for usage charges upon an end user that

originates a collect MTS call or originates an In-WATS call or an FX, CCSA or CCSA equivalent call that originates at the open end.

(b) If usage charges are assessed upon a per minute basis, the transitional surcharge shall be computed by multiplying the conversation minutes of such originating calls transmitted to a particular interexchange carrier by a per minute charge that is computed by multiplying the end user per minute usage charge by a factor that is equal to projected annual non-collect MTS conversation minutes of end users that do not pay maximum charges divided by total projected annual non-collect MTS conversation minutes.

(c) If usage charges are assessed upon a per call basis, the transitional surcharge shall be computed by multiplying such originating calls transmitted to a particular interexchange carrier by a per call charge that is computed by multiplying the end user per call usage charge by a factor that is equal to projected annual non-collect MTS calls of end users that do not pay maximum charges divided by total projected annual non-collect MTS calls.

§ 69.207 Premium access.

(a) Until the Commission determines that equivalent access arrangements are being offered to all interexchange carriers in all or almost all exchanges a portion of the Carrier Common Line revenue requirement shall be designated by Commission order as premium access. Such premium access shall be assessed to the carriers that offer MTS and WATS and shall be billed in equal monthly installments.

(b) In the absence of a Commission order designating the premium access portion, the premium access portion shall be equal to a projected annual revenue requirement for CPE other than Category 2 CPE or any surrogate for CPE costs that may be assigned to interstate and foreign services, but in no event shall premium access exceed the total annual Carrier Common Line revenue requirement.

§ 69.208 Transitional Carrier Common Line.

Premium access revenues shall be deducted from the projected Carrier Common Line annual revenue requirement to determine the Transitional Carrier Common Line annual revenue requirement. Charges for the Transitional Carrier Common Line element shall be assessed and computed in the same manner as the post-transition Carrier Common Line element.

Subpart D—Apportionment of Net Investment

§ 69.301 General.

(a) For purposes of computing annual revenue requirements for access elements net investment shall be apportioned among the interexchange category and access elements as provided in this subpart and expenses shall be apportioned as provided in Subpart E of this Part.

(b) The End User Common Line and Carrier Common Line elements shall be combined for purposes of this subpart and Subpart E of this Part. Those elements shall be described collectively as the Common Line element. The Common Line element revenue requirement shall be segregated in accordance with Subpart F of this Part.

§ 69.302 Net investment.

(a) Investment in Accounts 100.1 and 122 shall be apportioned among the interexchange category and appropriate access elements as provided in §§ 69.303–69.309.

(b) Investment in Accounts 100.2–100.4 shall be apportioned in the following manner:

(1) COE investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 COE investment;

(2) OSP investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 OSP investment;

(3) Buildings investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 Buildings investment; and

(4) Investment that is not COE, OSP or Buildings investment shall be apportioned among the interexchange category and appropriate access elements in the same proportions as total Account 100.1 investment that is not COE, OSP or Buildings investment.

§ 69.303 Station equipment.

(a) Investment in station equipment that is included in Separations Category 2 shall be assigned to the Special Access element.

(b) Investment in pay telephones and appurtenances shall be assigned to the Pay Telephone element.

(c) Investment in all other station equipment shall be apportioned between the Dedicated Access Line and Common Line elements on the basis of the relative number of equivalent lines in use. Each interstate or foreign dedicated access line shall be counted as one Dedicated Access Line. Local exchange subscriber lines shall be multiplied by the applicable interstate separations factor to determine the number of equivalent local exchange subscriber lines attributable to the Common Line element.

(d) Any investment that is apportioned to interstate and foreign services as a surrogate for customer premises equipment shall be apportioned between the Dedicated Access Line and Common Line elements in the same manner as investment apportioned pursuant to paragraph (c) of this section.

§69.304 Customer OSP.

(a) Interstate and foreign private lines that are described as dedicated access lines in this Part shall be assigned to the Dedicated Access Line element. All other private lines shall be assigned to the Special Access element.

(b) Interstate WATS access lines shall be assigned to the Dedicated Access Line element. In the event that a portion of investment in interstate WATS access lines is allocated to intrastate services and a portion of intrastate WATS access lines is allocated to interstate services, the total unseparated investment in interstate WATS access lines that are described as dedicated access lines shall be assigned to the Dedicated Access Line element and investment apportioned to the Common Line element shall be adjusted to reflect the difference between unseparated interstate WATS access line investment and the WATS access line investment apportioned to interstate services pursuant to the *Separations Manual.*

(c) Investment in pay telephone lines shall be assigned to the Pay Telephone element.

(d) Investment in local exchange subscriber lines shall be assigned to the Common Line element.

(e) Investment in voice grade lines that are not in use shall by apportioned among the Dedicated Access Line, Pay Telephone, Common Line and Special Access elements on the basis of the relative number of equivalent voices grade lines in use. Each interstate or foreign dedicated access line shall be counted as one line. Pay telephone lines and local exchange subscriber lines shall be multiplied by the applicable interstate separations factor to determine the number of equivalent pay telephone or local exchange subsriber lines.

(f) Investment in unused lines that are not voice grade shall be assigned to the Special Access element.

§ 69.305 Carrier OSP.

(a) Carrier OSP that is not used for "origination" or "termination" as defined in sections 69.2(v) and 69.2(w) shall be assigned to the interexchange category.

(b) Carrier OSP other than WATS access lines not assigned pursuant to paragraph (a) of this section that is used for interexchange services that use switching facilities that are also used for local exchange telephone service shall be apportioned between the Dedicated Transport and Common Transport elements. Such OSP shall be assigned to the Dedicated Transport element if it is used exclusively for the interexchange services of a particular carrier.

(c) All Carrier OSP that is not apportioned pursuant to paragraphs (a) and (b) of this section shall be assigned to the Special Access element.

§ 69.306 Central office equipment.

(a) The *Separations Manual* categories shall be used for purposes of apportioning investment in such equipment except that any Central Office Equipment attributable to a Dedicated Transport subelement shall be assigned to the Dedicated Transport element.

(b) Category 1 COE (Manual Switchboards) shall be apportioned among the interexchange category and the Intercept, Information and Operator Assistance access elements. COE 1 of a telephone company that is not required to transfer assets pursuant to the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the interexchange category if such equipment would have been transferred to an interexchange carrier pursuant to that Modified Final Judgment. COE 1 that is used for intercept services shall be assigned to the Intercept element. COE 1 that is used for directory assistance service shall be assigned to the Information element. COE 1 that is not assigned to the interexchange category or the Intercept and Information elements shall be assigned to the Operator Assistance element.

(c) Category 2 COE (Tandem Switches) shall be assigned to the Common Transport element.

(d) Category 3 COE (Intertoll Dial Switching Equipment) that is deemed to be exchange equipment for purposes of the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the Common Transport element. All other COE 3 shall be assigned to the interexchange category.

(e) Category 4 COE (Automatic Message Recording Equipment) shall be assigned to the Billing and Collection element.

(f) Category 5 COE (Other Toll Dial Switching Equipment) that is deemed to be exchange equipment for purposes of the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the Operator Assistance element. All other COE 5 shall be assigned to the interexchange category.

(g) Category 6 COE (Local Dial Switching) that is classified as non-traffic sensitive for purposes of jurisdictional separations shall be assigned to the Line Termination element except as provided in paragraph (a) of this section. COE 6 that is classified as traffic sensitive for jurisdictional separations purposes shall be assigned to the Local Switching element. In the event that any COE 6 is not used for local dial switching, such equipment shall be deemed to be Category 7 equipment for purposes of this Part.

(h) Category 7 COE (Special Services Switching) that is deemed to be exchange equipment for purposes of the Modified Final Judgment in *United States v. Western Electric Co.* shall be assigned to the Special Access element. All other COE 7 shall be assigned to the interexchange category.

(i) Category COE 8 (Circuit Equipment) shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special Access elements. 8 COE shall be apportioned in the same proportions as the associated OSP except as provided in paragraph (a) of this Section.

§ 69.307 Buildings.

(a) The *Separations Manual* space categories and subcategories shall be used for purposes of apportioning Buildings investment.

(b) Category 1A space investment (Manual Switchboard) shall be apportioned among the interexchange category and the Intercept, Information and Operator Assistance elements. Such investment shall be apportioned in the same proportions as COE 1 investment.

(c) Category 1B space investment (Circuit Equipment) shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special Access elements. Such investment shall be apportioned in the same proportions as COE 8 investment.

(d) Category 1C space investment (Dial Switching) shall be apportioned among the interexchange category and the Line Termination, Local Switching, Operator Assistance, Common Transport and Special Access elements. Such investment shall be apportioned in the same proportions as combined investment in COE categories 2, 3, 5, 6 and 7.

(e) Category 2 space investment (Operator Quarters) and Category 3 space investment (General Traffic Supervision) shall be apportioned among the interexchange category and the Intercept, Information and Operator Assistance elements. Such investment shall be apportioned in the same proportions as COE 1 investment.

(f) Category 4 space investment (Commercial Office) shall be apportioned among the interexchange category and the Pay Telephone, Information and Billing and Collection elements. Such investment shall be apportioned in the same proportions as combined commercial expenses.

(g) Category 5 space investment (Used Interstate by Another Company) and Category 11 space investment (Constructed for Another Company for interstate use) shall be assigned to the interexchange category.

(h) Category 6 space investment (Revenue Accounting) shall be apportioned among the interexchange category and all access elements in the same proportions as combined revenue accounting expenses.

(i) Category 7 space investment (Garages and Storerooms) shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special access elements. Such investment shall be apportioned in the same manner as combined OSP investment.

(j) Category 8 space investment (Rented to others) shall be assigned to the interexchange category.

(k) Category 9 space investment (General Office) shall be apportioned among the interexchange category and all access elements in the same proportions as combined General Office expenses.

(l) Category 10 space investment (Antenna Support) shall be apportioned among the interexchange category and the appropriate access elements in the same manner as the antenna supported.

§ 69.308 Land.

(a) Investment in land other than storage space that is occupied by a building or buildings or a building or buildings under construction shall be apportioned among the interexchange category and the appropriate access

elements in the same manner as the buildings on such land.

(b) Investment in parcels of land other than storage space that are contiguous with a parcel described in paragraph (a) of this section shall be apportioned in the same proportions as investment in such contiguous parcel.

(c) Investment in storage space shall be apportioned among the interexchange category and the Dedicated Access Line, Pay Telephone, Common Line, Dedicated Transport, Common Transport and Special Access elements. Such investment shall be apportioned in the same proportions as combined OSP investment.

(d) Investment in land that is not apportioned pursuant to paragraphs (a), (b) and (c) of this section shall be apportioned among the interexchange category and all access elements in the same proportions as the combined land investment that is apportioned pursuant to paragraphs (a), (b) and (c) of this section.

§ 69.309 Other investment.

Investment that is not apportioned pursuant to §§ 69.303–69.308 shall be apportioned among the interexchange category and all access elements in the same proportions as the combined investment that is apportioned pursuant to §§ 69.303–69.308.

Subpart E—Apportionment of Expenses

§ 69.401 Direct expenses.

(a) Direct expense shall be assigned to the appropriate investment category and shall be apportioned among the interexchange cateogy and appropriate access elements in the same proportions as the associated investment.

(b) Amortization of embedded inside wiring investment and installation of new inside wiring and any maintenance or depreciation expense that is apportioned to interstate and foreign services as a surrogate for CPE maintenance or depreciation shall be deemed to be associated with § 69.303(c) other station equipment investment for purposes of the apportionment described in paragraph (a) of this section.

§ 69.402 Current taxes.

(a) State income taxes and state gross receipts or gross earnings taxes that are collected in lieu of a corporate income tax shall be apportioned among the interexchange category and all access elements in the same proportions as the combined Station Equipment, OSP, COE, Buildings and Land investment attributable to property that is located within the state that imposed the tax.

(b) Social Security taxes shall be apportioned among the interexchange category and all access elements in accordance with the Big 4 Wage Factor.

(c) All other current taxes including federal income taxes shall be apportioned among the interexchange category and all access elements in the same manner as § 69.309 Other Investment.

§ 69.403 Deferred tax expenses.

(a) Account 304 investment tax credits shall be assigned to the investment category that produced the tax credit. Credits from amortization of past investment tax credits shall be deducted from the balance for the relevant investment category. The net balance shall be apportioned among the interexchange category and appropriate access elements in the same proportions as the associated investment.

(b) Other deferred tax expenses, including Account 308.1 and 308.2 expenses and comparable expenses in Account 307, shall be assigned to the investment category that produced the hypothetical tax. Such expense shall be apportioned among the interexchange category and appropriate access elements in the same proportions as the associated investment.

§ 69.404 Traffic expenses.

Traffic expenses shall be apportioned among the interexchange category and the Intercept, Information and Operation Assistance elements in the same proportions as COE 1 investment.

§ 69.405 Commercial expenses.

(a) Sales, Advertising and Connecting Company Relations expenses (Accounts 642, 643 and 644) shall be assigned to the interexchange category.

(b) Local Commercial expenses (Account 645) shall be assigned to the Billing and Collection element.

(c) Public Telephone Commissions expense (Account 648) shall be assigned to the Pay Telephone element.

(d) Directory expenses (Account 649) shall be assigned to the Information element.

(e) All other Commercial Expenses shall be apportioned among the interexchange category and the Pay Telephone, Information and Billing and Collection elements in the same proportions as the combined expense apportioned pursuant to paragraphs (a)–(d) of this section.

§ 69.406 Revenue accounting expenses.

(a) Revenue Accounting Expenses that are attributable to End User access billings shall be apportioned among the Dedicated Access Line, Pay Telephone and Common Line elements. Such expenses shall be apportioned on the basis of relative investment other than revenue accounting space investment apportioned to each such element.

(b) Revenue Accounting Expenses that are attributable to carrier's carrier access billings shall be apportioned among all carrier's carrier access elements except the Common Line element. Such expenses shall be apportioned on the basis of relative investment other than revenue accounting space investment apportioned to each such element.

(c) All other Revenue Accounting Expenses shall be assigned to the Billing and Collection element.

§ 69.407 General office expenses.

(a) The portion of Account 665 expense that is attributable to engineering expenses shall be apportioned among the interexchange category and all access elements in the same proportions as the combined investment in Station Equipment, OSP and COE.

(b) All other General Office Expenses shall be apportioned among the interexchange category and all access elements in accordance with the Big 4 Wage Factor.

§ 69.408 Relief and pensions.

Relief and pensions expense shall be apportioned among the interexchange category and all access elements in accordance with the Big 4 Wage Factor.

§ 69.409 License contract expenses.

License contract expenses shall be assigned to expense categories in the same manner as expenses that are incurred directly by the telephone company and shall be apportioned in the same manner as such directly incurred expenses.

§ 69.410 Other expenses.

Expenses that are not apportioned pursuant to §§ 69.401–69.409 shall be apportioned among the interexchange category and all access elements in the same manner as § 69.309 Other Investment.

Subpart F—Segregation of Common Line Element Revenue Requirement

§ 69.501 General.

(a) Any portion of the Common Line element annual revenue requirement that is attributable to the application of a jurisdictional separations factor that is described as a High Cost Factor or a Universal Service Factor shall be

assigned to the Carrier Common Line element or elements.

(b) Any portion of the Common Line element annual revenue requirement that is attributable to CPE investment or expense or surrogate CPE investment or expense shall be assigned to the Carrier Common Line element or elements.

(c) Any portion of the Common Line element annual revenue requirement that is attributable to inside wiring investment or expense shall be assigned to the Carrier Common Line element or elements.

(d) Any portion of the Common Line element revenue requirement that is not assigned to Carrier Common Line elements pursuant to paragraphs (a), (b) and (c) of this section shall be apportioned between End User Common Line and Carrier Common Line pursuant to §§ 69.502 and 69.503. Such portion of the Common Line element annual revenue requirement shall be described as the base factor portion for purposes of this Subpart.

§ 69.502 Base factor apportionment.

(a) The base factor portion shall be divided by the projected average number of subscriber local exchange lines in use during the relevant year in order to determine a base factor per line annual revenue requirement.

(b) If the base factor per line annual revenue requirement is $48 or less per year the base factor portion shall be assigned to the End User Common Line element.

(c) If the base factor per line revenue requirement is more than $48 per year—

(1) An amount that equals $48 multiplied by the projected average number of local exchange subscriber lines in use during the relevant year shall be assigned to the End User Common Line element; and

(2) The remainder of the base factor portion or transitional portion shall be apportioned in accordance with Section 69.503.

§ 69.503 Apportionment of transitional portion.

(a) The transitional portion shall be assigned to the Carrier Common Line elements in 1984 access charges.

(b) In 1985 access charges 80% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(c) In 1986 access charges 60% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(d) In 1987 access charges 40% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(e) In 1988 access charges 20% of the transitional portion shall be assigned to the Carrier Common Line elements. The residue shall be assigned to the End User Common Line element.

(g) The transitional portion shall be assigned to the End User Common Line element in access charges for 1989 and subsequent years.

Subpart G—Exchange Carrier Association

§ 69.601 Exchange carrier association.

(a) An association shall be established in order to prepare and file access charge tariffs on behalf of all telephone companies that do not file separate tariffs or concur in a joint access tariff of another telephone company for all access elements.

(b) All telephone companies that participate in the distribution of Carrier Common Line revenues collected by the association shall be deemed to be members of such association.

§ 69.602 Board of directors. [Reserved]

§ 69.603 Association functions.

(a) The association shall not engage in any activity that is not related to the preparation of access charge tariffs or the collection and distribution of access charge revenues unless such additional activity is expressly authorized by order of the Commission.

(b) Participation in Commission or court proceedings relating to access charge tariffs, the billing and collection of access charges, or the distribution of access charge revenues shall be deemed to be authorized association activities.

§ 69.604 Billing and collection of access charges.

(a) The association shall bill and collect all Carrier Common Line access charges including any premium access assessment.

(b) Telephone companies shall bill and collect all other End User or Carrier's Carrier access charges.

(c) All access charges shall be billed monthly.

§ 69.605 Distribution of Carrier Common Line revenues.

(a) Carrier Common Line revenues received by the association shall be distributed monthly in accordance with this Subpart.

(b) Association expenses incurred during the month that are allowable access charge expenses shall be reimbursed before any other funds are disbursed.

(c) Except as provided in paragraph (b) of this section, payments to average schedule companies that are computed in accordance with § 69.606 shall be disbursed before any other funds are disbursed. For purposes of this Part, a telephone company that was participating in average schedule settlements on December 1, 1982, shall be deemed to be an average schedule company except that:

(1) Any company that directly or indirectly controls, is directly or indirectly controlled by, is under direct or indirect control with, or merges with a telephone company that did not participate in average schedule settlements on December 1, 1982, shall not be deemed to be an average schedule company; and

(2) Any company that does not join in association tariffs for all access elements shall not be deemed to be an average schedule company.

(d) The residue shall be disbursed to telephone companies that are not average schedule companies in accordance with §§ 69.607–69.610.

§ 69.606 Computation of average schedule company payments.

(a) Payments shall be made in accordance with a formula approved or modified by the Commission. Such formula shall be designed to produce disbursements to an average schedule company that simulate the disbursements that would be received pursuant to § 69.607 by a company that is representative of average schedule companies.

(b) AT&T shall submit a proposed 1984 formula to the Commission on or before June 30, 1983. The association shall submit a proposed revision of the formula for each year after 1984 or certify that a majority of the directors of the association believe that no revisions are warranted for such year on or before June 30 of the preceding year.

§ 69.607 Disbursement of Carrier Common Line residue.

(a) The association shall compute a monthly net balance for each member telephone company that is not an average schedule company. If such a company has a negative net balance, the association shall bill that amount to such company. If such a company has a positive net balance, the association shall disburse that amount to such company.

(b) The net balance for such a company shall be computed by multiplying a hypothetical net balance for such a company by a factor that is computed by dividing the Carrier

Common Line residue by the sum of the hypothetical net balances for such companies.

(c) The hypothetical net balance for each company shall be the sum of the hypothetical net balances for each access element except the Billing and Collection element. All Carrier Common Line elements shall be deemed to be one element and all End User Common Line elements including transitional surcharges assessed to interexchange carriers shall be deemed to be one element for purposes of computing such hypothetical net balances. Such hypothetical net balances shall be computed in accordance with §§ 69.608–69.610.

§ 69.608 Carrier Common Line hypothetical net balance.

The hypothetical net balance shall be equal to a Carrier Common Line revenue requirement for each such company that is computed in accordance with Subpart F of this Part.

§ 69.609 End User Common Line hypothetical net balances.

(a) If the company does not participate in the association tariff for such element, the hypothetical net balance shall be zero.

(b) If the company does participate in the association tariff for such element, the hypothetical net balance shall be computed by multiplying an amount that is computed by deducting access revenues collected by such company for such element from an End User Common Line revenue requirement for such company that is computed in accordance with Subpart F of this Part by a factor that is computed by dividing access revenues collected by all such companies for such element by an End User Common Line revenue requirement for all such companies that is computed in accordance with Subpart F of this Part.

§ 69.610 Other hypothetical net balances.

(a) The hypothetical net balance for an access element other than Billing and Collection or a Common Line element shall be computed as provided in this section.

(b) If the company does not participate in the association tariff for such element, the hypothetical net balance shall be zero.

(c) If the company does participate in the association tariff for such element, the hypothetical net balance shall be computed by deducting access revenues collected for such element from the sum of expense attributable to such element and the element residue apportioned to such company. The element residue shall be apportioned among such companies in the same proportions as the net investment attributable to such element.

(d) The element residue shall be computed by deducting expenses of all participating companies attributable to such element from revenues collected by all participating companies for such element.

Statement of FCC Commissioner James H. Quello

In Re: Report and Order in CC Docket No. 78–72, Phase 1, In the Matter of MTS and WATS Market Structure

To state that this was a difficult decision would be to carry the use of understatement to its extreme. The decision was difficult because of its complexity, to be sure, but it was made even more difficult because it is so far reaching. It's difficult to imagine that any American will be untouched by the action the Commission has taken today.

It would have been easy to resist taking any action at this time, merely postponing action until it was forced upon us. But delay would not serve the public, the telecommunications industry nor would it serve the Commission itself. The die was cast long ago and we are rapidly moving into a new era of telecommunications in this country and throughout the world. Moving toward competition and away from monopoly requires that the industry move toward cost-based pricing. Equal access to the network has been mandated by both this Commission and by the Court in its approval of the Modified Final Judgment. It is also mandated by competition and by technology. We cannot turn back the clock.

This decision was bounded by two very strong considerations. The first is the abiding concern of this Commission and the Congress that the concept of universal service not be sacrificed. In my mind, this is the overriding concern as we attempt to fashion a new rate structure. It bears very heavily upon our second constraint; i.e., the threat that the local exchange will be bypassed by large users. Bypass, while not widely understood and appreciated, provides perhaps a greater threat to universal service than do increased local rates of a magnitude far above those implied by our action today. For example, AT&T has claimed that 5 percent of its customers generate 63 percent of its revenues. By ignoring the threat of bypass, we could only encourage more and more of those large users to leave the local exchanges across the country leaving those exchanges with most of their present costs but without present revenues. Bypass is a phenomenon which feeds upon itself. As more large users leave the exchange, those which remain must bear a larger share of the costs, encouraging more bypass and even higher costs. Clearly, we do not want to encourage such a scenario.

The Report and Order, in my view, is a measured, carefully considered step along a path which will lead to an even better telecommunications service in the future without destroying what we must rely upon in the present. Is it a perfect approach to this very complex problem?

In the words of Voltaire:

Perfection is attained by slow degrees; it requires the hand of time.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: MTS and WATS Market Structure, CC Docket No. 78–72, Phase I

The adoption by the Federal Communications Commission of this Access Charge Order is of historic importance. This decision marks the culmination of a long and tortuous inquiry into a proper access charge structure.[125] Because this Order prescribes the manner of compensation that all exchange carriers will receive for the origination and termination of all interstate and international telecommunications or enhanced service, every ratepayer in this country will be affected. In the first year alone, the access charge plan will require the restructuring of rates for 11 to 13 billion dollars in non-traffic sensitive (NTS) and traffic sensitive (TS) plant.

Given the magnitude of our decision, I believe that I am correct in asserting that the *MTS and WATS Market Structure* rulemaking is one of the most important proceedings which has come before the Commission during my tenure, if not during the entire history of the Commission. The issues before the Commission in Phase I were not only technically complex, but also raised several important and competing policy considerations. In adopting this access charge plan, the Commission has succeeded admirably in balancing these competing values. The Commission has resisted the Siren-song lure of theoretical purity, recognizing the reality of the need for reasonable rates and maintenance of universal service. In the process, we have developed a plan which advances the overall public interest and is the best solution that could be fashioned under the circumstances. I wholeheartedly support this decision.

Section 1 of the Communications Act mandates that this Commission regulate "so as to make available, so far as possible, to all the people of the United States a rapid, efficient * * * communications service with adequate facilities at reasonable charges." In my judgment, the most critical factor in this proceeding has been the need to structure an access charge plan which would protect this principle and value of universal service. While local exchange service is not so elastic as toll service, it certainly is not inelastic.[126] In the monopoly environment of the past, the FCC and the State commissions made deliberate compromises in favor of the immediate, pragmatic objective of universal service at the expense of more theoretical objectives, such as economic efficiency. The

[125] *See MTS and WATS Market Structure*, CC Docket No. 78–72, Notice of Inquiry and Proposed Rulemaking, 67 FCC 2d 757 (1978); Supplemental Notice of Inquiry and Proposed Rulemaking, 73 FCC 2d 222 (1979), Second Supplemental Notice of Inquiry and Proposed Rulemaking, 77 FCC 2d 224 (1980); Report and Third Supplemental Notice of Inquiry and Proposed Rulemaking, 81 FCC 2d 177 (1980); and Fourth Supplemental Notice of Inquiry and Proposed Rulemaking, 90 FCC 2d 135 (1982).

[126] *See generally*, Appendix G.

dilemma created by technological progress and competition is that such compromises have become increasingly difficult to forge, implement, and maintain. No longer are regulators free to increase the load of NTS costs on long distance users in order to keep local residential rates low. Technological advance now affords major toll users the option of bypassing the public network altogether to avoid uneconomic charges. This phenomenon of bypass, with its negative revenue consequences, must still be weighed, however, against the harm that the direct assignment of all NTS costs to end users might cause. Even though bypass would be discouraged, such a strategy of total direct assignment could result in an unacceptable loss in the subscriber base as rural users, the poor and the elderly would be put to a hard choice between essentials.

The access charge structure adopted by the Commission meets this concern by striking an appropriate balance between the need to encourage efficiency and the need to preserve universal service. Under this structure, uneconomic bypass should be discouraged while at the same time there should be no substantial service dislocations. Universal service in rural, high cost areas will be protected by the universal service factor element of the carrier common line charge. Similarly, service discontinuance by those too poor to absorb large rate increases will be discouraged by the implementation of a reasonable maximum end user charge based upon the anticipated Joint Board recommendation in Docket 80-286.[127]

In achieving this balance, the access charge plan affords both protection to ratepayers and flexibility to telephone companies. The transition period is structured so that the increase in the end user charge to its maximum cost will be gradual, starting with a $4 per month average revenue requirement. Heavy toll users will be protected by a cap on the amount that they may be charged for NTS costs. Telephone companies will be afforded the flexibility to determine how customer charges will be collected during the transition through a combination of usage and flat charges. As a consequence, those low-cost companies facing significant bypass problems and little threat of subscriber loss may move quickly to their full end user charge, while those companies with less significant bypass problems may move more slowly. In addition, the Exchange Carriers Association will allow companies the option to pool their costs in a manner somewhat reminiscent of current practice. This is crucial because of many small carriers developing and administering access charges would present an impossible burden.

Flexibility is also granted to the States as this decision permits them to recover intrastate NTS costs in any fashion they desire. This is important because the amount of NTS plant in the intrastate jurisdiction dwarfs the amount of interstate NTS plant. Further, the circumstances differ between the States, and it may be impossible to develop uniform Federal rules for the access charge treatment of intrastate NTS costs.[128] Leaving this discretion with the States will promote the regulatory flexibility and experimentation which has proved so beneficial in the past.

Of even more importance is the fact that there will be a monitoring system, in place by January 1, 1984, designed to ensure that any unforeseen developments that threaten universal service are discovered in time for corrective action to be taken. This built-in flexibility is critical because of the uncertainties involved. In addition, the requirements of periodic staff reports to the Commission and further Commission action before continuing the plan beyond the fifth year will ensure the fulfillment of our statutory mandate.

In addition to striking a realistic balance between the new imperative of economic efficiency and the continuing mandate of universal service, this decision takes the long overdue step of ending what has been an intolerable discrimination between MTS/WATS and ENFIA. Under the rules we have adopted, the OCCs will finally pay the full cost of interconnection—even during the transition. There will be no more discounts. Further, open-end Private Line and FX will also contribute fully for the first time to the recovery of common costs. This is only fair. For too long MTS and WATS ratepayers have been picking up costs which should have been borne by ENFIA and open-end Private Line and FX users.[129] Although during transition AT&T will pay a premium access charge theoretically based on its superior interconnection, the differential will be smaller than the current ENFIA discount and will end at approximately the same time as the OCCs are afforded equal access under the divestiture decree.[130]

In conclusion, I believe that the Commission has succeeded in developing the best possible access charge plan—a plan which carefully balances competing policy values and recognizes a continuing need for surveillance and possible adjustment in the public interest.

Separate Statement of Commissioner Stephen A. Sharp

In the past, local telephone companies have been compensated in different ways when their plant has been used for the origination or termination of interstate of foreign communications. In general, local telephone companies receive the highest compensation when their plant is used in the provision of interstate MTS/WATS. The lowest rate of compensation is the so-called B-1 rate, which is the monthly rate, usually flat, that local telephone companies charge business customers for local exchange telephone service. Vast interstate private line networks have been created by connecting private lines to B-1 service in each area where the customer wishes to communicate; in some cases these networks rival the public switched telephone network in their coverage. Yet these networks pay only the B-1 rate for "access";[131] in part because the B-1 rate is in most instances considerably cheaper than the rate for access that is bundled into the cost of a MTS/WATS call,[132] the same telephone call often costs the customer less on a private line network than it does under MTS/WATS.

With the rise of competition, the other common carriers (OCCs) sought to utilize B-1 service for access. The established telephone industry naturally opposed this and sought to obtain compensation at the higher MTS/WATS rate. The result of this dispute was a compromise: the OCCs were charged the ENFIA rate for access,[133] which was higher than the B-1 rate but lower than that received by local telephone companies under MTS/WATS.[134]

The Commission seeks to resolve these rate disparities with a single federal access charge. While this is a laudable goal, I wish to point out that there are many services tariffed with the various states which can be and are being used for purposes of access. Some examples of these services are intrastate WATS and intrastate private line service. It is not always obvious or simple to determine whether these services, tariffed with the states, are in fact being used for interstate and foreign communications. And to the extent that these services are priced lower than the federal access charge, users will attempt to substitute the former for the latter.[135]

If *all* rates, including those tariffed with the states, were based upon the cost of providing the respective service, it would not be necessary to establish a federal access charge since users would be free to use *any* service, whether tariffed with this Commission or the states, for interstate or intrastate communications as they saw fit. Carriers would remain financially whole regardless of differences in the way the same service is *used*. There would be no incentives on the part of customers to substitute one service for another because of non-cost-based rate disparities, and no need for either the

[127] The alternative of a government-sponsored "phone stamps" program is not viable. Among the many problems with such a plan are the fact that the program would be difficult to target and the fact that it would call for increased government expenditures at a time when such expenditures are not feasible.

[128] We face a very different situation here on access charges than that which we recently confronted on depreciation policy. *See Amendment of Part 31*, on reconsideration, —— FCC 2d —— (1982).

[129] *See* Dissenting Statement of Commissioner Jospeh R. Fogarty, *Extension of ENFIA Agreement*, 90 FCC 2d 6, 20-21 (1982).

[130] *See* Modified Final Judgment, *United States* v. *Western Electric Co.*, Civil Action No. 82-0192 (D.D.C., entered August 24, 1982).

[131] The term "access" is used henceforth to denote the use of a local telephone company's plant for the origination and termination of interstate and foreign communication.

[132] AT&T has estimated that the rate for access in an MTS/WATS call is approximately 7¢ per minute in each local exchange.

[133] As the Commission has recognized, ENFIA service is local exchange (i.e., B-1) service at a rate different from that on file with local jurisdictions for that service. *See* AT&T, 89 FCC 2d 1000, 1001 n. 4 (1982).

[134] *See* ENFIA, 71 FCC 2d 440 (1979).

[135] In page 20 of Appendix F of the order, for example, the Commission notes that in its 1981 Annual Report, Aeronautical Radio, Inc., a large user of communications services, stated that it had replaced federally tariffed private lines in its private line intercity network with cheaper private lines obtained under state tariffs.

Commission or the telephone companies to police the use to which various services were put in order to make the federal access charge workable.[136]

We know that local exchange service can be employed practically to interconnect any two points within that local calling area, including points at which access to interstate and intrastate toll can be obtained. In the long run, it appears neither reasonable nor practical to maintain differences in rates for the same service depending on the use to which local exchange service is put; i.e., for interstate and foreign communication, intrastate toll communication, or local exchange communication.

It is true that different jurisdictions, in seeking to implement their own policies, may see fit to use different ratemaking approaches which can result in different charges for similar or identical products. From a practical point of view, however, as distinctions between jurisdictionally interstate and jurisdictionally intrastate communications become increasingly blurred and resale becomes more widespread, the desirability of cost-based local exchange rates for each local area will become increasingly apparent. In this way, users of telephone service will pay the same rates regardless of how they use their local service, thereby discouraging uneconomic bypass and eliminating opportunities for arbitrage based upon differing rates for the same service or services.

I hope that the Commission will keep this long term solution in mind when it revisits and reviews the progress in implementing access charges.

Separate Statement of Commissioner Henry M. Rivera

In re: MTS and WATS Market Structure, CC Docket No. 78-72, Phase I (Access Charge)

I write separately to emphasize my concern that any access charge plan assure that universal service is maintained. Being from a state with a low population density, I am especially mindful of how necessary telephone communications are to the health and well-being of rural America. I am delighted that the Commission apparently shares my concerns.[137]

No doubt should exist that the immediate, overriding policy concerns of the Commission for assurance of universal service and network preservation will set the future development and evolution of this plan.

[FR Doc. 83-6107 Filed 3-10-83; 8:45 am]

BILLING CODE 6712-01-M

[136] If users were free to substitute other, cheaper services for the federal access charge, they would have no incentive to obtain service under federal access tariffs. Under these circumstances, either the Commission or the telephone companies would have to police how substitutable services were being used in order to prevent avoidance of the federal access charge.

[137] The Commission has adopted a plan that recognizes that the national interest is best served if universal service is maintained. This plan accomplishes this objective by:

- the contemplated *monitoring* program and commitment to take corrective action and to undertake a formal *"revisitation"* of this proceeding to ensure immediate, appropriate modifications should any unanticipated disruptive or deteriorating effects upon the nationwide telecommunications system or upon the continued maintenance of universal service develop (paras. 124, 195-198, 366-367);
- the establishment of the *Universal Service Fund*, enabling high cost companies to maintain affordable local exchange rates that do not substantially exceed rates charged by other companies, and selective mandatory *pooling* requirements (and voluntary participation in common tariff and revenue pool arrangements) to assure continuation of universal service in rural America and other high cost areas (paras. 134-135, 308-338);
- the provision for waivers to allow *"life line"* service (paras. 136-137);
- our recognition of possible justified *local deviations* from a single national plan requiring all dedicated end user costs be recovered through flat and equal charges on all customers (para. 367);
- a *transition* with a smooth and gradual, yet flexible, pace to allow a more "comfortable" adjustment to the new economic realities (para. 172);
- the allowed rate structure *flexibility* for the exchange carrier to implement the transition in a manner, within reason, to fit its individual situation and requirements (paras. 132, 175, 182, 185); and
- the careful balancing of conflicting objectives including the elimination of unlawful discrimination and preferences, and the promotion of competition, network economic and engineering efficiencies and, importantly, universal service as mandated by Section 1 of the Communications Act (". . . to make available, so far as possible, to all the people of the United States a rapid efficient, Nation-wide . . . communications service with adequate facilities at reasonable charges . . .")—see para. 83.

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1190, 1191, and 1192

[Ex Parte No. 432]

Reorganizations of Rail and Motor Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rules.

SUMMARY: The Commission is removing its regulations dealing with reorganizations of rail and motor carriers. These regulations no longer serve any purpose in view of the 1978 amendments to the Bankruptcy Act, Title 11, U.S. Code. We no longer have a direct role in the organization of protective committees, ratification of trustees, and confirmation of rail reorganization plans with respect to bankruptcies occurring after passage of the 1978 Act. Consequently, parts 1190, 1191, and 1192 are now used rarely, if at all. An *ad hoc* procedure is implemented for present rail reorganization under former section 77 of the Bankruptcy Act.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245, Richard Gaynor (202) 275-6019.

SUPPLEMENTARY INFORMATION: By notice of proposed rulemaking (NPR) published in the **Federal Register** on September 16, 1982, at 47 FR 40816, this proceeding was instituted to excise the Commission's regulations in Title 49 of the Code of Federal Regulations, Chapter X, Parts 1117—Reorganization of Railroads, 1118—Corporate Reorganization of Carriers and Corporations, and 1135—Corporate Reorganizations of Motor Carriers.[1] The notice explained that the Bankruptcy Act of 1978 Pub. L. No. 95-598, 92 Stat. 2549 (1978 Act) has substantially reduced our involvement in rail and motor carrier reorganizations. In particular, we no longer have a direct role in the organization of protective committees, ratification of trustees, and confirmation of rail reorganization plans with respect to bankruptcies occurring after passage of the 1978 Act. Consequently, Parts 1190, 1191, and 1192 are now used rarely, if at all.

The only problem we foresaw concerned applications that may be filed in reorganization proceedings begun before 1979. However, our records showed only a handful of rail reorganizations now pending with the Commission, and no ongoing motor reorganizations.[2] We determined that in these circumstances retention of those regulations is unwarranted. We stated that should an application under former sections 77 or 177 of the Bankruptcy Act be contemplated in the future, we would inform the parties on an *ad hoc* basis of the information required.

Comments in response to the NPR were filed by Burlington Northern Railroad Company (BN), Chicago and North Western Transportation Company (CNW), the Milwaukee Road, and the Association of American Railroads (AAR). BN maintains that, because of the substantial changes which have resulted from the 1978 Act, the Commission's role in authorizing protective committees of creditors and shareholders, in the ratification of the appointment of trustees, and in the certification of a plan of reorganization, is now obsolete. While it offers no comment on Part 1192, it supports the NPR with respect to parts 1190 and 1191. BN agrees that the eventual Milwaukee

[1] Now 49 CFR Parts 1190, 1191, and 1192, respectively. For consistency, we will refer to these regulations by their current numbers.

[2] Railroads involved in such proceedings include the Boston and Maine Corporation; the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee Road); the Morristown and Erie Railroad Company; and the New York, Susquehanna and Western Railroad Company. The Milwaukee Road is the only railroad that has not submitted a reorganization plan for approval by the Commission.

Road plan can be accommodated by the Commission on an *ad hoc* basis.

AAR supports the proposal to delete the regulations in Parts 1190 and 1191. It offers no comment on Part 1192. AAR agrees that the retention of regulations rendered outmoded and obsolete by the 1978 Act is not justified.

CNW does not object to elimination of Part 1192 but it maintains that the proposal goes too far at this time in suggesting elimination of Parts 1190 and 1191. CNW urges that those regulations be preserved until completion of all reorganizations presently pending under former section 77 of the Bankruptcy Act. CNW is of the view that the existing regulations constitute an orderly and known procedure and that, in effect, the NPR would substitute uncertainty for a respectable body of precedent.

The Milwaukee Road argues that the Part 1190 procedures which deal with protective committees and the ratification of trustees may be needed in the future by those railroads now in reorganization. It also argues that those railroads which must file a plan of reorganization need the procedural guidelines of Part 1191. The Milwaukee Road maintains that elimination of established procedures will cause delays and engender disputes regarding the fairness, adequacy, and legality of procedures adopted on an *ad hoc* basis. Milwaukee makes no comment with respect to Part 1192.

After giving full consideration to the comments submitted, we conclude that our regulations dealing with reorganizations of rail and motor carriers should be deleted. Although certain rail reorganizations are pending, and the Milwaukee Road has yet to file its plan of reorganization, it is not necessary to preserve Parts 1190 and 1191 until such time as those reorganizations are completed. We will be able adequately to discharge our responsibilities in regard to rail reorganizations under former section 77 of the Bankruptcy Act by means of an *ad hoc* procedure employing the same rules as are now contained in Parts 1190 and 1191. This will assure fairness to the parties, eliminate any uncertainty and disputes engendered by deletion of those sections, and provide for a continuation of established guidelines. There are no pending motor carrier reorganizations under former section 77 of the Bankruptcy Act, and the likelihood that Part 1192 may be required in the future is remote. Moreover, no party objects to elimination of that part.

Environmental and Energy Considerations

We adopt our preliminary finding in our NPR that this action will not have any significant impact on the quality of the human environment or the conservation of energy resources. No comments have been submitted on any matter indicating that a contrary position is warranted.

Regulatory Flexibility Analysis

We affirm our previous determination that this proceeding will not have a significant impact on a substantial number of small entities, and that this action will further the general regulatory goal of eliminating unneeded regulations.

List of Subjects

49 CFR Part 1190

Administrative practice and procedure, Bankruptcy, Railroads, Trusts and trustees.

49 CFR Part 1191

Bankruptcy, Railroads.

49 CFR Part 1192

Bankruptcy, Motor carriers.

PARTS 1190, 1191, and 1192—[REMOVED]

It is ordered: Parts 1190, 1191, and 1192 (formerly Parts 1117, 1118, and 1135) of Title 49, Code of Federal Regulations, are removed.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553 and 559.

Decided: March 4, 1983.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6288 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 49
Friday, March 11, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1033

Milk in the Ohio Valley Marketing Area; Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rule.

SUMMARY: This notice invites written comments on a proposal to suspend certain order provisions affecting the regulatory status of milk plants under the Ohio Valley Federal milk order. The action was requested by a proprietary handler operating four distributing plants pooled under the order. It would suspend for the months of April through September 1983 the requirement that a distributing plant dispose of not less than 45 percent of its receipts as route disposition in March through August, and 50 percent during September through February.

DATE: Comments are due on or before March 18, 1983.

ADDRESS: Comments (two copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It also has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication it the **Federal Register.** However, this would not permit the completion of the required suspension procedures and the inclusion of April 1983 in the suspension period if this is found necessary. The initial request for the action was received on March 2, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing without the necessity of inefficient handling and transportation of milk.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*). The suspension of the following provisions of the order regulating the handling of milk in the Ohio Valley marketing area is being considered for April through September 1983:

In § 1033.12, paragraph (a)(2). All persons who want to send written data, views, or arguments about the proposed suspension should send two copies to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 7th day after publication of this notice in the **Federal Register.** The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include April 1983 in the suspension period.

The comments that are sent will be made available for public inspection in the Hearing Clerk's office during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed suspension would make inoperative for April through September 1983 the provision requiring a distributing plant to dispose of not less than 45 percent of its receipts as route disposition during the months of March through August, and 50 percent during September through February, in order to remain pooled. The suspension was requested by Beatrice Foods Company, a proprietary handler which operates four pool distributing plants under the order.

In support of its request, Beatrice cites producer milk deliveries in the Ohio Valley market which are increasing both seasonally and over the level of previous years. At the same time that milk production is at its seasonal peak, Beatrice anticipates a decline in Class I disposition from its plants due to summer closure of schools and the resulting loss of fluid milk sales to schools.

For January 1983, producer receipts in Ohio were 3.8 percent over December 1982 production and 5.3 percent above January 1982. With the combination of increasing production and summer school closures, Beatrice states that it expects that the proportion of milk regularly associated with its distributing plants which will be needed to meet its route disposition requirements will be less than 45 percent in the months of April through August, and less than 50 percent in the month of September this year.

In the absence of suspension action, Beatrice indicated that it would be necessary to make costly and inefficient movements of milk solely for the purpose of pooling its distributing plants and the milk of dairy farmers who regularly have supplied the fluid milk needs of the market.

List of Subjects in 7 CFR Part 1033

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on March 7, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-6283 Filed 3-10-83; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 304, 307, 308, 333, 337, 339 and 344

Review of Regulations

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of Regulations Selected for Review.

SUMMARY: In compliance with a requirement of the Regulatory Flexibility Act, the Board of Directors of the Federal Deposit Insurance Corporation (the "FDIC") is publishing a list of its regulations selected for review during 1983. FDIC is inviting public comment on each of the regulations selected.

ADDRESS: Comments may be addressed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550-17th Street, NW., Washington, D.C. 20429.

FOR FURTHER INFORMATION CONTACT: Alan J. Kaplan, Deputy Executive Secretary, Office of the Executive Secretary, (202) 389-4446.

SUPPLEMENTARY INFORMATION: Pursuant to the Regulatory Flexibility Act (Pub. L. No. 96-354, 5 U.S.C. 601-612), The FDIC must review each of its existing rules that has a significant economic impact upon a substantial number of small entities by September 1990. The FDIC will satisfy this requirement by following the more stringent requirements of its statement of policy entitled "Development and Review of FDIC Rules and Regulations" (44 FR 31007, May 30, 1979; 44 FR 32353, June 6, 44 FR 76858, December 28, 1979), which prescribes the review of each rule (whether or not it has a significant economic impact on a substantial number of small entities) at least every five years.

Reviews will address all relevent issues, including whether the regulations should be continued, revised, or eliminated. Any change to a regulation as a result of a review will be published in the **Federal Register** in accordance with the requirements of the Administrative Procedure Act, as either a proposed rulemaking action subject to public comment or as a final rulemaking action. Each review will evaluate:

(a) The continued need for the regulation;

(b) Alternative methods of accomplishing the purpose of the regulation;

(c) The type and number of complaints or suggestions received;

(d) The need to minimize the burden imposed on those affected by the regulation, especially small banks;

(e) Possible simplification or clarification of the regulation;

(f) The need to eliminate overlapping and duplicative regulations; and

(g) The length of time since the regulation was last evaluated and the extent to which technology, economic conditions, and other factors have changed in the area affected by the regulation.

The regulations of the FDIC are set forth in the several parts which constitute chapter III of title 12 of the Code of Federal Regulations. The Board of Directors has directed the review during 1983 of the following regulations.

Part 304—Forms, Instructions, and Reports

Legal basis: 12 U.S.C. 1819.

Description and need: Part 304 identifies the forms and reports used for submitting information to the FDIC, describes the circumstances under which a particular form or report should be used, identifies sources for obtaining preprinted forms, and prescribes the required contents of a report for which there is no preprinted form. The forms and reports serve various supervisory functions. The particular need for information collected by means of each of FDIC's forms and reports has been cleared by the Office of Management and Budget in accordance with requirements of the Paperwork Reduction Act of 1980.

Part 307—Termination of Insured Status

Legal basis: 12 U.S.C. 1818(a), 1818(o), 1818(q), 1819.

Description and need: Part 307 requires an FDIC insured bank to provide its depositors with specific information when its insured status is terminated other than by action of the FDIC. The requirements address situations where deposits are assumed by another institution insured by the FDIC or the Federal Savings and Loan Insurance Corporation, or where Federal insurance will not continue. The regulation ensures that individual depositors are given timely and adequate notification of changed circumstances that may materially affect the safety of their funds.

Part 308—Rules of Practice and Procedures

Legal basis: 12 U.S.C. 1819; 15 U.S.C. 78w; 12 U.S.C. 1972; 5 U.S.C. 504.

Description and need: Part 308 contains the procedural rules applicable to administrative enforcement proceedings conducted by the FDIC. The regulation is subdivided into thirteen subparts, two of which set out generally applicable rules and the remainder of which address specific types of proceedings. For example, subpart H recites the procedures applicable to the assessment and collection of civil penalties for the violation of cease-and-desist orders or certain Federal statutes. The regulation establishes procedures necessary for the fair disposition of the FDIC's administrative enforcement responsibilities and provides parties with due process guaranties.

Part 333—Extension of Corporate Powers

Legal basis: 12 U.S.C. 1816, 1819.

Description and need: Part 333 applies to insured State nonmember banks and consists of two brief sections plus two interpretations. The regulation classifies banks into five categories and prohibits a bank from changing the nature of its business from one classification to another without the FDIC's prior consent. The five classifications are: Commercial banks, banks and trust companies, savings banks (including mutual and stock), industrial banks, and cash depositories. The regulation serves to clarify the meaning of general language appearing in section 6 of the Federal Deposit Insurance Act (12 U.S.C. 1816).

Part 336—Employee Responsibilities and Conduct

Legal basis: Executive Order No. 11222, 3 CFR 1964-1965 Comp., p. 306; 5 CFR 735.104.

Description and need: This regulation proscribes acts of misconduct and conflicts of interest by FDIC employees and provides for surveillance over potential conflicts of interest by requiring certain employees to periodically submit statements of employment and financial interest to the FDIC Ethics Counselor. The regulation's high standards of honesty, intergrity, impartially, and conduct by FDIC employees are essential to maintaining the proper performance of the FDIC's regulatory and supervisory responsibilities and maintaining the public's confidence in its public employees.

Part 337—Unsafe and Unsound Banking Practices

Legal basis: 12 U.S.C. 1819, 1828(j)(2); sec. 442, 96 Stat. 1469, Pub. L. No. 97-320.

Description and need: The provisions of this part define the term "standby letter of credit" and fix limitations on the use by insured State nonmember banks of letters of credit. Additionally, the regulation generally makes insured State nonmember banks subject to the Federal Reserve Board's Regulation O which limits extensions of credit by a bank to its officers, directors and principal shareholders. The regulation is needed as a deterrent against banks engaging in practices that are likely to have adverse effects on their safety and soundness or that are likely to result in violations of law or regulations.

Part 339—Loans in Areas Having Special Flood Hazards

Legal basis: 42 U.S.C. 4012a(b), 4104a, 4106(b).

Description and need: Part 339 requires that improved real estate or a mobile home located in an area for which flood insurance is available under the National Flood Insurance Act of 1968 must be covered by flood insurance before an insured State nonmember bank may extend credit secured by such property. The regulation also specifies related recordkeeping and notice requirements. The regulation implements provisions of the Housing and Community Development Act of 1974 and the Flood Disaster Protection Act of 1973.

Part 344—Recordkeeping and Confirmation Requirements for Securities Transactions

Legal basis: 12 U.S.C. 1817, 1818, 1819.

Description and need: Part 344 requires insured State nonmember banks effecting securities transactions for customers to maintain chronological and account records of transactions and underlying order tickets reflecting specified information, provide customers with timely specified information, and establish written policies and procedures applicable to the securities activities performed for customers. The regulation serves to assure that customers are provided with adequate information about their securities transactions effected by the bank and that banks are maintaining adequate business records.

By Order of the Board of Directors, February 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 83-6344 Filed 3-10-83; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 172, 182, and 184

[Docket No. 78N-0349]

Certain Glycerides; Proposed Affirmation of GRAS Status

Correction

In FR Doc. 83-3212, beginning on page 5751, in the issue of Tuesday, February 8, 1983 make the following corrections:

1. On page 5753, in the first column, the eighth line should read "163.130)."

2. In the second column, in the second paragraph, in the seventeenth line "1,007" should read "10.7".

3. In the third column, in Footnote 1, in the third line "America" should read "American".

4. On page 5457, in the second column, in § 184.1505(a), line three "and minor" should read "with minor".

5. In the third column, in § 184.1521(b), in the third line "phosphate" should read "phosphate derivatives of".

6. On page 5758, in the first column, in § 184.1901(a), in the first line "$C_8H_{14}O_6$," should read $C_9H_{14}O_6$,".

BILLING CODE 1505-01-M

21 CFR Parts 182 and 184

[Docket No. 78N-0348]

Glycerin; Affirmation of GRAS Status as a Direct Human Food Ingredient

Correction

In FR Doc. 83-3213, beginning on page 5758, in the issue of Tuesday, February 8, 1983, on page 5760, in the first column, the last line of the first paragraph should read "184.1(b)(1))."

BILLING CODE 1505-01-M

21 CFR Part 348

[Docket No. 78N-0301]

External Analgesic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph

Correction

In FR Doc. 83-3217, beginning on page 5852, in the issue of Tuesday, February 8, 1983, make the following corrections:

1. On page 5855, in the third column, paragraph (8) under **References**, in the third line "C0007" should read "C00007"; in item (10), in the fourth line "0201" should read "0301".

2. On page 5858, in the third column, in the first paragraph, in the second line "(49 FR 47740)" should read '(46 FR 47740)".

3. On page 5863, in the second column, in the fourth line "system" should read "Symptom".

4. On page 5865, in the second column, in the table the second and third entries should read

"Chloral hydrate	II	II
Eucalyptus oil	III	III".

5. On page 5867, in the second column, in the first line of the "Authority", "501," should be removed.

6. Also on page 5867, in the third column, in § 348.10(a)(1), "Bensocaine" should read "Benzocaine".

7. On page 5868, in the first column, in the heading for § 348.20, "Premitted" should read "Permitted".

BILLING CODE 1505-01-M

21 CFR Part 500

[Docket No. 77N-0026]

Chemical Compounds in Food-Producing Animals; Criteria and Procedures for Evaluating Assays for Carcinogenic Residues

Correction

In FR Doc. 83-3627 beginning on page 6361 in the issue of Friday, February 11, 1983, make the following corrections:

1. On page 6361, the third column, the fourteenth line from the bottom, the word "metabolish" should have read "metabolism".

2. On page 6362, the first column, the seventh line, the word "metabolish" should have read "metabolism".

3. On the same page, the third column, the third line, the Federal Register citation which reads "44 FR 74742" should have read "44 FR 71742".

BILLING CODE 1505-01-M

21 CFR Part 1030

[Docket No. 75N-0007]

Microwave Diathermy Products; Withdrawal of Proposal

AGENCY: Food and Drug Administration.

ACTION: Proposed rules; withdrawal for reconsideration.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing for reconsideration an advance notice of proposed rulemaking and a proposed performance standard for microwave diathermy products. This action is part of the agency's reconsideration of proposed and existing regulations in light of the purposes of Executive Order 12291 entitled "Federal Regulation."

FOR FURTHER INFORMATION CONTACT: Melvyn R. Altman, National Center for Devices and Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 3, 1975 (40 FR 23877), FDA published an advance notice of its intent to propose a performance standard for microwave diathermy equipment under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602 (42 U.S.C.

263b et seq.)). In the **Federal Register** of July 29, 1980 (45 FR 50359), FDA published the proposed standard. The proposed performance standard was to apply only to microwave diathermy devices intended for use in physical medicine and manufactured after the effective date of the standard.

Comments received on the advance notice of proposed rulemaking expressed concern that the proposed standard would not cover existing microwave diathermy devices and shortwave diathermy devices. the agency agrees that the approximately 15,000 microwave diathermy units already in use also deserve attention. However, under the Radiation Control for Health and Safety Act of 1968, performance standards may not apply to equipment existing before the effective date of the standard. Little, if any, new microwave diathermy equipment for use in physical medicine is now being marketed. FDA also agrees that shortwave diathermy devices merit serious consideration, but further investigations are needed before the agency can decide how best to regulate these devices.

In 1980, FDA began a program to reconsider and to withdraw outstanding proposed rules that had become obsolete because of the development of the new technology, the passage of time, changes in agency priorities and policies, comments received, availability of regulatory alternatives that achieve the same consumer protection goals, or other reasons.

Furthermore, Executive Order 12291 requires Federal agencies, to the extent permitted by law, to undertake regulatory actions only when potential benefits to society outweigh potential costs to society. In addition, in both the Regulatory Flexibility Act (Pub. L. 96-354) and the Paperwork Reduction Act of 1980 (Pub. L. 96-511), Congress intended that Federal agencies reduce unwarranted regulatory burdens.

As a result of the agency's reevaluation of pending proposed rules and in light of the purposes of the Presidential and statutory directives described above, FDA is withdrawing for reconsideration the proposed performance standard. Withdrawal of the proposal does not mean that FDA has lost interest in the subject. FDA may reinstitute rulemaking if, after reconsideration, it decides that publishing a proposed rule, guideline, or recommendation on microwave diathermy products is necessary.

Even without establishing a performance standard for microwave diathermy and shortwave diathermy devices, FDA has authority under both the Radiation Control for Health and Safety Act of 1968 and the Federal Food, Drug, and Cosmetic Act to take regulatory action against microwave diathermy or shortwave diathermy devices that present a risk to health. Therefore, FDA has decided not to establish a mandatory performance standard at this time.

The agency will continue to gather data on both microwave diathermy and shortwave diathermy devices. The essential features of the withdrawn standard will be included in a technical report whose availability will be announced in the **Federal Register**. This technical report could form the basis of voluntary standards efforts. The agency also will continue to work with professional organizations to encourage voluntary efforts to assure the safe performance of microwave diathermy and shortwave diathermy devices.

In the **Federal Register** of August 28, 1979 (44 FR 50511, 44 FR 50512, 44 FR 50514, and 44 FR 50531), FDA proposed to classify, as physical medicine devices, four generic types of diathermy devices. The withdrawal by FDA of the proposed performance standard for microwave diathermy products has no effect on FDA's classification of these four devices.

The agency welcomes public participation in the development of its education program concerning the above matter. Individuals or organizations who wish to receive technical reports or further details on program development or to review draft copies of educational materials may have their names placed on the mailing list by writing to the National Center for Devices and Radiological Health, Division of Electronic Products (HFX-200), 5600 Fishers Lane, Rockville, MD 20957.

This notice is issued under the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 356, 358, 82 Stat. 1174-1179 (42 U.S.C. 263d, 263f)) and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 302 et seq., as amended) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982).

The administrative record in this proceeding, including copies of any comments received and related correspondence, is on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, under the docket number found in the heading of this document and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 1, 1983.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

Thomas R. Donnelly, Jr.,

Acting Secretary of Health and Human Services.

[FR Doc. 83-5986 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE-133-80]

Refund of Mistaken Contributions

February 25, 1983.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating, in the case of multiemployer plans, to the return of employer contributions or withdrawal liability overpayments determined to have been made due to a mistake of fact or law. Changes to the applicable laws were made by the Multiemployer Pension Plan Amendments Act of 1980. The regulations would provide the public with the guidance needed to comply with that act and affect employers contributing to multiemployer plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by May 10, 1983. The amendments are to be generally effective on January 1, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, attention: CC:LR:T (EE-133-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Michael A. Thrasher of the Employee Plans and Exempt Organizations Division, Office of Chief, Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (attention: CC:LR:T) (202-566-6212) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(2) of the Internal Revenue Code of 1954. These amendments are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Under prior law, employer contributions to pension plans were generally not refundable. However, a contribution made due to a mistake of fact was permitted to be returned if returned within one year after the date of the contribution.

The Multiemployer Pension Plan Amendments Act of 1980 amended section 401(a) of the Internal Revenue Code to reflect the belief that the requirement of a mistake of fact for the return of an employer contribution was too narrow in the multiemployer context. Thus, under conditions set out in these regulations, a contribution made due to a mistake of fact or law may be returned within six months of the date that the plan administrator determines that it was made in error.

The regulations also reflect the amendment of section 401(a)(2) by the Act to permit the return of any withdrawal liability payment determined to be an overpayment made due to a mistake of fact or law within six months of that determination.

The amendments are retroactive to January 1, 1975. For multiemployer plans maintained before the date of enactment, the date on which the plan administrator determines that the contribution or overpayment resulted from a mistake of fact or law is deemed to be the date of enactment of the statute, September 26, 1980.

Nonapplication of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and Office of Management and Budget implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

Although this document is a notice of proposed rulemaking which solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of this proposed regulation is Michael A. Thrasher of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations both on matters of substance and style.

List of Subjects in 26 CFR 1.401-0-1.425-1

Income taxes, Employee benefit plan, Pension, Multiemployer pension plans.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Paragraph 1. The following new section is added immediately after § 1.401 (a)-2:

§ 1.401(a)-3 Refund of mistaken employer contributions and withdrawal liability payments.

(a) *Introduction*—(1) *In general.* Section 401(a)(2) provides that a contribution or payment of withdrawal liability made to a multiemployer plan due to a mistake of fact or mistake of law can be returned to the employer under certain conditions. This section specifies the conditions under which an employer's contribution or payment may be returned.

(2) *Effective date.* This section generally is applicable to multiemployer plans for taxable years beginning after December 31, 1974. For years prior to the date of enactment of the Multiemployer Pension Plan Amendments Act of 1980, the date on which the plan administrator determines that the contribution or payment resulted from a mistake of fact or mistake of law is deemed to be the date of enactment of that statute, September 26, 1980.

(b) *Conditions for return of contributions*—(1) *In general.* In the case of a contribution or a withdrawal liability payment to a multiemployer plan which was made because of a mistake of fact or mistake of law, the contribution or payment may be returned without penalty within six months after the date the plan administrator determines that the contribution or payment was the result of a mistake of fact or law. It is sufficient for purposes of this section that the employer establish a right to a refund of the amount mistakenly contributed or paid by filing a claim with the plan administrator within six months from the date in which the plan administrator determines that a mistake did occur. For purposes of this section, "plan administrator" is defined in section 414(g) and the regulations thereunder.

(2) *Applicable conditions*—In general. The employer making the contribution or withdrawal liability payment must demonstrate that an excessive contribution or overpayment, subsequent to January 1, 1975, has been made due to a mistake of fact or law. A mistake of law relating to plan qualification under section 401 or to trust exemption under section 501 is not considered to be a mistake of law which entitles an employer to a refund under this section. These rules are applicable only to multiemployer plans. For purposes of this section, a multiemployer plan is defined in section 414(f) and the regulations thereunder.

(ii) *Amount to be returned.* The amount to be returned to the employer is the excess of the amount contributed or paid over the amount that would have been contributed or paid had no mistake occurred. This amount is the "excess contribution" or "overpayment."

(A) Any earnings attributable to the exess contribution or overpayment as a return on investment to the trust may not be returned to the employer. Losses attributable to the excess contribution or overpayment must reduce the amount to be returned.

(B) In no event may a participant's account be reduced to an amount less than that amount which would properly have been in that participant's account had no mistaken occurred. The excess contribution or overpayment returned to the employer may not exceed this overall limitation.

(iii) *Amount refunded includible in employer's income.* Generally the amount of the excess contribution or overpayment must be included in gross income by the employer in the taxable year in which it is returned if the excess contribution or overpayment resulted in a tax benefit in a prior year.

(iv) *Application of section 412.* The amount of the excess contribution of overpayment for which the funding standard account was credited under section 412 creates an offsetting charge to the funding standard account in the year in which the excess contribution or overpayment is returned.

(3) *Examples.* The provisions of this section are illustrated by the following examples:

Example (1) Contributions are made to a pension trust fund maintained by several employers pursuant to various collective bargaining agreements. Under the terms of the trust and the collective bargaining agreements, self-employed individuals and people holding partnership interests of ten percent or more are not eligible to receive benefits from the fund and employer contributions are not required on their behalf. Over several years, contributions have been made to the fund on behalf of members of those groups under a mistaken belief that

such contributions were required by the agreement. These contributions were based on a mistake of law as to the proper interpretation of the eligibility standards of the trust documents and terms of the collective bargaining agreement. The employers who made the mistaken contributions may obtain a refund of the excess contributions.

Example (2). The facts are the same as in Example (1), except that a computational error was made in the calculation of the amount of an employer's contribution to the plan. Because this arithmetical error is a mistake of fact, the employer may receive a refund of the excess contribution.

Example (3). The fact are similar to those in Example (1), except that the plan is not qualified under section 401(a). Contributions to the plan were made by an employer based on its assumption that the plan was qualified under section 401(a). This is not considered as a mistake of fact or law for purposes of this section and this section does not permit the employer to receive a refund of the contributions.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-6348 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-252-81]

Deductibility of Employee Awards; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations that provide rules governing the deductibility by employers of expenses for awards to employees.

DATES: The public hearing will be held on May 3, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 18, 1983.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-252-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 274(b) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Thursday, December 16, 1982 (47 FR 56367).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit not later than April 18, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-6347 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 51

[LR-217-81]

Oil From a Stripper Well Property; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations dealing with the definition of oil from a stripper well property for purposes of tier 2 and for the exemption from the windfall profit tax for exempt stripper well oil.

DATES: The public hearing will be held on April 27, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by April 13, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-217-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 4991 and 4994(g) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Thursday, January 20, 1983 (48 FR 2552).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit not later than April 13, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyong the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-6346 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

42 CFR Parts 85 and 85a

Use of Personal Sampling Devices During NIOSH Investigations

AGENCY: National Institute for Occupational Safety and Health, Centers for Disease Control, HHS. (NIOSH), Centers for Disease Control, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: NIOSH proposes to amend its regulations covering health hazard evaluations (42 CFR Part 85) and research investigations (42 CFR Part 85a) of the workplace to expressly provide for the use of personal sampling devices as an investigative technique. This action is necessary to give notice that employees may be requested to wear personal sampling devices as part of the environmental sampling procedures used by NIOSH during its investigations.

DATE: Comments must be submitted on or before April 11, 1983.

ADDRESS: Comments should be submitted to: Mr. Larry W. Sparks, Executive Officer, NIOSH, Bldg. 1, Room 3106, Centers for Disease Control, 1600 Clifton Rd. N.E., Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT: Larry W. Sparks, (404) 329-3061 or FTS 236-3061.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Act (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act (30 U.S.C. et seq.) direct the Secretary of Health and Human Services to conduct occupational health and safety research. To implement these functions, the Secretary promulgated Parts 85 and 85a of Title 42, Code of Federal Regulations, to establish the procedures for NIOSH's conduct of occupational health and safety research investigations at places of employment. Part 85 governs the evaluation of workplace conditions requested by employers or authorized representatives of employees, while Part 85a concerns the conduct of investigations under NIOSH-initiated research projects.

Included among these procedures is a recital of the various investigative activities NIOSH is authorized to perform. Thus, § 85.7(c) and § 85a.5(d) provide that NIOSH is authorized to, among other things, collect environmental samples and samples of substances, to measure environmental conditions and employee exposures, and to employ other reasonable investigative techniques. Since the promulgation of these regulations, NIOSH has interpreted its regulations as authorizing the use of personal sampling devices to measure individual employee exposures to substances and physical agents. The most common personal sampling devices are those that use sampling pumps to draw air through liquid or solid sorbents, filters, etc., and those in which a reaction takes place directly on the sorbent. The latter devices are known as passive chemical monitors. The other common personal sampling device, the noise dosimeter, is used for measuring cumulative employee noise exposures over a given period of time. The sampling medium or dosimeter is attached to the worker's clothing as near as possbile to the worker's breathing or hearing zone. The remainder of the sampling device (if required), such as a sampling pump or recording unit, is connected by flexible hose or wire to the sampling medium or dosimeter and also is attached to the worker in a place that interferes the least with work requirements (e.g., on the employee's belt). NIOSH uses personal samplers because they are the most accurate way to monitor a worker's exposures during the normal work routine and workday.

NIOSH use of personal sampling devices to measure individual employee exposure has been judicially upheld. In *Establishment Inspection of Keokuk Steel Castings, Division of Kasty Metals,* 638 F. 2d 42 (8th Cir. 1981), the Court upheld enforcement of the warrant issued to NIOSH which included the use of personal samplers by workers willing to wear them. In so holding, the Eighth Circuit expressly disagreed with the Ninth Circuit decision in *Plum Creek Lumber Co.,* v. *Hutton,* 608 F. 2d 1289 (9th Cir. 1979) which involved an Occupational Safety and Health Administration (OSHA) compliance inspection. In *Plum Creek,* the Court held that it was without authority to order an employer to permit its employees to wear personal sampling devices contrary to the employer's written policy in absence of a regulation or law specifying the use of such devices.

In *Establishment Inspection of Metro-East Manufacturing Co.,* 655 F. 2d 805 (7th Cir. 1981), the only other Circuit Court decision on this issue, a divided panel held that the OSHA regulations did not give employers fair warning of what is required or prohibited because they failed to specify the use of personal samplers as a reasonable investigative technique. The Court suggested that the OSHA regulations be amended to give employers this fair warning. Since the NIOSH inspection regulations are similar to those of OSHA, NIOSH announces its intention to amend Parts 85 and 85a to expressly authorize the use of personal sampling devices in the conduct of NIOSH research investigations. Although there are some employers who have contended that personal samplers pose a safety hazard, many other employers are now routinely using these devices in conducting their own industrial hygiene operations. The public record from a similar OSHA rulemaking appears to corroborrate NIOSH's experience that personal samplers do not cause any undue hazards to workers.

This rule is primarily a clarification of procedures currently in use. Experience indicates that these devices are compact, take minimal time to attach to the employee, and neither hinder nor obstruct employee job performance. Thus, there are not substantive adverse effects on productivity due to the use of personal samplers. NIOSH is unaware of any injuries or accidents caused by the use of these devices. Personal samplers used during an investigation are provided by NIOSH at no cost to the employer. For these reasons, the Secretary has determined that this rule is not a "major rule" under Executive Order 12291. Further, because these regulations do not have a significant economic impact on a substantial number of small entities, a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980 is not required.

The recordkeeping and reporting requirements contained in 42 CFR Parts 85 and 85a have been reviewed and approved by the Office of Management and Budget (OMB Approval Nos. 0920-0102 and 0920-0037, respectively). These programs are not subject to OMB Circular A-95 (revised) nor Health Systems Agency review.

List of Subjects

42 CFR Part 85

Investigations, Mine safety and health, Occupational safety and health, Poison prevention.

42 CFR Part 85a

Investigations, Mine safety and health, Occupational safety and health.

For the reasons stated in the preamble, Parts 85 and 85a of Title 42, Code of Federal Regulations, are amended as set forth below.

Dated November 4, 1982.

Approved: Feburary 18, 1983.

Edward N. Brandt, Jr.,

Assistant Secretary for Health.

Thomas R. Donnelly, Jr.,

Acting Secretary.

PART 85—REQUESTS FOR HEALTH HAZARD EVALUATIONS

1. In § 85.7, paragraph (c) is revised to read as follows:

§ 85.7 Conduct of investigations.

* * * * *

(c) NIOSH officers are authorized to collect environmental samples and samples of substances or measurements of physical agents (including measurement of employee exposure by the attachment of personal sampling devices to employees), to take or obtain photographs related to the purpose of the investigation, employ other reasonable investigative techniques, including medical examinations of employees with the consent of such employees, and to question privately any employer, owner, operator, agent or employee. The employer shall have the opportunity to review photographs taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

* * * * *

PART 85a—OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

1. In § 85a.5, paragraph (d)(1) is revised to read as follows:

§ 85a.5 Conduct of investigations of places of employment.

* * * * *

(d)(1) NIOSH authorized representatives are authorized: To collect environmental samples and samples of substances; to measure environmental conditions and employee exposures (including measurement of employee exposure by the attachment of personal sampling devices to employees); to take or obtain photographs, motion pictures or video tapes related to the purpose of the investigation; to employ other reasonable investigative techniques, including medical examinations, anthropometric measurements and standardized and experimental functional tests of employees with the informed consent of such employees; to review, abstract, and duplicate such personnel records as are pertinent to mortality, morbidity, injury, safety, and other similar studies; and to question and interview privately any employer, owner, operator, agency, or employee from the place of employment. The employer, owner, operator, or agent shall have the opportunity to review photographs, motion pictures, and video tapes taken or obtained for the purpose of identifying those which contain or might reveal a trade secret.

* * * * *

[FR Doc. 83-6354 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-19-M

Health Care Financing Administration

42 CFR Parts 431, 435, 440, 441, and 447

Medicaid Program; Relation With Other Agencies and Miscellaneous Medicaid Definitions

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

ACTION: Proposed rule.

SUMMARY: We proposed to amend the Medicaid regulations to allow States the option of paying cost sharing amounts for Medicaid beneficiaries who are covered under Medicare Part B "Buy-in" agreements. We also propose to revise several definitions and clarify ambiguities in existing Medicaid regulations. The proposed definition changes are related to private duty nursing services, inpatient psychiatric services, inpatient and outpatient and outpatient. All changes are a part of the Department's regulatory reform effort which targets for revision those regulations that are ambiguous or that have been identified as problematic.

DATE: To assure consideration, comments should be received by May 10, 1983.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17076, Baltimore, Maryland 21235, ATTN: BPP-513-P.

In commenting, please refer to file code BPP-513-P.

If you prefer, you may deliver your comments to Room 309-G Hubert H. Humphrey Building, 200 Independence Ave., S.W., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

Comments will be available for public inspections as they are received, beginning approximately three weeks after publication, in Room 309-G of the Department's offices at 200 Independence Ave., S.W., 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:

William Hickman, Relations With Other Agencies, (301) 594-9101

Thomas Hoyer, Miscellaneous Medicaid Definitions, (301) 594-9446.

SUPPLEMENTARY INFORMATION:

Background

A. General

In the spring of 1981, HCFA established a Task Force on Regulatory Reform as part of its efforts to reduce the burden of existing regulations. The Task Force reviews and analyzes existing regulations and makes specific recommendations to delete or revise provisions that are ambiguous or that imposes excessive and unnecessary burdens on the public or that are not cost effective. With one exception, the revisions proposed in this document were recommended by the Task Force to resolve problems with and clarify various Medicaid regulations in 42 CFR Chapter IV. The exception, a clarification of 42 CFR 447.40 regarding reserved beds, is discussed in paragraph II.F.

B. Relations with Other Agencies—Buy-In

Medicaid program (Title XIX of the Social Security Act) provides medical assistance to certain categories of individuals with low income. The program is jointly funded by the State and Federal government but is administered by the State. Section 1843(a) of the Act specifically permits State agencies to enter into "buy-in" agreements with the Secretary under which the State agency enrolls in Medicare Part B (Supplementary Medical Insurance) Those Medicaid beneficiaries who are also eligible for Medicare. Medicare Part B, generally, covers certain physicians' and medical services and supplies, home health care services, outpatient hospital services and therapy, and other health services not requiring stays in institutions such as hospitals or skilled nursing facilities. State agencies which "buy-in" to Medicare Part B on behalf of those persons who are eligible for both programs enroll their Medicaid clientele and agree to pay the Part B premium on their behalf. In addition, States may elect to pay the Medicare Part B premiums for eligible Medicaid recipients even in the absence of a "buy-in" agreement. (See sections 1840(e) and 1902(a)(10)—clause (II) following (D) of the Act.)

The primary intent of the "buy-in" program has been to make Medicare Part B services available to individuals who are eligible but financially unable

to pay the monthly Part B premium amounts. States may claim Federal matching through the Medicaid program for Part B premiums paid on behalf of Medicaid beneficiaries who also receive cash assistance.

Since 1971, HHS policy has been to require State agencies that have a "buy-in" agreement to pay, in addition to the Part B premium, the Part B coinsurance and deductible amount for services provided to beneficiaries under Part B, even if the services are not routinely provided under the Medicaid State plan. The only Medicare Part B services not generally covered under Medicaid are the following: speech and physical therapy services, podiatric services, chiropractic services, and rental of certain medical equipment. In effect, if a State agency enters into a "buy-in" agreement, all the benefits under Part B have become part of the State plan for beneficiaries covered under the agreement.

Several States have objected to this policy of reimbursing for what they consider to be noncovered services under their State plans because they believe to do so is not efficient and cost-effective. In addition, in the case of Fob James v. Harris 499 F. Supp. 594 (U.S.D.C.M.D. Alabama, 1980), the court held that our policy was not supported by the statute. We have reviewed our policy in light of these factors and decided that since there is not express statutory basis for our requirements, States should be given flexibility in the area of program administration. Therefore, we are proposing to revise our "buy-in" policy so that States may choose whether to pay the Part B deductible and coinsurance amounts on the full range of Part B services.

II. Provisions of the Regulations

A. Relations With Other Agencies—Buy-In

We are proposing to revise 42 CFR 431.625 so that States may choose whether to pay the Part B deductible and coinsurance amounts on the full range of Part B services.

Specifically, we are adding a provision, redesignated § 431.625(c) that states that a State payment of Part B premiums on behalf of a Medicaid recipient does not obligate it to pay on the recipient's behalf of the Part B deductible and coinsurance amounts on the full range of Part B services not covered in the Medicaid State plan.

In addition, we propose to make technical changes to update cross references and other information. For example, current regulations at § 431.625(a) state that, if the State desired to do so, it must have entered into a "buy-in" agreement before January 1, 1970. Section 945 of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499) provided an additional one-year period, January 1 through December 31, 1981, during which any State which had not already done so could request to enter into or modify its "buy-in" agreement with the Secretary. Therefore, we propose to amend the regulations to reflect this additional period. We are changing the statutory citation in § 431.625(a)(2) from "Section 1902(a)(10)(C)(ii)(II)" to "Section 1902(a)(10) (in clause (II) following subparagraph (D)" in order to correctly reference the law as amended, most recently by the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248).

B. Definitions

1. Private Duty Nursing Services. The current definition in Medicaid regulations of private duty nursing services (42 CFR 440.80) states that these services are provided to a recipient in three settings: the recipient's home, a hospital, or a skilled nursing facility. The current regulations have been interpreted to mean that a State providing private duty nursing services must provide those services in all three settings. Since that was not our intent, we propose to amend the definition to clarify that States have flexibility and may limit the provision of these services to any one or more of the three cited locations.

2. Inpatient Psychiatric Services. Two provisions in the regulations contained in Part 440 and Part 441 concerning inpatient psychiatric services for individuals under age 21 are inconsistent. Section 440.160 defines inpatient psychiatric services for individuals under age 21 as those that are provided "in a facility or program" accredited by the Joint Commission on Accreditation of Hospitals (JCAH). In contrast, regulations at § 441.151 specify that the psychiatric services be provided "by a psychiatric facility or an inpatient program in a psychiatric facility * * *" accredited by the JCAH. This unintentional inconsistency between provisions has created confusion regarding whether services in non-psychiatric facilities are included within the scope of the inpatient psychiatric services benefit. We believe the language in § 441.151 is more consistent with statutory language (section 1905(h)(1)(A) of the Act) that specifies that these services include only those provided "in an institution which is accredited as a psychiatric hospital * * *" We, therefore, are proposing to make the language in the two sections consistent and to clarify that inpatient psychiatric services for recipients under age 21 must be provided in a psychiatric facility. We note that Federal financial participation (FFP) for inpatient psychiatric services is available to individuals of all ages when these services are provided as inpatient services in an acute general hospital.

We are also proposing to clarify language in § 441.151(c) regarding continuing eligibility for inpatient psychiatric services for individuals attaining age 21. The statutory provision (section 1905(h)(1)(C) of the Act) permits an individual who was receiving inpatient psychiatric services "in the period immediately preceding the date on which he attained 21" to continue to receive them until he reaches age 22 if he requires the services. We propose to revise the language in the regulations to clarify that receipt of services "immediately preceding the date on which he attained age 21" means that the recipient was receiving the services on the day before the date he or she reached age 21.

3. Inpatient Hospital Services. Current Medicaid regulations at 42 CFR 440.10 defining "inpatient hospital services" specify among other requirements that the services be furnished "in an institution that * * * (b) Is licensed or formally approved as a hospital * * *; (c) Meets the requirements for participation in Medicare * * *" We are concerned that taken together, these requirements could be misinterpreted as making FFP available for "inpatient hospital services" in a skilled nursing facility. This misinterpretation is possible because there are facilities or distinct parts of facilities that are licensed or formally approved as a hospital, but meet the requirements for participation in Medicare as a skilled nursing facility. We, therefore, propose to add the phrase "as a hospital" following "* * * Meets the requirements for participation in Medicare * * *" in order to clarify the intent of the regulations.

4. Outpatient Hospital Services. Similarly, the current Medicaid regulations at 42 CFR 440.20 defining "outpatient hospital services" also specify that the services be provided "* * * by an institution that * * * (1) Is licensed or formally approved as a hospital * * * and (2) Meets the requirements for participation in Medicare." Our concern, as in the definition of "inpatient hospital services," is that the requirements might be misinterpreted as providing FFP for "outpatient hospital services" provided

by a skilled nursing facility. Again, in order to clarify the intent of the regulation, we propose to add the phrase "as a hospital" following "* * * Meets the requirements for participation in Medicare."

We are also proposing to amend this section to enable States at their discretion to limit the scope of the outpatient hospital services benefit to exclude those outpatient services not generally furnished by most hospitals in the State. States have expressed the concern that services that are otherwise optional under the State plan become mandatory services when provided in the outpatient hospital setting, because outpatient services are *mandatory*. This result conflicts with a State's prerogative to choose which optional services will be covered under the State's program. Although States would still be required to cover the other mandatory services (such as physicians services) and some optional services when they are provided in the outpatient hospital setting, the States would have greater flexibility under the proposed amendment to exclude any optional services that are not generally furnished by most hospitals in the State. The definition of "services that are generally furnished" would be left to the State and could conceivably be limited by a time frame (e.g., services generally furnished by most hospitals in the State within the last ten years).

5. Inpatient, Outpatient. Current Medicaid definitions defining "inpatient" (42 CFR 435.1009) and "outpatient" (42 CFR 440.2(a)) are unclear regarding the patient's status when admitted to a medical institution for less than 24 hours. The current definition of "inpatient" refers to a patient receiving room, board and professional services "* * * on a continuous 24-hour-a-day basis."

The definition of outpatient refers to a patient who does not receive room, board and professional services "on a continuous 24-hour-a-day basis." The phrase "on a continuous 24-hour-a-day basis" is vague and could be interpreted to mean that services must be provided for at least a 24 hour period for them to be reimbursed as inpatient hospital services.

Our intent is that "inpatient" status be determined by a patient's stay of at least 24 hours or by the facility's decision to admit the patient as an inpatient with the expectation that the patient will remain for a period of at least 24 hours. Thus, if a patient is admitted to a hospital as an inpatient and remains at least 24 hours, he or she is considered an inpatient. If a patient is admitted to a hospital as an inpatient and is expected by the hospital to remain for a period of at least 24 hours, the patient would also be considered an inpatient even though it might later develop that the patient is discharged, is transferred to another facility or dies and does not actually stay for 24 hours. If a patient enters a hospital and is expected to remain less than 24 hours, and this expectation is realized, the patient would be considered an outpatient regardless of the hour of admission, whether or not the patient used a bed, or whether or not the patient remained in the hospital past midnight.

We propose to amend the current definitions of "inpatient" and "outpatient" in Medicaid regulations to clarify our intent. These proposed definitions are more consistent with the Medicare definitions of these terms (*Medicare Part A Intermediary Manual*, Section 3101.).

Additionally, we believe that the definitions should be located in both Parts 435 and 440 to facilitate use of the regulations, to eliminate any possibility of either definition being overlooked and to make the relationship between "inpatient" and "outpatient" clear. We, therefore, propose to add the definition of "outpatient" to § 435.1009 (which currently defines "inpatient") and to add the definition of "inpatient" to § 440.2 (which currently defines "outpatient" and "patient").

6. Payments for Reserving Beds in Institutions. We are proposing to clarify an ambiguity in the existing Medicaid regulations at 42 CFR 447.40. Current regulations have been erroneously interpreted to mean that FFP is available for reserving a bed in a facility only when a recipient's absence is for some purpose other than hospitalization. Therefore, we are amending this provision to clearly indicate that the intent of current regulations is to allow FFP for a reserved bed when a recipient is hospitalized, as well as in other circumstances.

III. Impact Analysis

A. Executive Order 12291

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

This regulation would not obligate States to pay on behalf of the beneficiary the Part B deductibles and coinsurance amount on the full range of Part B services. Our actuary assumes that two-thirds of the States would elect this option. They estimate that the Federal savings resulting from these States exercising this option would be approximately $5 million in FY 1984 and $6 million in FY 1985. As these estimates are significantly less than the $100 million threshold, a regulatory impact analysis is not required.

The revision to the definition of outpatient hospital services provides that the States may, at their discretion, exclude services not generally furnished as outpatient hospital services by most hospitals in the State. Data are not currently available to determine the extent to which States are now paying for these services or the extent to which they will choose to exercise this option. Therefore, our actuaries believe that it is not possible to estimate, with precision, the economic effect of this provision, although it would be less than $100 million annually.

The remaining proposed provisions are simply clarifications of existing regulations. Our actuaries estimate at most, negligible effect to result from these provisions.

B. Regulatory Flexibility Analysis

The Secretary certifies under 5 U.S.C. 605(b), enacted by Pub. L. 96–354, that these proposed regulations would not have a significant impact on a substantial number of small entities.

The provision, allowing States the option of paying cost sharing amounts for Medicaid beneficiaries covered under "buy-in" agreements, does not require a regulatory flexibility analysis because there is no impact upon small entities. As defined by the Regulatory Flexibility Act, the term "small entity" has the same meaning as the term "small governmental jurisdiction" which means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand". No State meets this definition, and as this provision only affects States, a regulatory flexibility analysis is not required.

The provision allowing State flexibility in the definition of outpatient hospital service may have an impact on some hospitals. Although, as noted in the Executive Order discussion, our actuaries are not able to estimate the impact with precision, we believe it would not be significant.

The remaining proposals are simply clarifications of existing regulations. We believe that these proposals would not result in a significant impact on a substantial number of small entities.

IV. Response To Comments

Because of the large number of comments we receive, we cannot acknowledge or respond to them

individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

List of Subjects

42 CFR Part 431

Administrative practice and procedure, contracts (Agreements), Fair hearings, Federal financial participation, Grant-in-Aid program—health, Health facilities, Health maintenance organizations (HMO), Indians, Information (Disclosure), Medicaid, Mental health centers, Prepaid health plans, Privacy, Quality control, Reporting requirement.

42 CFR Part 435

Aid to Families with Dependent Children, Aliens, Categorically needy, Contracts (agreements—State Plan), Eligibility, Grant-in-Aid program—health, Health facilities, Medicaid, Medically needy, Reporting requirements, Spend-down, Supplemental security income (SSI).

42 CFR Part 440

Clinics, Dental health, Drugs, Grant-in-Aid program—health, Health care, Health facilities, Health professions, Hearing disorders, Home health services, Inpatients, Laboratories, Language disorders, Lung diseases, Medicaid, Mental health centers, Nurse midwives, Occupational therapy, Personal care services, Physical therapy, Prosthetic devices, Outpatients, Ophthalmic goods and services, Rural areas, Speech disorders, X-rays.

42 CFR Part 441

Abortions, Aged, Early Periodic Screening Diagnosis and Treatment (EPSDT), Family planning, Grant-in-Aid program—health, Health facilities, Infants and children, Institutions for mental diseases (IMD), Kidney diseases, Maternal and child health, Medicaid, Mental health centers, Nurse midwives, Opthalmic goods and services, Penalties, Psychiatric facilities, Sterilizations.

42 CFR Part 447

Accounting, Clinics, Contracts (Agreements), Copayments, Drugs, Grant-in-Aid program—health, Health facilities, Health professions, Hospitals, Medicaid, Nursing homes, Payments for services—general, Payments—timely claims, Reimbursement, Rural areas.

We are proposing to amend 42 CFR Chapter IV as set forth below.

PART 431—STATE ORGANIZATION AND GENERAL ADMINISTRATION

The authority citation for Part 431 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

Subpart M—Relations With Other Agencies

Section 431.625 is amended by revising paragraph (a), redesignating paragraph (c) as paragraph (d) and by adding a new paragraph (c) to read as follows:

§ 431.625 Coordination of Medicaid with Medicare part B.

(a) *Basis and purpose.* (1) Section 1843(a) of the Act requires the Secretary to have entered into an agreement with any State that requested that agreement before January 1, 1970, or during calendar year 1981, under which the State could enroll certain Medicare-eligible recipients under Medicare part B and agree to pay their premiums.

(2) Section 1902(a)(10)(C) of the Act (in clause (II) following subparagraph (D)), allows the State to pay the premium, deductibles, cost sharing, and other charges for recipients enrolled under Medicare part B without obligating itself to provide the range of part B benefits to other recipients; and

(3) Section 1903 (a)(1) and (b) of the Act authorize FFP for State payment of Medicare part B premiums for certain recipients.

* * * * *

(c) *Effect of payment of premiums on State liability for cost sharing.* State payment of Part B premiums on behalf of a Medicaid recipient does not obligate it to pay on the recipient's behalf the Part B deductible and coinsurance amounts on the full range of Part B services not covered in the Medicaid State plan.

(d) *Federal financial participation.* (1) No FFP is available in State expenditures for Medicare part B premiums for Medicaid recipients who receive no money payments under title I, IV-A, X, XIV, XVI (AABD), or XVI (SSI) of the Act. However, FFP is available in these expenditures for—

* * * * *

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA AND THE NORTHERN MARIANA ISLANDS

The authority citation for Part 435 reads as follows:

Authority: Sec. 1102 of the Social Security Act, (42 U.S.C. 1302), unless otherwise noted.

§ 435.1009 [Amended]

Section 435.1009 is amended by revising the definition of "inpatient" and by adding in alphabetical order the definition of "outpatient".

* * * * *

"Inpatient" means a patient who has been admitted to a medical institution as an inpatient on recommendation of a physician or dentist and who—

(1) Receives room, board and professional services in the institution for a 24 hour period or longer; or

(2) Is expected by the institution to receive room, board and professional services in the institution for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the intitution for 24 hours.

* * * * *

"Outpatient" means a patient of an organized medical facility, or distinct part of that facility who is expected by the facility to receive, and who does receive, professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used, or whether or not the patient remains in the facility past midnight.

* * * * *

PART 440—SERVICES: GENERAL PROVISIONS

The authority citation for Part 440 reads as follows:

Authority. Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

1. Section 440.2(a) is amended by revising the definition of "Outpatient" and by adding in alphabetical order the definition of "Inpatient".

§ 440.2 Specific definitions; definitions of services for FFP purposes.

(a) *Specific definitions.*

"Inpatient" means a patient who has been admitted to a medical institution as an inpatient on recommendation of a physician or dentist and who—

(1) Receives room, board and professional services in the institution for a 24 hour period or longer; or

(2) is expected by the institution to receive room, board and professional services in the institution for a 24 hour period or longer even though it later develops that the patient dies, is discharged or is transferred to another facility and does not actually stay in the institution for 24 hours.

* * * * *

"Outpatient" means a patient of an organized medical facility, or distinct part of that facility who is expected by

the facility to receive and who does receive professional services for less than a 24-hour period regardless of the hour of admission, whether or not a bed is used, or whether or not the patient remains in the facility past midnight.

* * * * *

2. Section 440.10 is amended by revising paragraph (a)(3)(iii) to read as follows:

§ 440.10 Inpatient hospital services, other than services in an institution for tuberculosis or mental diseases.

(a) "Inpatient hospital services means services that—

* * * * *

(3) Are furnished in an institution that—

* * * * *

(iii) Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare as a hospital; and

* * * * *

3. Section 440.20 is amended by revising paragraph (a)(3)(ii) and adding paragraph (a)(4) to read as follows:

§ 440.20 Outpatient hospital services and rural health clinic services.

(a) *"Outpatient hospital services"* means preventive, diagnostic, therapeutic, rehabilitative, or palliative services that—

* * * * *

(3) Are furnished by an institution that—

* * * * *

(iii) Except in the case of medical supervision of nurse-midwife services, as specified in § 440.165, meets the requirements for participation in Medicare as a hospital; and

(4) May be limited by a Medicaid agency in the following manner: A Medicaid agency may exclude from the definition of "outpatient hospital services" those items and services that are not generally furnished by most hospitals in the State.

* * * * *

4. Section 440.80 is revised to read as follows:

§ 440.80 Private duty nursing services.

"Private duty nursing services" means nursing services for recipients who require more individual and continuous care than is available from a visiting nurse or routinely provided by the nursing staff of the hospital or skilled nursing facility. These services are provided—

(a) By a registered nurse or a licensed practical nurse;

(b) Under the direction of the recipient's physician; and

(c) To a recipient in one or more of the following locations at the option of the State—

(i) His or her own home;

(ii) A hosptial; or

(iii) A skilled nursing facility.

5. Section 440.160 is amended by reprinting the first paragraph and revising paragraph (b) as follows:

§ 440.160 Inpatient psychiatric services for individuals under age 21.

"Inpatient psychiatric services for individuals under age 21" means services that—

* * * * *

(b) Are provided in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Hospitals; and

* * * * *

PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES

The authority citation for Part 441 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

Section 441.151 is amended by reprinting the first paragraph and revising paragraphs (b) and (c) to read as follows:

§ 441.151 General requirements.

Inpatient psychiatric services for recipients under age 21 must be provided—

* * * * *

(b) In a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Hospitals; and

(c) Before the recipient reaches age 21 or, if the recipient is receiving the services on the day before the date he or she reaches age 21, before the earlier of the following—

(1) The date he or she no longer requires the services, or

(2) The date he or she reaches age 22.

PART 447—PAYMENT FOR SERVICES

The authority citation for Part 447 reads as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302), unless otherwise noted.

Section 447.40 is amended by revising paragraph (a) to read as follows:

§ 447.40 Payments for reserving beds in institutions.

(a) The Medicaid agency may make payments to reserve a bed during a recipient's temporary absence from an inpatient facility, if—

(1) The absence is for—

(i) Hospitalization, or—

(ii) A purpose other than hospitalization, and the recipient's plan of care provides for those absences; and

(2) The State plan provides for such payments and describes any limitations on the reserved bed policy.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 30, 1982.

Carolyn K. Davis,

Administrator, Health Care Financing Administration.

Approved: February 17, 1983.

Thomas R. Donnelly, Jr.,

Acting Secretary.

[FR Doc. 83-6352 Filed 3-10-83; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 2

Privacy Act of 1974; Records and Testimony

AGENCY: Interior Department.

ACTION: Proposed rule.

SUMMARY: Department of the Interior regulations relating to certain exemptions to provisions of the Privacy Act of 1974 and Departmental regulations relating thereto are proposed to be revised. This revision proposes to: Add Privacy Act System of Records entitled Investigative Records, Interior/Office of Inspector General to those systems of records listed in 43 CFR 2.79(a).

DATES: Comments must be received on or before April 11, 1983.

ADDRESS: Comments concerning the proposed regulations may be submitted to: Assistant Inspector General for Administration, U.S. Department of the Interior, Office of Inspector General, Room 5354, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Danny P. Danigan, Assistant Inspector General for Administration, at (202) 343-8231, or Maurice O. Ellsworth, Associate Solicitor, Audit and Inspection, at (202) 343-8275. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rule is Betty J. Foyes of the Office of the Assistant Inspector General for Administration, Office of Inspector General, telephone number (202) 343-6459.

A discussion of the proposed revisions to 43 CFR 2.79(a) is provided below:

Privacy Act System of Records entitled Investigative Records, Interior/Office of Inspector General—2 is being added to those systems of records listed in 43 CFR 2.79(a) which are exempt under 5 U.S.C. 552a(j)(2) of the Privacy Act of 1974 from all of the provisions of 5 U.S.C. 552a and Department of Interior regulations in 43 CFR, Part 2, Subpart D—Privacy Act, except subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the rgulations in Subpart D implementing these subsections. The system of records is maintained in the Office of Inspector General pursuant to the provisions of the Inspector General Act of 1978, 5 U.S.C. app. sections 1-12. The office is a recognized criminal justice agency under the provisions of 28 CFR, Part 20, § 20.3(c) and is a component of the Department of the Interior with its principal function the investigation of violations of criminal provisions of the U.S. Code. Promulgation of this rule will prevent premature disclosure of information that a criminal investigation is being conducted; premature disclosure of information gathered for criminal prosecution; and premature release of information furnished to the Justice Department or other law enforcement agency. The rule is necessary to safeguard, in some instances, the physical well-being of investigators assigned to the investigation. This exemption would also remove the requirement that when engaged in investigations of violations of criminal statutes the agency collect information to the greatest extent practicable from the subject individual and that the agency inform each person whom it asks to supply information of its authority, purposes, routine uses of the information, and the effects on him/her of not providing the information.

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

The Department of the Interior has determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed amendment and rule to the location identified in the Addresses section of this preamble. Comments must be received on or before April 11, 1983.

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Classified information, Freedom of Information, Privacy.

PART 2—[AMENDED]

Accordingly, under authority of 5 U.S.C. 301, 552a and 5 U.S.C. app. section 9(a)(1)(D) and 9(b), it is proposed to amend 43 CFR 2.79 by adding paragraph (a)(4) to read as follows:

§ 2.79 Exemptions.

(a) *Criminal Law enforcement records exempt under 5 U.S.C. 552a(j)(2).*

* * * * *

(4) Investigative Records, Interior/Office of Inspector General—2.

* * * * *

Dated: March 3, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 83-6231 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 30304-32]

Foreign Fishing, Groundfish of the Bering Sea and Aleutian Island Area

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule for Amendment 3 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area. The amendment would establish a management system to reduce the incidental catch of salmon, Pacific halibut, king crab, and Tanner crab, which are prohibited species for the foreign groundfish fishery in the Bering Sea and Aleutian Islands area. This management system is proposed in response to a growing concern that the general prohibition against taking and retaining prohibited species has not reduced their incidental catch in the foreign trawl fishery, which adversely affects the domestic target fisheries that fully utilize salmon, Pacific halibut, king crab, and Tanner crab.

The intended effect of this action is to reduce the incidental catch and unnecessary mortality of salmon, Pacific halibut, king crab, and Tanner crab in foreign groundfish operations, while still allowing the foreign fisheries an opportunity to harvest their groundfish allocations.

DATE: Comments are invited until April 22, 1983.

ADDRESSES: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Individual copies of the amendment, the environmental impact statement, and the regulatory impact review/initial regulatory flexibility analysis may be obtained by contacting the North Pacific Fishery Management Council, P.O. Box 3136 DT, Anchorage, Alaska 99510, 907-274-4563.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson (Regional Plan Coordinator), 907-586-7220.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) was implemented January 1, 1982, (46 FR 63295, December 31, 1981) by the NOAA Assistant Administrator for Fisheries (Assistant Administrator) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Eight amendments to the FMP have been adopted by the North Pacific Fishery Management Council (Council). The notice of final approval and implementation of Amendments 1a and 2 was published January 12, 1982 (47 FR 1295). The proposed rule for Amendment 4 was published on December 12, 1983 (47 FR 57306). Amendment 1 has been submitted for review to the Assistant Administrator. Amendment 5 was approved by the Assistant Administrator on December 30, 1982; proposed rules are pending.

Amendment 1 would establish a framework management system for the Bering Sea and Aleutian Islands area

groundfish complex and would change the time of the foreign trawl closure in the area known as Petrel Bank. Amendment 4 adjusts various species quotas and apportionments to the foreign and domestic fisheries. Amendment 5 would reduce the number of chinook salmon that may be taken incidentally in the eastern Bering Sea foreign trawl fishery. Amendments 6 and 7 are being prepared for submission to the Assistant Administrator. Amendment 6 would establish a fishery development zone in which fish may be harvested only by U.S. vessels. Amendment 7 would reduce a restriction on foreign longline vessels.

Amendment 3 to the FMP is the subject of this action and was adopted by the Council on September 26, 1981. This amendment would establish prohibited species catch (PSC) limits for salmon, Pacific halibut, king crab, and Tanner crab, which are prohibited species in the foreign groundfish fisheries and are caught incidentally in those operations. These proposed rules are published under section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97-453, which requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 30 days of receipt of the amendment and regulations. Consequently, publication of these proposed rules does not indicate that the amendment they would implement has been determined to be consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, is required to take into account the data, views, and comments received from interested persons during the 75-day comment period running from receipt of the amendment.

Under this amendment, when U.S. observer data, or other reported statistics that are considered reliable, indicate that trawl vessels of a particular nation have caught incidentally a specified portion of the PSC for one of the above species, those vessels will be subject to a significant time/area closure in order to redure or eliminate further taking of these species in the Bering Sea and Aleutian Islands area. This action is taken in response to the growing concern that the current requirement to return to the sea immediately those salmon, Pacific halibut, king crab, and Tanner crab caught incidentally in foreign groundfish operations has not reduced the incidental catch and associated mortality of these species. This situation has complicated the management of salmon, Pacific halibut, king crab, and Tanner crab, and the impacts have adversely affected the domestic target fisheries that utilize these species.

Salmon, Pacific halibut, and Tanner crab are also prohibited species in the domestic groundfish fishery, and king crab will become so upon implementation of a Bering Sea/Aleutian Islands king crab fishery mangement plan. While the Council advocates and strongly supports the development of the domestic groundfish fishery, it maintains that domestic groundfish fishermen must share in the responsibility of avoiding incidental catches of these species to the fullest extent possible. It is the present policy of the Council, that through voluntary measures developed cooperatively with domestic groundfish fishermen, stocks of salmon, Pacific halibut, king crab, and Tanner crab can be sufficiently protected from needless and wasteful incidental catch to make unnecessary the imposition of special protective regulations upon the domestic groundfish fishery.

Management decisions made by the Secretary to carry out the intent and purpose of Amendment 3 and its implementing rules will be made in consultation with the Council whenever possible.

Determination of annually reduced prohibited species catches

Part 1: Pacific halibut, king crab and Tanner crab

Incidental catches of Pacific halibut, king crab, and Tanner crab will be reduced by reducing incidental catch rates in the directed groundfish fisheries. Maximum annual catch rates for prohibited species (R) have been established for these three prohibited species, as shown in Table 3 of § 611.93(c)(2)(ii)(D)(*2*)(*iii*). The Rs have been calculated as percentage reductions of the average 1977-80 incidental catch rates (weight or number of each prohibited species per metric ton of groundfish caught). R is different for halibut, king crab, and Tanner crab.

The average 1977-80 incidental catch rate for Pacific halibut is to be reduced 50 percent by 1986. This catch rate reduction was chosen over a more stringent one due to the difficulty of avoiding halibut in the yellowfin sole fishery.

The average 1977-80 incidental catch rate for king and Tanner crab will be reduced 25 percent by 1986. Currently, golden king crab, *Lithodes aequispina*, and the Tanner crab, *Chionoecetes opilio*, comprise 72-91 percent and 59-76 percent of the incidental catch for king and Tanner crab, respectively. *L. aequispina* and *C. opilio* are less valuable to the domestic fisheries relative to other king and Tanner crab species utilized by domestic fishermen. The 25 percent reduction schedule for the king and Tanner crab incidental catch (Table 6) was chosen upon consideration of (1) the relatively slight biological impact of the incidental crab catches on crab stocks utilized by domestic crab fisheries, and (2) the lesser socio-economic impact of the incidental catches on the domestic crab fishing industry.

An initial amount of PSC for halibut, king crab, and Tanner crab (species j) will be calculated each year (year i) by the following equation:

PSC_{ij} equal R_{ij} multiplied by Total Groundfish TALFF.

The PSC_{ij} for halibut, king crab, and Tanner crab will increase in accordance with increases in the total groundfish TALFF (total allowable level of foreign fishing) which result from the apportionment of groundfish reserves or the surplus domestic annual harvest (DAH) to TALFF.

The total annual PSC for halibut, king crab, or Tanner crab will equal R_{ij} multiplied by the final groundfish TALFF. The annual PSCs for these species in any year will be distributed to each nation in direct proportion to a nation's groundfish allocation by the following equation.

Nation's PSC_{ij} equals R_{ij} multiplied by Nation's Groundfish Allocation.

Since the total PSC_{ij} for halibut, king crab, and Tanner crab is based upon an incidental catch rate and will increase throughout the fishing year as TALFF is increased, a nation's PSC_{ij} for these species may also increase accordingly.

If the Regional Director projects that a nation will not catch its groundfish allocation due to its interception of prohibited species, he will caution the nation to avoid further prohibited species by-catches. Once a nation's specified portion of the PSC for Pacific halibut, king crab, or Tanner crab has been caught, the entire Bering Sea and Aleutian Islands area will be closed to all trawling by vessels of that nation unless the Regional Director notifies the nation that specific areas and/or selected elements of the trawl fleet are exempted from such a closure, as specified under "Exemptions to PSC Regulations," below.

Part 2: Salmon

The absolute number of salmon established as PSC amounts will be reduced annually. The annual

reductions for chinook salmon and for all species of salmon combined are shown in Table 2 of § 611.93(c)(2)(ii)(D)(*1*)(*i*) These values are based on the Council's approved PSC reduction schedule for chinook salmon, negotiated between the principal domestic and foreign user groups (western Alaska residents and Japanese trawl industry representatives).

Salmon PSCs are indicated for 1981, 1982, and 1983 in Table 2. A complete review of the salmon PSC reduction program will be conducted by the Council in 1983 to determine the PSCs to be established during 1984 and 1985. The objective is to achieve a 75-percent reduction of the 1981 salmon PSC level by 1986. The 1983 review will consider the status of the chinook salmon resource, the economic and technological possibility of further PSC reductions, the economic and technological reasonableness of the 75-percent reduction goal by 1986, and other relevant matters.

The total salmon PSC for any year is based upon a negotiated absolute number which will not vary with TALFF. The salmon PSC will be allocated among foreign nations so that a nation's share of the salmon PSC at the beginning of a fishing year will be in the same proportion to the total salmon PSC as its initial groundfish allocation is to the total initial groundfish TALFF plus reserves, and is automatically established by the following equation:

Nation's Initial Salmon PSC equals Total Salmon PSC multiplied by the Nation's Initial Groundfish Allocation divided by Total Initial Groundfish TALFF plus Reserves.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations because groundfish reserves will not be apportioned and some of the initial TALFF may not be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF or groundfish reserves.

The PSC reduction schedule established for salmon will be subject to a "rolling PSC limit" which fixes the incidental catch levels over a period of three successive years. A nation's incidental salmon catch may exceed its specified portion of the salmon PSC established for a fishing year by up to 10 percent, provided that the total incidental catch by that nation in any consecutive 3-year period does not exceed the sum of its specified portion of the salmon PSC established for those three years. All calculations of the rolling PSC limit will start with the 1982 fishing season.

Once a nation's rolling PSC limit is reached for salmon or a nation has exceeded by 10 percent in a fishing year that nation's annual PSC, Fishing Area II and that portion of Fishing Area I lying between 55°N. and 57°N. latitude and 165°W. and 170°W. longitude will be closed to trawling by vessels of that nation for so much of the months of January, February, March, October, November, and December as remains in that fishing year. If any more salmon are caught by vessels of that nation in the areas which remain open, those incidental catches will be deducted from its next year's salmon PSC consistent with the rolling PSC limit.

Annual Review and Adjustment of PSCs

Since fisheries resources and socioeconomic conditions of the fishing industry are expected to change, the PSC management system for salmon, Pacific halibut, king crab, and Tanner crab will be reviewed annually by the Council. Annual PSCs, incidental catch rates, periods of PSC reductions, and the percentage reduction in PSCA or incidental catch rates over the previous year may be adjusted by the Secretary. The annual review by the Council will be conducted to respond to concerns arising from changes in the following:

1. The stock condition and abundance of prohibited species;
2. The stock condition and abundance of target groundfish species, except that in the annual reviews, this concern will not be applied to salmon; however, it will be included in the 1983 review of the salmon PSC which is referenced above and in Table 2;
3. The socioeconomic impact of catches of prohibited species on domestic fisheries dependent on them; and
4. The impact of PSCs on the ability of foreign fisheries to take their groundfish TALFF.

When annual adjustments of the PSCs or incidental catch rates are determined to be necessary during the annual review process, the Secretary will consider all of the following, in descending order of priority, when making such adjustments:

1. The need to protect prohibited species for biological and other conservation reasons;
2. The impact of PSCs on the domestic fisheries dependent on these species;
3. The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and
4. The impact of PSCs on the foreign groundfish fisheries.

Prior to the beginning of each year, the latest scientific and technical information bearing on changes to the fishery resources and their associated fisheries will be provided to the Secretary and the Council so that timely decisions are made on annual PSC adjustments and notifications to foreign nations of such adjustments are given by the beginning of the fishing year.

Exemptions to PSC Regulations

Although a nation's PSC for Pacific halibut, king crab, or Tanner crab may have been reached, the Regional Director may notify the nation that selected fishing elements of the nation's fleet will be allowed to continue fishing under specified conditions until the nation's groundfish allocation is reached. The Regional Director will take into account the following considerations when making such allowances: (1) the risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized users of prohibited species posed by continued trawling by the selected elements; (2) the extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year; (3) the confidence of the Regional Director in the accuracy of the estimates of prohibited species catches by the selected elements up to that point in the fishing year; (4) whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions, and to alert the Regional Director to increases in the elements' prohibited species catch; and (5) the enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources. Any additional; incidental catches of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits.

The foreign longline fishery is currently exempted from the PSC regulations established for salmon, halibut, king crab, and Tanner crab, but it will be closely monitored for its impact on these species. The decisions to include or exclude this or other selected gear types from PSC regulations shall be made by the Secretary after his evaluation of their impact on prohibited species.

Incentives to Reduce Prohibited Species Catches

Under Amendment 3, every foreign nation fishing for groundfish in the Bering Sea and Aleutian Islands area must make an earnest attempt to reduce its catch of prohibited species and remain within its PSC limitation for salmon, Pacific halibut, king crab, Tanner crab. A nation's efforts to reduce its prohibited species catch rate or number will be an important consideration when the Secretary of State allocates supplemental TALFF to foreign nations. The annual and inseason supplemental allocations to a nation will be intended as a reward to that nation for its compliance with PSC regulations and should serve as an incentive to that nation to continue developing fishing methods which avoid incidental catches of prohibited species.

In order to arrive at long-term solutions for controlling the incidental catch of prohibited species, foreign nations fishing for groundfish in the Bering Sea and Aleutian Islands area are encouraged to; (1) Conduct NMFS-approved gear experiments which are intended to reduce the incidental catch of prohibited species; (2) collect detailed information on the characteristics of incidental catches; and (3) transfer information and technology gained during gear experiments to the United States for use by government and industry.

As an incentive to a nation to conduct these sanctioned gear experiments, any prohibited species which are caught during the experiments will be exempted from the PSC limits for that nation for that year. Groundfish catches which are retained for commercial purposes during the experiments will continue to be counted towards the nation's groundfish allocations.

In the event that the rule implementing Amendment 3 becomes effective sometime during 1983 (year i), each nation's portion of the PSC_{ij} for Pacific halibut, Tanner crab, and king crab (species j) will be determined based on the unharvested amount of each nation's current 1983 groundfish allocation so that:

$$PSC_{ij} = (\text{Nation's groundfish allocation} - \text{Nation's groundfish catch}) \times R_{ij}.$$

The foreign trawl fishery is currently limited to a chinook salmon PSC of 55,250 fish under Amendment 1a to the FMP and Amendment 5 proposes to further reduce the chinook salmon PSC to 45,500 fish. In 1982, a total of 15,726 salmon (all species) were caught by foreign trawl vessels operating in the Bering Sea and Aleutian Islands area. This amount represents only about 26 percent and 32 percent of the 1982 and 1983 salmon PSCs proposed by Amendment 3. While foreign nations will be accountable for all salmon caught during 1983, the mid-season implementation of the salmon PSC limit of 48,925 fish is liberal in relation to their recently demonstrated ability to minimize incidental catches.

Changes to the Proposed Regulations

Two changes have been made to the Council's proposed rule to implement Amendment 3 and the explanations for those changes are as follows: (1) Table 2 referenced in § 611.93(c)(2)(ii)(D) was revised to eliminate specific reference to chinook salmon so that only the PSC for total salmon is listed. This change was necessary to clarify that the Council intends to limit the total incidental catch of all salmon; and (2) § 611.93(c)(2)(ii)(D)(*2*) was revised to clarify how the time/area closure of the entire management area will be applied to trawl vessels of a foreign nation which has caught its current portion of the PSC for Pacific halibut, king crab, and Tanner crab prior to receiving its final groundfish allocation.

Classification

The environmental impact statement written for the FMP and filed with the Environmental Protection Agency addresses Amendment 3 and is available from the Council at the address set forth above.

The Assistant Administrator has determined that this amendment is consistent, to the maximum extent practicable, with the Alaska Coastal Management Program, as required by section 307(C) of the Coastal Zone Management Act of 1972 and its implementing regulations, 15 CFR Part 930, Subpart C.

This proposed regulation is exempt from the procedures of E.O. 12291 under provisions of Section 8(a)(2) of that order. A delay in publishing this proposed rule beyond 30 days after its receipt by the Secretary would conflict with deadlines imposed under Magnuson Act, as amended by Pub. L. 97–453. The proposed regulation is being reported to the Director, Office of the Management and Budget, with an explanation of why it is impracticable to follow procedures of the order.

The rulemaking was estimated to have maximum net benefits of $14.8 million and, although not quantified, the regulatory impact review/initial regulatory flexibility analysis (RIR/IRFA) concludes that the amendment will not produce any measurable adverse impacts on unemployment, distributional stability, product availability, or price to consumers. The rulemaking, therefore, is not a "major rule" under E.O. 12291 and does not require the preparation of a regulatory impact analysis.

The net benefits derived by U.S. directed fisheries as a result of the reduced incidental loss to groundfish trawls of juvenile Pacific halibut, crab, and salmon are considerable. The specific methodology employed in estimating these net benefits is summarized in the RIR/IFRA. The discounted real present value of the savings to U.S. target fisheries from the implementation of Amendment 3 range from $1.17 million from the 1982 PSC reduction to nearly $4 million from the 1986 PSC reduction. Assuming maintenance of the 1983 salmon interception figures as a base for 1984 through 1986 (PSC reductions for salmon during these years are unknown at this time), the total discounted real present value of the five-year PSC reduction program for halibut, king crab, Tanner crab, and salmon is more than $14.8 million at the ex-vessel level. Considerably greater total benefits will accrue to regional as well as U.S. economies as the impact of these savings move through the support, processing, wholesale/distribution, and retail sectors.

Other benefits accruing from the implementation of Amendment 3 are associated with the enhanced development opportunities of the domestic groundfish fishery. Under the amendment, no restrictive regulation is imposed upon domestic groundfish trawlers to reduce PSC levels, but rather, voluntary measures on the part of the U.S. trawlers are expected to protect prohibited species stocks adequately. This regulatory flexibility is seen to be vitally important to the sustained growth and economic success of the domestic groundfish industry, and many sectors of the industry have indicated that the U.S. groundfish fishery would not exist without this de-facto exemption from mandatory PSC reduction levels.

The last category of benefits associated with Amendment 3 involve the prospects for impoved management of the Pacific halibut, king crab, Tanner crab, and salmon resources. By significantly reducing the interception and attendant mortality of juvenile prohibited species in the groundfish trawl fisheries, the amendment enhances the health and stability of these resources and contributes to the efficient management of U.S. fisheries dependent upon them.

Amendment 3 carries with it no additional management nor enforcement costs beyond those already incurred in implementation of the Bering Sea and Aleutian Islands area FMP, and all the data on PSCs necessary for administering the provisions of the amendment are presently collected by the existing U.S. observer program or through other currently available sources.

The Administrator has further determined that implementation of Amendment 3 will have a significant beneficial economic impact on a substantial number of small domestic entities. The RIR/IRFA prepared on Amendment 3 concludes that the amendment could impose costs on those foreign nations which fail to achieve the target reductions in PSC by preventing those nations from harvesting a portion of their TALFF due to time and area closures or gear restrictions triggered by attainment of allocated PSC quotas. However, the assumption underlying the schedule of reductions set forth in the amendment is that achievement of these target levels is feasible without unduly inhibiting the attainment of TALFF. Information on the incidental foreign trawl catch of salmon, Pacific halibut, King crab, and Tanner crab during 1981 and 1982 supports this assumption. Had the PSC constraints proposed in Amendment 3 been in place during 1981 and 1982, in only two cases might they have constrained a foreign nation's fishing activity—those cases resulting from Korea exceeding its Pacific halibut PSC limit by a decreasing margin each year. For all other nations, the proposed PSC limits would have imposed no barrier to full attainment of allocated TALFF and there is no evidence to suggest that this is likely to change. As annual performance in meeting the scheduled reductions in PSC is observed, however, quantitative estimates of the cost of groundfish catch foregone, if any, will be possible.

Finally, the proposed rule does not contain a collection of information requirement or involve any collection of information within the meaning of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.)*

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated March 8, 1983.

William G. Gordon.

Assistant Administrator for Fisheries.

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

PART 611—FOREIGN FISHING

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

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

2. In § 611.93 paragraph (c)(2)(ii)(D) is revised and paragraph (e) is added to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(c) * * *

(2) * * *

(iii)* * *

(D) Prohibited species catch (PSC) limits.

(1) Salmon. (I) During any fishing year, that portion of fishing area I lying between 55°N. and 57°N. latitude and 165°W. and 170°W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of a nation have intercepted an amount of salmon which exceeds by 10 percent that nation's portion of the salmon prohibited species catch (PSC) established for the current fishing year (Table 2), or when vessels of that nation have intercepted an amount of salmon in any consecutive three-year period which exceeds the sum of that nation's portion of the salmon PSC established for those three years. Any salmon caught incidentally by vessels of that nation in the area which remains open will be applied against its portion of the following years' salmon PSC. Fishing areas I and II are shown in § 611.9, Appendix II, Figure 2.

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

Salmon	
Year	Total salmon [1]
Base numbers: 1977-80	80,000
Reduced catch levels:	
1981	69,893
1982	59,409
1983	48,925
1984	([2])
1985	([2])
1986	17,473

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

(ii) A nation's initial portion of the salmon PSC for a fishing year will be determined by multiplying the total salmon PSC for that year by the ratio of that nations's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's initial salmon PSC equals total salmon PSC multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations, because groundfish reserves will not yet be apportioned and some of the initial TALFF may not yet be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF and groundfish reserves.

(2) Pacific halibut, king crab, and Tanner crab. (i) When during any fishing year the trawl vessels of a nation have taken incidentally that nation's current portion of the PSC for Pacific halibut, king crab, or Tanner crab, the entire management area will be closed to trawling by vessels of that nation for the remainder of that fishing year or until that nation's groundfish allocation is increased. Any increase in a nation's groundfish allocation will result in a corresponding increase in its current portion of PSC for Pacific halibut, king crab, and Tanner crab.

(ii) For any (year i), the PSC_{ij}s for each of these species (species j) are based upon the incidental catch rates (R_{ij}) shown in Table 3:

PSC_{ij} equals R_{ij} multiplied by the total groundfish TALFF.

Using this formula, the PSC for Pacific halibut, king crab, and Tanner crab will increase in proportion to increases in the total TALFF which result from the apportionment of groundfish reserves or surplus DAH to TALFF under paragraph (b)(2) of this section.

(iii) A nation's current portion of the PSC_{ij}s for Pacific halibut, king crab, and Tanner crab, at any time during the fishing year, is determined by multiplying that nation's current groundfish allocation by R_{ij}:

Nation's PSC_{ij} equals R_{ij} multiplied by a nation's groundfish allocation.

TABLE 3.—INCIDENTAL CATCH RATE REDUCTIONS FOR PACIFIC HALIBUT, KING CRAB AND TANNER CRAB, BASED ON THE AVERAGE 1977-80 FOREIGN TRAWL GROUNDFISH AND PROHIBITED SPECIES CATCHES

Year	Halibut [1]	King crab [2]	Tanner crab [2]
Base catch rates:			
1977-80	3,182	916,804	16,003,329
Average	[3] 1,301,250	[4] 1,301,250	[5] 1,301,250
	Rate Reduction Schedule, R and R as percentage of base R (percent)		
1981			
1982	R=.00220 90	R=.66933 95	R=11.6840 95
1983	R=.00196 80	R=.63410 90	R=11.0686 90
1984	R=.00171 70	R=.59887 85	R=10.4537 85
1985	R=.00147 60	R=.56365 80	R=9.8387 80
1986	R=.00122 50	R=.52842 75	R=9.2238 75

[1] Metric tons per metric ton of groundfish.
[2] Number of individuals per metric ton of groundfish.
[3] Base R=0.00245.
[4] Base R=0.70456.
[5] Base R=12.29843.

* * * * *

(e) *Inseason management decisions.*

(1) *Field orders.*—(i) Any field order issued by the Secretary under this section will include the following:

(A) The Secretary's findings required by paragraph (e)(2) of this section;

(B) A description and order of the modification of time and area limitations, based upon the Secretary's findings; and

(C) The effective dates of the modification.

(ii) No field order issued under this section may take effect until:

(A) It has been filed for publication with the **Federal Register;**

(B) The foreign nations concerned and the designated representatives for affected foreign fishing vessels are notified. If practicable, notification shall be given at least 48 hours before the field order is to be effective; and

(C) The public has been offered the opportunity to comment upon the Secretary's proposed findings and order of modification for a period of at least thirty (30) days, unless the Secretary finds that such prior opportunity for public comment would adversely affect the conservation and management of groundfish or unallocated species.

(iii) If the Secretary finds that prior opportunity for public comment on the proposed findings and order of modification would adversely affect the conservation and management of groundfish or unallocated species, he will receive public comments on the field order for thirty (30) days after its effective date, making available to the public during business hours the aggregate data on which it was based. After considering the comments received, the Secretary will determine whether the field order should be changed.

(iv) Any modification prescribed by a field order issued under this section will remain in effect in accordance with the terms of the field order, or of any subsequent field order which may be issued under this section.

(2) *Prohibited species catch (PSC) limits.* (i) The PSCs or incidental catch rates for salmon, Pacific halibut, king crab, and Tanner crab established in paragraph (c)(2)(ii)(D) of this section will be reviewed annually by the Secretary, in consultation with the North Pacific Fishery Management Council, in order to respond to changes in relevant circumstances, including the following:

(A) Changes in the stock condition and abundance of prohibited species;

(B) Changes in the stock condition and abundance of target groundfish species, except that such changes will not be considered relevant to the salmon PSC except in the course of a full and complete review of the salmon PSC reduction program to be conducted during 1983;

(C) Changes in the degree of socioeconomic impact of prohibited species catches on the domestic fisheries dependent on those species; and

(D) Changes in the impact of PSC's on the opportunity of foreign fisheries to take their groundfish allocations.

(ii) Based upon the most recent scientific and technical information available, and prior to the beginning of the fishing year, the Secretary will issue a field order under paragraph (e)(1) of this section to adjust the PSC's or incidental catch rates from salmon, Pacific halibut, king crab, and Tanner crab after consultation with the North Pacific Fishery Management Council under paragraph (e)(2)(i) of this section and after he has considered all of the following in descending order of priority and issued relevant findings:

(A) The need to protect prohibited species for biological and other conservation reasons;

(B) The impact of PSC regulations on the domestic fisheries dependent on prohibited species;

(C) The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and

(D) The impact of PSC regulations on the foreign groundfish fisheries.

(iii) The Regional Director will notify a nation when its portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(ii)(D) of this section, is approached, so that voluntary efforts by vessels of that nation may reduce the incidental catch of these species. Once a nation's portion of the PSC for Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(ii)(D) of this section, has been reached, the Regional Director may by field order allow selected fishing elements of the nation's fishing fleet to continue fishing under specified conditions until the nation's groundfish allocation is reached, although any additional incidental catch of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits. The Regional Director will take into account the following considerations when making such allowance and will issue relevant findings:

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected elements;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year:

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions, and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

[FR Doc. 83-6343 Filed 3-8-83; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 49
Friday, March 11, 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.

ACTION

Information Collection Request Under Review

AGENCY: ACTION.

ACTION: Information collection request under review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

Background: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on the proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents] may be obtained from the agency clearance officer.

Information About This Proposed Collection: Agency Clearance Officer—Richard D. English—202-254-8501.

Agency Address: ACTION, 806 Connecticut Ave., NW. Washington, D.C. 20525.

Title of Forms: Project Profile and Volunteer Activity Survey.

Office of ACTION Issuing Proposal: Office of Domestic Operations, Office of Older American Volunteer Programs.

Agency Official to Contact for Further Information: C. Wade Freeman, Director, Older American Volunteer Programs.

Type of Request: Revision.

Frequency of Collection: One time each year.

General Description of Respondents; Project Directors of OAVP projects (FGP, RSVP, SCP).

Estimated Number of Responses: 1090.

Estimated Hours for All Respondents to Complete Form: 10 Hours or less.

Respondent's Obligation to Reply: Voluntary.

This *is not* a collection proposal under Sec. 3504(h) of the Paperwork Reduction Act.

Person responsible for OMB Review: James L. Thomas, 202-395-6880.

Richard D. English,
Deputy Assistant Director, ACTION.

[FR Doc. 83-6265 Filed 3-10-83; 8:45 am]
BILLING CODE 6050-01-M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Judicial Review; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 9:30 a.m., Tuesday, March 29, 1983, in FTC Hearing Room #1 (lower level), 2120 L Street, NW., Washington, D.C. The Committee will meet to discuss two items: Professor Colin Diver's study of the degree of articulation of agency policies, and a proposed study of the procedure for certifying claims under the Contract Disputes Act.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting contact Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone: 202-254-7065.) Minutes of the meeting will be available on request.

Dated: March 8, 1983.

Richard K. Berg,
General Counsel.

[FR Doc. 83-6322 Filed 3-10-83; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[1983-Crop Peanuts]

1983 Peanut Program: Determination Regarding National Average Support Level for Quota Peanuts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination.

SUMMARY: This Notice of Determination sets forth, effective with respect to the 1983 crop of peanuts, the national average level of support for quota peanuts. This determination is necessary to satisfy the requirements of Section 108A of the Agricultural Act of 1949 and to provide producers with information which is needed in order to make financial plans in accordance with program provisions.

EFFECTIVE DATE: March 10, 1983.

FOR FURTHER INFORMATION CONTACT: Gypsy Banks, Agricultural Economist, Agricultural Stabilization and Conservation Service, USDA, Room 3732-South Building, P.O. 2415, Washington, D.C. 20013; (202) 447-5953. The Final Regulatory Impact Analysis is available upon request.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that this notice 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 regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance program that this notice

applies to are: Title—Commodity Loans and Purchases; Number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

A notice that the Secretary was preparing to make a determination with respect to the quota support level for the 1983 peanut crop was published in the **Federal Register** on January 25, 1983 (48 FR 3389). The written comment period ended February 11, 1983. All comments received were considered in making the final determination. A total of 71 comments were received: 3 from national farm groups, 9 from State farm groups, 16 from Members of Congress, 2 from sheller associations, 1 from an area marketing association, 1 from a State Department of Agriculture, 1 from a State Agricultural Stabilization and Conservation Committee, and 38 from individuals.

Fifty-three respondents requested a 6 percent increase in the support level, while 17 respondents requested an increase but did not recommend a specific amount of increase. One respondent recommended maintaining the quota support level at the level which was applicable to the 1982 crop.

Determination

After taking into consideration the comments received as well as the applicable statutory provisions and the latest available data, it has been determined that the national average level of support for the 1983 crop of quota peanuts shall be $550 per ton. The support price specified herein applies to 1983-crop farmers stock peanuts in bulk or in bags, net weight basis, which are eligible for price support at quota levels under the General Price Support Regulations at 7 CFR Part 1446.

Section 108A(1) of the Agricultural Act of 1949 provides that the national average support level for each of the 1983, 1984 and 1985 crops of quota peanuts shall be the national average quota support rate for such peanuts for the preceding crop, adjusted to reflect any increase, during the period beginning January 1 and ending December 31 of the calendar year immediately preceding the marketing year for the crop for which a level of support is being determined, in the national average cost of peanut production, excluding any increase in the cost of land, except that in no event shall the national average quota support rate for any such crop exceed by more than 6 per centum the national average quota support rate for the preceding crop.

Because the 1982 calendar year immediately precedes the marketing year for which the 1983 quota support is being determined, the 1983 quota support level is required to be the 1982 quota support of $550 per ton adjusted to reflect the increase, if any, under the conditions specified above, in the cost of production for 1982-crop peanuts. However, based on the Department's analysis of the latest available data, the cost of producing 1982-crop peanuts is estimated to be below the cost of producing 1981 crop peanuts. Therefore, the national average support level for the 1983 crop of quota peanuts remains unchanged from the 1982 level of $550 per ton. The individual elements of the cost of production estimates are set forth in the Final Regulatory Impact Analysis and the cost estimates are summarized in the following table.

ESTIMATES OF NATIONAL AVERAGE COST OF PEANUT PRODUCTION

[Dollars per ton]

Item	1981	1982	1982 [1] excluding increase in land cost
Variable costs, machinery ownership, farm overhead, and management	445.60	418.89	418.89
Land allocation:			
Composite, current	108.63	111.16	108.63
Composite, acquisition	93.58	95.71	93.58
Current value	65.34	68.72	65.34
Total costs with:			
Composite, current	564.23	530.05	527.52
Composite, acquisition	549.18	514.60	512.47
Current value	520.94	487.61	484.23

[1] Excluding increase in land cost.

Signed at Washington, D.C., on March 8, 1983.

John R. Block,

Secretary.

[FR Doc. 83-6374 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Curtis Tungsten, Inc., Special Use Permit Application for Road 2N06; Angeles National Forest, Los Angeles Co., California; Availability of an Environmental Impact Statement

The Department of Agriculture, Forest Service, has prepared a Draft Impact Statement for the proposed issuance of a special use road permit for access to Curtis Tungsten, Inc. mining operation.

A range of 5 alternatives was considered. One of these was the nonissuance of the permit. Other alternatives considered various access routes and different means of access to the mining operations. The actual mining operation was not considered as part of the project.

The Mt. Baldy District Ranger will hold a public meeting to take written comments and to answer questions concerning the Draft E.I.S. All coments must be in writing and will be accepted through May 13, 1983. This meeting will be held at the Bidwell Forum, Glendora City Library, 140 South Glendora Avenue, Glendora, CA 91740 at 7:30 p.m., Monday, April 11, 1983.

Gray Reynolds, Forest Supervisor, Angeles National Forest, is the responsible official.

Questions about the proposed action and Environmental Impact Statement should be directed to Charles McDonald, Environmental Coordinator, Angeles National Forest, 150 S. Los Robles Avenue, Pasadena, CA 91101, phone 213-577-0050.

Gray F. Reynolds,

Supervisor, Angeles National Forest.

[FR Doc. 83-6275 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

San Isabel Electric Association, Inc.; Environmental Impact

AGENCY: Rural Electrification Administration.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500) and REA Bulletin 20-21:320-21, Environmental Policies and Procedures, has made a Finding of No Significant Impact in connection with an approval of a Facilities Agreement, Large Power Contract, and Agreement for Service to San Isabel Electric Association, Inc., (San Isabel) of Pueblo, Colorado.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environmental Assessment (EA) and San Isabel's Supplemental Borrower's Environmental Report (SBER) may be reviewed at or obtained from Mr. William E. Davis, Director, Western Area—Electric, Room 3304, South Agriculture Building, Washington, D.C. 20250, telephone (202) 382-8848, or Mr. William Wood, Manager, San Isabel

Electric Association, Enterprise & Aerospace Drive, Pueblo, Colorado 81002, telephone (303) 547-2160, during regular business hours.

SUPPLEMENTARY INFORMATION: San Isabel originally proposed to construct a 69 kV transmission line to serve the Gardner area; however, they now propose to serve the area using an existing 115 kV line constructed by the Atlantic Richfield Oil Company (ARCO). This revised project consists of approximately 51 km (32 mi) of 115 kV transmission line extending from Walsenburg Substation located approximately 0.8 km (0.5 mi) southwest of Walsenburg, Colorado, to the ARCO CO2 project site located near Sheep Mountain in the vicinity of Gardner, Colorado, all in Huerfano County, Colorado.

REA has reviewed the SBER submitted by San Isabel in connection with the revised project and has determined that it represents an accurate assessment of the environmental impacts of the revised project. The SBER and EA adequately consider potential impacts of the revised project to resources including threatened and endangered species, important farmlands, cultural resources, floodplains and wetlands.

Alternatives to the revised project examined include no action, underground construction, alternative connection points in their Huerfano County, alternative routes in Huerfano County between the Walsenburg Substation and the ARCO CO2 project site, use of additional feeder lines in Huerfano County to the ARCO CO2 project site and construction of the proposed Walsenburg to Gardner 69 kV transmission line. After reviewing these alternatives, REA determined the 115 kV transmission line is an acceptable alternative because it meets San Isabel's needs with minimum of adverse impact.

Based upon the SBER and other support documents, REA prepared an EA and Finding of No Significant Impact concerning the ARCO 115 kV transmission line. It is REA's view that the proposed approval of a Facilities Agreement, Large Power Contract, and Agreement for Service will not be a major Federal action that will affect significantly the quality of the human environment.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: March 7, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-6363 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-15-M

Telephone Utilities of Eastern Oregon, Inc.; Vancouver, Washington; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration (REA).

ACTION: Proposed loan guarantee.

SUMMARY: Under the Authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39 No. 180 pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $18,228,000 to Telephone Utilities of Eastern Oregon, Inc. of Vancouver, Washington. The loan guarantee will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

FOR FURTHER INFORMATION CONTACT: Mr. A. M. Gleason, President, Telephone Utilities of Eastern Oregon, Inc., 915 Main Street, Vancouver, Washington 98668-0014.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. A. M. Gleason at the address given above.

In order to be considered, proposals must be submitted (within 30 days of the date of this notice) to Mr. Gleason. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received, as Telephone Utilities of Eastern Oregon, Inc. and REA deem appropriate. Prospective lenders are advised that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 in Rural Telephone Loans and Loan Guarantees.

Dated: March 7, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-6364 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Deer Ridge RC&D Measure, Iowa; Environmental 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 Deer Ridge RC&D Measure, Union County, Iowa.

FOR FURTHER INFORMATION CONTACT: William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309, telephone 515-284-4260.

SUPPLEMENTARY INFORMATION: The environmental evaluation 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, William J. Brune, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for Water-Based Fish and Wildlife Development. Planned works of improvement include the construction of a 3.9 acre pond, tree planting, and two parking lots.

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 evaluation are on file and may be reviewed by contacting William J. Brune.

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 projected is applicable.)

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

Finding of No Significant Impact for Deer Ridge RC&D Measure, Union County, Iowa

Introduction

Deer Ridge is a Federally assisted action authorized under Section 102 of the Food and Agriculture Act of 1962 (PL 87-703) and the Soil Conservation Service Act of April 27, 1935, (16 U.S.C. 590 a-f). Sponsors of this measure are the Union County Conservation Board and the Union County Soil Conservation District. An environmental evaluation was conducted in consultation with local, State and Federal agencies along with other interested organizations and individuals. Data developed during the evaluation are available for review at the following location: U.S. Department of Agriculture, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309.

Recommended Action

This measure plan includes the installation of a dam to provide a 3.9 acre pond, tree and shrub plantings for wildlife and two parking lots adjacent to a county road. The dam will have a fill height of 32 feet and the principal spillway will be a 15 inch corrugated metal pipe. The pond will receive drainage from 147 acres including grassland, and 3 acres of roads. Seventy-eight percent of this drainage area is adequately protected to control erosion.

Proposed work of improvement will be installed in accordance to Section IV of the Technical Guide prepared for the Union County Soil Conservation District.

Effects of Recommended Action

This measure will create a 3.9 acre pond for fish, waterfowl and other aquatic animals and maintain flow of 1.2 miles of stream for riparian wildlife.

Shrub plantings will provide travel lanes and increase diversity of habitat for wildlife. Tree plantings of adapted native hardwoods will be used to improve species composition and age class of existing woodland.

Two parking lots will be provided to facilitate walk-in access to the area and to eliminate roadside parking hazards.

Installation of this measure will cause no loss of wildlife habitat, no known cultural resource sites are involved and no endangered species will be affected.

There are no wetlands in the project area. No prime farmland will be affected.

Construction will temporarily accelerate erosion and increase concentration of exhaust smoke and dust.

Measures installed will be operated and maintained by the Union County Conservation Board.

Alternatives

No project action would not meet objective of developing areas for fish and wildlife habitat.

Installation of items included in measure plan will provide a pond with capability of maintaining minimum flows in stream below. Tree and shrub plantings will provide diversity of habitat for wildlife and two parking lots will provide off-road parking.

Conclusion

The Environmental Assessment indicates that this federal action will not cause significant local, regional or national impacts on the environment. Therefore, based on these findings, I have determined that an environmental impact statement for Deer Ridge RC&D Measure is not required.

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

[FR Doc. 83-6117 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

Patterson Creek Subwatershed, West Virginia; Environmental 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 Fort Ashby Mill Race Channel Work, Patterson Creek Subwatershed, Mineral County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone 304-291-4151.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Rollin N. Swank, 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 control along the Fort Ashby Mill Race, a man made waterway. The planned works of improvement include 2,650 feet of channel work.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Rollin N. Swank.

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: March 1, 1983.

Rollin N. Swank,

State Conservationist.

[FR Doc. 83-6145 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

Upper Explorerland RC&D Area; Critical Area Treatment Measures, Iowa; Environmental 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 Critical Area Treatment Measures, Howard, Winneshiek, Allamakee, Fayette and Clayton Counties, Iowa.

FOR FURTHER INFORMATION CONTACT: William J. Brune, State Conservationist, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, IA 50309, telephone 515-284-4260.

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, William J. Brune, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these measures.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, tile outlet terraces and diversions, sediment and water control basins, critical area planting, debris basins, streambank protection, and fencing.

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 William J. Brune.

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: March 2, 1983.

William J. Brune,

State Conservationist.

Finding of No Significant Impact for Critical Area Treatment Measures in the Upper Explorerland RC&D Area, Iowa

Introduction

Critical Area treatment measures in the Upper Explorerland RC&D Area are Federally assisted actions authorized under Section 102 of the Food and Agriculture Act of 1962 (PL-703) and the Soil Conservation Act of April 27, 1935, (16 U.S.C. 590 a-f). The Upper Explorerland RC&D Area encompasses Allamakee, Clayton, Fayette, Howard and Winneshiek Counties (2,114,560 acres) in northeast Iowa. An interdisciplinary assessment of the environment was made by the Soil Conservation Service in consultation with local, state and federal agencies and interested persons during the planning of these measures.

Data developed during the assessment are available for review at the following location: U.S. Department of Agriculture, Soil Conservation Service, 693 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Recommended Action

About 30 miles of trout streams, approximately 500 severely eroding areas along public roads and facilities, and eroding areas on private land where damage occurs to public facilities, will be treated by installation of these measures. These are critical areas requiring special treatment, some of which may involve replacement of existing bridges with grade stabilization structures. The area estimated to be affected by measure action is 6,000 acres within the RC&D area. Measure sites are identified by local elected officials or the affected landowners. The planned actions are reviewed by RC&D Steering Committees, Soil Conservation Districts, planning commissions, and citizens groups at public meetings. All critical area treatment measure plans are reviewed through the Project Notification and Review System.

Each measure is individually planned and environmentally assessed. The State Division of Historic Preservation, Iowa Conservation Commission, local historical societies, and other groups are consulted for impact appraisal.

Project actions include some or all of the following erosion control practices; small grade stabilization structures; tile outlet terraces and diversions; sediment and water control basins; critical area plantings; debris basins; streambank protection; and fencing. Typical grade stabilization structures and debris basins will consist of vegetated earth dams 5-30 feet high with or without pools. Pools may cover from 1 to 5 acres with an average depth of 8 feet. Tile outlet terraces are earthen embankments constructed across slopes and range from 1 to 6 feet high. Surface inlets drain runoff water through underground conduits. The tile outlet terraces will be located in cropland. Diversions will be associated with areas in permanent vegetative cover.

Sediment and water control basins are short, earth embankments constructed generally across slopes and minor watercourses that drain runoff through underground conduits. Critical area planting is accomplished by vegetating seriously eroding areas.

Effects of Recommended Action

The planned action will change approximately 2000 acres from gullies along roads and in other land uses to permanent vegetation. Other areas (approximately 4000 acres) will be protected from excessive erosion with permanent vegetation or structural measures. Erosion of areas to be treated by measure action will be reduced at least 60 percent. Water quality in the area will be improved by reduced yields of sediment and the attached pesticides and nutrients to downstream areas. Installation of the measures will temporarily increase erosion and sedimentation during the construction period extending up to three months. Sediment leaving construction areas will not exceed limits established by soil conservation districts. About 100 multiple use structures will be encouraged and will contribute to the esthetic appeal of the area. Approximately 2500 acres of grasses and legumes will be established as critical area plantings. Terrestrial wildlife habitat will be changed. About 1500 acres of upland terrestrial habitat consisting of woody vegetation, grazed grassland, and crop fields will be changed to ecosystems of grasses and legumes on approximately 1200 acres and aquatic habitat on 300 acres. Impoundments to prevent gullying of small ephemeral water courses will decrease peak flows and increase duration of downstream flow. Reduced peak discharge will increase stability of the gullies.

Where gullies are damaging roads, installation of these measures will decrease traffic hazards and will reduce maintenance costs of roads and bridges. Construction will temporarily disrupt traffic. Elimination of gullies used for trash dumps will improve esthetics and reduce potential for vectors. Pools associated with these measures may increase the incidence of mosquitoes in this predominantly rural area.

Consultation with the State Historic Preservation Officer and local historical societies and groups will be used to plan these measures so that installation will not adversely affect any important archeological, historical, or other cultural resource. Biological assessments of the affected areas will be used so no habitat of threatened and/or endangered species will be affected. No wetlands, perennial streams, or important aquatic ecosystems will be affected. Required treatment associated with these measures will insure that prime farmlands will not be degraded by erosion or sedimentation.

Alternatives

The planned action consists of a set of alternative measures that best solve the land resource problems. The only other reasonable alternative is no action. The effects of the no-action alternative are the continued production of sediment; continued pollution to downstream areas and reservoirs; continued damage to roads and other public facilities; and an increasing traffic safety hazard. Gullies would continue to attract dumping.

Conclusion

The Environmental Assessment indicates that this federal action will not cause significant local, regional or national impacts on the environment. Therefore, based on these findings, I have determined that environmental impact statements for Critical Area Treatment Measures in the Upper Explorerland RC&D are not required.

Dated: March 2, 1983.

William J. Brune,

State Conservationist.

[FR Doc. 83-6146 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

Moncove Lake Critical Area Treatment RC&D Measure, West Virginia; Environmental Impact

AGENCY: Soil Conservation Service, U.S.D.A.

ACTION: Notice of a finding of No Significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-291-4151.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agricultural, gives notice that an environmental impact statement is not being prepared for the Moncove Lake Critical Area Treatment RC&D Measure, Monroe County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Rollin N. Swank, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns critical area treatment at Moncove Lake. The planned works of improvement will include a water control structure, small check dams, stone lined channel, and revegetation of a critical area. These works of improvement will enable the Sponsors to establish vegetation and reduce the erosion to the critical area. This will improve the water quality and reduce the sedimentation to the lake.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are of file and may be reviewed by contacting Mr. Rollin N. Swank, State Conservationist. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy request at the above address.

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: March 3, 1983.

Rollin N. Swank,

State Conservationist.

[FR Doc. 83-6277 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

Sage Creek Watershed, Montana; Environmental 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 Sage Creek Watershed, Liberty County, Montana.

FOR FURTHER INFORMATION CONTACT: Van K Haderlie, State Conservationist, Soil Conservation Service, P.O. Box 970, Bozeman, Montana 59715, telephone 406-587-5271.

SUPPLEMENTARY INFORMATION: The environmental evaluation 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, Van K Haderlie, 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 watershed protection to control saline seep on dry cropland. The planned works of improvement include flexible cropping systems, grasses or legumes in rotation, and critical area plantings.

The Notice of a Finding of No Significant Impact (Notice) 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 Notice and Environmental Assessment are available to fill single copy requests at the above address. Basic data developed during the Environmental Assessment are available to fill single copy requests at the above address. Basic data developed during the environmental evaluation are on file and may be reviewed by contacting Van K Haderlie.

No administrtive 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 23, 1983.

Van K Haderlie,

State Conservationist.

[FR Doc. 83-6276 Filed 3-10-83; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; Week ended March 4, 1983. (See, 14 CFR 302.1701 et seq.)

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings. (See 14 CFR 302.1701 et seq.)

Dated filed	Docket No.	Description
Feb. 28, 1983	41321	British American Air, Inc., c/o Jerry W. Ellinghouse, Potter, Ellinghouse & Miner, 5900 Sepulveda Boulevard, Suite 550, Van Nuys, California 91411. Application of British American Air, Inc. pursuant to Section 401(d)(1) of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled foreign air transportation of passengers, property and mail, as follows: Between points within the United States of America including, but not limited to, the following coterminal points:

Dated filed	Docket No.	Description
		Washington, D.C.; Philadelphia, Pa.; Las Vegas, Nev.; Boston, Maine; Long Beach, Calif.; San Jose, Calif.; Baltimore, Md.; Reno, Nev.; Honolulu, Hawaii; Los Angeles, Calif.; San Francisco, Calif.; and Ontario, Calif.
		and points in the following countries:
		United Kingdom, including London and Hong Kong
		Japan, including Tokyo
		The Netherlands, including Amsterdam
		Belguim, including Brussels
		Conforming Applications, Motions to Modify Scope, and Answers, may be filed by March 28, 1983.
Mar. 2, 1983	41332	The Flying Tiger Line Inc., c/o Joel Stephen Burton, Ginsburg Feldman, Weil and Bress, 1700 Pennsylvania Avenue, N.W., Washington, D.C. 20006.
		Application of The Flying Tiger Line Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its certificate of public convenience and necessity for Route 119 so as to authorize scheduled foreign air transportation of property and mail on a permissive basis between the United States and Lebanon and between the United States and Austria.
		Conforming Applications, Motions to Modify Scope and Answers may be filed by March 30, 1983.
Do	38034	Kuwait Airways Corporation, c/o G. Joseph Minetti, Dickstein, Shapiro & Morin, 2101 L Street, N.W., Washington, D.C. 20037. Amendment to the Application of Kuwait Airways Corporation pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, amends its application for a foreign air carrier permit authorizing it to engage in foreign air transportation between Kuwait and New York, New York via London, England. Answers may be filed by March 30, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-6367 Filed 3-10-83; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41163]

Newark-London Backup Case; Oral Argument

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this case is assigned to be held before the Board on Wednesday, March 23, 1983, at 2:00 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before Tuesday, March 15, 1983, together with the name of the person who will represent it at the argument.

Dated at Washington, D.C., March 4, 1983.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-6368 Filed 3-10-83; 8:45 am]
BILLING CODE 6320-01-M

[Dockets 38019 and 38961]

Order Concerning the Wien Air Alaska Mainline and Bush Mail Rates Investigation, Intra-Alaska Class Service Mail Rate

Order 83-3-7, adopted March 1, 1983, Dockets 38019 and 38961 addresses the issue of the Postal Service's procedures for the distribution of bush-bound mail within the State of Alaska.

Copies of the order are available from the Distribution Section, Civil Aeronautics Board, Rom 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington area may send a postcard request to that address.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 83-6369 Filed 3-10-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Certain Softwood Products From Canada; Preliminary Negative Countervailing Duty Determinations

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary negative countervailing duty determinations.

SUMMARY: We preliminarily determine that certain benefits which constitute subsidies within the meaning of the countervailing duty law are not being provided to manufacturers, producers, or exporters in Canada of certain softwood products, as described in the "Scope of Investigations" section of this notice. The total estimated net subsidy for each product is *de minimis,* and therefore our preliminary countervailing duty determinations are negative.

If these investigations proceed normally, we will make our final determinations by May 23, 1983.

EFFECTIVE DATE: March 11, 1983.

FOR FURTHE INFORMATION CONTACT: Roland MacDonald or Mary S. Clapp, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-4087 or (202) 377-2438.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

For purposes of these investigations, the following programs are preliminarily found to confer subsidies to the producers of the products under investigation. The total estimated net subsidies are 0.32 percent *ad valorem* for softwood lumber, 0.24 percent *ad valorem* for softwood shakes and shingles, and 0.29 percent *ad valorem* for softwood fence. These *ad valorem* subsidies are *de minimis.* Therefore, we preliminarily determine that there is no reason to believe or suspect that certain benefits which constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Canada of certain softwood products, as described in the "Scope of the Investigations" section of this notice. Our preliminary determinations are negative.

A. Federal Programs

1. Investment Tax Credit.
2. Program for Export Market Development.
3. Forest Industry Renewable Energy Program.
4. Regional Development Incentives Program-Grants.

B. Federal/Provincial Programs

1. Agricultural and Rural Development Agreements.
2. General Development Agreements.
a. Federal/Provincial Industrial Subsidiary Agreements.
b. British Columbia—Assistance to Small Enterprise Program.
c. New Brunswick.

(1) Northeast New Brunswick Development Program.
(2) Kent Region Pilot Project.
(3) Industrial Development Subsidiary Agreements.
d. Canada/Nova Scotia Forestry Subsidiary Agreement—Sawmill Improvement Component Grants.

C. Provincial Programs

1. Alberta—Timber Salvage Incentive Program.
2. British Columbia
a. Low-interest Loan Assistance.
b. Stumpage Payment Deferral.
3. Ontario—Stumpage Billing Deferral.
4. Québec.
a. Société de Récupération, d'Exploitation et de Développement Forestiers du Québec.
b. FRI Tax Abatement Program.
c. SDI Export Expansion Program.

Case History

On October 7, 1982, we received a petition from counsel for the United States Coalition for Fair Canadian Lumber Imports on behalf of a number of producers in the United States of certain softwood products. The petitioner alleged that certain benefits which constitute subsidies within the meaning of section 701 of the Act are being provided, directly or indirectly, to manufacturers, producers, or exporters in Canada of certain softwood products. We found the petition to contain sufficient grounds upon which to initiate countervailing duty investigations, and on October 27, 1982, we initiated countervailing duty investigations (47 FR 49878). We stated that we expected to issue preliminary determinations by December 31, 1982. We subsequently determined that the investigations are "extraordinarily complicated," as defined in section 730(c) of the Act, and postponed our preliminary determinations for 65 days until March 7, 1983 (47 FR 56688).

Since Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act, injury determinations are required for these investigations. Therefore, we notified the U.S. International Trade Commission (ITC) of our initiations. On November 22, 1982, the ITC determined that there is a reasonable indication that these imports are materially injuring U.S. industries.

We presented questionnaires concerning the allegations to the Embassy of Canada in Washington, D.C. on December 6, 1982. On January 4, 1983, we received responses. Additional information was received on January 17, 1983. A supplemental questionnaire was presented on February 9, 1983, and a response was received on February 23, 1983. Additional information was submitted on numerous dates.

Scope of the Investigations

The products covered by these investigations are:

- Softwood lumber.
- Softwood shakes and shingles.
- Softwood fence.

The products are fully described in appendix A of this notice. There is a large number of producers and/or exporters of certain softwood products in Canada (approximately 1800). The period for which we are measuring subsidization is calendar year 1981.

Analysis of Programs

In its responses, the government of Canada (GOC) provided data at the federal and provincial levels for the applicable periods. In addition, information was provided by counsel for the Canadian producers and counsel for the petitioners.

General principles applied by the Department of Commerce (the Department) to the immediate investigations concerning certain softwood products from Canada, many of which are repeated throughout this notice, are described in detail below. Specific principles are discussed in the appropriate sections of this notice.

Petitioners alleged that respondent companies have received numerous grants for various purposes. Grants determined to be countervailable have been treated according to the Department's established methodology.

To calculate the benefit received from the type of grants being considered in these investigations, we allocated the present value of grants "tied" to the purchase of capital equipment over the number of years reflecting the average useful life of equipment used by the sector which produces the products under investigation. A grant is considered tied where the intended use is known to the donor, and where such use is acknowledged prior to, or concurrently with, its bestowal. The majority of grants encountered in these investigations have been tied to capital investment in plants and equipment, and have been allocated over a 15-year period representing the average useful life of sawmill plants and equipment. The Canadian government has indicated that its own survey of the industry establishes a conservatively estimated combined average useful life for sawmill equipment and buildings of 15 years.

In the grant methodology, we determine the present value of grants in order to calculate the current value of the benefit to the grant recipient. The calculation of the present value of funds received is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. For these preliminary determinations, we determine that the most appropriate discount rate is the "risk-free" rate, as established by the secondary market rate for long-term (10 years and over) Canadian government debt. The foundation of a country's interest rate structure is usually its government's debt interest rate (the "risk-free rate"). The source used to determine the Canadian "risk-free" rate was *Financial Statistics* published by the Organization for Economic Co-operation and Development (OECD).

Certain small grants were expensed in the year received for reasons discussed in the "Programs Preliminary Determined to Confer Subsidies" section of this notice in the appropriate program descriptions.

We normally use data from a uniform period in calculating subsidies. The response contained mutually exclusive data based on both fiscal years and calendar years. Where the grants were reported on a fiscal year basis, we used those amounts as the best information available and allocated the calculated net benefit over annual sales values. Where information provided was based on fiscal year performance and it was necessary to apply a discount rate, a fiscal year discount rate was calculated by averaging the appropriate monthly rates. We will seek information regarding these benefits on a calendar year basis.

Unless otherwise stated in the "Programs Preliminarily Determined to Confer Susidies" section of this notice, the denominator used to calcuate an *ad valorem* subsidy depended on whether the response reported loans and grants to producers of the products under investigation on a product-by-product basis or on a combined basis. Where loans and grants were reported on a product-by-product basis, we allocated the benefits over the total sales, for the most recent year for which data are available, of the producers of that specific product.

Where loans and grants were reported on a combined basis for some or all of the products under investigation, we allocated the benefits over the total sales, for the most recent year for which data are available, of the producers of those certain softwood products.

To determine the total sales figures for the producers of the products under investigation, we used sales statistics provided by the GOC, which are the most recent and best data available. We

adjusted these statistics as necessary to reflect more accurately the total sale of the producer of each of the products under investigation.

Based on our analysis to date of the petition and responses to our questionnaires, we have preliminarily determined the following.

I. Programs Preliminarily Determined to Confer Subsidies

We preliminarily determine that subsidies are being provided to manufacturers, producers, or exporters in Canada of certain softwood products included in these investigations under the programs described below. The total estimated net subsidy for each product under investigation, however, is *de minimis*, and therefore our preliminary determinations are negative.

A. Federal Programs

1. *Investment Tax Credit.* The investment tax credit program is a federal program which provides income tax credits in amounts ranging from 7 to 50 percent for new depreciable manufacturing assets. This tax incentive is available to all entities that purchases equipment for manufacturing; processing; or activities involving oil and gas production, mining of minerals, processing mineral ore, prospecting or exploring for mineral resources, logging, farming, fishing, storing grain, and processing industrial minerals.

The amount of the credit received depends upon where the depreciable assets will be used. A credit of 50 percent of the capital cost of the depreciable assets is given to companies located in areas of Canada containing five percent of the population suffering the most from high family unemployment and low per capita income. These areas were not specifically identified in the GOC's responses. Since all areas of each province in Canada are specified in the regions eligible for one of the 20 percent, 10 percent or 7 percent credits, we assume that the 50 percent credits apply to locations within the above areas which meet the eligibility requirements relating to unemployment and low income. Companies located in the Atlantic area (Newfoundland, Prince Edward Island (PEI), Nova Scotia, New Brunswick and the Gaspe Peninsula) receive 20 percent of the capital cost of depreciable assets as a tax credit. Companies located in the Regional Development Incentive Program (RDIP) area (all of Canada except the southern portions of British Columbia (BC), Alberta and Ontario) receive 10 percent. All other areas in Canada receive the basic 7 percent credit (southern BC, southern Alberta and southern Ontario).

The investment tax credit is not available to all companies on equal terms. A larger tax credit is available to companies in designated areas. The criteria of "high family unemployment" and low per capita income are subjective criteria which are not "triggered" automatically. Based on information currently available to the Department, this criteria for eligibility could be operated to limit benefits to companies within specific regions. Therefore, we find that the tax credits in excess of 7 percent are limited to companies located within specific regions, and we preliminarily determine that the tax credits in excess of 7 percent confer benefits which constitute a subsidy.

The GOC reported that there are no statistics indicating the amount of tax credit clamied by the producers of the products under investigation in each of the four rate categories of the investment tax credit program.

Therefore, for the purposes of these preliminary determinations, the investment tax credits claimed in 1980 (the most recent period for which information is available) were evenly allocated to each of the four rate categories, and were used by the Department as best information available. Having assigned an amount to each category, the capital cost of the depreciable assets eligible for credits was calculated for each of the four categories.

The subsidy calculation for this program accounts for the fact that an investment tax credit immediately reduces the depreciable value of an asset. The capital cost allowance benefits lost because of the investment tax credit were captured in the subsidy calculation. For purposes of these preliminary determinations, we assumed: (1) That the investment tax credit is taken in the year in which the asset is acquired, and (2) that the capital cost allowance taken in conjunction with the investment tax credit would be equal to 25 percent, the rate applicable for the year in which an asset is acquired. The net benefit from the capital cost allowance is equal to the amount of the deduction multiplied by the taxpayer's tax rate. Since provincial governments use a taxpayer's federal taxable income as the base for calculating provincial taxes, we used the combined federal and provincial tax rate of 41 percent (in 1979) as the best information available for the purposes of our calculation.

Only the amounts in excess of the 7 percent level were found countervailable since the 7 percent tax credit is not limited to specific industries, groups of industries, or regions. The benefit to softwood lumber, and to shakes and shingles was allocated over the value of total 1980 sales for sawmills and planing mills and a subsidy of 0.9 percent ad valorem was calculated. The benefit to fence was allocated over the value of total 1980 sales of miscellaneous wood products, and a subsidy of 0.05 percent *ad valorem* was calculated. (In both instances, 1980 is the most recent period for which information is available.)

2. *Program for Export Market Development (PEMD).* PEMD is administered by the Canadian Department of Industry, Trade and Commerce and is available to all businesses in the manufacturing or service sectors which export, including producers of the products under investigation. The program facilitates the development of export markets for Canadian products by funding various companies' export market development activities through interest-free loans with forgivable repayment terms. If sales result from such activities, the funds must be repaid at a rate of two percent of sales generated for a period of three years up to the amount of assistance provided.

Only two projects were funded at a total of Canadian $4,077 by PEMD to develop market opportunities in the United States for the products under investigation. Because the sole purpose of PEMD is to stimulate exports, we preliminarily determine that assistance provided under the program confers benefits which constitute export subsidies. We allocated the benefit over the total 1981 exports sales to the United States of the products under investigation. However, the amount of the benefit provided to exporters of the products under investigation is so small relative to the value of exports to the United States of the products under investigation that the subsidy is less than 0.001 percent *ad valorem*.

3. *Forest Industry Renewable Energy Program.* The Forest Industry Renewable Energy (FIRE) program is administrated by the federal Department of Energy, Mines and Resources. The purpose of the program, which began in 1979, is to encourage the substitution of biomass energy sources for fossil fuels by companies that would otherwise have no economic incentive to do so. FIRE assistanace is given in the form of taxable grants that are tied to the purchase of captial equipment

(facilities for burning biomass in place of fossil fuels).

Prior to April 1, 1981, funds were made available under the FIRE program only to "forest industry firms," as defined by the GOC according to the Treasury Board submission of August 16, 1978. Thereafter, FIRE assistance became available to all industries throughout Canada according to the Treasury Board submission of January 8, 1981. Because the FIRE program by its terms limited eligibilty for grants to a designated group of industries for the first two years of its existence, we preliminarily determine that the benefits received by the producers of the products under investigation during that period conferred subsidies within the meaning of the Act. Benefits after that period did not confer subsidies because eligibility was not limited to a specific industry, group of industries or companies in specific regions.

The benefit is based on the amount of grants received by the producers of the products under investigation during the first two years of the program's existence. We calculated the benefit to these producers in accordance with the grant methodology described in the "Analysis of Programs" section of this notice. We allocated the benefit received over the total sales value of the producers of the products under investigation, and calculated a subsidy of 0.003 percent *ad valorem*.

4. *Regional Development Incentives Program (RDIP)—Grants.* The RDIP is administered by the federal government's Department of Regional Economic Expansion (DREE) for the purpose of creating stable employment opportunities in areas of Canada where employment and economic opportunity are chronically low. The program provides development incentives (grants) and loan guarantees to manufacturers whose capital investment projects for establishing new facilities are expanding or modernizing existing facilities will create jobs and economic opportunities in areas designated as economically disadvantaged. Loan guarantees are discussed in the "Program Preliminarily Determined Not to Confer Subsidies" section of this notice. The Governor in Council may designate a region upon the report of the Minister of the DREE, if satisfied that existing opportunities for productive employment in the region are exceptionally inadequate and the provision of development incentives will make a significant contribution to economic expansion and social adjustment within that region. Development incentives and loan guarantees are currently not available to manufacturing and processing industries located in southern Ontario, southern Alberta and southern BC.

The prime criterion for DREE approval of a proposed project is the likelihood that the project will provide needed economic opportunities and social adjustment. Projects which would proceed without RDIP assistance are ineligible.

The GOC stated in its responses that grants have been provided to producers of the products under investigation. We preliminarily determine that grants provided through the RDIP program of DREE confer subsidies because the benefits are limited to companies located within specific regions.

The subsidy to producers of the products under investigation has been calculated according to the grant methodology as described in the "Analysis of Programs" section of this notice.

The amounts of grants received since fiscal 1970 (when the program started) were provided on a product-by-product basis. Therefore, we have calculated a separate subsidy for each product. The amount of subsidy provided by RDIP grants is 0.18 percent *ad valorem* for softwood lumber, 0.07 percent *ad valorem* for softwood shakes and shingles, and 0.15 percent *ad valorem* for softwood fence.

B. Federal/Provincial Programs

1. *Agricultural and Rural Development Agreements (ARDA) Programs.* The Agricultural and Rural Development Act was the federal legislation establishing the ARDA's. These agreements resulted from joint determinations by the federal and provincial governments that government action is required to promote economic development and to alleviate conditions of social and economic disadvantages in certain rural areas. These agreements are available to all provinces throughout Canada and can be negotiated at provincial initiative; however, only BC and Ontario have entered into these agreements.

There are six programs under the General ARDA's and the producers of the products under investigation have received grants under the "Alternative Income and Employment Opportunities in Rural Development Region" program of the agreements. This program provides grants for the establishment, expansion, or modernization of production facilities in an effort to increase income and alternative employment opportunities for low income people in designated rural areas of a province. Both BC and Ontario have received federal funds to finance 50 percent of the assistance given under this program for rural areas which are "economically depressed." As the eligibility is limited to companies located within specific regions, we preliminarily determine that benefits under this program confer a subsidy.

There is a Special ARDA program which supplements the General ARDA and which is aimed at improving employment and income opportunities for people of native ancestry in rural BC. The rural area is defined in the Canada-British Columbia Special Rural Development Agreement which provides that ten specifically defined areas are not eligible for assistance under this program.

The Special ARDA advisory committee considers the relative isolation of the community, the number of residents affected and the projected impact the proposal will have on future economic development.

The maximum contribution through Special ARDA is 50 percent of the expected costs of buildings, machinery and initial working capital.

The GOC responses state that sixteen projects, tied to the purchase of equipment and construction of buildings, were undertaken by producers of the products under investigation. These projects were available in areas with a population of less than 2,000 residents of whom at least 30 percent were of native ancestry. The Special ARDA grants were funded equally by the federal and provincial governments as were those under the General ARDA. Because the program limits availability to companies located in rural areas, we preliminarily determine that it confers subsidies.

We used the grant methodology which is described in the "Analysis of Programs" section of this notice to calculate the benefits under the ARDA programs. The benefits were allocated over the total sales value of producers of the products under investigation and a total subsidy of 0.004 percent *ad valorem* was calculated for grants received under General and Special ARDAs.

2. *General Development Agreements.* As part of its activities to spur development in Canada, DREE entered into 10-year General Development Agreements (GDA's) with all provinces except PEI. A similar 15-year comprehensive development plan exists for PEI. GDA's have become the principal instruments of DREE's development policies, both in terms of expenditure and coordination of planning and programming. Within each GDA, specific subsidiary agreements

have been negotiated with individual provinces. These mainly fund general planning, infrastructure and community development, although some assistance has been provided to individual companies.

a. *Federal/Provincial Industrial Development Subsidiary Agreements.* Under the GDA's described above, Industrial Development Subsidiary Agreements with provisions for assistance to small enterprises are available to all provinces and were negotiated with Ontario, Manitoba, BC and New Brunswick. The GOC states that funds were provided to producers of the products under investigation only in the latter two provinces.

b. *British Columbia—Assistance to Small Enterprise Program (ASEP).* This program was established by a BC Order in Council on July 7, 1977. Under the program, small enterprises with sales of less than Canadian $500,000 located in areas other than "Lower Mainland" and "Southern Vancouver Island" are eligible for interest-free forgivable loans for approved projects for new facilities or the expansion or modernization of existing facilities.

For new projects, benefits can be as much as 50 percent of the "eligible capital cost" of the project or Canadian $30,000, whichever is less. For expansion or modernization projects, the limit is the lesser of 30 percent or Canadian $18,000. The applicant is required to provide new equity of at least 20 percent of the total cost of the project. Producers of the products under investigation received interest-free forgivable loans under this program between 1976 and 1981.

We preliminarily determine that benefits under this program are countervailable because they are limited to companies located within specific regions. Because loans under the programs are forgivable and the majority apparently have already been forgiven, we treated the benefits as grants.

In calculating the benefits, we used the grant methodology which is described in the "Analysis of Programs" section of this notice. The benefits under this program amount to a subsidy of 0.003 percent *ad valorem* for softwood lumber, 0.05 percent *ad valorem* for shakes and shingles, and 0.02 percent *ad valorem* for fence.

c. *New Brunswick—NED, KED and SIFAP.* Three parts of the subsidiary agreement between New Brunswick and the federal government provide assistance to small enterprises in the province. These are the Northeast New Brunswick Development (NED), the Kent Region Pilot Project (KED), and the Industrial Development Subsidiary Agreements (SIFAP). The responses of the GOC state that no applications for funds under these programs were accepted during the 1980–81 fiscal year, and that no funds were disbursed since March 31, 1982.

The benefits under these programs were interest-free forgivable loans. The total amount of funding provided could not exceed 50 percent of the cost of new manufacturing or processing facilities or 30 percent for modernization or expansion of existing facilities. To be eligible, firms had to have average sales of less than Canadian $1,000,000 over the past two years and had to be located in development regions, which varied for each of the three programs. Companies were required to make a contribution of new equity of at least 20 percent of the cost of a project. Producers of the products under investigation received interest-free forgivable loans under this program between 1978 and 1981.

We preliminarily determine that benefits under NED, KED, and SIFAP are countervailable because they are limited to companies located within specific regions. Because loans under the programs are forgivable and the majority apparently have already been forgiven, we treated the benefits as grants.

In calculating the benefits, we used the grant methodology which is described in the "Analysis of Programs" section of this notice. The benefits under this program amount to subsidies of 0.006 percent *ad valorem* for softwood shakes and shingles, and 0.007 percent *ad valorem* for softwood fence. However, the amount of the benefit provided to producers of softwood lumber is so small relative to the value of total sales of the producers of softwood lumber that the subsidy is less than 0.001 percent *ad valorem.*

d. *Canada/Nova Scotia Forestry Subsidiary Agreement—Grants.* Subsidiary agreements for forest management could be negotiated under the GDAs. Forestry subsidiary agreements have been reached with seven provinces.

Under the Nova Scotia forestry subsidiary agreement, grants were provided to producers of the products under investigation under two components, the sawmill improvement component and the forest management component. The forest management component grants are discussed in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice. The forestry subsidiary agreements with other provinces are discussed in the "Programs Preliminarily Determined Not to Confer Subsidies" and the "Programs Preliminarily Determined Not to Be Used" sections of this notice.

The sawmill improvement component of the Canada/Nova Scotia Forestry Subsidiary Agreement provided grants of up to Canadian $50,000 per mill to encourage the adoption of improved sawmilling technology, better safety and improved conditions. The GOC states that the grants under this component were designed and used to offset the short-term operating expenses and the lower productivity associated with the installation of improved sawmilling technology and better safety and working conditions in the recipient mill.

The GOC stated in its responses that producers of the producers under investigation received improvement grants. We preliminarily determine that this grant program confers a subsidy on producers of the products under investigation because eligibility is limited to sawmills.

Because the grants were used to offset short-term operating expenses, we allocated them to the year received. We assumed that all funds were received in 1981, because the response did not provide a breakdown by year of receipt. We allocated the benefits over total sales by sawmills to calculate a subsidy of 0.008 percent *ad valorem.*

C. Provincial Programs

1. *Alberta.*—Timber Salvage Incentive Program. The Timber Salvage Incentive Program was created in response to the problem of harvesting large amounts of timber damaged or destroyed by fire or insects. Ordinarily, it is the companies' responsibility to salvage timber damaged by natural causes. The responses state that because of the depressed lumber markets, the companies have been unable to salvage the damaged timber economically. Because it is the province's interest to have the timber harvested (if it is not harvested there is a danger that fire and disease will spread, and reforestation cannot be carried out), the government instituted the Timber Salvage Incentive Program effective November 1, 1981 through October 31, 1983. The program provides an incentive of Canadian $34 per thousand board feet of lumber manufactured from fire-killed and beetle-killed timber. These payments are available only to producers of lumber.

The GOC's responses state that despite the incentive payment, the companies did not recover the additional costs associated with harvesting damaged timber. The GOC acknowledges, however, that the

companies are expected to salvage damaged timber at their expense as part of their contribution to the long-term management of Alberta's forests. Furthermore, as noted above, only lumber producers receive these grants. Accordingly, we preliminarily find that payments received by softwood lumber producers under this program during the period for which we are measuring subsidization are grants which confer subsidies. Because these grants specifically apply only to lumber, they do not confer benefits on softwood shakes and shingles or softwood fence. We have expense the 1981 incentive payments in the year received and allocated them over the total sales value of softwood lumber in 1980 (the most recent period for which information is available) to find to subsidy of 0.008 percent *ad valorem* for softwood lumber.

2. *British Columbia.*—a. *Low-Interest Loan Assistance (LILA).* The joint Canada-British Columbia Industrial Development Subsidiary Agreement (IDSA) of 1977 established the LILA program which provides business enterprises with loans at favorable interest rates. LILA was authorized by administrative action after the IDSA Agreement was signed. The British Columbia Development Corporation (BCDC) acts as trustee for the province in administering the LILA program and as the trustee, reports to the BC Ministry of Industry and Small Business Development on activities under this program. Funding for the LILA program is provided through the budget of the BC Ministry of Industry and Small Business Development and/or loans by BCDC from the BC Ministry of Finance.

The purpose of LILA is to enhance the province's industrial base by assisting in the establishment, modernization, or expansion of manufacturing and processing firms, or by assisting those companies providing services to the manufacturing/processing sector located in the province. A LILA loan must be used for capital improvements for plant expansion or modernization, or for the establishment of a new production facility which will create new economic activity and benefits.

Generally an applicant must make a minimum equity contribution to the project of 15 percent. The loan size (within the range of Canadian $18,000 to Canadian $200,000) is a maximum of one third of the capital costs of the fixed assets being purchased. The maximum term of a LILA loan is the lesser of three years or the economic life of the fixed asset. The GOC's responses indicate that loans may be amortized over a longer period but must be financed at commercial rates for any excess period. The LILA loan rate is established twice a year on March 15 and September 15, and is the BCDC's prime commercial rate divided by two, subject to a maximum interest rate of 10 percent per year. No principal or interest payments are required for the first six months (prior to 1981, 12 months) following the initial disbursement of the loan. LILA loans are secured by means of debentures, mortgages or personal guarantees, and there are no forgiveness provisions.

During the period 1978 through September 30, 1982, producers of softwood lumber and fence received 24 loans. From February 1978 to April 1979, loans were not available to companies located within the "lower Mainland and southern Vancouver Island" regions. After April 1979, companies in all regions of BC could apply for funds. Therefore, we preliminary determine that all four loans given during February 1978 to April 1979 are countervailable because the availability of LILA loans during that period was limited to companies within specific regions, and loans were provided on terms inconsistent with commercial considerations.

To calculate the subsidy rate for LILA loans given at a non-commercial interest rate, we compared what a company would pay a normal commercial lender in principal and interest in any given year with what was actually paid on the loan in that year. For purposes of the preliminary determinations, we included the one-year deferral of principal and interest payments in our subsidy calculations. The benchmark rate used was the chartered banks' prime rate in Canada, as reported in the OECD *Financial Statistics.* After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made using the secondary market bond yield for Canadian government bonds (one to three years), as reported in the OECD *Financial Statistics,* as the discount rate.

The GOC did not report the precise terms of individual loans. Because the program limits the loans to a term of the lesser of three years or the economic life of the fixed assets purchased, we allocated the benefits over three years as the best information available. Any amount financed beyond this period must be at commercial rates.

Benefits from the four LILA loans used by producers of softwood lumber and fence during February 1978 through April 1979 were allocated over the total sales value of the producers of softwood lumber and fence. We calculated a subsidy of 0.001 percent *ad valorem.*

b. *Stumpage Payment Deferral.* The Fort Nelson Selling Price Zone was created in northeastern BC in recognition of the problems of logging in spruce swamplands where logging is only possible after "freeze-up" (mid-November to March 1).
However, the lumber mills operate over a 12-month period. The volumes logged during the period November through February are allocated during the period November through October and stumpage is billed accordingly, regardless of the month in which the lumber was actually cut. Only licensees within the Fort Nelson Selling Price Zone are eligible for this deferral.

We preliminarily determine that this deferral of stumpage payments confers a subsidy since the deferral eligibility is limited to companies located within a specific region and the deferral is preferential as compared with other companies in the province. The subsidy was calculated by taking the difference between the monthly stumpage payments due based on when the timber was actually cut and the monthly stumpage payments due based on the 12-month distribution plan. The best information available for calculating the benefit from the deferral of stumpage payments due was billing information for the period November 1981–October 1982.

However, the amount of the benefit provided to producers of the products under investigation is so small relative to the value of sales of the products under investigation to the United States that the subsidy is less than 0.001 percent *ad valorem.*

3. *Ontario.*—*Stumpage Billing Deferral.* In December 1981, the government of Ontario initiated a six-month program whereby billings for stumpage payments could be deferred for approved applicants. The program was extended for an additional six months.

The GOC in its responses indicates that this program was available only to sawmills. Therefore, we preliminarily determine that the program conferred a subsidy on the products under investigation because the benefits were limited to sawmills.

The subsidy was calculated by treating the amount of stumpage payments deferred during the period for which we are measuring subsidization as a short-term loan at a zero interest rate. We multiplied the amount of the loan by a benchmark short-term interest

rate, the three-month Treasury bill rate in Canada, for the one month in which billings were deferred in 1981. However, the amount of the benefit provided to sawmills is so small relative to the total sales value of the products of sawmills that the subsidy is less than 0.001 percent *ad valorem.*

4. *Québec.* a. *Société de Récupération, d'Exploitation et de Développement Forestiers du Québec.* The Société de Récupération, d'Exploitation et de Développement Forestiers du Québec (REXFOR) was incorporated in 1973 under Québec's REXFOR Act as a provincial Crown corporation. Jointly administered by the Ministére des Finances and the Ministére de l'Energie et des Ressources of Québec, its entire stock is allotted to the former, which approves REXFOR's operating and investment budgets.

REXFOR was created to manage specific provincially owned forest lands, to preserve and protect provincial forest lands through silviculture, and to encourage the development of the "forest industry" in Québec. REXFOR owns sawmills and pulp and paper mills, and produces the softwood products under investigation as well as a wide variety of products not under investigation. In carrying out these activities, REXFOR receives funds from both the Canadian and Québec governments, and is also an active investor in and provider of funds to the "forest products industry" in Québec.

(1) *Assistance to REXFOR from the Government of Canada.* REXFOR and three of its subsidiaries producing softwood lumber received six RDIP grants from DREE. These grants, which we preliminarily determine to confer subsidies, are included in the federal portion of the "Programs Preliminarily Determined to Confer Subsidies" section of this notice.

(2) *Assistance to REXFOR from the Government of Québec.* (a) Loans and Loan Guarantees. Between 1973 and 1977, REXFOR and its subsidiaries received a number of loans and a loan guarantee from the government of Québec at interest rates inconsistent with commercial considerations. We consider these loans and loan guarantee to have been targeted to a specific company. Accordingly, we preliminarily determine that these loans and loan guarantee confer a subsidy on REXFOR.

To calculate the subsidy for the loans and the loan guarantee made by the government of Québec to REXFOR, we compare the principal and interest a company would pay a normal commercial lender in any given year with amounts actually repaid in that year. For purposes of these preliminary determinations, we included deferral of principal and interest payments in our subsidy calculations.

The benchmark rate used was the chartered banks' prime rate in Canada as published in the OECD *Financial Statistics.* After calculating the payment differential in each year of the loan, we then calculated the present value of this stream of benefits in the year the loan was made, using the secondary market bond yield for Canadian government bonds, as published in the OECD *Financial Statistics,* as the discount rate.

We allocated the benefits from these loans and loan guarantee over the total sales of the producers of softwood lumber and shakes and shingles and calculated a subsidy of 0.004 percent *ad valorem.*

(b) Grants. Between 1977 and 1981, REXFOR received a number of grants from the government of Québec for the production of softwood lumber. We consider grants made to REXFOR by the government of Québec to have been targeted to a specific company. Accordingly, we preliminarily determine that these grants confer a subsidy on REXFOR.

We calculated the benefit to REXFOR in accordance with the grant methodology described in the "Analysis of Programs" section of this notice. We allocated the benefit received over the total sales of the producers of softwood lumber, and calculated a subsidy of 0.001 percent *ad valorem.*

(c) Loss Coverage. In two instances, the government of Québec covered operating losses sustained by REXFOR in connection with two of its subsidiaries which respectively produce softwood lumber (Scieries Chic-Chocs) and all the products under investigation (Samoco). In both instances, the amounts received exceeded the losses sustained by REXFOR. In the case of Scieries Chic-Chocs, the excess of the funds received over the loss incurred was used to purchase fixed assets; in the case of Samoco, the excess was transferred into REXFOR's retained earnings.

We preliminarily determine that loss coverage confers a subsidy. We expensed those portions of the grants used to cover actual operating losses in the year in which they were received. We treated the excess amounts as grants and allocated them over 15 years, the average useful life of capital assets of sawmill plants and equipment. We allocated the benefit received over the total sales of the producers of softwood lumber (in the case of Scieries Chic-Chocs) and of the producers of the products under investigation (in the case of Samoco), and calculated a subsidy of 0.02 percent *ad valorem.*

(d) Equity Purchases. The government of Québec has made equity purchases of REXFOR under two different sections of the REXFOR Act. Under section 6 of the REXFOR Act, the proceeds from Québec's equity purchases are made available to REXFOR for "general investment" purposes to be used as the company sees fit. Under section 7, the proceeds from Québec's purchases of REXFOR stock are specifically directed by the government of Québec to be used for loans to or equity purchases in third companies which may or may not be subsidiaries or affiliates of REXFOR, some of which produce softwood lumber or shakes and shingles.

(i) After analyzing REXFOR's financial statements since 1973, especially the company's debt position and rate of return on equity, we conclude that the government of Québec's section 6 equity infusions into REXFOR were not inconsistent with commercial considerations. Therefore, we preliminarily determine that government equity purchases in REXFOR that were not specifically directed do not confer a subsidy.

(ii) With regard to government equity purchases made pursuant to section 7 that were specifically directed, but *not* to producers of the products under investigation, we preliminarily determine that these purchases did not confer subsidies on the products under investigation.

(iii) With regard to equity purchases made by the government of Québec pursuant to section 7 that were specifically directed to producers of the products under investigation:

- Where the proceeds were used by REXFOR to make equity infusions in subsidiaries, affiliates or unrelated companies, we must consider whether these infusions were made on terms inconsistent with commercial considerations.

Our analysis of these companies leads us to conclude, based on financial data contained in the responses and REXFOR's annual reports, that REXFOR's equity purchases in these companies were in fact not inconsistent with commercial considerations. Accordingly, we preliminarily determine that these equity purchases do not confer subsidies within the meaning of the Act on producers of the products under investigation.

- There were no loans made by REXFOR pursuant to section 7 that were specifically directed to producers of the products under investigation, for which principal was still outstanding during

the period for which we are measuring subsidization.

b. *FRI Tax Abatement Program.* The Tax Abatement Program (TAP) is one of two programs under the aegis of the Fonds de Relance Industrielle (FRI) of Québec, which provided assistance to producers of the products under investigation. The second FRI program, *i.e.,* the Industrial Incentives Fund, is discussed below in the section titled "Programs Preliminarily Determined Not to Confer Subsidies."

The FRI is a fund, administered by the Ministère de l'Industrie, du Commerce et du Tourisme of Québec with the assistance of Revenu Québec, which grants financial aid to businesses in order to promote economic recovery.

Under the TAP, firms can deduct 25 percent of the cost of approved capital investments up to a maximum of 50 percent of taxes payable to the province, with an overall limit per company of Canadian $500,000 for the life of the program. Companies located in the metropolitan area of Montréal are excluded from this program. Since this program is limited to companies located within specific regions, we preliminarily determine that it confers subsidies.

Producers of the products under investigation received tax savings under this program. In the GOC responses, the government of Québec reported the aggregate tax savings for these producers over the period from 1977 to 1981. We divided this amount by five (the number of years reported) to obtain an estimate of the 1981 savings, because this was the best information available. Because taxes are normally expensed in the year paid, we allocated these 1981 savings over the total sales value of producers of the products under investigation, and calculated a subsidy of 0.005 percent *ad valorem.*

c. *SDI Export Expansion Program.* The Société de Développement Industriel (SDI) was established in 1971 by the Assemblée Nationale (Legislature) of Québec as a Crown corporation. SDI, which is wholly owned by the province, is an investment company acting on behalf of the government of Québec, and as such grants financial assistance to the private sector in order to promote new business investment, plant expansion or modernization, and the export of Québec goods and services.

According to its latest annual report, SDI assistance to the private sector comes in several forms: "subsidies" or grants, loans or loan guarantees, total or partial assumption of the interest on loans, partial forgiveness of loans, and acquisition of capital stock (the latter with the proviso that SDI not hold a majority of any given company's shares).

SDI receives annual budget appropriations voted by the Assemblée Nationale which are used to cover its operating costs and "subsidies." In fiscal 1981–1932, SDI received Canadian $55.8 million from the Assemblée, of which Canadian $44.9 million was specifically earmarked for "subsidies." Another government assets deposited with SDI in the amount of Canadian $47.4 million, of which Canadian $32 million is in the form of an endowment. Finally, SDI finances itself, in part, through borrowings on the capital markets, which amounted to Canadian $74 million as of July 15, 1982.

SDI assistance programs fall under three categories: the Export Expansion Program, which we preliminarily determine to confer a subsidy for the reasons outlined below, development programs, and financial assistance to manufacturing firms. The latter two categories are described later in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice.

Under the Export Expansion Program, discontinued in May 1982, reimbursements on interest charges were paid to firms demonstrating high export growth over a five-year period. The maximum amount paid was the lesser of Canadian $250,000, two percent of export sales value, or the amount of the interest expense incurred in any given year.

Producers of softwood lumber who exported to the United States received funds under this program. We preliminarily determine this program to confer an export subsidy. Because interest charges are normally expensed in the year paid, we computed the benefit by allocating the amounts provided by SDI in the 1981–1982 fiscal year to softwood lumber producers over the total sales value of exports of softwood lumber to the United States, and calculated a subsidy of 0.04 percent *ad valorem.* Producers of softwood shakes and shingles and fence did not receive funds under this program during the period for which we are measuring subsidization.

II. Programs Preliminarily Determined Not To Confer Subsidies

We preliminarily determine that the Canadian federal and provincial governments are not providing subsidies to manufacturers, producers, or exporters of certain softwood products included in these investigations under the following programs:

A. *Stumpage Programs of the Canadian Federal and Provincial Governments*

Petitioner alleges that the stumpage programs of the Canadian federal and provincial governments confer a subsidy on the products under investigation. In general, "stumpage" refers to standing timber and "stumpage programs" refer to the systems by which the Canadian governments furnish private firms with the right to cut and remove standing timber from government lands in exchange for various in-kind and monetary payments by those private firms. (The stumpage programs of the various Canadian governments are described in further detail in Appendix B of this notice.) In Canada, the overwhelming majority of timber is owned by the governments, and has been owned by them for over a century. The Canadian governments did not recently acquire the lands involved and then begin to sell stumpage on those lands at rates below those which prevailed prior to government ownership.

Petitioner alleges that stumpage programs confer a domestic subsidy. (In a footnote to the petition, petitioner also alleges that stumpage programs confer an export subsidy.) Petitioner alleges that stumpage programs are provided to a specific industry within the meaning of subsection 771(5)(B) of the Act. Also, rather than alleging that stumpage programs constitute the provision of a good at preferential rates under subsection 771(5)(B)(ii) of the Act, petitioner alleges that stumpage programs constitute the assumption of a cost of production within the meaning of subsection 771(5)(B)(iv) of the Act. Essentially, petitioner claims that "assumption," as used in subsection (iv), should have a broad, all-inclusive meaning, encompassing any governmental activity that reduces or absorbs production costs on terms inconsistent with commercial considerations.

Based upon available information, the Department preliminarily determines that stumpage programs of the Canadian federal and provincial governments do not confer a subsidy on the products under investigation for the following reasons.

Stumpage programs do not confer an export subsidy, because they do not operate and are not intended to stimulate export rather than domestic sales, and because they are not offered contingent upon export performance. The mere fact that significant quantities of products made from stumpage are exported to the U.S. does not mean that

stumpage programs confer an export subsidy.

Further, stumpage programs do not confer a countervailable domestic subsidy for the following reasons. First, we preliminarily determine that stumpage programs are not provided only to a "specific enterprise or industry, or group of enterprises or industries." Rather, they are available within Canada on similar terms regardless of the industry or enterprise of the recipient. The only limitations as to the types of industries that use stumpage reflect the inherent characteristics of this natural resource and the current level of technology. As technological advances have increased the potential users of standing timber, stumpage has been made available to the new users. Any current limitations on use are not due to the activities of the Canadian governments; there is no evidence of governmental targeting regarding stumpage.

Although nominal general availability of a program does not necessarily suffice to avoid its being considered a possible domestic subsidy, the Department further preliminarily determines that stumpage is widely used within Canada by more than one group of industries. Stumpage is cut by the lumber and wood products industries (which manufacture products ranging from simple "two-by-fours" to window frames), the veneer, plywood and building boards industries, and the pulp and paper industries (which manufacture products ranging from cardboard boxes to newsprint), each of which requires different types of processing equipment and uses different channels of trading. Stumpage permits are also held by individual consumers and by industries producing turpentine, charcoal, wood alcohol, and even food additives (*i.e.*, wood flour, vanillin, and lignin). In this regard, we note also that, under the classification systems of both Canada and the United States, the lumber and wood products industries and the pulp and paper industries constitute two distinct groups of industries. Therefore, in view of its general availability without governmental limitation and its use by wide-ranging and diverse industries, we preliminarily determine that stumpage is not provided to a "specific group of * * * industries."

We note, however, the importance of stumpage's general availability without governmental limitation. Where, on the other hand, the governments expressly limit programs to the so-called "forest products industries," we have found some domestic subsidies. Unlike stumpage programs, these types of programs involve the provision of benefits, usually money, that can be used by all enterprises and all industries. In such cases, the restricitons on availability are due entirely to government direction, and not to any specific characteristics of the program involved. With respect to these types of programs, we believe that there is sufficient evidence of governmental targeting to support a preliminary determination that a benefit is conferred upon a "specific group of * * * industries."

Second, even if stumpage programs were being provided to a "specific group of * * * industries," we preliminarily determine that they would not confer a domestic subsidy within the meaning of subsection 771(5)(B). In this regard, we preliminarily determine that Canadian stumpage programs do not provide goods at perferential rates to the producers of the products under investigation within the meaning of subsection 771(5)(B)(ii). As used in that subsection, "preferential" normally means only more favorable to some within Canada than to others in Canada.[1] In this context, it does not mean "inconsistent with commercial considerations," a distinct term used in subsection 771(5)(B)(i) (which is not applicable with regard to stumpage programs, because they do not involve the provision of capital, loans, or loan guarantees). We note in this respect that we have preliminarily found certain programs in the provinces to confer subsidies under subsection (ii) as the perferential provision of "goods or services," bcause the goods or services were provided on preferential terms (*see, e.g.*, deferral of stumpage payments in the "Programs Preliminarily Determined to Confer Subsidies" section of this notice).

Petitioner claims that stumpage programs fall under subsection (iv) as the assumption of production costs on terms inconsistent with commercial considerations. Insofar as subsection (iv) may apply, we preliminarily determine that Canadian stumpage programs do not "assume" a cost of production. We believe that the most reasonable interpretation of "assumption" is that it refers only to government activity which relieves an enterprise or industry of a pre-existing statutory or contractual obligation. Otherwise, subsection (iv) would embrace all of the activities described in preceding subsections (i)–(iii), because the activities described in those subsections could all be regarded as activities which reduce or absorb—and thereby arguably "assume"—costs of production. Such a broad construction of the term "assumption" would make subsection (iv) largely redundant of subsections (i)–(iii) and is, as a matter of law, not preferred. Accordingly, "assumption," as used in subsection (iv), means something other than the universe of governmental activities which could have the effect of reducing or absorbing a cost of production. Rather, it refers to a specific type of activity. In the financial and legal terms relevant to subsection 771(5)(B)'s list of domestic subsidies, and "assumption" is the relief from a pre-existing statutory or contractual obligation.

Under this interpretation, stumpage programs do not constitute the assumption of a cost of production, because the Canadian governments do not relieve the producers of any pre-existing statutory or contractual obligations. To the contrary, the government impose a cost for the stumpage, which they have owned themselves for well over a century. These imposed costs include not only cash payments, but also in-kind services, such as road building, silviculture, and forest managment provided by the companies cutting the stumpage.

Even if "assumption" were construed more broadly, we preliminarily determine, based upon available information in the record of these investigations, that Canadian stumpage programs have not effectively reduced, and thereby "assumed," a cost of production. Petitioner claims that because there is an allegedly unified North American market for softwood lumber, shakes and shingles and fence, the Department should compare Canadian stumpage prices to prices for stumpage in the United States. We disagree. First, it has been the Department's policy not to use cross-border comparisons in establishing commercial benchmarks. Second, the absence of an international market price for stumpage makes any other comparative analysis unjustifiable. Third, while there may be a unified North American market for each of the products under investigation, there is not a unified market and a unified price for stumpage, because each individual stand of timber is unique due to a variety of factors, such as species combination, density, quality, size, age, accessibility, and terrain and climate. Because of these factors, a common

[1] There may be other cases in which the number of users of a good or service may be so limited that the preferentiality test may need to be examined further.

price for stumpage does not exist. Stumpage prices vary substantially both regionally and locally within Canada and the United States, even within a mill's timber supply area. For example, a publication called *Timber-Mart South* publishes stumpage prices for the southeastern United States. This publication covers thirteen states, each divided into three regions, and lists separate prices for each species within each region of each state. Thus, it is not reasonable to compare Canadian prices with U.S. prices.

In the absence of a market price for stumpage—either within Canada or elsewhere—with which Canadian stumpage prices may reasonably be compared, we could alternatively determine whether Canadian stumpage prices reflect "true market value."

The value of stumpage derives from a number of factors, including the price of the end products made from it, and not from any intrinsic value of the standing timber. Thus, a reasonable basis for determining the "true market value" of stumpage is to calculate its residual value based upon the end-product price.

Under the residual value approach, the seller makes allowances for normal profit and risk factors and deducts manufacturing costs from the end-product price to determine the minimum price for stumpage below which it will not sell. Any additional amount collected over and above the minimum price will be "economic rent." The practical significance of economic rent is that its decline does not reduce the supply of timber, and therefore it does not interfere with the efficient allocation of natural resources or the operation of market forces. If the price of timber is high, one can then obtain a higher rent from the resource, but the higher price of timber is not the result of higher rent.

The evidence we have thus far supports the conclusion that the residual value approach, as well as the competitive bid approach, is used in Canada. For example, residual valuation is used in British Columbia and Ontario. Thus, based upon information currently available, it appears that the Canadian governments are using methods of valuation that are a reasonable means of valuing their timber (indeed, these methods are used by the United States Forest Service). Accordingly, one cannot find that Canadian stumpage programs assume a cost of production, even if that term is interpreted broadly.

As implied above, a comparison of Canadian stumpage prices with U.S. prices would be arbitrary and capricious in view of: (1) The wide disparity between quality and accessibility of the standing timber in the U.S. and throughout Canada; (2) the significant in-kind payments which are required generallly in Canada in addition to monetary payments, but not generally in the United States; and (3) the fact that in recent years prices in the U.S. usually have been bid anywhere between two to five years in advance of use, without having taken into account the decline in the housing industry. We are not convinced that there is a rational basis to adjust for these significant differences.

If, alternatively, one believes that there is a rational basis for adjustments, the record of these investigations includes studies showing that once appropriate adjustments are made to take into account these differences, Canadian prices for standing timber do not vary significantly from U.S. prices. Indeed, in some cases the Canadian price may be higher. Therefore, even if one were to use U.S. prices as a benchmark, there is evidence in the record which establishes that the Canadian governments do not assume costs of production through their stumpage programs.

For these reasons, we preliminarily determine that Canadian stumpage programs do not assume a cost of producing the products under investigation.

In conclusion, based upon currently available information, we preliminarily determine that Canadian stumpage programs do not confer a subsidy within the meaning of the Act, because they are not provided to a "specific enterprise or industry, or group of enterprises or industries," and because they do not confer a domestic subsidy within the meaning of subsection 771(5)(B).

B. Federal Programs

1. *Deductible Inventory Allowance.* The federal Income Tax Act authorizes a deduction equal to three percent of the opening value of inventories held for sale or for the production of goods for sale. This deduction is available on equal terms to all businesses holding inventories for sale throughout Canada.

We preliminarily determine that the deductible inventory allowance does not confer countervailable benefits because it is not limited to a specific industry groups of industries or to companies in specific regions.

2. *Capital Cost Allowances.* The federal Income Tax Regulations provide for a capital cost allowance for businesses throughout Canada that purchase qualifying assets used in abating water or air pollution, manufacturing or processing, or conserving energy. These companies receive a full write-off over three years with a cumulative maximum deduction of 25 percent in the first year, 75 percent in the second year and 100 percent in the third year. This is the only method of depreciation allowed for these properties, and they are depreciated according to this schedule regardless of use by industrial sector.

We preliminarily determine that these capital cost allowances do not confer countervailable benefits because they are not limited to a specific industry, group of industries or to companies in specific regions.

3. *Export Credit Insurance.* Petitioner alleges that the GOC covered export credit insurance losses incurred by the Export Development Corporation (EDC). EDC is a Canadian Crown corporation providing financial services to Canadian exporters and foreign buyers to develop Canada's export trade. One of EDC's services is export credit insurance. EDC maintains its own commercial operation as well as a separate operation on behalf of the government. Exports to the United States are insured solely through the EDC's commercial operation.

EDC has never incurred a fiscal year loss on its commercial operation, although there has been a downward trend in earnings. Although EDC does not maintain separate financial accounting systems for each of its services, the GOC responses state that the premiums charged by EDC are based on the perceived risk of the transaction and the need to cover its administrative expenses. In this regard, EDC allocates 38 percent of current premium revenue to cover future claims. Furthermore, premium rates were raised twice in the last two years. During the period October 1, 1977 through September 30, 1982, claims paid on insured shipments of softwood lumber totaled Canadian $110,603 while premiums totaled Canadian $298,015.

The GOC is the sole stockholder in EDC. During 1981, the GOC purchased an additional Canadian $40 million in EDC shares; however, the major portion of EDC's capitalization is long-term debt payable to non-government lenders. All of EDC's earnings are retained. Dividends were not disbursed.

Based upon our review of available information, it appears that the petitioner's allegation pertains to export credit insurance losses sustained by EDC in its operation on behalf of the GOC and not in its commercial operation. Since exports to the United States are insured solely through EDC's commercial operation and since it appears that export credit insurance premiums charged by EDC are sufficient to cover long-term operating costs and

losses in its commercial operations, we preliminarily determine that EDC's export credit insurance does not confer an export subsidy within the meaning of the Act.

4. *Federal Employment Programs.*—A. *Local Employment Assistance Program.* The Local Employment Assistance Program (LEAP), administered by the Canadian Employment and Immigration Commission (CEIC), aims to increase the self-sufficiency of chronically un- or under-employed workers through grants for job creation and worker training. As LEAP assistance was not limited to a specific industry, group of industries or to companies in specific regions, we preliminarily determine that these grants did not confer any countervailable benefits upon the producers of the products under investigation.

b. *Worksharing Program.* The purpose of the Worksharing Program, which is also administered by the CEIC, is to avert temporary layoffs during short-term economic downturns by reducing workweeks, taking steps so that available work is shared, and providing unemployment benefits when no work is available. Employees of producers of the products under investigation received benefits under this program.

It appears that this program was funded under section 37 of Canada's Unemployment Insurance Act by contributions from employers and employes, as well as from the federal government. Eligibility was not limited to a specific industry, group of industries or to companies in specific regions. Therefore, we preliminarily determine that the Worksharing Program did not confer any counteravailable benefits to producers of the products under investigation.

5. *Regional Development Incentives Program (RDIP)—Loan Guarantees.* The RDIP, administered by DREE, as described in the "Programs preliminarily Determined to Confer Subsidies" section of this notice, provides loan guarantees to manufacturers whose capital investment projects for establishing new facilities or expanding or modernizing existing facilities will create jobs and economic opportunities in areas designated as economically disadvantaged.

Under the loan guarantee program, DREE insures ultimate payment of losses related to approved loans at a cost of one percent of the balance of guaranteed principal per annum. No defaults have occurred, and loans are made on terms not inconsistent with commercial considerations.

We preliminarily determine that no benefit is being provided by RDIP loan guarantees, as all loans to producers of products under investigation were contracted at a rate of interest above the average Canadian commercial rate of interest based on the chartered banks' prime lending rate as reported in the OECD *Financial Statistics.*

6. *Enterprise Development Program.* The Enterprise Development Program (EDP) was established in 1977 to provide loans, loan insurance and contributions to manufacturers (individuals, firms or corporations in Canada engaged in a manufacturing or processing activity) and, in the case of loan insurance, to private lenders to assist in projects of product development or enhancement, or for other types of productivity initiatives. The program is administered by one national and ten regional Enterprise Development Boards (one in each province), in conjunction with the federal Department of Industry, Trade and Commerce.

Enterprise Development Regulations provide a listing of the qualifying purposes for which any loan, loan insurance or contribution may be issued, and state that a regional board may exercise and perform the powers, duties and functions of the Board under the regulations in respect of:

- Any loan, insurance or contribution made where the total amount of any such loan, insurance or contribution does not exceed Canadian $200,000, the aggregate liability of the manufacturer does not exceed Canadian $200,000 and the dollar volume of sales of the manufacturer did not exceed Canadian $5,000,000 in its fiscal year immediately preceding the application for the loan, insurance or contribution.
- Any loan or insurance where the total amount of any such loan or insurance does not exceed Canadian $50,000 and the aggregate liability of the manufacturer does not exceed Canadian $200,000, except as a result of the making of such loan or the provision of such insurance.
- Any contribution where the total amount of the contribution does not exceed Canadian $20,000 and the aggregate liability of the manufacturer does not exceed Canadian $200,000, except as result of the making of such contributions.

Loan insurance and contributions are preliminarily determined not to confer subsidies and are discussed below, while loans provided under EDP are discussed in the "Programs Preliminarily Determined Not to Be Used" section of this notice.

a. *EDP Loan Insurance.* The GOC provides loan insurance under the EDP to private lenders for loans to companies for approved productivity projects. The private lender pays a fee of one percent per annum, twice yearly, on the outstanding obligation for the insurance. This charge is usually passed on to the loan recipient. The insurance allows the lender to recover up to 90 percent of the actual loss it experiences on defaulted loans after all security has been realized.

Companies participating in this program first negotiate a loan insurance agreement with the Enterprise Development Board and then go to the private market to negotiate a loan. Loans vary in duration from 3 to 10 years, with the repayment schedule being set by the lender. All loans, according to the GOC, are obtained at commercial interest rates.

Loan insurance may be provided under EDP on loans made by a private lender to a manufacturer, individual, firm or corporation in Canada if a loan is required to enable the manufacturer to meet changing competitive circumstances and if the provision of loan insurance is necessary to encourage private lending at normal commercial rates.

The GOC states in its responses that producers of the products under investigation received loan insurance under the EDP. We preliminarily determine that the provision of the loan insurance is not limited to a specific enterprise or industry, group of enterprises or industries, or to companies in specific regions, and therefore does not confer a subsidy.

b. *EDP Contributions.* Under EDP the GOC shares the cost of approved projects with companies. Audits are conducted to verify that expenditures were made for the intended purpose. Contributions are administered in accordance with the terms and conditions approved by the Treasury Board. The funds are available to manufacturers in any industry or region for a project which represents a significant departure from a company's traditional productivity improvement practices and has an existing potential for productivity gains but demonstrated uncertainty as to benefits. The cost of any feasibility study and implementation of the results thereof should represent a significant burden on the company's resources. In addition, the manufacturer must be capable of implementing the results of the study.

All contributions provided to producers of the products under investigation were to assist in the cost of outside consultants to examine the feasibility of improving productivity of manufacturing operations.

We preliminarily determine that contributions given under the EDP are not limited to a specific enterprise or industry, group of enterprises or industries, or to companies in specific regions, and therefore do not confer a countervailable benefit to producers of the products under investigation.

7. *Transportation Programs.*—a. *Rail Freight Rates.* There are 33 common carrier companies providing rail transportation services in Canada, almost half of which are U.S. subsidiary lines. Of the Canadian lines, two companies—Canadian National (CN) and Canadian Pacific (CP)—are engaged in countrywide transport. Their combined trackage comprises 89 percent of the total railway trackage in Canada.

CP is a privately owned company, while CN is a Canadian Crown corporation. Laws and regulations governing railway operations and freight rates are promulgated by the federal government and administered by the Canadian Transport Commission.

Both Canadian and U.S. railroads offer three types of rates: class rates, commodity rates, and contract rates. In Canada, "agreed charges" is the term applied to contract rates for intra-Canadian shipments. Rail shipments within Canada that do not fall under agreed charges generally move under commodity rates. At the present time, class rates apply to very little rail traffic. International rail shipments move under rates established jointly by the U.S. and Canadian rail companies involved.

The petitioner alleged that agreed charges are a domestic subsidy because they are below "tariff rates" and because they apply only to "forest (wood) products." According to the GOC's responses, there are a total of 277 agreed charges in effect for a large number of different commodities, such as foodstuffs, automobiles, appliances and petroleum products. Ten of these agreed charges cover shipments of lumber, shakes and shingles, and fence.

The responses also state that agreed charges are rates agreed upon after arm's-length negotiations between the Canadian railway(s) and the shippers. Agreed charges are renegotiated every year and reflect such variables as market and modal competition, value of the commodity, loadability, and equipment use. Although rates are not calculated on a per car-mile or per ton-mile basis, revenue figures from 1977 (the latest available published statistics) show that "forest products" generated higher revenue for the railways than all other commodities both on a per car-mile and per ton-mile basis.

Because there are a number of agreed charges covering a wide range of commodities and because agreed charges are negotiated at arm's length, we preliminarily determine that agreed charges do not confer benefits which constitute subsidies within the meaning of the Act.

b. *Currency Exchange Rate Tariff (No. 6016A).* The currency exchange rate tariff was implemented in 1921 on all rail shipments between the United States and Canada. Because of currency fluctuations, the railroads agreed that the value of that portion of the rail haul taking place in the United States should be reflected in U.S. currency and the value of that portion taking place in Canada should be reflected in Canadian currency. A study was conducted showing that of the total amount of freight charges collected on international shipments, 60 percent accrued to U.S. railways and 40 percent accrued to Canadian railways. Based on this study, Canadian railways were authorized to collect a surcharge of 60 percent or to provide a discount of 40 percent on international shipments depending on prevailing exchange rates. These percentages were calculated to correspond to the average portion of a movement that took place in each country. Although the Canadian government has not legally mandated the exchange rate tariff since 1967, it is still applied by the Canadian railroads to all rail traffic between Canada and the United States.

The program works as follows: when U.S. funds are at a premium in relation to Canadian funds, the Canadian railways collect a surcharge of 60 percent of the current exchange rate differential on any prepaid movement from Canada to the United States without regard to the industry or region involved. When United States funds are at a discount in relation to Canadian funds, the shipper who pays in Canadian funds receives a discount of 60 percent of the exchange rate differential. If, however, charges are paid in the United States, the Canadian shipper must pay a surcharge of 40 percent of the prevailing exchange rate. Because the sole purpose of the tariff is to adjust for the differences in the value of the two currencies, it applies only to shipments exported to the United States.

Since 1977, U.S. currency has been at a premium in relation to Canadian currency. Therefore, Canadian shippers have been paying a surcharge on exports to the United States. Because Canadian shippers have been paying a surcharge, no benefits are being bestowed through the currency exchange rate tariff on exports of the products under investigation. Based upon our review of available information, the tariff is not intended nor does it operate to stimulate exports. Rather, it is a mechanism for maintaining Canadian rail carrier revenue. Therefore, we preliminarily determine that the currency exchange rate tariff does not confer a subsidy within the meaning of the Act.

c. *Fuel Tax Refund.* The fuel tax refund is a program which applies to the movement of motor carriers operating in interstate service within the United States, in interprovincial service within Canada, or in international service between Canada and the United States. The purpose of this program is to ensure that all states and provinces collect taxes equal to the actual fuel consumed within each jurisdiction but which has been purchased outside that jurisdiction. The tax refund is applied by each jurisdiction uniformly on all truck movements regardless of the type of merchandise carried, if any.

Each motor carrier must keep a log of travel to ensure proper payment of tax. Each jurisdiction may have different means of assessing the tax and the amount of fuel tax refund. Assessments are made on the basis of a motor carrier's log.

The fuel tax refund is simply a mechanism to ensure that each state or province receives proper payment of its share of fuel taxes. It does not relieve carriers of any tax, nor does it provide any benefits to shipments of the products under investigation. Therefore, we preliminarily determine that the fuel tax refund does not confer a subsidy on the products under investigation.

C. Federal/Provincial Programs

1. *Forestry Subsidiary Agreements.*—*a. Funding for Long-Term Forest Management Under the Forestry Subsidiary Agreements.* As described in the "Programs Preliminarily Determined to Confer Subsidies" section of this notice, DREE entered into 10-year GDAs with all provincial governments except PEI. A similar 15-year comprehensive development plan exists for PEI. Forestry subsidiary agreements are available to any province with a GDA and apparently to PEI as well, and have been negotiated with seven provinces.

Most of the funding under these agreements is for long-range resource management on public lands and public infrastructure development. A few other programs are funded under the forestry subsidiary agreements; these are discussed in other sections of this notice, as appropriate. The long-term forest management activities are conducted by the province on provincial lands, and apparently do not relieve any

companies of obligations incurred in their licensing arrangements.

The benefits from these long-term forest management activities will not be realized until the rotation age, (life span from planting to cutting for a tree) is met. This span is at least 40–60 years in eastern Canada and 60–80 years in the west. Further, activities under the forestry subsidiary agreements are primarily designed to help achieve the government's goal of renewing a "sustained-yield" forest. For example, the silvicultural camps facilitate cone collection for seed supplies of tree nurseries, and soil surveys are for the study of the proper species to plant in certain areas. These benefits would be attributable to the owner of the resource, the government, not to the short- or medium-term licensee, which may have its annual allowable yield reduced as a result of these long-term management practices.

Because these benefits will not be bestowed on the products under investigation until well into the future and would be attributable to the government as owner of the resource, we preliminarily determine the funding of long-term forest management activities under the forestry subsidiary agreements does not confer a countervailable benefit on producers of the products under investigation in the period for which we are measuring subsidization.

Under the forestry subsidiary agreements, the federal government makes payments to the provincial governments for the construction of forest access roads. Although the extraction of wood is one of the primary purposes of building forest roads, access to mineral resources, recreation, environmental protection, general development and forest management are other purposes. For example, there is information on the record regarding one province indicating that the notice of a closure of a forest road must be published in one or more newspapers having a general circulation in the area of the province affected by the closure. This indicates that usage is presumed to be general, necessitating widespread public notice regarding closure.

Further, the establishment of minimum standards and specifications for various classes of forest roads, above those standards which would be required by those harvesting stumpage, ensures that the roads will meet the needs of not only those holding stumpage rights, but also the traveling public and other users. For these reasons, we preliminarily determine that the construction of forest access roads does not confer a subsidy within the meaning of the Act.

b. *Saskatchewan Forestry Subsidiary Agreement: Opportunity Identification and Technological Advancement.* Under the Opportunity Identification and Technological Advancement Sector of the Saskatchewan Forestry Subsidiary Agreement, research and feasibility studies were funded and conducted by the province. The studies were designed to determine industrial opportunities in forestry and transfer known technology to an existing or new industrial application. The response indicates that the results of the studies were made available publicly. Therefore, we preliminarily determine that the studies did not confer a countervailable benefit on the products under investigation.

c. *Forestry Job Progam.* The Employment Bridging Assistance Progam (EBAP) is a job creation program sponsored jointly by the province of BC and the Canadian government (under section 38 of the Federal Unemployment Insurance Act of 1971). The purpose of the program is to allow forestry-dependent communities to retain their skilled workers and maintain their forestry payroll during a period of recession. The program also seeks to lend additional economic support to unemployed persons. The eligibility criteria of the program specify that a project sponsor may be any group or individual capable of implementing an acceptable project. The sponsor's work program must enhance forest improvement and all projects must be completed before March 31, 1983. Workers receiving funds must be recipients of unemployment insurance benefits.

Sponsors submit project proposals to the district manager of the BC Ministry of Forests. If approved, the proposals are then examined by a management committee consisting of representatives from the provincial Ministry of Forests and Labor and from the Canadian Forestry Service and the Canadian Employment and Immigration Commission (CEIC). The sponsor is responsible for project administration and for ensuring that project objectives are attained. Projects cannot be used to meet sponsors' forest management obligations under contracts to harvest public timber.

Funding for the program is provided by CEIC (to bring weekly payment up to Canadian $240 per week), the Canadian Forestry Service (equipment and supervisory costs), and the BC Ministry of Forests (a Canadian $60 weekly payment for wage, health, and other benefits).

The sponsors act as a conduit in passing payments to the workers and do not retain any funds provided through this program. Even though funds are paid directly to sponsors the program does not relieve the sponsor of any contractual obligations to engage in forest management. We preliminarily determine that this program does not confer a subsidy, because there will be no benefits until future years, and the benefits would be attributable to the government as owner of the resource. Therefore, there are no benefits attributable to the products under investigation during the period for which we are measuring subsidization.

d. *Canada/Nova Scotia Forestry Subsidiary Agreement—Forest Management Component Grants.* The forest managment component of the Canada/Nova Scotia Forestry Subsidiary Agreement provided grants to private landowners to promote effective management of their forest resources and to support various silvicultural activities. The GOC stated in its responses that producers of the products under investigation received grants under this program.

We preliminarily determine that forest management component grants do not confer countervailable benefits because they are not limited to a specific enterprise or industry, or a group of enterprises or industries, or to companies in specific regions.

D. Provincial Programs

1. *Alberta.—Alberta Opportunity Company.* The Alberta Opportunity Company (AOC) is a provincial Crown corporation and is funded by the government of Alberta. We have reviewed the annual reports of AOC and found that a variety of industries in the manufacturing and service sectors received assistance from AOC and that the lumber and wood products producers received only a small percentage of the total assistance provided by AOC. We preliminarily determine that AOC aid is not limited to a specific industry, a group of industries, or to companies in specific regions, and therefore is not countervailable.

2. *Ontario.—Employment Development Fund.* The Employment Development Fund (EDF) was created in the spring of 1979 by an administrative action of the Cabinet of Ontario. The fund was designed to increase long-term investment and employment in the province through the provision of grants and loan guarantees to companies making investments that had the potential to create new jobs. Funding was generally limited to between

Canadian $2,000 and Canadian $3,000 per job created where the new fixed asset investment was from 10 to 20 times the size of the grant. The EDF was terminated in January 1981, although committed disbursements were made through August 31, 1982. The responses of the GOC indicate that in 1979 one grant was provided under this program to producers of the products under investigation.

EDF funding was provided to a wide range of industries in Ontario and was not limited to a specific industry, a group of industries, or to companies specific regions. Therefore, we preliminary determine that the EDF did not confer a subsidy on the products under investigation.

3. *Québec.*—a. *Caisse de Dépôt et Placement du Québec.* The Caisse de Dépôt et Placement du Québec (CDPQ) was established by an Act of the Assemblée Nationale of Québec in 1965. Under the trusteeship of the provincial Ministère des Finances and the Régie des Rentes du Québec, CDPQ manages several pension funds and insurance programs, namely:

- The universal auto insurance program against physical injury to persons;
- A specific insurance program for farmers;
- The universal pension plan for all citizens of Québec; and
- Specific pension plans for all Québec civil servants and construction workers.

It appears that CDPQ is prevented by law from acquiring more than 30 percent of any company's common stock, and that it may not make funds available to companies on other than commercial terms. Indeed, CDPQ is compelled by law, as a fiduciary institution, to invest pension and insurance funds in order to achieve the best possible return on investment for the benefit of its annuitants. CDPQ funds are invested over a broad spectrum of industries not only throughout Québec and Canada, but also on the international financial markets. Accordingly, we preliminarily determine that none of the producers of the products under investigation received any countervailable benefits from CDPQ.

b. *FRI Industrial Incentives Fund for Small- and Medium-Sized Businesses.* This program, which falls under the aegis of FRI (see the "Programs Preliminarily Determined to Confer Subsidies" section of this notice), was established to allow participating firms to deposit one half of their income tax payable to the province into an escrow fund, from which they could withdraw funds equivalent to 25 percent of the cost of approved development projects (up to the amount of their deposit only).

As this program, which was discontinued in 1981, was not limited to a specific industry, a group of industries, or to companies in specific regions, we preliminarily determine that this program did not confer subsidies within the meaning of the Act on the products under investigation.

c. *Programme Expérimental de Création d'Emplois Communautaires.* The Programme Expérimental de Création d'Emplois Communautaires (PECEC), administered by the Office de Planification et de Développement du Québec (OPDQ), makes cash payments to entrepreneurs to assist them in maintaining and creating jobs for the chronically unemployed. A few producers of the products under investigation received grants under this program. Because the program was not limited to a specific industry, a group of industries, or to companies in specific regions, terms, we preliminarily determine that this program does not confer any subsidies within the meaning of the Act on the products under investigation.

d. *PME-Innovation.* The PME-Innovation (PME–I) program, which was discontinued late in 1981, was administered by the Ministère de l'Industrie, du Commerce et du tourisme of Québec. Its purpose was to assist small- and medium-sized businesses ("petites et moyennes entreprises") in obtaining capital for investment in a production or marketing project. Under this program, one loan was made to a softwood lumber export consortium. PME–I assistance was not limited to a specific enterprise or industry, a group of enterprises or industries, or to companies in specific regions of the province of Québec. Therefore, we preliminarily determine that the program does not confer a subsidy within the meaning of the Act.

e. *SDI Programs.* The Export Expansion Program administered by SDI is discussed in the "Programs Preliminarily Determined to Confer Subsidies" section of this notice. In addition, SDI manages a number of domestic programs of which producers of the products under investigation availed themselves. These programs fall under two headings: "development programs" and "financial assistance to manufacturing firms."

(1) *Development Programs.*—(a) Financial Assistance Program for High-Growth Firms. Under this program, SDI assumes a percentage of the interest charges for an eligible development project. This percentage is based on the land, building and equipment costs of the project.

(b) Financial Assistance Program for Mergers and Acquisitions. Under this program, which was discontinued in the summer of 1982, SDI paid a percentage of the purchase price of the stock or assets invested in an approved merger. Benefits paid under this program were sometimes combined with reductions in interest rates on loans bestowed under the program described in (2) below.

We note that in our final affirmative countervailing duty determination on "Railcars from Canada" (48 FR 6569 (February 14, 1983)), we erroneously determined SDI's domestic programs to be countervailable on the basis that their availability only in Québec made them region-specific within the broader context of Canada. Further, we erronoeously calculated the benefit by considering funds authorized instead of funds actually disbursed. The petition was withdrawn and the case terminated before we discovered these two errors. We have now calculated that the correct subsidy in that case, after deduction of the improperly applied SDI "benefit" of the U.S. $173 per railcar, was actually U.S. $110,392 per railcar, instead of the U.S. $110,565 as set forth in the final determination (a reduction of 0.16 percent).

(2) *Financial Assistance to Manufacturing Firms.* Under this program, loans, loan guarantees and equity participations are provided to firms with sound financial prospects when these firms cannot otherwise obtain working capital on commercially reasonable terms. The SDI loan rate is a monthly composite of long-term commercial loan rates by the 10 major lenders in Québec.

Because their availability was not limited to a specific industry, group of industries or to companies in specific regions, we preliminarily determine that they do not confer a subsidy within the meaning of the Act.

III. Programs Preliminarily Determined Not To Be Used

We preliminarily determine that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigations" are not used by the manufacturers, producers, of exporters of the products subject to these investigations.

A. Federal Programs

1. *Federal Employment Program—CIAP.* The Community-based Industrial Adjustment Program (CIAP), which began early in 1981, is administered by the Department of Industry, Trade and

Commerce. Its purpose is to encourage industrial firms in "designated" Canadian communities to undertake viable capital projects.

CIAP assistance was not made available to any producers of the products under investigation. Accordingly, we preliminarily determine this program was not used by producers of the products under investigation during the period for which we are measuring subsidization.

2. *Enterprise Development Program—Loans.* The Enterprise Development Program includes a component that provides loans to companies, as described in the "Programs Preliminarily Determined Not to Confer Subsidies" section of this notice. The GOC has stated that no loans under the EDP were issued to producers of the products under investigation. We preliminarily determine that this part of the EDP program was not used by producers of the products under investigation during the period for which we are measuring subsidization.

B. Federal/Provincial Program

New Brunswick Forestry Subsidiary Agreement. Under the New Brunswick Forestry Subsidiary Agreement, funds are provided to small independent landowners to increase the future availability of wood fiber. The GOC states in its responses that no funds were provided under this program to producers of the products under investigation. Accordingly, we preliminarily determine that this program was not used.

C. Provincial Programs

1. *Alberta.*—a. *Deferral of Stumpage Payment.* The government of Alberta has deferred the payment of stumpage dues, reforestation levies and holding and protection charges for one year from May 1, 1982 to May 1, 1983. This applies to holders of stumpage rights under Forest Management Agreements, Quota Certificates, and Commercial Timber Permits.

However, this deferral was not in effect during the period for which we are measuring subsidization. Therefore, we preliminarily determine that this program was not used. If these investigations result in a countervailing duty order, the Department will review Alberta's program for deferral of stumpage payments in the annual review required under section 751 of the Act.

b. *Inventory Financing.* The Alberta Inventory Financing program was administered by the Alberta Opportunity Company. Although the program was approved there were no disbursements made under it, and the program is no longer in effect. Producers of the products under investigation have not used the program during the period for which we are measuring subsidization.

2. *British Columbia.—Market Development Assistance (MDA).* The MDA program is designed to benefit manufacturers of new, innovative products who are attempting to develop new export markets. Only two or three producers/exporters of the products under investigation have received support under this program, and all were assessing markets other than the United States. Therefore, we preliminarily determine that this program was not used by producers/exporters of exports to the United States of the products under investigation during the period for which we are measuring subsidization.

3. *Québec.* a. *Aide à la Promotion des Exportations.* The Aide à la Promotion des Exportations (APEX) program, administered by the Office Québecois du Commerce Extérieur (OQCE), which is a subdivision of the Ministère de l'Industrie, du Commerce et du Tourisme of Québec, has been available since 1977 to manufacturing and service companies in Québec. Under APEX, OQCE grants funds to companies for market research and for trade expositions for the promotion of exports of Québec goods and services outside of Canada.

No grants were made under this program to exporters of the products under investigation. Therefore, we preliminarily determine that the program was not used by producers of the products under investigation.

b. *SDI—Financial Assistance Program to Advanced Technology Manufacturing Firms.* Producers of the products under investigation were not eligible for the Financial Assistance Program to Advanced Technology Manufacturing Firms, one of the three development programs administered by SDI (see the "Programs Preliminarily Determined Not To Confer Subsidies" section of this notice). Accordingly, we preliminarily determine that this program was not used by any of the producers of the products under investigation.

IV. Programs for Which Petitioner Withdrew Its Subsidy Allegations

The petitioner withdrew its subsidy allegations with regard to the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigations": "Federal Business Development Bank," "Canadian Forestry Service," "Manpower," "Small Business Loans," certain aspects of "Taxation Measures," and certain aspects of "Transportation."

Verification

In accordance with section 776(a) of the Act, we will verify all data used in making our final determinations.

Public Comment

In accordance with section 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on April 14, 1983, at the U.S. Department of Commerce, Room 3407, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099–B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by April 7, 1983. Oral presentations will be limited to issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.34, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

March 7, 1983.

Appendix A

Description of Products

The products covered by these investigations are described below:

1. The term *"softwood lumber"* covers those products included in the *Tariff Schedules of the United States (1982) (TSUS)* in items 202.03–202.30 (rough, dressed, or worked softwood lumber). Specifically excluded are drilled and treated lumber, wood siding, and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width. "Rough lumber" is lumber just as it comes from the saw, whether in its original sawed size or edged, resawn, crosscut, or trimmed to smaller sizes. "Dressed lumber" is lumber which has been dressed or surfaced by planning on at least one edge or face. "Worked lumber" is lumber which has been matched (tongue-and-grooved), shiplapped (rabbeted or lapped joint), or

patterned on a matching machine, sticker, or molder.

2. The term *"softwood shakes and shingles"* refers to wood products most frequently made from red cedar, that are used for roofing or siding. "Softwood shakes" are approved durable wood or random widths ranging from 4 inches to 14 inches which come in four types: hand-split and resawan, taper-split, straight-split and taper-sawn. "Softwood shingles" are tapered pieces of approved durable wood, sawed both sides, of random widths ranging from 3 inches to 14 inches and in lengths of 16 inches, 18 inches or 24 inches. For purposes of this investigation, the term "softwood shakes and shingles" refers only to those products designated in TSUS as item 200.85.

3. The term *"softwood fence"* refers to three types of fences: picket, stockade, and rail. Picket fences are made of wood pickets nailed to horizontal back rails which are fastened to the supporting posts. The pickets vary in length and thickness, lengths range from 24" to 92", and thickness varies from ½" to 3". The species of wood used in picket fences is usually cedar for the posts and conifers or softwoods for the backrails and pickets. Rail fences consist of line posts and horizontal rails. Cedar is generally used for the line posts and cedar or conifers or northern softwoods are used for the rails. Stockade fences vary in height from 3 feet to 10 feet. Widths are usually 7 feet or 8 feet. Line posts are generally cedar, and stockade sections are made from northern softwoods. This investigation covers softwood fences both assembled and unassembled, which fall under TSUS item 200.75.

Appendix B

Provincial Stumpage

Provincial Crown lands account for 81 percent of the productive forest lands in Canada. Under the terms of the Canadian Constitution, provincial crown lands fall under the jurisdiction of the provincial governments who are exclusively responsible for the management and administration of the forests on these lands.

Alberta

Background

Approximately two-thirds of Alberta is covered by forests, almost all of which are owned by the provincial government. Much of the forested area is inaccessible, and logging can only be carried out during winter when the ground is frozen. According to the provinical government, cold-weather logging increases timber harvesting costs. Managed by the Alberta Forest Service under a long-term sustained yield policy, the forests are divided into forest management units which are allocated under the stumpage allocation arrangements described below. Only 60 percent of the annual allowable cut (AAC) has been allotted under the stumpage allocation arrangements because supply exceeds demand. Any company, including foreign companies, registered in Alberta or Canada can be awarded stumpage rights under the various allocation arrangements.

Softwood lumber is the only product under investigation manufactured in Alberta. Lumber accounted for 61.7 percent by volume of the coniferous round timber harvested in 1981. Plywood accounted for 8.9 percent and pulpwood 25.9 percent.

Stumpage Allocation Arrangements

There are five stumpage allocation arrangements in Alberta:

- Forest Management Agreement (FMA)
- Timber or Coniferous Quota Certificate (Quota)
- Commercial Timber Permit (CTP)
- Local Timber Permits
- Forest Products Tags

FMA's and quotas are 20-year allocations while the CTP's can range from 1 to 5 years, and the Local Timber Permits and Forest Products Tags are limited to terms of 1 year or less. The rights to cut standing timber under any of these allocation arrangements do not vary by the type of product that will be manufactured from the stumpage, but they do vary by type of allocation arrangements. These arrangements can cover both coniferous and deciduous timber; however, different requirements and dues rates are specified for each type of timber. Under all the allocation arrangements, the Forest Service retains primary responsibility for fire prevention and suppression, as well as for insect and disease control.

Forest Management Agreement

Currently, there are six Forest Management Agreements (FMA's) outstanding which account for 35.8 percent of the allocated annual allowable cut (AAC). The term of each FMA is 20 years with renewal rights for an additional 20 years. The procedure for acquiring stumpage rights through an FMA is as follows.

The Forest Service advertises a development area and invites proposals for one year. The proposals are analyzed by the Forest Service and public hearings are held, after which the successful proponent is selected by the government. After selection, the actual agreement is negotiated and approved by the Cabinet through an Order-in-Council.

The government's intent in allocating timber under an FMA is to ensure sustained long-term yield of the timberland. In order to achieve this, the company holding an FMA is required to develop a management plan to ensure sustained yield, and to develop inventory studies, conduct reforestation and regeneration, conduct on-going silviculture, develop roads, and make a capital investment ranging from Canadian $25,000 to Canadian $2,000,000 in the development area.

In addition to undertaking these responsibilities, the company must pay stumpage dues on the sawlogs harvested. All FMA holders except one pay the regulation rate of dues set forth in the Timber Management Regulations of the Forest Act of 1971. The Regulations state that the General Rate of Crown Dues on green coniferous timber suitable for lumber manufacture is Canadian $0.70 per cubic meter. Holders must also pay annual holding and protection charges which cover ground rent and protection costs.

Under the FMA's the provincial government must approve the management plan and the annual allowable cut in accordance with Timber Management Regulations.

Timber Quota Certificates

The quota certificate (Quota) is a long-term right to harvest a share of the AAC of a forest management unit. Implemented in 1966, the Quota system replaced the short-term competitive bid system. Currently, the Quota system accounts for 19.9 percent of the allocated AAC. The purpose of the Quota system was threefold:

1. To eliminate abuses inherent in the bid system, such as speculation resulting in timber being held and not cut;

2. To ensure that a fair price would be paid and that timber would be cut; and

3. To provide timber operators with a long-term secure stumpage supply in order to encourage industry to make capital investments in the area.

In 1966, quotas were granted to all established timber operators for up to 20 years based on each operator's average production from 1960 through 1964. Most Quotas issued since 1966 have been sold competitively.

The 20-year term of the Quota is divided into 5-year periods. At the end of every 5-year period, a Quota holder is subject to penalties, including revocation of the Quota, if the amount of timber harvested is not within 10

percent of the total of the annual allowable cuts for the 5-year period.

In order to cut the timber authorized in the Quota, a holder must submit, for Forest Service approval, an annual operating plan. The Quota holder is also responsible for regeneration and reforestation as well as for road construction and silviculture.

Stumpage dues paid by the Quota holder are determined through an appraisal formula which modifies the regulation rate of dues according to logging conditions. The appraisal factor is based on four elements and is fixed for five years:

1. Average haul distance to nearest usable trackage point;
2. Average gross volume per harvestable acre;
3. Average gross volume per tree; and
4. Average cull as a percentage of gross volume.

Timber Management Regulations provide that the minimum rate of dues under the Quota system, after taking into account the appraisal factor, cannot be less than 25 percent of the regulation rate. The appraisal system, in effect, provides incentives to log the poorer, more distant stands of timber. Quota holders must also pay annual holding and protection charges.

Under the Quota system, the Forest Service is responsible for the sustained yield management plan. The Forest Service lays out the cutting sequence and selects the areas to be logged, thereby limiting the annual allowable cut under the Quota.

Commercial Timber Permit

The Commercial Timber Permits (CTP's) are short-term (1 to 5 years with an average of 2 to 3 years) arrangements which are sold at public auction to the highest bidder except when issued to Quota holders for the salvage of dead or damaged timber. Only 2.4 percent of the allocated AAC is allotted under CTP's. Generally, to obtain a CTP the permittee must own or operate a mill within the area and must not hold any other active stumpage arrangement.

The bidding process for a CTP determines the actual amount of dues to be paid. The minimum starting bid equals the regulation rate of dues plus the appraisal factor which can be a positive or negative number. This starting bid becomes the upset price which is added to the highest bid rate in order to establish the rate of dues to be paid. In addition to dues, the CTP holder must deposit a performance guarantee, pay a reforestation levy, and pay holding and protection charges.

As with the Quota system, CTP holders must submit an annual operating plan for Forest Service approval. Under a CTP the Forest Service is responsible for selection of the stands to be cut, silviculture and reforestation (the company pays a reforestation levy).

The CTP differs from a Quota in that the CTP represents the right to cut standing timber while the Quota grants the right to a certain share of the AAC. As such, while the "value" of the stumpage forms the basis of the bid price for a CTP, the Quota bid cannot be based on the "value" of the stumpage since the share of AAC provided under the Quota varies in accordance with the changes in the AAC.

Local Timber Permit (LTP)

Issued for a term of one year or less, the LTP authorizes logging for the permittee's own use or to supplement his income by selling logs to local mills. LTP's account for 1.5 percent of the allocated AAC. LTP's are issued on a first-come first-served basis unless demand is high, in which case they are issued by draw.

The dues charged are the regulation rate in effect at the time the LTP is issued. Permittees are exempt from cruising, holding and protection charges, and only pay a reforestation levy if the volume harvested is over 130 cubic meters.

Forest Products Tags

Forest Products Tags are 30-day authorizations to cut timber for personal use or for small volumes of Christmas trees, firewood and fenceposts. The Tag is non-renewable and non-refundable. The holder pays the regulation rate of dues but no other charges. The percentage of AAC allocated under Forest Products Tags is negligible.

British Columbia

Background

There are seven different forest tenure arrangements in British Columbia: Three Farm Licenses, Forest Licenses, Timber Sale Licenses (Major), Timber Sale Licenses (Minor), Timber Sales, Pulpwood Agreements and Woodlot Licenses. Annual rents represent a charge for reserving the use of the resources under license.

On request or independently, the Minister of Forests may advertise and invite applications for licenses. A license may not be entered into unless there has been an advertisement and a public hearing has been held on all applications. In addition, an evaluation of the proposal in terms of social benefits in the province (increased employment), management and use of Crown timber, environmental issues must be made, and the development of Crown objectives and revenues must be appraised. Stumpage rights can be awarded to non-Canadian persons and/or companies doing business in British Columbia. However, a non-Canadian company must register in British Columbia before acquiring the license.

The tenure agreements are described in detail below:

1. *Tree Farm License.*

A tree farm license shall:

(a) Be for a term of 25 years, and can be revised at each succeeding 10-year anniversary under an "evergreen arrangement" which initiates a new 25-year replacement license with revised conditions;

(b) Describe a tree farm license area composed of Crown land and private tenures;

(c) Require its holder to pay to the Crown stumpage or royalty, in addition to a bonus bid (which is fully paid when the license is issued);

(d) Require its holder to submit for the approval of the Chief Forester, once every five years, a management and working plan prepared by a registered professional forester;

(e) Grant to its holder the exclusive right to harvest timber (chosen by licensee) from the tree farm license area during the term of the license;

(f) Provide for cutting permits to be issued by the Crown to its holder authorizing the annual allowable cut (determined by the Chief Forester) to be harvested from specific areas in the tree farm license area within plus or minus 50 percent on a yearly basis and within plus or minus 10 percent on a five-year basis, subject to a penalty assessment;

(g) Require that each year during its term a volume of timber chosen by the licensee shall be harvested by persons under contract with its holder;

(h) Reserve to the Crown the right to enter into a free use permit on the tree farm license area with a person other than the holder of the tree farm license.

A tree farm license cutting permit authorizes timber harvesting operations on a specific portion of the tree farm license area. It provides for the determination of stumpage rates payable through an appraisal system established under section 84 of the Forest Act and for periodic rate adjustments based on changes in the average market value of the logs or lumber products. Separate permits are issued for operations on different geographic parts of the license, where separate stumpage rate determinations are appropriate or where different cutting permit conditions are needed.

Tree farm licenses account for 28.6 percent of the Province's total annual allowable cut.

2. *Forest Licenses* (formerly Timber Sale Harvesting Licenses).

The timber sale harvesting license was a license to harvest timber within a public sustained yield unit at a stipulated annual rate. These licenses, granted under the former Forest Act, were not replaced by forest licenses until the latter part of 1982. We assume that the timber sale harvesting licenses in effect during the period of investigation are very similar to the forest license explained below.

A forest license:

(a) Shall be for a term not exceeding 20 years, and can be revised at each succeeding 5-year anniversary under an "evergreen arrangement" which initiates a new 15-year replacement license with revised conditions;

(b) Shall describe a public sustained yield unit of a timber supply area within timber may be harvested;

(c) Shall specify an annual allowable cut (determined by the Chief Forester) that may be harvested under the license from specific areas of land, subject to annual and five-year cut control provisions;

(d) Shall require its holder to pay to the Crown stumpage and a bonus, if any, in the amount offered in the application;

(e) Shall require its holder to submit, for the approval of the regional manager, a management and working plan prepared by a professional forester;

(f) Shall require that if the allowable annual cut of the timber supply area declines, the licensees must accept proportional reduction in harvesting rates without compensation;

(g) May make provisions for timber to be harvested by persons under contract with its holder.

A forest license cutting permit is identical to the tree farm license cutting permit.

Forest licenses account for 61 percent of the Province's total annual allowable cut.

3. *Timber Sale Licenses* (Major).

The timber sale licenses (major) have the same requirements as the new "forest licenses." The award of a new timber sale license (major) is by the appropriate Regional Manager or District Manager. The Forest Act requires the award be made to the applicant submitting the highest bonus bid.

This license is used in circumstances where an evergreen replacement feature would not be appropriate; for example, a situation where an ongoing supply of timber is not intended (flood area, fire, insect infestation), but where the volume comprises part of the approved annual allowable cut and a limit is therefore imposed on the rate of harvesting.

A timber sale license (major):

(a) Shall be for a term not exceeding 10 years; there is no provision for replacement and rights are renewable pursuant to section 18(5);

(b) Shall describe an area of land within which Crown timber may be harvested;

(c) May specify an annual allowable cut (determined by the Forest Service) that its holder is eligible to harvest, subject to annual and five-year cut control provisions;

(d) May provide for cutting permits to be issued by the Crown to its holder to authorize an annual allowable cut to be harvested, within the limits provided in the license;

(e) Shall require its holder to pay to the Crown stumpage and a bonus, if any, in the amount bid;

(f) Shall require its holder to submit, for the approval of the Chief Forester, a management and working plan prepared by a registered professional forester.

Timber sale licenses (major) account for 1.3 percent of the Province's total annual allowable cut.

4. *Timber Sale Licenses* (Minor).

The award of a timber sale license (minor) is made by the appropriate Regional or District Manager of the Forest Service to the highest bidder.

This license is used for sales of timber under the small business enterprise program and other instances where the volume of timber is not sufficient to warrant delegation of major forest management responsibilities for investments.

A timber sale license (minor):

(a) Shall be granted through a competitive bid process which determines the total amount of stumpage dues payable (although the appraisal system determines the base rate of stumpage due, adjusted monthly and subject to annual reappraisal);

(b) Shall be for a term from one to three years, without provision for replacement;

(c) Shall allow the licensee to cut the timber, within site-specific areas, at any rate within the terms of the license and the periodic cut control requirements;

(d) Requires small business enterprises without timber processing facilities to sell all harvested logs, small business enterprises with timber processing facilities to process a pre-specified portion of the logs harvested.

Timber sale licenses (minor) account for 7.2 percent of the Province's total annual allowable cut.

5. A pulpwood agreement shall:

(a) Be for a term not exceeding 25 years, with "evergreen replacement" at 10-year intervals;

(b) Describe an area of land as a pulpwood area;

(c) Require its holder to construct, expand or continue a timber processing facility in accordance with his application.

6. A woodlot license shall:

(a) Be for a term not exceeding 15 years, with an "evergreen replacement" at 5-year intervals with satisfactory performance;

(b) Describe a woodlot license area determined by the regional manager or district manager to be composed of private land and not more than 400 hectares of Crown land;

(c) Give to its holder the exclusive right to harvest timber on the Crown land for its term subject to five-year cut control provisions (determined by the Forest Service);

(d) Require its holder to pay to the Crown stumpage in respect of timber harvested from land and a bonus bid, if any, in the amount tendered;

(e) Provide for cutting permits to be issued to its holder to authorize timber to be harvested from specific areas in the woodlot license area.

Woodlot licenses account for 0.7 percent of the Province's total annual allowable cut; however, there have been no woodlot licenses offered to date.

7. A timber license shall:

(a) Describe an area of Crown land over which it is to apply;

(b) Be for a term that expires with the tree farm license (when in a tree farm license area), and for terms based on a required schedule for the continued orderly logging of all the timber licenses held by the licensee (when not in a tree farm license area);

(c) Grant to its holder the exclusive right during its term to harvest all merchantable timber in the area of Crown land;

(d) Where the timber license is in a tree farm license area, require its holder to harvest timber in accordance with the tree farm license and the management and working plan approved under it;

(e) Where a timber license is not in a tree farm license area, require its holder to submit an operating plan prepared by a professional forester which is used by the Forest Service to determine the annual allowable cut;

(f) Provide for cutting permits to be issued by the Crown to its holder authorizing timber to be harvested from specific areas of land described in the timber license;

(g) Require its holder to pay to the Crown stumpage or royalty;

(h) Requires its holder to carry out reforestation or other treatment for the re-establishment of the forest on the land described in the timber license.

Timber licenses comprise approximately five percent of harvest but are not subject to any allowable cut restrictions. There have been no new timber licenses offered, and the Forest Act does not provide for any to be offered in the future.

Stumpage prices for all forest tenure agreements in British Columbia are established when an authority to cut has been issued. Prices are determined by using historical operating and milling costs trended to the mid-point of the appraisal period and the average market values in force at the time of appraisal. The stumpage price is subject to monthly adjustments based on selling price fluctuations and an annual reappraisal. Licensees pay at the adjusted rate in effect for each species during the month the timber was scaled. Charges due are payable upon receipt, with interest due after 30 days, at prime plus one percent. The Ministry of Forests of the British Columbia provincial government is responsible for fee collection.

Because of the type and quality of trees in British Columbia, there are two appraisal systems in operation. The coastal appraisal system emphasizes quality and the interior appraisal system emphasizes quantity. Stumpage prices are established by appraisal to an "average efficient operator." The costs, harvesting methods or equipment and milling practices or equipment of the purchaser or expected purchaser are not considered in the appraisal. All Crown timber in British Columbia is sold without regard as to intended use or category of purchaser.

A. *Coastal British Columbia Appraisal System.*

Sales Value of End Products

Coastal appraisals are based on log prices and exclude manufacturing costs. Three-month rolling average prices for each species are established monthly by log grades from a monthly survey of domestic log sales representing arm's length transactions. "These prices apply in the appraisal on a graded basis relating to the cutting permit cruise log grade percent distribution."

Operating Costs

Logging costs account for all costs of development, harvesting, transportation, contractural obligations, administration and tenure agreement responsibilities. The "average efficient operator" concept is used by the Ministry for appraisal purposes. Costs are derived from industry experience (as determined from annual surveys) to estimate what costs would be incurred by an efficient operator in harvesting timber and the expected recovery value of that timber in terms of revenue. In the appraisal, logs are assumed to be transported to the point which would result in the highest total stampage price, no consideration is given to the location of the purchaser's mill.

Minimum Stumpage Prices

This is the lowest price at which the government would sell its timber resource. The minimum rate is used whenever the appraised rate falls below the minimum rate, and their is no compensation provision.

"Timber quality is determined at the time of the timber cruise, by a determination of percentage of log grades for each species." Log quality influences the logging cost estimate in the appraisal.

B. *Interior British Columbia Appraisal System.*

Sales Value of End Products

In the interior, the appraisal assumes the end value to be lumber and by-product pulp chips. Three-month rolling averages are established monthly from lumber sales in the five interior selling price zones, based on sales f.o.b. mill, consummated in each of these zones. Approximately 80 mills report monthly lumber sales transactions which are audited by the Ministry of Forests. These prices are single averages for each of the species by zone. The same method is used to derive a separate set of prices for stud-only-producing mills. Stud producers, generally working in small timber, have their sales appraised using stud prices and stud manufacturing costs.

Lumber selling prices are in dollars per thousand board feet and standing timber is cruised (measured) for appraisal purposes in cubic meters. A "lumber recovery factor" is used to convert cubic measures of timber into the value of the end product. By-product pulp chip prices are set around Canadian $10 per bone-dry unit. The government contends that the introduction of an actual chip value would not have a significant effect on stumpage fees.

Stud producers and small operators (those having annual production less than 3775 cubic meters) are separately classed. Although the appraisal system is identical in structure for all categories, product prices, operating practices and costs which are pertinent to these groups are taken into consideration in the appraisal.

Operating Costs

The same method is used as in the coastal appraisal system, supra.

Milling Costs

Manufacturing costs are required for interior appraisals, where lumber and by-product chips are the appraisal products, rather than logs, as is the case on the coast. The manufacturing costs are obtained from an annual survey of about 55 sawmills deemed to represent the efficient segment of the industry. Separate zonal milling costs have been established for the Prince George-Quesnel area, Ft. Nelson area, two isolated milling centers north of Ft. Saint James, and the remainder of the interior of the Province. A second survey is made for stud-producing mills.

Minimum Stumpage Prices

Interior statutory minimum stumpage rates are established for each species at three percent of the selling price of lumber and by-product pulp chips (on a sale-by-sale basis).

The statutory minimum rate may be reduced to 0.75 percent for salvage timber.

Timber is cruised and classified according to species, size, and visual defect.

Stumpage prices change by two methods:

A. *Stumpage Price Adjustment Method.*

The stumpage price of any species will change at the beginning of each month: provided the selling price of lumber (interior) of that species departs Canadian $5.00 per 1000 board feet or more from the selling price last used to determine the existing stumpage price; or whenever the selling price of logs (coast) of that species departs by Canadian $1.00 per cubic meter or more from the selling price last used to determine the existing stumpage price. The entire difference in the selling price is used in the recalculation of the stumpage price adjustment.

B. *Annual Stumpage Price Reappraisal.*

A full reappraisal, allowing for changes to product prices, logging costs, milling costs and profit ratio, is made annually at the anniversary date of the contract or cutting permit. Again, the entire difference in the selling price is used in the recalculation of the stumpage price adjustment.

Manitoba

Background

Manitoba is a farm-oriented province with its timber resources in the north.

Most of its timber (89 percent) is not very large (10" in diameter). Forest harvesting operations are small and include a fair proportion of part-time operators.

Stumpage Rights and Payments

Prior to 1965 timber rights were allocated through a competitive process, by auction or sealed tender, for one to five years. In 1965 the Timber Quota System was introduced. This system provided long-term (15 years) fixed allocations to then established operators at set (regulation) stumpage rates. Surplus timber was advertised and sold competitively.

The Timber Quota System was revised in 1980 to continue for another ten years. Stumpage rates were increased and set to be revised annually thereafter according to the national forest product price indices for lumber and paper and pulp companies, weighted as they are produced in Manitoba.

Uncommitted surplus timber is either offered for sale at established stumpage rates plus a lump sum bid, or available for development and allocation on a negotiable basis for companies with sufficent capital to undertake the commitments involved.

Cutting rights for Manitoba Crown timber are allocated by the Forestry Branch and are classfied as "major" or "minor." "Minor" allocations are based on volume and area where mature timber is ready for harvest. They run for a 10-year period, renewable depending on performance of the licensee. Prices are based on regulation rates (mentioned above), reviewed and indexed annually to reflect product price increases. Prices also reflect location of timber relative to mill and distance of mill from market.

For "major" licenses an initial rate is negotiated at the start of the contract (contracts run for 20 years with a renew option). The initial rate takes into account geography, timber supply and demand, and basic (regulation) stumpage rates. Prices are adjusted according to dates and indices specified in each contract.

New Brunswick

Background

The three categories of ownership of timberland in New Brunswick are: the province (Crownlands 48.5 percent), the "forest industry" (industrial holdings 21.0 percent), and individual (non-industrial 30.5 percent).

The products under investigation are all manufactured from the primary product, softwood logs. Over half of these logs have come from the private sector during the past five years. The actual breakdown is: Crownlands, 46.6 percent; company-owned lands, 30.4 percent; and private lands, 23.0 percent.

New Brunswick has no surplus timber to allocate to new plants or for expansion. The current annual supply of softwood species is 7.6 million cubic meters. This accounts for 80 percent of the industrial timber requirement for softwood species. Of the 7.6 million cubic meters harvested, only 5.5 million cubic meters are reforested naturally. The deficiency is made up by silviculture inputs.

The province has undergone a major restructuring of its forest management policy. The change was instituted in early 1982 (no specific date given). The purpose of the change was to effect the organizational structure of the licensing system. The previous 85 licensees were divided into 6 licensees and 79 sub-licensees, and were issued 10 licenses and 105 sub-licenses, respectively.

Stumpgage Allocation under Old System

Stumpgage rights were allocated by area-based licenses under the old system. The issuance varied from 1 to 50 years and 250 to 450,000 hectares. The licenses were renewable upon satisfactory review. The differences in the licenses were a result of fluctuating supply and applicant's demand.

The licensee was responsible for operational costs including operational cruising, inventories, and some management planning. The province retained overall responsibility for forest management including silviculture, reforestation and fire protection. Areas of dual responsibility were road construction and pest control.

Stumpage Allocation under New System

Under the new system there is a license and sub-license classification. The license is area-based and conveys responsibility for many of the duties previously carried out by the province. The sub-license is volume-based, and is issued to parties either not wanting to or incapable of carrying out the forest management duties.

The license is a 25-year renewable license with 5-year reviews. The licensee must submit a 25-year forest management plan and is responsible for the forest management. This includes: road construction and maintenance planning; inventory and records; specified silviculture; boundary lines maintenance; management activities including sub-license obligations; fire protection of harvest operation; submission of management plans for private lands; and payment of stumpage royalties.

The sub-license is issued for 5 years and is renewable depending upon satisfactory performance. The sub-licensee must submit a 10-year operating plan and must maintain and operate a processing plant as specified in the plan. Other responsibilities include submission of a plan for private lands, cooperation with the licensee and payment for his services, and payment of royalty on stumpage harvested.

Newfoundland

Background

The sawmill industry in Newfoundland is very small and the great majority of sawmills are not mechanized. Newfoundland's only lumber exports are approximately 1 MMfbm/yr. of dunnage, which is rough sawn softwood lumber used for blocking (i.e., as packing material) in shipments of rolls of newsprint. This production is only about 0.19 percent of the total harvest or 2 percent of the total lumber production.

Stumpage Rights and Payments

Stumpage rights are allocated on the basis of an annual permit, which is renewable. A sawmill permit costs Canadian $20, and a cutting permit costs Canadian $10. A sawmill applies to the Province for stumpage rights, specifying the volume and location of timber required (in accordance with established regulations). Rights are granted depending on availability of timber and previous performance of the applicant. Anyone is eligible to apply.

Stumpage fees are paid to the Department of Forest Resources and Lands on the basis of harvested volume, currently Canadian $7 per thousand board feet. The price is set legislatively and, as of January 1983, is indexed annually to the implicit price index of government goods and services and selling price index of lumber. The price is lower in designated salvage areas, or higher where government-built roads are used for harvesting sawlogs (see below). No stumpage is sold through competitive sale.

The government assumes responsibility for the construction of main roads, as well as for forest management, silviculture, fire and disease protection, etc. The roads become public upon completion with unrestricted access. Where these roads are used for harvesting sawlogs, the stumpage rate is 40 percent higher than in areas where the operator provides his own access.

Stumpage and tensive rights differ for pulpwood, but the same formula is used for setting stumpage rates for bott pulpwood and lumber.

Nova Scotia

Background

Nova Scotia is the second smallest province in Canada. About 25 percent of all forested area is Crown land. Average annual harvest for the province over the last five years has been slightly in excess of 3.3 million cubic meters of softwood timber. The sawmilling industry is of the small local variety. About 73 percent of the annual harvest is used in the production of pulp and paper; 27 percent is used for sawlogs.

Most of the province's very limited exports of softwood lumber go to Europe, with only one to two percent of total production being exported to the U.S. Nova Scotia does not export shakes, shingles, or fence.

Stumpage Rights and Payments

Crown timber is allocated to pulp and paper companies by means of long-term licenses (40+ years). One of the pulp and paper companies holding a license also operates a sawmill and produces softwood sawlogs. In 1981 approximately 37 percent of softwood sawlogs produced from Crown lands originated under this particular pulp and paper license agreement. (No agreements of this type have been negotiated in the past ten years.) Under such agreements the mills have the right to standing timber within certain defined areas, with annual allowable harvest set by the provincial government.

The province is responsible for fire prevention and fighting as well as insect and disease protection. However, each pulp and paper company is responsible for silviculture, regeneration and reforestation, and the building of roads. Stumpage rates are negotiated between the province and the company for each license. By and large, rates for the pulp and paper companies are lower (than for sawmills) in exchange for the companies' long-term commitments to bear the costs of forest management, roads, etc.

Wood harvested by pulp and paper companies under license agreements must be used in the mill(s) operated by the licensee.

Agreements negotiated with sawmilling companies accounted for approximately 51 percent of the softwood sawlog harvest from Crown lands in 1981. These agreements are similar to those with pulp and paper companies except that they normally run for 10 years (with a 10-year renew option), and the Province retains forest management responsibilities. The companies do pay for road construction and maintenance. Base stumpage rates are determined by the Province at the time of the agreement, as a percentage of end-product prices, based on tender sales in the area and the rate accorded under similar agreements elsewhere in the Province. Provisions for periodic review and adjustment are included in the agreements; adjustment is based on an indexing mechanism which relates to the market price for softwood lumber of various sizes.

The Nova Scotia government responds to applications for license agreements on a "first-come first-served" basis. One agreement was awarded in 1981, and one in 1982. No payments were received to acquire stumpage rights under this type of arrangement during these years. All stumpage fees are collected by the Nova Scotia Department of Lands and Forest.

In addition to license agreements, the province disposes of small lots of sawlogs by public tender from time to time, either as standing timber or as logs piled at road side. In 1981, such tender sales accounted for about 11 percent of sawlogs sold from Crown lands. These sales involve a small amount of timber, and all terms, including volume and location, are set by the province. Prices are established under a competitive bidding system with an upset price based on the knowledge of going rates in the area.

Ontario

Licensing System

The primary type of timber cutting license in Ontario has traditionally been the Order-in-Council License (OCL). OCL's were introduced in the 1920's to accommodate the timber needs of scattered pulp and paper mills in northern Ontario. During the 1940's and 1950's, sawmill operators began using the system, first for salvage operations and then increasingly for undamaged timber. Technological advances during the 1960's and 1970's led to higher volume demand by sawmill operators, until all of the available yield in the province's forestland was allotted.

OCL's are gradually being replaced by Forest Management Agreements (FMA), which cover large areas and convey many forest management responsibilities to the licensee. Other types of licenses in Ontario are Salvage Licenses, which permit expedient harvesting of damaged timber; District Cutting Licenses, which are issued primarily to individuals; and a few competitively bid Sale Licenses, which are awarded in small areas of high demand.

To acquire stumpage rights on Crown lands in Ontario, an applicant must be incorporated to carry on timber harvesting activities in the province, or own and operate a mill, or have a contract to supply wood to a mill. Stumpage licenses are managed by the Ministry of Natural Resources of Ontario.

Ontario identifies 12 criteria used by the Ministry to evaluate license applications. These fall under three paramount factors, which are timber and land characteristics, viability of the applicant, and impact on the provincial economy. This last factor includes revenues expected, employment to be generated, and other economic, social, and environmental objectives.

In Ontario, the Crown approves management and operating plans which specify the volume to be cut annually on each license. These plans also allow provincial direction of all forest management activities. The extent to which the province also performs these activities depends on the license type or the amount of area which has been licensed to one company within a management unit. The Ministry has divided the entire provincially owned forest into Crown Management Units (CMU) to administer its forest management policies.

Stumpage rights in Ontario are granted under equal terms to Canadian and non-Canadian companies, although exports of logs are banned by the province. A study in 1972 indicated that approximately 40 percent of the total area under license was granted to non-Canadian controlled companies, and the province estimates that this percentage is still accurate.

Payment for Stumpage

The payment system for stumpage in Ontario is also managed by the Ministry of Natural Resources, which maintains procedures for wood measurement and financial services. Stumpage fees consist of an area charge, Crown dues, a bonus price, and in the case of sale licenses, a tendered bid. Interest is charged at one percent a month for all overdue stumpage payments.

The area charge in Ontario is rent for ground used and is not related to the volume of timber cut. It is designed to cover fire protection and other management costs. The charge is uniform and increases by 10 percent a year; it is currently Canadian $60.60 per square mile.

Crown dues cover most of the total stumpage fees. They are specified under the Crown Timber Act of 1980 for major species and product categories. Ontario states that the dues are designed to provide a fair return to the province and are based on past provincial costs to maintain, improve, and regenerate the resource.

The Crown Timber Act specifies two sets of Crown dues. The first set uses a minimum price for the competitively bid sale licenses and also applies to district cutting licenses. The second set applies to volume agreement prices. Volume agreements were introduced in the 1960's to allow for OCL's to be issued for species not being cut by long-term license holders who cut other species in the same area. They now encompass virtually all areas under license.

Regulation 234 of the Crown Timber Act sets out the schedule for the two sets of Crown dues. The dues are then tied to a base and are adjusted in proportion to a six-month, rolling-average Commodity Selling Price Index produced by Statistics Canada, a federal agency. The rolling average is updated quarterly, so both sets of Crown dues change with it on a quarterly basis.

The bonus price is a negotiated payment in addition to Crown dues. It is expected to take into account material differences in the location and quality of stumpage obtained by a firm. It is updated much less frequently than Crown dues, ranging in review period from one to five years depending on the license type.

Order-in-Council Licenses (OCL's)

Order-in-Council Licenses (OCL's), originating in the 1920's, are still the widespread vehicle for stumpage allocation in Ontario. OCL's currently cover 74 percent of timber area under license and represent 83 percent of licenses in issuance. Three hundred ninety eight OCL's are outstanding, but they are expected to be phased out in favor of Forest Management Agreements during the 1980's.

The duration and the area of coverage of OCL's vary widely and are at the discretion of the Ministry of Natural Resources. Other terms and conditions of OCL's are negotiated, but tend to be consistent from one license to the next. Renewals are permitted on OCL's only to complete the harvesting intended for the original term. OCL's may be transferred, but not for the profit of the original licensee.

Forest management activities under OCL's are managed by the Crown through the negotiation of annual operating and management plans. Normally, the province supervises the harvesting and conducts the renewal and improvement of the forest. Fire prevention and insect and disease protection are also largely performed by the Crown. Some forest management activities may be performed by the company with the approval of the Crown.

Stumpage fees for OCL's consist of the basic Crown dues and the negotiated bonus price. The bonus price is reviewed every three years, unless otherwise specified in the license.

Forest Management Agreements

After all softwood in Ontario became fully committed in the 1960's, the province made plans to intensify forest management. Such extensive improvements were needed that major responsibilities had to be assigned to timber licensees. Thus, forest management agreements were developed to replace existing licenses. Currently these agreements have been reached strictly with pulp and paper manufacturers, although the province expects to extend their coverage to all Crown forest areas during the upcoming decade.

Stumpage fees under forest management agreements consist of Crown dues and the negotiated bonus price. The bonus price is reviewed at five-year intervals only.

Other Licenses

Ontario issues Salvage Licenses to hasten harvesting of damaged timber. Fifty Salvage Licenses are outstanding, cover less than one percent of the total area under license. They are issued normally for one-year periods and generally convey no management responsibilities to the licensee. Stumpage fees are negotiated and may be less than the applicable Crown dues.

District Cutting Licenses are issued in Ontario to cover very small areas for one year. Roughly 20,000 of these licenses are issued annually to individual or small commercial operators. The total area under these licenses is less than one percent of the area under license.

Forest management responsibilities under District Cutting Licenses are retained by the Crown. Stumpage fees consist of Crown dues, which are set separately by statute from dues under other license types (except sale licenses), and a bonus price set by the province.

Ontario also issues about 15 competitively bid Sale Licenses per year which cover less than one percent of the total area under license. These are used for the sale of small areas of timber in locations where demand exceeds available supply, usually in high quality hardwood stands. Sale Licenses are normally issued for one or two years and convey no forest management responsibility to the licensee.

For Sale Licenses, the Crown dues and a bonus price set by the district office form the starting bid price. Sealed tender offers above the starting price become the basis for issuance of the license.

Prince Edward Island

Background

There are approximately 20.9 million cubic meters of standing timber in Prince Edward Island (P.E.I.), most of which is generally poor quality. The province owns about 10 percent of the total volume. Many of the 50 small mills comprising the lumber industry are part-time operations supplementing other sources of income.

Most of the lumber is not graded according to official standards and is of non-exportable quality. The response shows that none of the lumber produced was exported during 1981 and 1982. No shakes, shingles or fence are exported from P.E.I.

Stumpage Rights and Payments

There is no allocation process. Stumpage rights and prices for standing timber on Crown land are determined through a competitive bid process. The Crown advertises "stump tenders" (offers of blocks of standing timber) once a year. Advertisements appear in provincial newspapers at least three weeks prior to closing date, and bids are opened at a public meeting. The highest bidder is normally awarded the contract, except where that bidder's record of past performance is demonstrably poor. Stumpage prices are in effect for one year; *i.e.*, the duration of the contract.

A minimum base price ("upset price") may be established by the provincial Forest Service to ensure that bids do not come in below known stumpage rates in the industry. Estimation of expected stumpage values are based on the Forest Service staff estimations of the volume of logs, pulpwood, etc. which could be removed. The price of finished products, transport costs, recovery factor, or mill costs are not used in setting stumpage upset prices.

Rights do not differ between millers and pulpwood contractors. The P.E.I. Forest Service establishes the volume of timber allowed to be cut under the contracts. Once the timber has been paid for and removed, the contractor

may dispose of it within any market as he/she wishes.

Quebec

Background

Québec's supply of standing timber is a mixture of deciduous and coniferous species, generally sparsely scattered and consisting of rather small trees. The vast majority of these timber resources (approximately 90 percent) is located on Crown lands.

Until the early 1970's, the relatively poor quality of Québec's timber combined with inadequate technology made it inefficient and uneconomical for use in the sawmill industry. Consequently, most of Québec's timber was used by the pulp and paper industry, and the only timber allocation system in the province—the timber limit system—had been set up with the needs of that industry for long-term timber supplies in mind.

Early in the 1970's, however, technological advances in the sawmill industry in the form of sophisticated, computerized machinery, made it possible to process this timber into lumber and its by-products. As a result of these changes, Québec started to allocate stumpage under a new system—supply agreements from domanial forests—whose purpose was to increase the profits derived from provincial timberlands and to make the timber resource more accessible to other possible users, including the sawmill industry.

Accordingly, no additional timber limit concessions have been awarded since 1974; all new concessions since then have been in the form of supply agreements from domanial forests. The province, through the retrocession or outright revocation of timber limits as they come up for renewal, aims to make domanial forests the only form of tenure and supply agreements the sole form of allocation of stumpage.

Under both systems, all fees and dues are administratively set by the province through Orders-in-Council, sometimes through negotiation. There is no system of competitive bidding for stumpage in Québec. The specific features of both allocation systems are described below.

Timber Limits

Under the timber limit system, "limit holders" are assigned all rights to standing timber in a given area. The limit holder is responsible for forest management and silviculture within his area. Accordingly, he must submit on a regular basis a forest management plan to the provincial authorities. The government grants an annual cutting license to the limit holder, based on its estimate of the concession's sustained yield possibilities.

Under the timber limit system, the province traditionally provided the sawmill industry with that portion of timber not used by limit holders at lower stumpage dues, given the poor quality of the timber.

Supply Agreements (Domanial Forests)

Domanial forests are public lands managed by the provincial government of Québec. The province enters into supply agreements for standing timber from these forests with any interested companies. For sawmills, the duration of these agreements varies from five to twenty years, depending on each mill's size. In effect, these are fixed-term timber purchase agreements in which the holder's rights to timber are limited to areas specified by the province. This contrasts with the earlier system, whereby the holder can select the areas to be harvested each year within the concession area up to the total amount specified by the cutting license. Another difference between the two systems is that under supply agreements, timber cut from a domanial forest can be used only to supply the holder's mills and cannot be resold.

Renewal of the supply agreements depends on the yield and performance of the agreement holder. The province is responsible for devising and implementing forest management plans. The agreement holder prepares an annual logging plan for submission to the provincial authorities, who then issue annual cutting permits for a specific volume of wood defined by species.

Saskatchewan

Background

Saskatchewan's major industries are farming and mining. Its forest industry is underdeveloped, and softwood timber is small and scattered. In order to attract mills, long-term agreements with negotiable conditions were initiated.

Stumpage

In Saskatchewan, stumpage rights are allocated in two ways: (1) under a timber permit, which is granted annually; and (2) under Forest Management License Agreements (FMLA's). About 13 percent of the production of the softwood industry under investigation is allocated by permit, and the balance by FMLA's.

A timber permit authorizes the holder to harvest a stated volume of timber, is valid for one year, and is renewable. FMLA's are negotiated separately with each company and therefore their terms vary. Stumpage rights can be awarded for up to 20 years with a renew option. Under both arrangements, the Forestry Branch of the provincial government specifies the annual allowable cut. The area to be harvested is selected by the permittee or company, subject to government approval.

For timberland under the permit system, the province is responsible for management, silviculture, main road construction, reforestation, fire and disease prevention, etc. In contrast, under FMLA's the company is completely responsible for forestry management, but other services may be carried out by the province with the company paying partial costs, according to the individual agreement; *e.g.*, the company might pay Canadian $0.20 per cord on all timber harvested toward the costs of reforestation. The province is always responsible for fire and disease protection. Main roads are constructed by the Province up to a negotiated quantity specified in each contract. If a company requires additional roads, it must construct them at its own expense.

Stumpage fees are paid on a monthly (or sometimes quarterly) basis to the Forestry Branch. Timber permit allocations pay on the lumber outturn of the mill. Rates take into account timber quality. FMLA's are of two types: volume agreements and area agreements. Volume agreement stumpage dues are paid on the mill outturn and can be renegotiated periodically. Area agreement fees are paid on scaled volume delivered to the mill yard and are indexed.

Federal Stumpage

Background

Federal Crown lands represent 11 percent of productive timberlands in the Dominion of Canada. Management of the federal timberlands is divided among the Departments of National Defense (DND), Parks Canada (DPC), and Indian and Northern Affairs (DINA). Ninety-five percent is managed by DINA and is located in the Yukon and Northwest Territories. This ninety-five percent is administered under terms of the Territorial Land Act and under Indian Timber Regulations of the Indian Act. The Canadian Forestry Service administers the remaining 5 percent of the federal forests on behalf of the DND and the DPC under appropriate Acts and Agreements.

Of the 11 percent federal Crown lands, 90 percent is inaccessible for economical supply of North American timber markets, and other acreages are

dedicated to parks, defense establishments and Indian Reserves. On about 130 thousand square kilometers (km^2) of national parks, logging is prohibited. Federal lands controlled by DND are dedicated to military matters. Indian Reserves are subject to a wide array of muses including some wood production. Territorial lands are beyond effective market areas, and parks are reserved for recreational uses.

In 1981, 0.8 percent of total Canadian timber (hardwoods plus softwoods) harvested from the federal Crown lands was cut in small quantities from small tracts of federal lands in five provinces and two territories, with most of the volume cut from Indian Reserves.

In every instance, stumpage was allocated according to "volume agreements," whereby an allowable cut is specified. The two largest sales were made from DND lands and one park where cutting is allowed. Each of these two sales was made under the particular stumpage sales procedures of the province in which the timber was located.

All other timber sales on federal lands in the provinces were made under provisions of the Forestry Development and Research Act, Forestry and Timber Regulations. These regulations apparently provide for two systems of stumpage sales:

(a) *Permits:* Where dues (total stumpage fee) do not exceed Canadian $2,500; the Minister may establish stumpage rates.

(b) *Agreements:* Where estimated stumpage dues exceed Canadian $2,500,

—the Minister or Forest Officer shall publicly advertise and invite tenders for cutting;

—after public advertising, an auction shall be held and bids accepted for cutting.

In addition, the *Territorial Lands Act* provides for the issuing of permits in the Yukon and Northwest Territories, with flexibility for setting terms of sale. The Governors may:

—issue permits;

—prescribe terms and conditions for the payment of ground rent;

—prescribe permit fees;

—prescribe dues to be paid for volume of timber cut.

For timberlands within the Indian Reserves, stumpage sales are made under *Indian Timber Regulations.* These provide for two types of permits and one form of license. A permit may be issued to cut timber free of dues to an Indian Group or band members. The second type of cutting permit is granted for selling timber to a member of a band or to a group, with stumpage dues set at prevailing rates for timber cut on band land.

Under the license procedure, tenders to purchase timber on Indian Reserves are invited by public advertising, or, the Minister may dispense with advertising and dispose of timber by any other method he may deem advisable. However, stumpage dues are not to exceed a total of Canadian $2,500. Licenses also provide for the charging of ground rent each year at Canadian $10.00 per sq. mile, and a license fee of Canadian $10.00 annually. The licensee is responsible for and pays all costs of fire protection and suppression on the cutting area under license.

[FR Doc. 83-6316 Filed 3-10-83; 8:45 am]
BILLING CODE 3510-25-M

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

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

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

Docket No.: 81-00283R. Applicant: Kansas State University, Department of Chemistry, Manhattan, Kansas 66506. Instrument: Vapor Synthesis Reactor with Accessories. Application is a resubmisssion, notice of which was published in the **Federal Register** of August 17, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (May 5, 1981). Reasons: This application is a resubmission of Docket Number 81-00283 which was denied without prejudice to resubmission on November 4, 1982 for informational deficiencies. The foreign instrument can vaporize tungsten as well as other heavy transition metals. The National Bureau of Standards advises in its memorandum dated January 31, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

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

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6312 Filed 3-10-83; 8:45 am]
BILLING CODE 3510-25-M

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

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

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

Docket No.: 82-00172R. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, NY 14853. Instrument: Excimer Laser, Model TE-861M-2 with 505FX and 503RX Quartz Optics and Dye Laser. Application is a resubmission, notice of which was published in the **Federal Register** of May 20, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such pruposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (December 30, 1981). Reasons: This application is a resubmission of Docket Number 82-00172 which was denied without prejudice to

resubmission on September 7, 1982 for informational deficiencies. The foreign instrument is a system composed of an excimer laser integrated to a dye laser. At the time the foreign instrument was ordered there were domestic manufacturers of excimer lasers who could combine their respective products with a dye laser produced by another manufacturer. However this would not constitute a "reasonable combination of instruments" within the meaning of § 301.5(d)(1)(i) of the regulations unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the overall performance specifications of the excimer and dye laser system. (See decisions on Gas Chromatograph/Mass Spectrometer Docket Number 68-00516-01-11000, 33 FR 11097, August 3, 1968 and Docket Number 69-00116-01-11000, 34 FR 13336 and 13337. August 16, 1969.) We note that at the time of order of the foreign instrument there were no such domestic combinations manufactured in the United States.

The foreign instrument provides an amplified spontaneous emission of less than one percent. The National Bureau of Standards advises in its memorandum dated January 4, 1983 that: (1) The amplified spontaneous emission of the foreign instrument is pertinent to the applicant's intended purposes and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

The Department of Commerce knows of no other combination of instruments of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States and was being offered as a functionally integrated single instrument at the time the foreign instrument was ordered.

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6310 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

Institute for Environmental Studies; Decision on Application for Duty-Free Entry of Scientific Instrument

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

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

Docket No.: 82-00119. Applicant: Institute for Environmental Studies, 42 Atkinson Hall, Louisiana State University, Baton Rouge, LA 70803. Instrument: Fluid Inclusion System, Model #TH 600. Manufacturer: Scientific Instruments, United Kingdom. Intended use of instrument: See Notice on page 13393 in the **Federal Register** of March 30, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument has a programmable temperature control dynamic range of −180 degrees centigrade (°C) to +600°C with resolution of 0.1°C for −180°C to +200°C and 1.0°C for +200°C to +600°C. The National Bureau of Standards advises in its memorandum dated January 28, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

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

[FR Doc. 83-6314 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

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

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

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

Docket No.: 82-00291. Applicant: Massachusetts Institute of Technology, Rm. E18-360, 77 Massachusetts Avenue, Cambridge, MA 02139. Instrument: Model FL-2002E, Dye Laser. Manufacturer; Lambda Physics, Inc., West Germany. Intended use of instrument: See Notice on page 51436 in the **Federal Register** of November 15, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (November 17, 1980). Reasons: This application is a resubmission of Docket Number 81-00191 which was denied without prejudice to resubmission on January 26, 1982 for informational deficiencies. The foreign instrument provides an amplified spontaneous emission of one percent or less. The National Bureau of Standards advises in its memorandum dated January 18, 1983 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

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

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6315 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of California, Regents; Decision on Application for Duty-Free Entry of Scientific Instrument

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

Docket No.: 82-00029R. Applicant: The Regents of the University of California, Davis, UCD Nuclear Magnetic Resonance Facility, Davis, California 95616. Instrument: 11.74 Testla NMR Magnet and Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of December 8, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States at the time the foreign instrument was ordered (December 19, 1979). This application is a resubmission of Docket Number 82-00029 which was denied without prejudice to resubmission on September 7, 1982 for informational deficiencies. The foreign instrument provides an uncompensated drift rate of five hertz and a high field strength of 11.7 Testla. Reasons: The Department of Health and Human Services advises in its memorandum dated December 29, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

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

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6309 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

University of Texas Health Science Center at Dallas; Decision on Application for Duty-Free Entry of Scientific Instrument

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

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

Docket No.: 82-00311. Applicant: University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, TX 75235. Instrument: Topical Magnetic Resonance System. Manufacturer: Oxford Research Systems, United Kingdom. Intended use of instrument: See Notice on page 41409 in the **Federal Register** of September 20, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (July 7, 1982). Reasons: The foreign instrument provides a 30 centimeter bore size magnet with a large probe. The Department of Health and Human Services advises in its memorandum dated December 15, 1982 that: (1) The capability of the foreign instrument described above is pertinent to the applicant's intended purpose; and (2) it knows of no instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was being manufactured in the United States at the time the foreign instrument was ordered.

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

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6313 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

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

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

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

Docket No.: 83-29. Applicant: University of Washington, Seattle, WA 98195. Instrument: (3) TGA-3A Water Level Gauges and (2) Model 2860 Printers. Manufacturer: Anderaa Instruments, Norway. Intended use of instrument: See Notice on page 53083 in the **Federal Register** of November 24, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: The foreign instrument provides: (a) A deployment capability of greater than one year; (b) a deployment depth of 650 meters; and (c) a serial 10 bit word long and short pulse, capable of interfacing with the translation system in the applicant's possession. The National Oceanic and Atmospheric Administration advises in its memorandum dated January 31, 1983 that: (1) The capabilities of the foreign instrument described above are

pertinent to the applicant's intended purpose; and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

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

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

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 83-6311 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit; Dolphin Biology Research Associates, Inc.

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: Mr. Randall S. Wells (P319), Dolphin Biology Research Associates, Inc., 163 Siesta Drive, Sarasota, Florida 33581.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*) up to 105.

4. Type of Take: The dolphins are to be captured, sampled, marked and/or tagged, and released. The purpose of the research is to examine a free ranging population of Atlantic bottlenose dolphins to determine the age and sex structure of the population and the relationships between individuals.

5. Location of Activity: Central West Coast of Florida.

6. Period of Activity: Two 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 Mammal 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, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: March 7, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6361 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit; Maine Department of Marine Resources

Notice is hereby given that an Applicant has applied in due form for a Permit to take endangered species as authorized by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), and the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant: Maine Department of Marine Resources (P134C), State House—Station 21, Augusta, Maine 04333.

2. Type of Permit: Scientific Purposes.

3. Summary of Request: To capture and release an unspecified number and to tag up to 1,000 adult shortnose sturgeon (*Acipenser brevirostrum*) to study the spawning stock. The applicant is also requesting to retain specimens accidentally killed or found dead.

4. Location of Activity: Androscoggin, Kennebec, and Sheepscot Rivers, Maine.

5. Period of Activity: 5 years.

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, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: March 8, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-6359 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-22-M

[Modification No. 2; Permit No. 363]

University of California

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 363 issued to Drs. Jennifer Buchwald, Carl Shipley, and Robin Fisher, University of California, Los Angeles, California 90024 on January 4, 1982, as modified on January 6, 1983 (48 FR 684), is further modified as follows:

Special Condition B-1 is deleted and replaced by:

1. The animals shall be taken by administering drugs as recommended by a competent doctor of veterinary medicine, or by shooting as described in the application.

This modification became effective on March 3, 1983.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 3, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisherise Service.

[FR Doc. 83-6360 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Program Manager, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Department of Agriculture
- SN 6-171,625 (4,373,853) Log Handling Machine

Department of the Air Force
- SN 6-270,050 (4,373,255) Method of Making Oxide Passivated Mesa Epitaxial Diodes with Integral Plated Heat Sink

Department of the Army
- SN 6-111,738 (4,373,553) Broad Band Flueric Amplifier
- SN 6-225,596 (4,373,688) Canard Drive Mechanism Latch for guided Projectile
- SN 6-198,322 (4,373,808) Laser Doppler Attitude Measurement
- SN 6-277,365 (4,373,977) Method of Making a Composit Wire
- SN 6-293,415 (4,374,091) Gas Generators Having Controlled Operational Attitudes
- SN 6-219,056 (4,374,112) Stable NF_4+ Salt of High Fluorine Content
- SN 5-471,792 (4,374,201) Process for Coating a Dry Variola Virus

Department of Commerce
- SN 6-313,045 (4,374,171) Smolder and Flame Resistant Insulation Materials, Composition and Method

Department of Health and Human Services
- SN 6-294,203 (4,372,888) Nondenaturing Zwitterionic Detergents
- SN 6-459,251 Adaptable Blood Pressure Cuff for Humans and Animals
- SN 6-458,312 Medication Compliance Monitoring Device
- SN 6-410,968 Analgesic and Antitussive Normorphinan-6-Ones

[FR Doc. 83-6320 Filed 3-10-83; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for MSC Afloat Employment (MSC FORM 12310/1)

This report is used to establish eligibility for Military Sealift Command (MSC) afloat (seagoing) positions. Because of the need for specific licenses and certification information involved in afloat emloyment a custom form is required. This form, used instead of SF-171, is being submitted for extension of approval under the Federal Reports Act.

Applicants for Military Sealift Command afloat employment: 11,250 responses, 16,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Commander, Military Sealift Command (Code M-14), Department of the Navy, Washington, D.C. 20390, telephone (202) 282-2623.

Dated: March 8, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 83-6307 Filed 3-10-83; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Notice of a new system of records.

SUMMARY: The U.S. Marine Corps proposes to add a system of records to its inventory of systems of records subject to the Privacy Act of 1974. The notice for the new record system is set forth below.

DATES: The proposed action will be effective without further notice on April 11, 1983, unless comments are received which would result in a contrary determination.

ADDRESSES: Send any comments to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. B. L. Thompson, Privacy Act Coordinator, Headquarters, U.S. Marine Corps, Washington, D.C. 20380, telephone 202/694-1452.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps systems notices for records systems subject to the Privacy Act of 1974, 5 U.S.C. 552a (Pub. L. 93-579; 88 Stat. 1896 *et al.*) were published in the **Federal Register** as follows:

FR Doc. 81-897 (46 FR 6639) January 21, 1981;

FR Doc. 82-674 (46 FR 2629) January 18, 1982;

FR Doc. 82-2408 (46 FR 4328) January 29, 1982;

FR Doc. 82-9405 (46 FR 14939) April 7, 1982;

FR Doc. 82-18001 (46 FR 28964) July 2, 1982.

A new systems report as required by 5 U.S.C. 552a(o) was submitted on February 3, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

March 7, 1983.

MMN00048

SYSTEM NAME:

Performance Evaluation Review Board System

SYSTEM LOCATION:

The Career Planning Branch (Code MMCP), Personnel Management

Division, Headquarters, U.S. Marine Corps, Washington, D.C. 20380

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any member or former member of the Marine Corps who has submitted a petition to the Performance Evaluation Review Board.

CATEGORIES OF RECORDS IN THE SYSTEM:

The file contains identifying data on the petitioner, date of request, action requested, activity member attached to at time of alleged error, any subsequent board decisions and record of petitioner notification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S. Code 5031; 5 U.S. Code 301

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

INTERNAL:

Headquarters, U.S. Marine Corps—Used by the Career Planning Branch to monitor petitions submitted to the Performance Evaluation Review Board. Information is used to determine the status of any particular request at any given time and to record statistical information/trends of petitions.

Board for Correction of Naval Records will have access to cases forwarded to that agency for resolution of petitioner's request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on magnetic disks and back-up generations are stored on magnetic tape; paper records are stored in file folders.

RETRIEVABILITY:

Records are accessed by social security number and docket number.

SAFEGUARDS:

System information is protected by the following software features: user account number; user identification number; password and the file is restricted to authorize personnel only. The office where the terminal is located is locked after official working hours. Access to the building where the terminal and the computer system is located is protected by security guards who require positive identification for admission.

RETENTION AND DISPOSAL:

Records are retained 1 year after completion of case and then destroyed by erasing magnetic tapes. Back-up tapes are maintained approximately 3 years and then erased.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, D.C. 20380.

NOTIFICATION PROCEDURES:

Inquiries should be directed to the system manager at the address indicated.

RECORD ACCESS PROCEDURES:

Requests for access should be addressed to the Commandant of the Marine Corps (Code MMCP), Headquarters, U.S. Marine Corps, Washington, D.C. 20380. Written requests for information should contain the full name of the individual, social security number and signature. Individuals may inquire in person at the Career Planning Branch (Code MMCP), Federal Office Building #2, Columbia Pike and Arlington Ridge Road, Arlington, Virginia. For personal visists, the individual should provide military indentification or driver's license for proof of identification.

RECORD SOURCE CATEGORIES:

Information in the system is obtained from the individual, Manpower Management System and the Performance Evaluation Review Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 83-6317 Filed 3-10-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case No. 53146-3804-03-04-82]

Availability of Tentative Staff Analysis; Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of availability of the Tentative Staff Analysis on the pending prohibition order proceedings relating to the Virginia Electric and Power Company's (Vepco) Possum Point Generating Station Units 3 and 4 (hereafter referred to as Possum Point 3 and 4), located in Dumfries, Virginia.

The proposed prohibition orders for Possum Point 3 and 4, issued on May 16, 1980 (45 FR 34346 (May 22, 1980)) and January 17, 1980 (45 FR 5365 (January 23, 1980)), respectively, will, if finalized, prohibit the units from burning petroleum or natural gas as a primary energy source. ERA's Tentative Staff Analysis concludes that the findings of technical capability and financial feasibility required by former section 301(b) of FUA can be made, and accordingly, recommends that final prohibition orders be issued to Possum Point 3 and 4. The Tentative Staff Analysis does not represent ERA's decision to issue final prohibition orders, however. That decision will be made following the expiration of the comment period established below, and will be based upon the evidence contained in the entire record of the proceeding, including any comments received in response to this notice.

The prohibition order procedures for facilities electing continued coverage under former section 301 of FUA [1] are found at 10 CFR 501.51, and 504.7. Additional information on the proceedings and a discussion of the Tentative Staff Analysis appear in the **SUPPLEMENTARY INFORMATION** section, below.

DATES: Written comments on the proposed prohibition orders and the Tentative Staff Analysis are due on or before March 25, 1983. A request for a public hearing must be made within the same 14 day period. (See explanation of comment periods in the **SUPPLEMENTARY INFORMATION** section below.)

ADDRESSES: Fifteen copies of written comments or any requests for public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Room GA-093, 1000 Independence Avenue, SW., Washington, D.C. 20585.

[1] The Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA), which became law on August 13, 1981, amended Title III of FUA in several important respects, including the limitation of DOE's unilateral authority to issue orders prohibiting the use of petroleum and natural gas or certain mixtures including these fuels as a primary energy source in an existing electric powerplant. Under former section 301, DOE could order the involuntary conversion of such powerplants. On October 1, 1981, ERA issued final rules pursuant to OBRA (46 FR 48118), providing procedures whereby an existing powerplant issued a proposed prohibition order under former section 301 (b) or (c) of FUA as of August 13, 1981, the date of enactment of OBRA, could elect to continue the current prohibition order proceeding under the provisions of former section 301. In accordance with the procedures provided, Vepco, on November 23, 1981, notified ERA of its election to have Possum Point 3 and 4 remain subject to former section 301(b) of FUA and thus to become "electing powerplants" as defined in 10 CFR 500.2.

ERA Case No. 5316-3804-03-04-82 should be printed clearly on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Steven E. Ferguson, Director, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room GA-093, Phone: (202) 252-1316.

Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-222, Washington, D.C. 20585, Phone: (202) 252-2967

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available for inspection upon request at: the Department of Energy Freedom of Information Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, D.C., Monday through Friday, 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION: ERA issued proposed prohibition orders to Vepco's Possum Point 3 and 4 on May 16, 1980 (45 FR 34346 (May 22, 1980)) and January 17, 1980 (45 FR 5365 (January 23, 1980)), respectively, commencing thereby proceedings designed to prohibit the use of petroleum or natural gas as the primary energy source in these units if the required findings of section 301(b) of FUA, discussed below, could be made. In accordance with 10 CFR 501.51(b) of the FUA procedural regulations applicable to existing powerplants, the issuance of the proposed prohibition orders to Possum Point 3 and 4 commenced an initial three-month public comment period, in each case, respectively, during which period interested parties, including Vepco, were given the opportunity to challenge ERA's initial finding that Possum Point 3 and 4 have or previously had the technical capability to use coal as their primary energy source. During this same period, Vepco and any other interested parties were required to furnish ERA with any evidence bearing upon the other statutory findings which former section 301(b) of FUA requires ERA to make prior to the issuance of final prohibition orders to Possum Point 3 and 4. Vepco was additionally required, during this period, to identify any exemptions for which it believed Possum Point 3 and 4 might qualify, but was not required to submit evidence supporting the claim of entitlement to any exemption at that time. The initial public comment period on the Possum Point 3 and 4 proposed prohibition orders expired on August 22, 1980 and April 25, 1980 respectively. No comments contrary to ERA's initial finding were received. Vepco did, however, submit evidence relating to the other statutory findings that ERA has to make under former section 301(b) and tentatively identified the potential exemption qualifications that might be asserted against the application of final prohibition orders to Possum Point 3 and 4. (These potential exemption qualifications were noted and identified in the respective Notices of Intent to Proceed, cited below.)

On the basis of the evidence available to it following the expiration of the initial comment periods, ERA determined to continue with the order proceedings involving Possum Point 3 and 4 and, accordingly, issued its Notices of Intent to proceed with the proceedings on July 9, 1982, (47 FR 31040 (July 16, 1982)) and January 8, 1981 (46 FR 3269 (January 14, 1981)), respectively. These actions commenced a second three-month public comment period in each case, which periods expired on August 16, 1982 and April 16, 1981, respectively, without receipt of comment and without the demonstration by Vepco of its entitlement to any of the potential exemptions identified during the initial comment periods as potentially available to Possum Point 3 and 4.

Tentative Staff Analysis: Summary

Since the expiration of the second public comment periods, the ERA staff has prepared a Tentative Staff Analysis in which it concludes that the findings required by former section 301(b) of FUA can be made and supported on the basis of reliable, probative and substantial evidence in the complete administrative record. The required findings include the initial finding that, under former section 301(b)(1), the powerplants have or previously had the technical capability to use coal as a primary energy source; the finding under former section 301(b)(2) that the powerplants could have the technical capability to use coal (if they do not currently have such capability) without substantial physical modification of the units or substantial reduction in their rated capacities; and the finding under former section 301(b)(3) that it is financially feasible to use coal as the primary energy source in the powerplants.

The criteria which ERA used in assessing the evidence in support of the required findings are described in the proposed prohibition orders.

Finding of Technical Capability

The finding of technical capability for Possum Point 3 and 4 is based upon design specifications which indicate that the units were designed and constructed to burn coal as their primary energy source (Contract Data Sheets dated November 27, 1961 and December 21, 1954). Evidentiary statements on the record, submitted by Vepco, indicate that the units have so operated in the past (Unit #3, 1955 thru 1969; Unit #4, 1962 thru 1969) and that their current conversion will require no modifications to the boilers and will result in no deratings of unit capacity (Vepco letter dated February 24, 1983, submitted in response to an ERA request for additional information).

Finding of Financial Feasibility

The finding of financial feasibility is based upon calculations conducted by the ERA staff using the general cost calculation formula prescribed by 10 CFR 504.12, which indicates that the use of coal as the primary energy source for Possum Point 3 and 4 will not substantially exceed the cost of using imported petroleum. (The costs used in the calculations are consistent with those by Vepco in the letter dated February 24, 1983, referred to, above). The ERA staff calculations conclude that the savings over the remaining useful life of the units that will result from the use of coal, as opposed to the use of oil, will amount to $29 million for Possum Point 3 and $106 million for Possum Point 4. In accordance with 10 CFR 504.6(f)(1), the ERA staff, therefore, presumed that the use of coal as the primary energy source for the units is financially feasible. In addition to ERA's cost calculations, however, the record contains evidence submitted by Vepco (letter dated March 25, 1980) which indicates that the conversion to and operation of Possum Point 4 on coal is financially feasible. The staff review of the entire record also did not reveal any potential inability on the part of Vepco to raise the necessary capital to finance the conversions.

To the contrary, the record indicates that the conversion of Possum Point 3 was commenced in 1981 and that of Possum Point 4 in 1980 (letter from Vepco dated February 24, 1983, submitted in responses to ERA's request for additional information).

Procedures

The publication of this Notice of Availability would normally commence a 45-day written comment period on the Tentative Staff Analysis. Vepco has, however, by letter dated February 28,

1983, requested that the public comment periods be reduced to the minimum period permitted under ERA regulations which is 45 days from the time of publication of the proposed orders (10 CFR 501.51(b)). This minimum had, at the time of Vepco's request, been exceeded. Accordingly, ERA, in granting Vepco's request, is herby giving notice of a reduced comment period of 14 days provided for the purpose of receiving comment on the proposed prohibition orders and the Tenttive Staff Analysis. The comment period shall commence with the publication of this notice. Any requests for a public hearing must also be made during this 14-day period. If a hearing is requested, it will be held in accordance with Subpart C of 10 CFR Part 501.

The Tentative Staff Analysis does not constitute a decision by ERA to issue final prohibition orders to Possum Point 3 and 4. At the close of the comment period established by this notice, ERA shall determine whether the final prohibition orders will be issued, based upon its review of the entire administrative record of the proceedings, as required by 10 CFR 501.51(c).

Any final prohibition orders issued, together with a summary of the basis therefor, will be published in the **Federal Register.** The final orders shall not take effect earlier than sixty days after such publications.

Issued in Washington, D.C. on March 7, 1983.

Robert L. Davies

Deputy Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-6256 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Revocation of Export Authorizations and Presidential Permits

AGENCY: Economic Regulatory Administration (ERA), DOE.

ACTION: Revocation of Export Authorizations PP-1-A and PP-37-A and Presidential Permits PP-1 and PP-37.

SUMMARY: Pursuant to the Order published herein, ERA rescinds the export authorizations granted to the Arizona Public Service Company (APS) in ERA Dockets No. PP-1-A and No. PP-37-A, and the companion Presidential Permits. On November 23, 1982, APS notified the DOE that it had disconnected service under export authorization PP-1-A at the request of its customer, Comision Federal de Electricidad de Agua Prieta (CFE/Agua Prieta). On the same day, APS also notified DOE that service authorized in PP-37 was discontinued on October 19, 1982 at the request of its customer, CFE/Sonoyta. Interconnection facilities for both transmission lines were removed by APS on or before December 31, 1982.

FOR FURTHER INFORMATION CONTACT:

Lise Courtney M. Howe, Office of General Counsel (GC-11), Department of Energy, Forrestal Building, Mail Stop 6F-094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900

Garet Bornstein, Division of Petroleum and Electricity (RG-44), Office of Fuels Programs, Department of Energy, Forrestal Building, Room GA-017, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-5935

SUPPLEMENTARY INFORMATION:

Order Rescinding Export Authorizations and Presidential Permits Issued to Arizona Public Service Company ERA Dockets PP-1 and PP-37

The Arizona Public Service Company (APS) notified the Department of Energy (DOE) on November 23, 1982, that it had disconnected service under export authorization PP-1-A, at the request of the customer, Comision Federal de Electricidad de Agua Prieta (CFE/Agua Prieta) and that it also had disconnected service under export authorization PP-37-A, at the request of its customer, Comision Federal de Electricidad Division Baja, California (CFE/Sonoyta). The interconnection facilities for both transmission lines were removed by APS on or before December 31, 1982.

Presidential Permit No. PP-1 originally was issued to the Arizona Edison Company, Inc. (AEC), on July 30, 1941, in Docket No. IT-5331. The Permit was transferred to APS on August 28, 1952, when the AEC merged with the Central Arizona Light and Power Company, becoming the Arizona Public Service Company. The electricity exported was delivered to the CFE/Agua Prieta via a transmission line running from Fairview Station, north of Douglas, Arizona, to the Mexican border at Agua Prieta, Sonora, Mexico, with an authorized maximum transmission rate of 5,500 KW per year. On August 12, 1981, APS was authorized to increase the delivery voltage of the electric transmission facilities from a three phase 2.4 kilowatt system to a 7.2/12.5 kilowatt system.

APS discontinued service and removed the interconnection facilities, including two spans of interconnecting wire, recloser device, circuit breaker, capacitor banks, and meter on or before December 31, 1982. CFE as been providing energy to meet its own requirements since December 1980.

On October 20, 1965, a second Presidential Permit, PP-37, was issued to APS in Docket No. E-7224. Construction of this line provided transmission of electricity to CFE for the community of Sonoyta, Sonora, Mexico. The transmission facility crossed the international boundary near Lot 4 of U.S. Customs Immigration Reserve at Lukeville, Arizona, with an authorized transmission rate of 400 KW per year.

Service to CFE for Sonoyta was discontinued at CFE's request on October 19, 1982. In addition, the interconnection facilities, which included a 30-foot span of wire, a transmission metering pole and line, and current transformers, also were removed by APS on or before December 31, 1982. CFE now is supplying sufficient energy to meet Sonoyta's needs.

DOE Finds:

(A) That the termination of service by APS under export authorization PP-1-A and PP-37-A, to CFE/Agua Prieta and to CFE/Sonoyta, respectively, and the removal of the interconnection facilities at the U.S./Mexican border, authorized in Presidential Permits No. PP-1 and PP-37, are consistent with the public interest, because such terminations have been requested by APS's customers.

DOE Orders:

(1) The authorization to export electric energy to CFE/Agua Prieta, issued pursuant to section 202(e) of the Federal Power Act in Docket No. IT-5331 (PP-1-A), and the Presidential Permit PP-1, issued pursuant to Executive Order 10485, as amended, are rescinded.

(2) The authorization to export electric energy to CFE/Sonoyta, issued pursuant to section 202(e) of the Federal Power Act in Docket No. E-7224 (PP-37-A), and Presidential Permit PP-37, issued pursuant to Executive Order 10485, as amended, are rescinded.

Issued in Washington, D.C. on March 3, 1983.

Rayburch Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 83-6257 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER83-329-000]

The Cleveland Electric Illuminating Co.; Filing

March 7, 1983.

The filing Company submits the following:

Take notice that on February 17, 1982, The Cleveland Electric Illuminating Company (CEI) tendered for filing an executed Service Agreement and Exhibits A and B thereto, providing for the sale to the City of Cleveland, Ohio of 40 MW of power and associated energy generated by Big Rivers Electric Corporation, Henderson, Kentucky, at the cost of CEI of purchasing it from Ohio Power Company, and transmitted from the 345 kv interconnection point on CEI's Juniper-Canton Line with Ohio Power Company to the City in accordance with the terms and conditions of CEI's FERC Transmission Service Tariff.

CEI has requested waiver of the FERC's 60-day notice requirement in order to permit commencement of transmission service on February 1, 1983.

Any person desiring to be heard or to protest said application should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR § 385.211 and § 385.214). All such petitions or protests should be filed on or before March 18, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6232 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-32-000]

Colorado Interstate Gas Co.; Proposed Changes in Rates Under Purchased Gas Adjustment Clause Provision

March 7, 1983.

Take notice that Colorado Interstate Gas Company (CIG), on February 24, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes would increase the commodity rate under CIG's jurisdictional rate schedules by .24 cent per Mcf and decrease the demand rate by 34.00 cents per Mcf. This filing reflects a net annual decrease in purchased gas costs of approximately $5.0 million.

The filing was made to enable CIG to reflect in its rates, pursuant to Section 21 of CIG's FERC Gas Tariff, Original Volume No. 1, net decreased purchased gas costs it will experience as of April 1, 1983, as the result of a rate filing made by Northwest Pipeline Corporation.

CIG requests that the instant filing be made effective on April 1, 1983.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.311, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6233 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-34-000]

Florida Gas Transmission Co.; Proposed Changes in Rates and Charges Under Purchased Gas Adjustment and Incremental Pricing Provisions

March 7, 1983.

Take notice that on February 28, 1983, Florida Gas Transmission Company (FGT), P.O. Box 44, Winter Park, Florida 32790, tendered for filing the following tariff sheets to its F.E.R.C. Gas Tariff to be effective April 1, 1983.

Original Volume No. 1

30th Revised Sheet No. 3-A
Seventh Revised Sheet No. 3-B

Original Volume No. 2

20th Revised Sheet No. 128

The aforementioned tariff sheets contain changes in FGT's resale rates, under Rate Schedules G and I, and in Rate Schedule T-3 resulting from the purchased gas adjustment clause and incremental pricing provision of FGT's Tariff. FGT proposes to make the rate changes effective April 1, 1983.

Southern Natural Gas Company (Southern) supplies natural gas to FGT under SNG's rate schedule OCDL-1 and also under SNG's Rate Schedule AOL-1. FGT states that it has been advised by Southern that Southern intends to file alternative tariff sheets (55th Revised Sheet No. 4-A and Substitute 55th Revised Sheet No. 4-A) with a proposed effective date of April 1, 1983. FGT's 30th Revised Sheet No. 3-A of Original Volume No. 1 and 20th Revised Sheet No. 128 of Original Volume No. 2 reflect Southern's rates pertaining to FGT as set forth on Southern's Substitute 55th Revised Sheet No. 4-A.

The net effect of the above-mentioned adjustments for Rate Schedule G and I is to decrease the currently effective rate by 1.523¢/therm. Based on estimated G and I sales for the next 12 months, this results in an annual revenue decrease of approximately $12,932,700. The net effect on the above-mentioned adjustments for Rate Schedule T-3 is a decrease of 1.23¢/Mcf. The annual effect on revenues from Rate Schedule T-3 is a decrease of approximately $784,100.

According to FGT, the changes contained on 30th Revised Sheet No. 3-A and 20th Revised Sheet No. 128 are made in accordance with the purchased gas cost adjustment and incremental pricing provision in its tariff (Section 15, General Terms and Conditions). FGT also states that Seventh Revised Sheet No. 3-B contains the estimated incremental pricing surcharges by customer by month for the adjustment period.

FGT states that a copy of its filing has been served on all customers receiving gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 and interested State Commissions and is being posted.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies

of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6234 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-212-000]

Michigan Wisconsin Pipe Line Co.; Application

March 8, 1983.

Take notice that on March 2, 1983, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226 (Applicant), filed in Docket No. CP83-212-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation service for Michigan Consolidated Gas Company (MichCon), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to an agreement dated February 24, 1983, MichCon has agreed to sell to Indiana Glass Company (Indiana Glass) up to 4,000 dt equivalent per day and 1,500,000 dt equivalent of natural gas per year subject to interruption to the extent the gas supplies are required by MichCon to provide adequate service to its distribution customers. The term of the agreement is for an initial period of two years commencing from the date of first deliveries and is extendable for successive two-year periods. In an affidavit by the president and general manager of Indiana Glass, included in the application, it is estimated that the purchase of gas from MichCon would result in annual fuel cost savings of approximately $1.2 million and would likely prevent permanent extensive lay-offs of employees. Applicant further states that upon authorization of the requested service, 425 employees currently laid off would be recalled.

Applicant states that it has entered into an agreement with MichCon dated February 23, 1983, which provides for the transportation of up to 4,000 dt equivalent per day of natural gas. Applicant would receive the natural gas from MichCon by displacement at an existing point of delivery at Applicant's Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan, and would deliver thermally equivalent volumes to Indiana Gas Company, Inc. (Indiana Gas), at an existing delivery point located near Muncie in Delaware County, Indiana. Since the transportation service is by displacement, Applicant states, MichCon has agreed to pay it two cents for each dt equivalent of natural gas delivered to Indiana Gas for the account of MichCon based on Applicant's administrative and general expenses.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6235 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-49-009 and RP82-62-001]

Natural Gas Pipeline Company of America; Change in Rate Design

March 7, 1983.

Take notice that on February 18, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the below listed tariff sheets to be effective April, 1, 1983:

Fiftieth Revised Sheet No. 5

Nineteenth Revised Sheet No. 5A

Eighth Revised Sheet No. 5B

Natural states that the purpose of the filing is to revise its rates, which are currently designed on the *United* method, to reflect a *Seaboard* method of rate design the redesigned rates are being filed pursuant to Article II of Natural's Stipulation and Agreement at Docket No. RP81-49-000.

A copy of this filing has been mailed to Natural's jurisdictional customers, all parties to Docket Nos. RP81-49 and RP82-62 and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to interve or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6236 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-50-000]

Northwest Pipeline Corp.; Tariff Filing

March 7, 1983.

Take notice that on February 25, 1983, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets.

Original Volume No. 2 Tariff

Seventh Revised Sheet No. 2

Third Revised Sheet No. 2-B

First Revised Volume No. 1 Tariff

Seventh Revised Sheet No. 10-A

Pursuant to the provision contained on Sheet Nos. 2 and 2-B of Northwest's Volume No. 2 Tariff and Section 7.3 of Rate Schedule T-1 in its First Revised Volume No. 1 Tariff, Northwest is filing to reflect new Fuel Reimbursement Percentages to be effective April 1, 1983

based on the calendar year ending December 31, 1982.

The proposed effective date of the tendered tariff sheets is April 1, 1983.

A copy of this filing has been served on Pacific Interstate Transmission Company, Northwest's jurisdictional customers, and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public convenience.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6237 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA 83-2-37-001 (DCA83-2)]

Northwest Pipeline Corp.; Change in Rates Pursuant to Demand Charge Credit Adjustment

March 7, 1983.

Take notice that Northwest Pipeline Corporation ("Northwest"), on February 15, 1983 tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, filed pursuant to the Commission's order issued March 29, 1974, at Docket No. RP74-72 and Article 13.7 of Northwest's FERC Gas Tariff, First Revised Volume No. 1. The change in rates will result in .000¢ per therm for Rate Schedules ODL-1, DE-1 and PL-1. As more fully explained in the instant filing, the demand charge credit adjustment reflected on Northwest's Statement of Rates is zero.

Northwest is concurrently filing a notice of change in rates applicable to Article 16, Purchased Gas Cost Adjustment Provision contained in its First Revised Volume No. 1 Tariff. Both rate adjustments are reflected on the tendered First Amended Eighth Revised Sheet No. 10 which is proposed to become effective April 1, 1983.

Copies of this filing have been served upon Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the FERC, 825 North Capitol Street, N. E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions of protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6238 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-39-000 (PGA 83-2 and IPR 83-2)]

Pacific Interstate Transmission Co.; Proposed Changes in FERC Gas Tariff Pursuant to Purchased Gas Cost Adjustment Provision

March 7, 1983.

Take notice that Pacific Interstate Transmission Company (Pacific Interstate) on March 1, 1983, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the following sheets:

Twenty-second Revised Sheet No. 4
Sixth Revised Sheet No. 4-A
Seventeenth Revised Sheet No. 5

Pacific Interstate states that these tariff sheets are issued pursuant to Pacific Interstate's purchased Gas Cost Adjustment (PGA) provision and incremental pricing provision as set forth in Sections 16 and 17, respectively, of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 2. The proposed effective date of these tendered tariff sheets and the rates reflected thereon is April 1, 1983.

Pacific Interstate also states that the above-tendered tariff sheets reflect a proposed April 1, 1983 Pacific Interstate Rate Schedule S-G-1 commodity rate of 268.34¢ per decatherm, an increase of 15.25¢ per decatherm from the 253.34¢ perdecatherm rate effective October 2, 1982, the date of the last S-G-1 commodity rate change, and that such increase reflects a current Gas Cost Adjustment and a change in the Surcharge Adjustment.

Pacific Interstate states that the Current Gas Cost Adjustment is based on an annualized gas cost increase of $4,565 and that the Surcharge Adjustment is designed to recover, over a six-month period beginning April 1, 1983 an amount of $2,911.68, which is the amount of Pacific Interstate's Unrecovered Purchased Gas Cost account at December 31, 1982. Furthermore, Pacific Interstate states that there is no incremental pricing surcharge adjustment applicable to this filing, since its only customer has no surcharge absorption capability.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washingto, D.C. 20426, in accordance with Section 211 and 214 of the Commission's rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6239 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-33-000]

Pacific Power & Light Co.; Notice of Application

March 7, 1983.

Take notice that on Febraury 22, 1983, Pacific Power & Light Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to (1) issue and sell its short-term notes to foreign banks, brokers, and other securities dealers from time-to-time in aggregate principal amounts not to exceed $100,000,000 at any one time outstanding under a five-year, Euronote Facility Agreement with a group of foreign banks and Credit Suisse First Boston Limited as Agent, and (2) to enter into other credit agreements with the same or other foreign banks or their affiliates to borrow, from time-to-time, principal amounts which, together with Euronotes issued and outstanding, will not exceed $100,000,000 in the aggregate at any time. The Euronote Facility Agreement is expected to become

operative in March 1983, replacing a facility which expires on March 21, 1982.

Any person desiring to be heard or to make protest with reference to the application should, on or before March 18, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6240 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-7-000(PGA83-2)]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

March 7, 1983.

Take notice that Southern Natural Gas Company (Southern), on March 1, 1983, tendered for filing proposed changes in its FERC Gas Tariff, Sixth Revised Volume No. 1, to become effective April 1, 1983. Such filing is pursuant to Section 17 (Purchased Gas Adjustment) of the General Terms and Conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items.

(1) A Current Adjustment pursuant to § 17.3 of the General Terms and Conditions of Southern's Tariff, reflecting an annual decrease in the cost of purchased gas to jurisdictional customers of $19,074,923 or approximately 3.837¢ per Mcf.

(2) A Surcharge Adjustment for Unrecovered Purchased Gas Costs of 14.019¢ per Mcf which is an increase of 3.758¢ from the present Surcharge Adjustment. This Surcharge Adjustment will amortize the $69,701,070 balance in Southern's Deferred Account which was accumulated during the period July through December, 1982 over the estimated sales for the twelve-month period commencing April 1, 1983. Southern has requested a waiver of the Commission's Regulations and section 17.4 of its tariff in order to amortize the current unrecovered balance over a twelve-month period. In the event Southern's requested waiver is denied, Southern's Surcharge Adjustment, effective April 1, 1983, would become 37.091¢ per Mcf, an increase of 26.830¢ over the present Surcharge Adjustment rate.

(3) A Surcharge Adjustment for estimated Demand Charge Credits pursuant to § 9.6(3) of the General Terms and Conditions of Southern's Tariff of (.008¢) per Mcf which is an increase of .065¢ from the present Surcharge Adjustment.

Pursuant to § 282.602(a)(1)(ii) of the Commission's Regulations, Southern is also filing Seventh Revised Sheet No. 45R with a proposed effective date of April 1, 1983. Such tariff sheet reflects Southern's projected incremental pricing surcharge for the six-month period beginning April 1, 1983 to be zero.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E. Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wising to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6241 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-41-000 PGA83-2]

Southwest Gas Corp.; Change in Rates Pursuant to Purchased Gas Cost Adjustment

March 7, 1983.

Take notice that Southwest Gas Corporation ("Southwest") on February 28, 1983 tendered for filing Eighteenth Revised Sheet No. 10 and Sixth Revised Sheet No. 10A pursuant to Section 9, Purchased Gas Adjustment Clause ("PGA"), of the General Terms and Conditions contained in its FERC Gas Tariff, Original Volume No. 1. The purpose of said filing is to reflect a decrease in rates occasioned by a decrease in rates from Southwest's northern Nevada sole supplier of gas, Northwest Pipeline Corporation, effective April 1, 1983. The proposed increase in rates is April 1, 1983.

Southwest states that a copy of this filing has been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6242 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-17-009]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

March 7, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on March 1, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet: Substitute Third Substitute Sixty-fourth Revised Sheet No. 14.

The above sheet is being issued in substitution for that sheet filed February 15, 1983 which reflected a revision to Texas Eastern's semiannual PGA tracking adjustment to be effective February 1, 1983. The sole purpose of the above substitute sheet is to reflect the Commission's approved reduction in Texas Eastern's Rate Schedule SS-II and ISS-II space charges. Such reduced space charges were accepted to be effective January 1, 1983 by the Commission's order dated February 16, 1983 in Docket No. TA83-1-17.

The proposed effective date of the above substitute tariff sheet is February 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure. All such motions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6243 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-53-000]

United Gas Pipe Line Co.; Proposed Changes In FERC Gas Tariff

March 7, 1983.

Take notice that United Gas Pipe Line Company (United), on March 1, 1983, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1. The proposed changes are based on the twelve-month period ending November 30, 1982, as adjusted, and would increase jurisdictional revenues by $88,053,188.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended November 30, 1982, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change which became effective January 1, 1983, as reflected on Sixty-First Revised Sheet No. 4 to United's FERC Gas Tariff.

Copies of the filing have been served upon United's jurisdictional customers and the public service commissions of the States of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before March 17, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6244 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 846]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
CALIFORNIA DEPARTMENT OF CONSERVATION									
-AMERADA HESS CORPORATION				RECEIVED:	02/14/83	JA: CA			
8322061	82-6-0064	0409500147		108		"PETERS" #3	MAINE PRAIRIE GAS	19.8	PACIFIC GAS & ELE
8322056	83-6-0002	0409500207		108		RIO VISTA GAS UNIT #188	RIO VISTA GAS	7.4	PACIFIC GAS & ELE
-ARCADY OIL CO				RECEIVED:	02/14/83	JA: CA			
8322075	82-6-0076	0407720397		102-4		KLEIN 1-1	LATHROP GAS FIELD	7.3	PACIFIC GAS & ELE
-ARGO PETROLEUM CORP				RECEIVED:	02/14/83	JA: CA			
8322076	82-6-0082	0406720163		103		"ELLIOT RANCH" #1-73	STONE LAKE GAS	85.0	PACIFIC GAS & ELE
8322079	82-6-0083	0406720179		103		"ELLIOT" #32-36	STONE LAKE GAS	85.0	PACIFIC GAS & ELE
8322077	82-6-0081	0406720204		103		"NGC-ELLIOT" 32-48X	STONE LAKE GAS	85.0	PACIFIC GAS & ELE
-ARKOMA PRODUCTION CO				RECEIVED:	02/14/83	JA: CA			
8322082	82-6-0089	0401320195		102-4		STOLICH 7-1	SOUTH OAKLEY	1800.0	PACIFIC GAS & ELE
-ATLANTIC OIL CO				RECEIVED:	02/14/83	JA: CA			
8322063	82-6-0043	0401320169		102-4		"LOO" #1	OAKLEY	243.0	PACIFIC GAS & ELE
-CAPITOL OIL CORP				RECEIVED:	02/14/83	JA: CA			
8322064	82-6-0065	0409520563		102-4		MCELWAINE #1	BUNKER GAS	0.6	PACIFIC GAS & ELE
-CHEVRON U S A INC				RECEIVED:	02/09/83	JA: CA			
8322050	82-6-0071	0401120217		102-4		ARBUCKLE ROAD #10	GRIMES GAS	300.0	PACIFIC GAS & ELE
-CHEVRON U S A INC				RECEIVED:	02/14/83	JA: CA			
8322083	82-6-0072	0401120221		102-4		ARBUCKLE ROAD #11	GRIMES GAS	300.0	PACIFIC GAS & ELE
8322068	82-6-0073	0411320455		102-4		KNAGGS-WALLACE #1	ZAMORA GAS	100.0	PACIFIC GAS & ELE
8322067	82-6-0069	0401320166		102-4		PERRY #1	LOS MEDANOS	0.0	
-CITIES SERVICE COMPANY				RECEIVED:	02/14/83	JA: CA			
8322078	82-6-0080	0411320715		102-2		HORGAN UNIT "A" #1	CACHE CREEK	700.0	
-HILLIARD OIL & GAS INC				RECEIVED:	02/14/83	JA: CA			
8322065	82-6-0066	0411320695		102-4		EDSON #2	GRAYS BEND GAS	360.0	SHELL OIL CO
8322066	82-6-0068	0409520564		102-4		WHITLOCK #1	BUNKER GAS	640.0	SHELL OIL CO
-MCCULLOCH OIL & GAS CORP				RECEIVED:	02/14/83	JA: CA			
8322069	82-6-0067	0409520559		102-4		"HIGHLANDS WILLOW SPRINGS" - #3-12	LINDSEY SLOUGH GAS	550.0	PACIFIC GAS & ELE
8322070	82-6-0078	0409520468		102-4		HASTINGS RANCH #3-22	LINDSEY SLOUGH	265.0	PACIFIC GAS & ELE
8322071	82-6-0079	0409520565		103		HIGHLANDS WILLOW SPRINGS #1-11	LINDSEY SLOUGH	550.0	PACIFIC GAS & ELE
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	02/14/83	JA: CA			
8322062	82-6-0088	0401120229		102-4		ANDREOTTI #1	GRIMES FIELD	128.1	PACIFIC GAS & ELE
8322074	83-6-0001	0411320595		102-4		WESTERN GLIDE COLBY #1	PUTAH SINK (YOLO BY P	180.0	PACIFIC GAS & ELE
-NORDIC PETROLEUMS INC				RECEIVED:	02/14/83	JA: CA			
8322073	82-6-0058	0402120217		102-4		MASON-MARIN #36-1	WILLOWS-BEEHIVE BEND	183.0	PACIFIC GAS & ELE
-NORTHERN MICHIGAN EXPLORATION CO				RECEIVED:	02/14/83	JA: CA			
8322052	83-4-0198	0402962092		102-4		STOCKTON #25-4	MOUNTAIN VIEW	180.0	PACIFIC GAS & ELE
-OGLE PETROLEUM INC				RECEIVED:	02/09/83	JA: CA			
8322046	82-6-0061	0410120196		102-4		OPI GIUSTI #1-8	TISDALE (JOSEPHINE GA	200.0	PACIFIC GAS & ELE
8322048	82-6-0054	0410120192		102-4		OPI MCCLURE #1-5	TISDALE (JOSEPHINE GA	340.0	PACIFIC GAS & ELE
8322047	82-6-0055	0410120193		102-4		OPI MCGRATH #1-31	TISDALE (JOSEPHINE GA	340.0	PACIFIC GAS & ELE

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322049	82-6-0056	0410120198		102-4		OPI NL&F #1-5	TISDALE (JOSEPHINE GA	183.0	PACIFIC GAS & ELE
-OXY PETROLEUM INC				RECEIVED:	02/14/83	JA: CA			
8322054	82-2-0016	0411121040		102-4		VENTURA REALTY #34X-1	CHAFFEE CANYON FIELD	1.7	UNION OIL CO OF C
8322053	82-2-0017	0411121070		102-4		VENTURA REALTY #63X-1	CHAFFEE CANYON FIELD	675.3	UNION OIL CO OF C
8322055	82-2-0018	0411121122		102-4		VENTURA REALTY #83X-1	CHAFFEE CANYON	38.3	UNION OIL CO OF C
-SAMSON RESOURCES COMPANY				RECEIVED:	02/14/83	JA: CA			
8322072	82-6-0070	0409520561		102-4		BRIGANTINO #1	MAINE PRAIRIE GAS	273.0	PACIFIC GAS & ELE
-TENNECO OIL COMPANY				RECEIVED:	02/14/83	JA: CA			
8322060	82-6-0077	0407720399		102-4		NIES 1-15	SMITH LAKE AREA (FIEL	210.0	GOLDEN STATE RESO
-TXO PRODUCTION CORP				RECEIVED:	02/14/83	JA: CA			
8322057	83-6-0003	0409520576		102-4		DERNER 17-1 & REDRILL	BUNKER GAS FIELD	150.0	PACIFIC GAS & ELE
8322059	82-6-0084	0409520580		102-4		DONOVAN 21-2	MAINE PRAIRIE GAS	500.0	PACIFIC GAS & ELE
8322081	82-6-0074	0411320717		102-4		NGC COWELL 27-2	PUTAH SINK GAS	150.0	SHELL OIL & GAS C
8322058	82-6-0075	0402120234		102-4		TORRES 12-3	BOUNDE CREEK GAS	200.0	PACIFIC GAS & ELE
8322080	82-6-0086	0402120241		102-4		TRANSAMERICA MALTON 9-1	MALTON BLACK BUTTE	100.0	PACIFIC GAS & ELE
LOUISIANA OFFICE OF CONSERVATION									
-AMINOIL USA INC				RECEIVED:	02/15/83	JA: LA			
8322194	82-3140	1707522954		102-4	103	SL 2028 #22	LAKE WASHINGTON	730.0	SOUTHERN NATURAL
8322193	82-3142	1707522954		102-4	103	SL 2028 #22D	LAKE WASHINGTON	550.0	SOUTHERN NATURAL
-ENTEX PETROLEUM INC				RECEIVED:	02/15/83	JA: LA			
8322191	82-2542	1711300000		102-4		EVITA ABSHIRE #1	LELEUX	1614.0	TRANSCONTINENTAL
-GETTY OIL COMPANY				RECEIVED:	02/15/83	JA: LA			
8322202	82-2991	1705320758		102-4		IRVIN FONTENOT #1	FENTON	0.0	
-HERD PRODUCING COMPANY INC				RECEIVED:	02/15/83	JA: LA			
8322195	82-1591	1711123339		102-4	103	GRAFTON #1 VUA	BERNICE	391.0	LOUISIANA GAS INT
-INEXCO OIL COMPANY				RECEIVED:	02/15/83	JA: LA			
8322192	82-3150	1707522802		102-4		A J MAIER #2	HAPPY JACK	200.0	
-K-B EXPLORATION CO				RECEIVED:	02/15/83	JA: LA			
8322200	82-2483	1709920941		102-4		IBERVILLE LAND CO	HAPPYTOWN	800.0	MONTEREY PIPELINE
-LADD PETROLEUM CORPORATION				RECEIVED:	02/15/83	JA: LA			
8322201	82-2232	1705320698		102-4		H G CHRISTIAN #1	BAYOU ROGERS	237.6	CONOCO INC
-NESTOR PETROLEUM CO				RECEIVED:	02/15/83	JA: LA			
8322197	82-3399	1702321754		102-4		STEPHEN CARTER #1 SERIAL NO 178751	KINGS BAYOU 4896	1000.0	LOUISIANA RESOURC
-SUPERIOR OIL CO				RECEIVED:	02/15/83	JA: LA			
8322196	82-922	1710922510		102-4		R W BUCKLEY UNIT 9 #7	FOUR ISLE DOME	1000.0	TENNESSEE GAS PIP
-TEXAS CRUDE OIL INC				RECEIVED:	02/15/83	JA: LA			
8322199	82-1571	1700720328		102-4		JULES A BLANCHARD #2	OAKLEY	310.0	SUGAR BOWL GAS CO
-VOLVO PETROLEUM INC				RECEIVED:	02/15/83	JA: LA			
8322198	82-3314	1770920237		102-4		SL 7634 #2	WILDCAT 9727	700.0	TEXACO INC
NORTH DAKOTA INDUSTRIAL COMMISSION									
-AMOCO PRODUCTION CO				RECEIVED:	02/15/83	JA: ND			
8322183	694	3302500330		102-2		KUKLA AMOCO UNIT "D" #1	LITTLE KNIFE	92.0	MONTANA DAKOTA UT
8322184	695	3300700456		102-2		ROMANYSHYN #1	WILDCAT	4.4	WESTERN GAS PROCE
-GULF OIL CORPORATION				RECEIVED:	02/15/83	JA: ND			
8322187	698	3302500298		102-2		EDDIE SABROSKY 2-6-3B	LITTLE KNIFE	34.0	
8322188	699	3302500327		102-2		HARTMAN 1-8-1B	LITTLE KNIFE (MISSION	52.0	
8322189	700	3302500328		102-2		KOSTELNAK 5-30-3D	LITTLE KNIFE	18.0	MONTANA-DAKOTA UT
-PENNZOIL COMPANY				RECEIVED:	02/15/83	JA: ND			
8322182	693	3305301464		102-2		FLAT TOP BUTTE #15-32BN	FLAT TOP BUTTE	6.3	KOCH HYDROCARBON

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-POGO PRODUCING COMPANY				RECEIVED:	02/15/83	JA: ND			
8322186	697	3305300000		102-2		JOHNSRUD #1-3	PEMBROKE	548.0	
-SUNBEHM GAS INC				RECEIVED:	02/15/83	JA: ND			
8322185	696	3305301211		102-2		SKEDSVOLD #1	ALEXANDER	30.0	PHILLIPS PETROLEU
-SUPERIOR OIL CO				RECEIVED:	02/15/83	JA: ND			
8322190	701	3305301555		102-2		CUTLIP #1	ELK	0.0	PHILLIPS PETROLEU
-WILLIAM HERBERT HUNT TRUST ESTATE				RECEIVED:	02/15/83	JA: ND			
8322181	692	3305301563		102-2		BROCKMIER #2	WILDCAT	975.0	KOCH HYDROCARBON
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
-BEARER MARTIN L				RECEIVED:	02/14/83	JA: PA			
8322150	19090	3706326842		103		CHESTNUT RIDGE GOLF CLUB #1	BURRELL TOWNSHIP	144.0	
-C & C TROYER BROTHERS				RECEIVED:	02/14/83	JA: PA			
8322097	17937	3704922129		107-TF		ADAMS #3	WASHINGTON	10.0	NATIONAL FUEL GAS
8322096	17936	3704922129		102-2		ADAMS #3	WASHINGTON	10.0	NATIONAL FUEL GAS
8322093	17918	3704922002		102-2		ANDRE #1 (#65)	WASHINGTON	14.0	NATIONAL FUEL GAS
8322092	17917	3704922002		107-TF		ANDRE NO ONE (#65)	WASHINGTON	14.0	NATIONAL FUEL GAS
8322094	17921	3704921990		107-TF		BURGETT #1 (#63)	WASHINGTON	10.0	NATIONAL FUEL GAS
8322095	17922	3704921990		102-2		BURGETT #1 (#63)	WASHINGTON	10.0	NATIONAL FUEL GAS
8322102	17996	3704922227		107-TF		DONNELL #1	WATERFORD	13.0	NATIONAL FUEL GAS
8322101	17995	3704922227		102-2		DONNELL #1	WATERFORD	13.0	NATIONAL FUEL GAS
8322085	17700	3704921985		102-2		GOLDSMITH #1 (#60)	WATERFORD	20.0	NATIONAL FUEL GAS
8322084	17699	3704921985		107-TF		GOLDSMITH #1 (#60)	WATERFORD	20.0	NATIONAL FUEL GAS
8322099	17746	3704921986		107-TF		MEANS #1 (#61)	WASHINGTON	15.0	NATIONAL FUEL GAS
8322089	17745	3704921986		102-2		MEANS #1 (61)	WASHINGTON	15.0	NATIONAL FUEL GAS
8322090	17913	3704922131		102-2		SCHMITT & BRAEGER #2	WASHINGTON	11.0	NATIONAL FUEL GAS
8322091	17914	3704922131		107-TF		SCHMITT & BRAEGER #2	WASHINGTON	11.0	NATIONAL FUEL GAS
8322100	17939	3704922130		107-TF		STRAND #1	WASHINGTON	13.0	NATIONAL FUEL GAS
8322098	17938	3704922130		102-2		STRAND #1	WASHINGTON	13.0	NATIONAL FUEL GAS
-CABOT OIL & GAS CORP				RECEIVED:	02/14/83	JA: PA			
8322107	18638	3708520472		102-2		ARNOLD RADEMACHER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322106	18637	3708520472		107-TF		ARNOLD RADEMACHER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322114	18827	3708520470		102-2		CHARLES FLICKINGER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322113	18826	3708520470		107-TF		CHARLES FLICKINGER #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322130	19001	3712133389		102-2		CHARLES WHITMAN #2	CANAL	50.0	TENNESSEE GAS PIP
8322129	19000	3712133389		107-TF		CHARLES WHITMAN #2	CANAL	50.0	TENNESSEE GAS PIP
8322104	18577	3708520478		102-2		FRANCIS O'BRIEN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322103	18576	3708520478		107-TF		FRANCIS O'BRIEN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322109	18640	3708520461		102-2		JAMES DEAN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
8322108	18639	3708520461		107-TF		JAMES DEAN #1	FRENCH CREEK	50.0	TENNESSEE GAS PIP
-CARDINAL OIL CO				RECEIVED:	02/14/83	JA: PA			
8322125	18970	3703921874		107-TF		CHESTER TAU #2 82-30 PA PER CRA-21*	CONNEAUT	0.0	COLUMBIA GAS TRAN
8322126	18971	3703921860		107-TF		K FRNDAK #2 82-31 PA PER CRA-21860	CONNEAUT	0.0	COLUMBIA GAS TRAN
8322124	18947	3703921715		107-TF		WM LUTZ #3 82-22 PA PER # CRA-21715	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CASTLE GAS CO INC				RECEIVED:	02/14/83	JA: PA			
8322132	19019	3706323455		108		H C LONG #2 (PNG-5094) IND-23455	GRANT TOWNSHIP	4.3	PEOPLES NATURAL G
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/14/83	JA: PA			
8322088	13384	3703320929		108		ANNA HORN WN 1786	BRADY TOWNSHIP	24.0	GENERAL SYSTEM PU
8322120	18885	3703320619		102-4		ANSEL B THOMAS #1 WN-1558	GREENWOOD	11.0	GENERAL SYSTEM PU
8322118	18879	3703320547		102-4		HARRY E ROBERTSON #1 WN-1335	SANDY	3.0	GENERAL SYSTEM PU
8322086	12069	3706521713		108		J A BARTLETT WN 1727	MCCALMONT TOWNSHIP	27.7	GENERAL SYSTEM PU
8322119	18880	3706521079		102-4		SAMUEL L CRAWFORD #1 WN-1373	SNYDER	7.0	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322087	12070	3703320935		108		V H BECK #1 WN 1635	BRADY TOWNSHIP	24.0	GENERAL SYSTEM PU
-FLANIGAN BROTHERS				RECEIVED:	02/14/83	JA: PA			
8322111	18785	3703921812		107-TF		THOMAS WILSON #1	CRAWFORD	12.0	NATIONAL FUEL GAS
-FOX OIL & GAS INC				RECEIVED:	02/14/83	JA: PA			
8322131	19018	3706320363		107-TF		F M SLOAN #1	FRANKLIN TOWNSHIP	11.0	PEOPLES NATURAL G
-GLENN V TROYER				RECEIVED:	02/14/83	JA: PA			
8322115	18828	3704900000		102-2	107-TF	HOAG 3-C	LEBOEUF	20.0	COLUMBIA GAS TRAN
8322116	18829	3704900000		102-2	107-TF	HOAG 3C	LEBOEUF	20.0	COLUMBIA GAS TRAN
-JAMES F SCOTT				RECEIVED:	02/14/83	JA: PA			
8322121	18944	3706326487		103		DALE STARTZELL #2 PS-358	CANOE	0.4	CONSOLIDATED GAS
-JOHN H REETZ JR				RECEIVED:	02/14/83	JA: PA			
8322151	19100	3705300000		108		WARRANT #1 3159	JENKS	3.6	NATIONAL FUEL GAS
8322152	19101	3705300000		108		WARRANT #2-3159	JENKS	3.6	NATIONAL FUEL GAS
8322153	19102	3705300000		108		WARRANT #3-(3159)	JENKS	3.6	NATIONAL FUEL GAS
8322154	19103	3705300000		108		WARRANT #4 (3159)	JENKS	0.0	NATIONAL FUEL GAS
8322155	19104	3705300000		108		WARRANT #5 (3159)	JENKS	3.6	NATIONAL FUEL GAS
8322156	19105	3705300000		108		WARRANT #6 (3159)	JENKS	0.0	NATIONAL FUEL GAS
8322157	19106	3705300000		108		WARRANT #7 (3159)	JENKS	0.0	NATIONAL FUEL GAS
-KRIEBEL GAS CO INC				RECEIVED:	02/14/83	JA: PA			
8322127	18998	3706522698		103		NOVICKI #1	BELLS MILLS	20.0	
-KRIEBEL WELLS 82				RECEIVED:	02/14/83	JA: PA			
8322128	18999	3706327276		103		RAGER #2	JOHNSONBURG	20.0	
-MITCHELL ENERGY CORPORATION				RECEIVED:	02/14/83	JA: PA			
8322123	18946	3703921795		103		H F SHELLITO UNIT #1	CONNEAUT LAKE (MEDINA	4.1	TENNESSEE GAS PIP
8322122	18945	3703921795		107-TF		H F SHELLITO UNIT #1	CONNEAUT LAKE (MEDINA	4.1	TENNESSEE GAS PIP
-T W PHILLIPS GAS & OIL CO				RECEIVED:	02/14/83	JA: PA			
8322139	19030	3700500000		108		G D REARICK #1	PLUMCREEK	1.9	T W PHILLIPS GAS
8322140	19031	3700500000		108		P N REEFER #1	PLUMCREEK	1.1	T W PHILLIPS GAS
8322135	19026	3700520283		108		S F PETERS #1	PLUMCREEK	3.0	T W PHILLIPS GAS
8322136	19027	3700520214		108		S F PETERS #2	PLUMCREEK	2.9	T W PHILLIPS GAS
8322137	19028	3700520215		108		S F PETERS #3	PLUMCREEK	2.4	T W PHILLIPS GAS
8322138	19029	3700520207		108		S F PETERS #4	PLUMCREEK	0.4	T W PHILLIPS GAS
8322141	19032	3700521519		108		W K REEFER #1	PLUMCREEK	10.6	T W PHILLIPS GAS
8322133	19024	3700520219		108		WILLIAM J OCHS JR #1	PLUMCREEK	1.7	T W PHILLIPS GAS
8322134	19025	3700520324		108		WILLIAM J OCHS JR #2	PLUMCREEK	1.6	T W PHILLIPS GAS
-TURM OIL INC				RECEIVED:	02/14/83	JA: PA			
8322110	18645	3706326981		103		EDWARD A & ANNA MARY ROTH #1	BRUSH VALLEY	24.0	T W PHILLIPS GAS
8322117	18863	3706325877		108		F L MCCAULEY JR #1	ROCHESTER MILLS	10.0	INDUSTRIAL ENERGY
8322105	18636	3706326921		103		PETER A & BETTY PROVIAS #1	BRUSH VALLEY	30.0	T W PHILLIPS GAS
-VINCENT KUTCH				RECEIVED:	02/14/83	JA: PA			
8322112	18815	3706321065		107-TF		HOLMES #1	CRETE	7.0	PEOPLES NATURAL G
-WBC EXPLORATION & DEVELOPMENT INC				RECEIVED:	02/14/83	JA: PA			
8322145	19077	3704920296		108		BABBS #2	CONNEAUT	1.7	CONSOLIDATED GAS
8322146	19078	3704920191		108		GOEDECKER #1	CONNEAUT	5.1	NATIONAL FUEL GAS
8322143	19075	3704920302		108		LAYMAN #1	CONNEAUT	1.7	CONSOLIDATED GAS
8322142	19073	3704920304		108		MILLER #1	CONNEAUT	3.3	CONSOLIDATED GAS
8322144	19076	3704920279		108		R FISHER #1	CONNEAUT	3.2	CONSOLIDATED GAS
8322147	19079	3704920242		108		STEVENS #2	CONNEAUT	3.7	CONSOLIDATED GAS
8322148	19080	3704920192		108		WALKER #1	CONNEAUT	2.1	NATIONAL FUEL GAS
8322149	19081	3704920241		108		WEHRUNG #1	CONNEAUT	7.5	CONSOLIDATED GAS

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WEST VIRGINIA DEPARTMENT OF MINES

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-ASHLAND EXPLORATION INC RECEIVED: 02/14/83 JA: WV

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8322169		4710900510		108		W M RITTER LUMBER CO #172-026520	LOGAN-WYOMING	20.0	CONSOLIDATED GAS
-BRAXTON OIL AND GAS CORP				RECEIVED:		02/14/83 JA: WV			
8322174		4700701370		108		JOHN POSEY #1	HEATERS	10.0	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		02/14/83 JA: WV			
8322167		4710301196		108		MILLS WETZEL LAND INC WN 12672	GRANT	1.1	GENERAL SYSTEM PU
8322165		4704700292		108		OLGA COAL CO WN-10700	SANDY RIVER	21.0	GENERAL SYSTEM PU
8322166		4704700322		108		OLGA COAL CO WN-10808	SANDY RIVER	22.0	GENERAL SYSTEM PU
8322168		4710900827		108		POCAHONTAS LAND CORP I-19 WN 12587	BARKERS RIDGE	23.0	GENERAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:		02/14/83 JA: WV			
8322178		4704900653		108		B LAUGHLIN #1 KL-125	LINCOLN DISTRICT	25.0	CONSOLIDATED GAS
8322177		4703302523		108		D M SHINN #2 KL-185	CLAY DISTRICT	25.0	CONSOLIDATED GAS
8322176		4703302235		108		E ADAMS #1 KL-119	UNION DISTRICT	25.0	CONSOLIDATED GAS
-HARRY C BOGGS				RECEIVED:		02/14/83 JA: WV			
8322161		4700701635		108		H A EDGELL #2	NICUT	12.0	COLUMBIA GAS TRAN
8322162		4700701636		108		H A EDGELL #3	NICUT	12.0	COLUMBIA GAS TRAN
8322159		4700701632		108		M C CHAPMAN #3	NICUT	18.0	COLUMBIA GAS TRAN
8322160		4700701634		108		M C CHAPMAN #5	NICUT	18.0	COLUMBIA GAS TRAN
8322163		4701302857		108		R F STALNAKER #7	NICUT	18.0	COLUMBIA GAS TRAN
8322164		4701302859		108		R F STALNAKER #9	NICUT	0.0	COLUMBIA GAS TRAN
8322158		4700701631		108		RUIE HALL #3	NICUT	18.0	COLUMBIA GAS TRAN
-RENDOVA OIL CO				RECEIVED:		02/07/83 JA: WV			
8322051		4707301191		103		JENKINS #1	MCKIM DISTRICT	57.6	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:		02/14/83 JA: WV			
8322171		4708300612		102-4		BREWSTER-HIGHLAND #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
8322172		4709702406		102-4		HAYES SCOTT #1-A	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
8322173		4708300618		102-4		HAYES SCOTT #4	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
8322170		4708300614		102-4		MARVIN CURRENCE #1	MIDDLE FORK	35.0	COLUMBIA GAS TRAN
-TYRONE ENERGY				RECEIVED:		02/14/83 JA: WV			
8322175		4708300632		107-DV		JAMES LAROSA/TYRONE #10	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8322180		4708300635		107-DV		JAMES LAROSA/TYRONE #9	ROARING CREEK	0.0	COLUMBIA GAS TRAN
8322179		4708300468		107-DV		ROY HOWES/TYRONE ENERGY #1	ROARING CREEK	0.0	COLUMBIA GAS TRAN
**********									
WYOMING OIL & GAS CONSERVATION COMMISSION									
**********									
-AMOCO PRODUCTION CO				RECEIVED:		02/10/83 JA: WY			
8322015	NG 250-82	4903721873		107-TF		CHAMPLIN 271 AMOCO "C" #1 (MESAVER)	UNNAMED-MESAVERDE	22.0	
8322025	NG 329-82	4900720763		107-TF		CHAMPLIN 444 AMOCO "L" #1	BARREL SPRINGS II - M	80.3	CITIES SERVICE GA
8322029	NG 333-82	4904120282		107-DP		CHAMPLIN 457 AMOCO "A" #3	WHITNEY CANYON - BIGH	4000.0	NATURAL GAS PIPEL
8322028	NG 332-82	4904120345		107-DP		CHAMPLIN 457 AMOCO "E" #1	WHITNEY CANYON - BIGH	9000.0	NATURAL GAS PIPEL
8322016	NG 257-82	4903721583		103		LOST SOLDIER UNIT #135 (TENSLEEP)	LOST SOLDIER - TENSLE	6.0	NORTHERN GAS CO
8322014	NG 249-82	4903721609		107-TF		RED DESERT UNIT #3-5 (LEWIS)	WILDCAT - LEWIS	90.0	CITIES SERVICE GA
-APACHE CORPORATION				RECEIVED:		02/10/83 JA: WY			
8322007	NG 95-82	4900525684		102-2		MOORE 1-21	POWELL	115.0	MONTANA DAKOTA UT
-BELCO PETROLEUM CORPORATION				RECEIVED:		02/10/83 JA: WY			
8322012	NG 215-82	4903502560		102-4		C 73-23	C	0.0	NORTHWEST PIPELIN
8322010	NG 211-82	4903520626		103		C75-36	CHIMNEY BUTTES UNIT	0.0	NORTHWEST PIPELIN
8322009	NG 210-82	4903516026		103		ELBU 35-5	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
8322011	NG 212-82	4902320400		103		GRBU 77-13	GREEN RIVER BEND UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		02/10/83 JA: WY			
8322017	NG 269-82	4900526551		103		STATE #2 34-36	PORCUPINE	66.0	MGPC INC
8322018	NG 270-82	4901922052		103		UPRR #1 13-19	PETRICK DRAW	255.0	COLORADO INTERSTA
8322042	NG 354-82	4903722073		103		UPRR 43-31 #1	WEST DESERT SPRINGS	124.0	COLORADO INTERSTA
8322019	NG 271-82	4900720762		102-2		UPRR 44-5 #1	WILDCAT	180.0	COLORADO INTERSTA

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DAVIS OIL COMPANY				RECEIVED:	02/10/83	JA: WY			
8322004	NG 60-82	4900525706		102-2		BELLE FOURCHE #2	HILIGHT	13.4	PHILLIPS PETROLEU
8322020	NG 323-82	4902521480		103		MOCASSIN STATE #1	WILDCAT	38.8	KANSAS-NEBRASKA N
8322013	NG 232-82	4900931220		102-2		OLLIE KANE #1	WILDCAT	21.4	PHILLIPS PETROLEU
-HPC INC				RECEIVED:	02/10/83	JA: WY			
8322036	NG 340-82	4900922070		103		LUCILLE #2	MIKES DRAW	1.0	PHILLIPS PETROLEU
8322043	NG 355-82	4900922074		102-2		MOHR #21-1	SCOTT	1.0	PHILLIPS PETROLEU
8322034	NG 338-82	4900922051		103		WELL DRAW #24-1	WELL DRAW	33.8	PHILLIPS PETROLEU
8322035	NG 339-82	4900922118		103		WELL DRAW #36-1	WELL DRAW	22.4	PHILLIPS PETROLEU
-INTERNORTH INC				RECEIVED:	02/10/83	JA: WY			
8322032	NG 336-82	4900921640		102-2		DONNELLY #1-7	SCOTT	30.0	PHILLIPS PETROLEU
8322030	NG 334-82	4900921853		102-2		STATE 025 #1-16	SCOTT	50.0	PHILLIPS PETROLEU
8322031	NG-335-82	4900921849		102-2		STATE 025 #2-16	SCOTT	50.0	PHILLIPS PETROLEU
8322033	NG 337-82	4900921909		102-2		STATE 025 #3-16	SCOTT	50.0	PHILLIPS PETROLEU
-LEONARD HAY				RECEIVED:	02/10/83	JA: WY			
8322044	NG 356-82	4903500000		107-TF		JENSEN #1	PINEDALE ANTICLINE	600.0	NORTHWEST PIPELIN
-MILESTONE PETROLEUM INC				RECEIVED:	02/10/83	JA: WY			
8322039	NG 346-82	4900526720		103		BIRDSALL 41-8	HOUSE CREEK - SUSSEX	40.0	PHILLIPS PETROLEU
-NORTHWEST EXPLORATION COMPANY				RECEIVED:	02/10/83	JA: WY			
8322005	NG 62-82	4902320127		108		RED GAP #1	BIG PINEY FRONTIER-MU	21.7	NORTHWEST PIPELIN
-PRENALTA CORPORATION				RECEIVED:	02/10/83	JA: WY			
8322006	NG 71-82	4904521646		102-2		PRENALTA 21-16-41-60 STATE 04521646	PLUM CANYON	1.5	PRENALTA CORP
-TENNECO OIL COMPANY				RECEIVED:	02/10/83	JA: WY			
8322041	NG 352-82	4900922128		102-2		ADCOCK 3-2	SCOTT	25.0	
8322008	NG 203-82	4901321087		103		JOHN K COOLIDGE #1-4	PAVILLION	0.0	MONTANA DAKOTA UT
-TEXACO INC				RECEIVED:	02/10/83	JA: WY			
8322026	NG 330-82	4903700000		103		TABLE ROCK UNIT #51	TABLE ROCK	0.0	COLORADO INTERSTA
8322038	NG 342-82	4903722116		103		TABLE ROCK UNIT #53	TABLE ROCK	43.9	COLORADO INTERSTA
8322037	NG 341-82	4903722117		103		TABLE ROCK UNIT #54	TABLE ROCK	89.1	COLORADO INTERSTA
-WILLIAMS EXPLORATION COMPANY				RECEIVED:	02/10/83	JA: WY			
8322027	NG 331-82	4900526378		103		BOOS 22-25	SW BIG HAND	162.0	PHILLIPS PETROLEU
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8322024	NG 327-82	4900526470		103		PINE TREE UNIT #18-48	PINE TREE	1.0	WESTERN GAS PROCE
8322023	NG 326-82	4900526470		102-4		PINE TREE UNIT #18-48	PINE TREE	1.0	WESTERN GAS PROCE
8322045	NG 351-82	4900921963		102-2		TAYLOR UNIT #4	TAYLOR	64.0	WESTERN GAS PROCE
8322040	NG 350-82	4900921963		102-2		TAYLOR UNIT #4	TAYLOR	32.0	WESTERN GAS PROCE
8322021	NG 324-82	4900921809		103		WILLIAM TAYLOR #21-1	POWELL	179.0	MONTANA-DAKOTA UT
8322022	NG 325-82	4900921809		103		WILLIAM TAYLOR #21-1	POWELL	0.0	MONTANA-DAKOTA UT

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. 83-6248 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 843]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW MEXICO DEPARTMENT OF ENERGY & MINERALS									
-AMOCO PRODUCTION CO				RECEIVED:	02/10/83	JA: NM			
8321548		3004524188		103		GALLEGOS CANYON UNIT #106E	BASIN DAKOTA	33.0	EL PASO NATURAL G
-CORPENING ENTERPRISES				RECEIVED:	02/10/83	JA: NM			
8321545		3001500000		108-ER		EXXON STATE #1	SQUARE LAKE QUEEN	0.0	PHILLIPS PETROLEU
-EVANS JAMES L				RECEIVED:	02/10/83	JA: NM			
8321566		3002527074		103		STEELER A #3	LANGLIE MATTIX	3.3	EL PASO NATURAL G
8321564		3002528044		103		STEELER A #4	LANGLIE MATTIX	25.0	EL PASO NATURAL G
-EXXON CORPORATION				RECEIVED:	02/10/83	JA: NM			
8321543		3002527774		103		NEW MEXICO "DD" STATE #3	SCHARB-WOLFCAMP	1.0	WARREN PETROLEUM
-FLAG-REDFERN OIL CO				RECEIVED:	02/10/83	JA: NM			
8321568		3000520797		103		SOUTHARD "A" #3	TOM-TOM (SAN ANDRES)	5.0	NATURAL GAS PIPEL
8321567		3000520841		103		SOUTHARD "A" #4	TOM-TOM (SAN ANDRES)	5.8	NATURAL GAS PIPEL
-GETTY OIL COMPANY				RECEIVED:	02/10/83	JA: NM			
8321563		3002500000		108-ER		SKELLY "G" STATE #1	EUNICE - MONUMENT	0.0	PHILLIPS PETROLEU
-GULF OIL CORPORATION				RECEIVED:	02/11/83	JA: NM			
8321582		3002521251		108		BELL RAMSAY (NCT-A) #13	EUNICE MONUMENT	13.5	PHILLIPS PETROLEU
8321583		3004120201		108		ROOSEVELT "AN" STATE #2	TODD-LOWER SAN ANDRES	1.7	CITIES SERVICE OI
-HARVEY E YATES COMPANY				RECEIVED:	02/10/83	JA: NM			
8321544		3001522450		102-2		AMOCO 22 STATE #1	WILDCAT ATOKA	0.0	LLANO INC
8321542		3002527721		102-2		MCDONALD UNIT #2	WILDCAT	0.0	TENNESSEE GAS PIP
-J E M RESOURCES				RECEIVED:	02/10/83	JA: NM			
8321547		3001500000		108		STATE #1	CAVE G-SA	10.6	TRANSWESTERN PIPE
-NORTHWEST PIPELINE CORPORATION				RECEIVED:	02/10/83	JA: NM			
8321549		3003907472		108		SAN JUAN 29-5 #38	BLANCO MESAVERDE	18.4	EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/10/83	JA: NM			
8321565		3002502922		108		E VACUUM GB/SA UNIT TR 2851 #001	VACUUM GRAYBURG SAN A	3.0	EL PASO NATURAL G
-RALPH NIX				RECEIVED:	02/10/83	JA: NM			
8321560		3001500000	D	103		FIKES #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321557		3001500000		103		HONDO KELLY #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321554		3001500000		103		KELLY #2	UNDESIGNATED ATOKA YE	35.0	PHILLIPS PETROLEU
8321555		3001500000		103		LYNN #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321556		3001500000		103		MELAINE BATTERY #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321561		3001500000	D	103		MELAINE BATTERY #2	UNDESIGNATED ATOKA YE	35.0	PHILLIPS PETROLEU
8321558		3001500000		103		MERRI #1	WILDCAT BONE SPRINGS	35.0	PHILLIPS PETROLEU
8321559		3001500000		103		MERRILL BATTERY #1	ATOKA YESO	35.0	PHILLIPS PETROLEU
8321550		3001500000		103		MERRILL BATTERY #2	ATOKA YESO	35.0	PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO				RECEIVED:	02/10/83	JA: NM			
8321553		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8321552		3004500000		108-PB		ALBINO CANYON #1	BLANCO MESAVERDE	0.0	EL PASO NATURAL G
8321551		3002500000		108-ER		STATE B-148 #1	JALMAT YATES GAS	0.0	EL PASO NATURAL G
-TENNECO OIL COMPANY				RECEIVED:	02/10/83	JA: NM			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321562		3004520382		108		STATE COM C5	AZTEC PICTURED CLIFFS	17.0	EL PASO NATURAL G
-TXO PRODUCTION CORP				RECEIVED:		02/11/83 JA: NM			
8321584		3000560396		103		O'BRIEN #1	STRAWN - LOST LAKE	100.0	TRANSWESTERN PIPE
-YATES PETROLEUM CORPORATION				RECEIVED:		02/10/83 JA: NM			
8321570		3000560938		102-3		BITTER LAKE "PX" STATE #1	WILDCAT ABO	0.0	TRANSWESTERN PIPE
8321571		3000561818		102-3		ROADRUNNER "VY" ST #1	UND PECOS SLOPE ABO	0.0	TRANSWESTERN PIPE
8321569		3001523793		102-4		SHARP "QS" COM #1	POW MORROW	0.0	TRANSWESTERN PIPE
8321546		3002527981		103		VALENTINE "VL" ST #1	SAUNDERS PERMO-PENN	0.0	WARREN PETROLEUM

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WEST VIRGINIA DEPARTMENT OF MINES

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-ALLEGHENY & WESTERN ENERGY CORP				RECEIVED:		02/07/83 JA: WV			
8321437		4708703480		103		1 W SNODGRASS #1	WALTON DISTRICT	36.0	COLUMBIA GAS TRAN
-ALLSTATE ENERGY CORP				RECEIVED:		02/07/83 JA: WV			
8321422		4708505148		108		BARKER #1	MURPHY DISTRICT	3.6	CONSOLIDATED GAS
8321445		4708502232		108		BOLLINGER #1	UNION DISTRICT	2.3	CARNEGIE NATURAL
8321427		4708504956		108		CUNNINGHAM #1	MURPHY DISTRICT	0.5	CONSOLIDATED GAS
8321443		4708504980		108		DAVID SMITH #1	CLAY DISTRICT	1.7	CARNEGIE NATURAL
8321442		4708504981		108		DAVID SMITH #2	CLAY DISTRICT	1.7	CARNEGIE NATURAL
8321426		4708504954		108		DEEM #1	UNION DISTRICT	0.5	CARNEGIE NATURAL
8321444		4708504735		108		GEORGE #1	UNION DISTRICT	4.4	CARNEGIE NATURAL
8321440		4708504912		108		GIEBELL #1	UNION DISTRICT	3.6	CONSOLIDATED GAS
8321439		4708504913		108		GIEBELL #2	UNION DISTRICT	3.6	CONSOLIDATED GAS
8321420		4708505138		108		HARDBARGER #1	UNION DISTRICT	6.7	CONSOLIDATED GAS
8321438		4708504940		108		HAYHURST #1	UNION DISTRICT	5.9	CONSOLIDATED GAS
8321434		4708504955		108		HAYHURST #2	UNION DISTRICT	5.9	CONSOLIDATED GAS
8321419		4708505246		108		HERSMAN #1-44	UNION DISTRICT	6.5	CARNEGIE NATURAL
8321465		4708505313		108		HERSMAN #2-50	UNION DISTRICT	2.9	CARNEGIE NATURAL
8321423		4708505273		108		HERSMAN #3-45	UNION	6.2	CARNEGIE NATURAL
8321421		4708505131		108		LAYTON #2	UNION DISTRICT	4.9	CONSOLIDATED GAS
8321441		4702102674		108		SIMMONS #1	TROY DISTRICT	4.2	CONSOLIDATED GAS
8321424		4708505236		108		SWEET #1	UNION DISTRICT	3.7	CARNEGIE NATURAL
8321425		4708505272		108		SWEET #2-46	UNION DISTRICT	3.7	CARNEGIE NATURAL
-ASHLAND EXPLORATION INC				RECEIVED:		02/07/83 JA: WV			
8321461		4701900392		108		EASTERN GAS & FUEL #61 087131	PAINT CREEK	16.0	COLUMBIA GAS TRAN
-BRAXTON OIL AND GAS CORP				RECEIVED:		02/07/83 JA: WV			
8321463		4700701428		108		TOLLEY #1	GERMAN - CHAPEL	10.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:		02/07/83 JA: WV			
8321466		4708100513		108		BROWN PAYNE #1	TOWN	1.8	COLUMBIA GAS TRAN
8321467		4708100518		108		RALEIGH COUNTY COMMISSION #1	TOWN	13.3	COLUMBIA GAS TRAN
8321469		4703901634		108		SHUNK LAND CO #16	CABIN CREEK	2.0	CONSOLIDATED GAS
8321468		4709901720		108		WILSON COAL A-6	LINCOLN	15.3	TENNESSEE GAS PIP
-CARDINAL DRILLING FUND 79-6 LTD				RECEIVED:		02/07/83 JA: WV			
8321430		4708504447		108		JOYCE HOWARD H-884	UNION DISTRICT	20.0	CONSOLIDATED GAS
8321431		4708504443		108		KENNETH PERINE H-880	UNION DISTRICT	20.0	CONSOLIDATED GAS
8321446		4708504491		108		KENNETH PERINE H-893	UNION DISTRICT	20.0	CONSOLIDATED GAS
8321433		4702103622		108		MILTON ALLMAN H-980	TROY DISTRICT	20.0	CONSOLIDATED GAS
8321432		4702103623		108		MILTON ALLMAN H-981	TROY DISTRICT	20.0	CONSOLIDATED GAS
-CARSON PETROLEUM CORP				RECEIVED:		02/07/83 JA: WV			
8321394		4704102947		108		L L D PETERS #1A	INDIAN FORK	11.0	CONSOLIDATED GAS
8321392		4702102764		108		NELLIE BARBAROW #1	TROY DISTRICT	17.0	CONSOLIDATED GAS
8321391		4701702665		108		SEVERIN #1A	ST CLAIR	19.0	CONSOLIDATED GAS
8321393		4702103664		108		SPROUSE #1	BIG ELLIS	19.0	CONSOLIDATED GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-CITIES SERVICE COMPANY				RECEIVED:	02/07/83	JA: WV			
8321457		4700501164		108		KINDER 'A' #1	DARTMONT	7.0	ASHFORD GAS CO
-COASTAL CORP				RECEIVED:	02/07/83	JA: WV			
8321428		4710301257		107-DV		PARAMOUNT #1	GREEN	280.0	
8321429		4710301245		107-DV		PARAMOUNT #3	GREEN	52.5	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	02/07/83	JA: WV			
8321485		4704102077		108		A T SIMMONS WN 12123	FREEMANS CREEK DISTRI	0.0	GENERAL SYSTEM PU
8321397		4703300922		108		AB POST WN 12596	GRANT	15.0	GENERAL SYSTEM PU
8321488		4700100901		108		ARTHUR HICKMAN WN 12238	ELK	12.0	GENERAL SYSTEM PU
8321479		4709702270		103		BOYNTON CO INC WN 12690	MEADE DISTRICT	16.0	GENERAL SYSTEM PU
8321398		4703300319		108		JACKSON ARNOLD WN-10529	ELK	21.0	GENERAL SYSTEM PU
8321487		4703300832		108		MAE GASTON #11826	GRANT DISTRICT	14.0	GENERAL SYSTEM PU
8321486		4703302359		108		W O DAWSON 12652	GRANT DISTRICT	6.0	GENERAL SYSTEM PU
-CONTINENTAL PETROLEUM CO				RECEIVED:	02/07/83	JA: WV			
8321447		4702103688		107-DV		J MESSENGER #1-A	GLENVILLE NORTH	50.0	COLUMBIA GAS TRAN
8321449		4702103765		107-DV		ROGERS #1-A	GLENVILLE NORTH	50.0	CONSOLIDATED GAS
8321448		4702103770		107-DV		ROGERS #2-A	GLENVILLE NORTH	50.0	CONSOLIDATED GAS
-EASTERN AMERICAN ENERGY CORPORATION				RECEIVED:	02/07/83	JA: WV			
8321490		4701702499		108		H STICKLE #1	SNAKE RUN	25.0	COLUMBIA GAS TRAN
8321489		4702103527		108		J DAVIS #3	GLENVILLE	0.0	EQUITABLE GAS CO
-FRANCIS E CAIN				RECEIVED:	02/07/83	JA: WV			
8321452		4701303029		108		FRANCIS CAIN (HAGAN BARR)	SHERIDAN DISTRICT	0.0	CABOT CORP
-GLENN L HAUGHT & SONS				RECEIVED:	02/07/83	JA: WV			
8321436		4708504528		108		L W DAVIS H-920	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8321435		4708545290		108		L W DAVIS H-921	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8321415		4708504445		108		MARY ELDER H-882	UNION DISTRICT	18.0	CONSOLIDATED GAS
8321416		4708504446		108		MARY ELDER H-883	UNION DISTRICT	18.0	CONSOLIDATED GAS
8321417		4708504492		108		PEARLY PIFER H-894	GRANT DISTRICT	20.0	CONSOLIDATED GAS
8321418		4708504493		108		PEARLY PIFER H-895	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-HAUGHT INC				RECEIVED:	02/07/83	JA: WV			
8321404		4708505578		107-DV		CHARLES WOLFE H-670	MURPHY DISTRICT	20.0	ROARING FORK GAS
-J & J ENTERPRISES INC				RECEIVED:	02/07/83	JA: WV			
8321478		4701702528		107-DV		J-100	NEW MILTON	0.0	CONSOLIDATED GAS
8321477		4701702653		107-DV		J-101	NEW MILTON	0.0	CONSOLIDATED GAS
8321482		4701702524		107-DV		J-103	NEW MILTON	0.0	CONSOLIDATED GAS
8321476		4701702686		107-DV		J-277	WEST UNION	0.0	CONSOLIDATED GAS
8321483		4701702689		107-DV		J-278	WEST UNION	0.0	CONSOLIDATED GAS
8321481		4701702599		107-DV		J-38	NEW MILTON	0.0	CONSOLIDATED GAS
8321460		4701727710		108		J-49	NEW MILTON	0.0	CONSOLIDATED GAS
8321484		4709722960		103		J-523	UNION	0.0	COLUMBIA GAS TRAN
8321480		4701726040		107-DV		J-86	GREENBRIER	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	02/07/83	JA: WV			
8321459		4703302617		102-2		R L BARNES S-325	COAL	20.0	CONSOLIDATED GAS
8321458		4703302461		102-2		TRUMAN GORE S-319	COAL DISTRICT	10.0	CONSOLIDATED GAS
-KEITH CRIHFIELD				RECEIVED:	02/07/83	JA: WV			
8321402		4702102108		108		GEORGE SPONAUGLE #1	CEDARVILLE	4.0	COLUMBIA GAS TRAN
8321403		4702102157		108		GEORGE SPONAUGLE #2	CEDARVILLE	4.0	COLUMBIA GAS TRAN
8321401		4702102030		108		SPONAUGLE #1	CEDARVILLE	3.0	COLUMBIA GAS TRAN
8321399		4702101927		108		STOUT #1	CEDARVILLE	2.0	COLUMBIA GAS TRAN
8321400		4702101938		108		STOUT #2	CEDARVILLE	2.0	COLUMBIA GAS TRAN
-MARTHA BLAND LEASE #1				RECEIVED:	02/07/83	JA: WV			
8321395		4701300365		108		MARTHA BLAND LEASE #1	SHERMAN DISTRICT	4.2	CABOT CORP
-MILTON CAIN OWNER				RECEIVED:	02/07/83	JA: WV			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321453		4701303032		108		BATTELL FERRELL	SHERIDAN DISTRICT	0.0	CABOT CORP
8321454		4701303072		108		C L & COLUMBIA SHANKS	SHERIDAN DISTRICT	0.0	CABOT CORP
8321456		4701303283		108		HAGAN BARR #1	SHERIDAN DISTRICT	0.0	CABOT CORP
8321455		4701303073		108		MARTHA SIMS	SHERIDAN DISTRICT	0.0	CABOT CORP
-NATURAL GAS OF WVA INC				RECEIVED:	02/07/83	JA: WV			
8321412		4710300046		108		A CHURCH #1	CHURCH	3.6	CONSOLIDATED GAS
8321414		4706100017		108		CLOVIS #1	CHURCH	3.6	CONSOLIDATED GAS
8321413		4710300044		108		FREELAND #1	CHURCH	6.0	CONSOLIDATED GAS
8321407		4710300042		108		HENRY CHURCH #1	CHURCH	6.0	CONSOLIDATED GAS
8321411		4710300062		108		HENRY CHURCH #2	CHURCH	4.8	CONSOLIDATED GAS
8321406		4710300172		108		HOSTUTTLE #2	CHURCH	6.0	CONSOLIDATED GAS
8321409		4710300213		108		HOSTUTTLE #3	CHURCH	3.6	CONSOLIDATED GAS
8321410		4710300066		108		NULL & MOOREHEAD #4	CHURCH	3.6	CONSOLIDATED GAS
8321408		4710300247		108		NULL & MOOREHEAD #5	CHURCH	4.8	CONSOLIDATED GAS
8321405		4710300152		108		RHOME #1	CHURCH	1.2	CONSOLIDATED GAS
-PACIFIC STATES GAS & OIL INC				RECEIVED:	02/07/83	JA: WV			
8321494		4702102998		108		L RADCLIFF #1	GLENVILLE	23.0	EQUITABLE GAS CO
8321493		4702103204		108		S A HAYS #4	GLENVILLE	31.5	EQUITABLE GAS CO
-PATRICK PETROLEUM CORP (MI)				RECEIVED:	02/07/83	JA: WV			
8321492		4700100684		108		CRUSTON JOSEPH WV 81282	PHILIPPI DISTRICT	0.0	CONSOLIDATED GAS
8321491		4704700545		108		ROYALTY SMOKELESS 1-A	BROWNS CREEK DISTRICT	0.0	CABOT CORP
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/07/83	JA: WV			
8321396		4707700110		108		HOLMES C #1	SOUTH BURNS CHAPEL	16.8	CONSOLIDATED GAS
-PRIOR IDA MAE				RECEIVED:	02/07/83	JA: WV			
8321495		4702103571		108		BUELL BUSH #1	TROY DISTRICT	0.0	CONSOLIDATED GAS
-R & B PETROLEUM INC				RECEIVED:	02/07/83	JA: WV			
8321462		4704700764		108		GEORGIA PACIFIC #2	BIG CREEK	15.0	COLUMBIA GAS TRAN
-RENDOVA OIL CO				RECEIVED:	02/07/83	JA: WV			
8321472		4707301135		107-DV		BUTCHER #1	UNION DISTRICT ST MAR	3.3	COLUMBIA GAS TRAN
8321471		4707301135		103		BUTCHER #1	UNION DISTRICT ST MAR	3.3	COLUMBIA GAS TRAN
8321473		4707301138		107-DV		CLARK #1	UNION DISTRICT ST MAR	36.5	COLUMBIA GAS TRAN
8321470		4707301138		103		CLARK #1	UNION DISTRICT ST MAR	36.5	COLUMBIA GAS TRAN
8321474		4707301139		107-DV		CLARK #2	UNION DISTRICT ST MAR	25.6	COLUMBIA GAS TRAN
8321475		4707301191		107-DV		JENKINS #1	MCKIM DISTRICT	57.6	COLUMBIA GAS TRAN
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	02/07/83	JA: WV			
8321464		4709702278		102-4		SAMPSON #1-8	WASHINGTON	35.0	TENNESSEE GAS PIP
-UNITED STATES ENERGY CORP				RECEIVED:	02/07/83	JA: WV			
8321451		4702102509		108		BUD MOORE 1-A	GLENVILLE	9.1	CONSOLIDATED GAS
-W J LORENTZ LEASE				RECEIVED:	02/07/83	JA: WV			
8321450		4702100246		108		W L LORENTZ LEASE #1	GLENVILLE DISTRICT	2.4	CONSOLIDATED GAS

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WYOMING OIL & GAS CONSERVATION COMMISSION

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-AMOCO PRODUCTION CO				RECEIVED:	02/10/83	JA: WY			
8321534	NG 254-82	4903720953		107-RT		CHAMPLIN 449 AMOCO "A" #1	LOST CREEK BASIN - LE	25.0	CITIES SERVICE GA
8321535	NG 255-82	4903721456		107-RT		CHAMPLIN 452 AMOCO "E" #1 (LEWIS)	SIBERIA RIDGE - (LEWI	40.0	CITIES SERVICE GA
8321538	NG 319-82	4903721943		103		LOST SOLDIER UNIT #161 (DARWIN)	LOST SOLDIER - DARWIN	1.6	NORTHERN GAS CO
8321537	NG 312-82	4903721943		103		LOST SOLDIER UNIT #161 (MADISON)	LOST SOLDIER - MADISO	1.6	NORTHERN GAS CO
-APACHE CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321541	NG 349-82	4900921874		102-2		STATE #36-1	WILDCAT	90.0	PHILLIPS PETROLEU
-BELCO PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321533	NG 242-82	4903520658		103		BIRD STATE 3-16	EAST LABARGE UNIT	0.0	NORTHWEST PIPELIN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/08/83	JA: WY			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321515	NG 318-82	4904120478		102-2		CHURCH BUTTES 1-5	CHURCH BUTTES BUFFER	270.0	MOUNTAIN FUEL SUP
8321516	NG 319-82	4904120479		103		CHURCH BUTTES 1-9	CHURCH BUTTES	620.0	MOUNTAIN FUEL SUP
8321517	NG 320-82	4904120479		107-TF		CHURCH BUTTES 1-9	CHURCH BUTTES	620.0	MOUNTAIN FUEL SUP
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/10/83	JA: WY			
8321532	NG 231-82	4900720832		102-2		BELL SPRINGS 32-5 #2	WILDCAT	590.0	INTER NORTH INC
8321540	NG 348-82	4903722140		103		LEUCITE HILLS 1-19	WILDCAT	275.0	
8321539	NG 347-82	4903722102		103		LEUCITE HILLS 1-33	LEUCITE HILLS	222.0	
-CHEVRON U S A INC				RECEIVED:	02/10/83	JA: WY			
8321527	NG 195-82	4904120295		102-4		PAINTER RESERVOIR UNIT 13-5A	EAST PAINTER	756.0	
-CITIES SERVICE COMPANY				RECEIVED:	02/10/83	JA: WY			
8321523	NG 117-82	4903721628		107-TF		STATE "I" #1	STANDARD DRAW	154.0	CITIES SERVICE GA
-COBRA OIL AND GAS CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321522	NG 109-82	4900921955		102-2		WINTERMOTE "10" #1	SHAWNEE	73.0	INEXCO GASOLINE P
-DAVIS OIL COMPANY				RECEIVED:	02/08/83	JA: WY			
8321518	NG 322-82	4900922083		102-2		STEVICK WUTHIER #1	WILDCAT	301.6	PHILLIPS PETROLEU
-DAVIS OIL COMPANY				RECEIVED:	02/10/83	JA: WY			
8321524	NG 118-82	4900525944		102-4		HOADLEY #1	NORTH HILIGHT	97.4	PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321520	NG 105-82	4900526167		102-4		ELLIOTT FEE 13-27	WILDCAT	63.0	PHILLIPS PETROLEU
-JOHN S WOLO				RECEIVED:	02/10/83	JA: WY			
8321529	NG 204-82	4900700000		107-TF		BUZZARD RANCH CO 7-1	BUZZARD RANCH	90.0	NORTHERN GAS CO
-MARATHON OIL COMPANY				RECEIVED:	02/10/83	JA: WY			
8321526	NG 174-82	4902320462		102-2		HAM'S FORK #1-43	WILDCAT	150.0	
-MICHIGAN WISCONSIN PIPE LINE CO				RECEIVED:	02/10/83	JA: WY			
8321530	NG 207-82	4900720281		108		CRESTON #1-9	CRESTON NOSE	10.0	MICHIGAN WISCONSI
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	02/10/83	JA: WY			
8321519	NG 101-82	4900526059		103		WYOMING STATE A #1	PAYNE	5.1	PANHANDLE EASTERN
-SOUTHLAND ROYALTY CO				RECEIVED:	02/10/83	JA: WY			
8321525	NG 171-82	4901920334		102-2		STATE OF WYOMING #1-16	HOLLER DRAW	19.0	PHILLIPS PETROLEU
8321531	NG 220-82	4900921954		102-4		WYOMING STATE #1-16	POWELL	240.0	MOUNTAIN FUEL SUP
-THE ANSCHUTZ CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321521	NG 107-82	4902921110		102-2		DUNCAN STATE 2537 #12-30A	ANSCHUTZ RANCH EAST	300.0	CODY GAS CO
-WESTERN PRODUCTION CO				RECEIVED:	02/08/83	JA: WY			
8321508	NG 309-82	4904521890		102-4		BERG 3-19	SHURLEY	2.8	M G P C INC
8321512	NG 314-82	4904521622		102-4		COLEN 1-10	SHURLEY	3.6	M G P C INC
8321509	NG 310-82	4904521830		102-4		COLEN 4-10	SHURLEY	3.2	M G P C INC
8321511	NG 313-82	4904505494		102-4		COLLINS #1	SHURLEY	1.9	M G P C INC
8321513	NG 315-82	4904521692		102-4		COXEN 3-10	SHURLEY	4.1	M G P C INC
8321505	NG 299-82	4904521305		102-4		FINN #14	FINN	3.2	M G P C INC
8321504	NG 298-82	4904521689		102-4		FINN #18	FINN	3.1	M G P C INC
8321503	NG 297-82	4904521690		102-4		FINN #19	FINN	3.4	M G P C INC
8321506	NG 300-82	4904521098		102-4		FINN #5	FINN	3.1	M G P C INC
8321507	NG 301-82	4904521165		102-4		FINN #6	FINN	4.2	M G P C INC
8321510	NG 311-82	4904521469		102-4		FLORES 1	SHURLEY	2.9	M G P C INC
8321498	NG 292-82	4904521468		102-4		GRAHAM #1	SHURLEY	2.8	M G P C INC
8321496	NG 290-82	4904521330		102-4		GRIEVES #7	FINN	1.9	M G P C INC
8321499	NG 293-82	4904521331		102-4		GRIEVES #8	FINN	2.4	M G P C INC
8321497	NG 291-82	4904521917		102-4		GRIEVES 18	FINN	3.1	M G P C INC
8321514	NG 316-82	4904521650		102-4		WESTERN PRODUCTION 1-3	SHURLEY	3.6	M G P C INC
8321500	NG 294-82	4904521727		102-4		WESTERN STATE 1-16	SHURLEY	1.9	M G P C INC
8321501	NG 295-82	4904521797		102-4		WESTERN STATE 2-16	SHURLEY	1.4	M G P C INC
8321502	NG 296-82	4904521713		102-4		WESTERN STATE 3-30	SHURLEY	3.2	M G P C INC
-WESTERN PRODUCTION CO				RECEIVED:	02/10/83	JA: WY			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321536	NG 289-82	4904521304		102-4		GRIEVES #4	FINN	2.5	M G P C INC
-WOODS PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: WY			
8321528	NG 201-82	4900526466		102-4		PINE TREE UNIT 16-43	PINE TREE	1.0	WESTERN GAS PROCE
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, DENVER,CO									
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/09/83	JA: CO 1			
8321578	CD 0608-82	0506706470		103	107-TF	SOUTHERN UTE 21-3 32-8 (TF)	IGNACIO BLANCO	90.0	WESTERN SLOPE GAS
-COSEKA RESOURCES (USA) LIMITED				RECEIVED:	02/10/83	JA: CO 1			
8321587	CD 0606-82	0510308882		102-2		ARCO-FEDERAL #4-33-4-103	WILDCAT	64.4	NORTHWEST PIPELIN
8321590	CD 0404-82	0510308206		103		FEDERAL #2-R-23	THUNDER	25.4	NORTHWEST PIPELIN
8321588	CD 0605-82	0510308825		102-2		FEDERAL #8-11-4-104	WILDCAT	52.6	NORTHWEST PIPELIN
8321589	CD 0405-82	0510308205		103		FEDERAL 1-R-23	THUNDER	28.3	NORTHWEST PIPELIN
-EXCEL ENERGY CORP				RECEIVED:	02/09/83	JA: CO 1			
8321577	CD 0607-82	0508106466		103		FEDERAL #43-7	WINTER VALLEY	277.4	MOUNTAIN FUEL SUP
-GETTY OIL COMPANY				RECEIVED:	02/10/83	JA: CO 1			
8321585	CD 0182-82	0506705102		108		SAM BURCH #1	IGNACIO BLANCO MESAVE	10.0	EL PASO NATURAL G
-KENAI OIL AND GAS INC				RECEIVED:	02/09/83	JA: CO 1			
8321576	CD 0604-82	0504506302		103	107-TF	FEDERAL #H-25-7-96-S	RULISON	15.1	
-KOCH INDUSTRIES INC				RECEIVED:	02/09/83	JA: CO 1			
8321573	CD 0597-82	0507708513		107-TF		WINTER FLATS 1-12-100	WINTER FLATS	30.0	NORTHWEST PIPELIN
8321574	CD 0596-82	0507708502		107-TF		WINTER FLATS 1-18-99	WINTER FLATS	35.0	NORTHWEST PIPELIN
-RAYMOND T DUNCAN				RECEIVED:	02/10/83	JA: CO 1			
8321586	CD 0568-82	0503306064		102-4		RANGER FEDERAL 24-7	UNDESIGNATED	0.0	MOUNTAIN FUEL SUP
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/09/83	JA: CO 1			
8321575	CD 0609-82	0510300000		103		SAGE BRUSH HILLS II #19-1-99	CORRAL CREEK	106.0	INTER NORTH INC
-TENNECO OIL COMPANY				RECEIVED:	02/09/83	JA: CO 1			
8321581	CD 0603-82	0504506402		102-2		DOUGLAS PASS UNIT USA 21-14	DOUGLAS PASS	190.0	NORTHWEST PIPELIN
8321580	CD 0598-82	0504506408		102-2		DOUGLAS PASS UNIT YOUNG USA 29-10	DOUGLAS PASS	175.0	NORTHWEST PIPELIN
-MARATHON OIL COMPANY				RECEIVED:	02/09/83	JA: NB 1			
8321572	ND 0571-82	2603322127		103		MARATHON FEDERAL #5	HUNTSMAN (J-SAND)	15.0	KANSAS NEBRASKA N
-CONOCO INC				RECEIVED:	02/10/83	JA: UT 1			
8321591	UD 0159-82	4304731000		103	107-TF	CONOCO BLUE FEATHER 4 #30	NATURAL BUTTES	160.0	MOUNTAIN FUEL SUP
-ODEGARD RESOURCES INC				RECEIVED:	02/09/83	JA: UT 1			
8321579	UD 0569-82	4301930892		103		FEDERAL "B" #1	WESTWATER	180.0	NORTHWEST PIPELIN

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) 357-8081.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6245 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 845]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
OHIO DEPARTMENT OF NATURAL RESOURCES									
-BOBBY ANDERSON				RECEIVED:	02/08/83	JA: OH			
8321836		3416727303		103		TRATCHEL #4	WATERTOWN	730.0	COLUMBIA GAS TRAN
8321834		3416726927		103		WARNER #2	WARREN	3.6	COLUMBIA GAS TRAN
8321835		3416727214		103		WARNER #3	WARREN	3.6	COLUMBIA GAS TRAN
-BUCKEYE CRUDE EXPLORATION INC				RECEIVED:	02/08/83	JA: OH			
8321839		3416725972		103		JARRELL #1	ADAMS	1.0	OHIO ENERGY GROUP
8321838		3416725889		103		JARRELL #2	ADAMS	1.0	OHIO ENERGY GROUP
8321837		3416725777		103		M N & S #1	ADAMS	1.0	OHIO ENERGY GROUP
-CARLTON OIL CORP				RECEIVED:	02/08/83	JA: OH			
8321840		3416725833		103		EFFIE EDGAR #6	LAWRENCE	50.0	RIVER GAS CO
8321841		3416727237		103		FRY #1	GRANDVIEW	50.0	RIVER GAS CO
-COLLINS-MCGREGOR OPERATING COMPANY				RECEIVED:	02/08/83	JA: OH			
8321842		3405520389		103	107-TF	KOTH #1	CLARIDON	25.0	EAST OHIO GAS CO
8321843		3405520390		103	107-TF	ROGERS #1	MONTVILLE	25.0	EAST OHIO GAS CO
-DUSTY DRILLING COMPANY INC				RECEIVED:	02/08/83	JA: OH			
8321844		3411522630		107-TF		ALTIER 2-A	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321856		3411522728		107-TF		DODRILL #1-C	MALTA	14.4	COLUMBIA GAS TRAN
8321847		3411522681		107-TF		FISHER 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321854		3411522720		107-TF		HANN 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321851		3411522715		107-TF		HINKLE 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321845		3411522679		107-TF		J T SIDWELL #1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321846		3411522680		107-TF		MELRAGON 2-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321853		3411522717		107-TF		MELRAGON 3-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321850		3411522714		107-TF		PATTERSON 1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321857		3411522766		107-TF		POPE #2-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321855		3411522723		107-TF		SLIVKA #1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321848		3411522683		107-TF		THOMPSON #1-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321852		3411522716		107-TF		THOMPSON #5-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
8321849		3411522697		107-TF		THOMPSON #6-C	DEERFIELD	14.4	COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP				RECEIVED:	02/08/83	JA: OH			
8321859		3411522980		103	107-TF	DAVID JENKINS #1	BRISTOL	20.0	COLUMBIA GAS TRAN
8321858		3410522572		107-DV		NORTHERN LIGHT L S CHURCH #2	OLIVE	20.0	COLUMBIA GAS TRAN
-ENERGY DEVELOPMENT CORP				RECEIVED:	02/08/83	JA: OH			
8321860		3400721790		103	107-TF	ASHTABULA COUNTY AIRPORT AUTHORITY	DENMARK	16.0	
-ENERGY PRODUCTION INC				RECEIVED:	02/08/83	JA: OH			
8321863		3412121711		103	107-TF	ESCHMAN #3	CALDWELL	5.0	TEXAS EASTERN TRA
8321861		3405923180		103	107-TF	MOORE #1	SPENCER	15.0	TEXAS EASTERN TRA
8321862		3409921436		103	107-TF	TENZEK UNIT #2	GOSHEN	25.0	EAST OHIO GAS CO
-ESTATE OF JEROME GOLDBERG				RECEIVED:	02/08/83	JA: OH			
8321872		3410522119	D	107-TF		T WESTEN #2	SUTTON	10.0	COLUMBIA GAS TRAN
-EVERFLOW EASTERN INC				RECEIVED:	02/08/83	JA: OH			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321864		3415723753		103	107-TF	BROWN #1	WASHINGTON	0.0	
-GENERAL ELECTRIC CO				RECEIVED:	02/08/83	JA: OH			
8321869		3415522256		103	107-TF	D & E MILLER #1	MESOPOTAMIA	12.0	EAST OHIO GAS CO
8321868		3415522255		103	107-TF	D & S MILLER #3	MESOPOTAMIA	12.0	EAST OHIO GAS CO
8321870		3415522257		103	107-TF	DETWEILER #3	MESOPOTAMIA	12.0	EAST OHIO GAS CO
8321866		3413322951		103	107-TF	ZUPP #1	RAVENNA	30.0	EAST OHIO GAS CO
8321867		3413322952		103	107-TF	ZUPP #2	RAVENNA	20.0	EAST OHIO GAS CO
-GREEN GAS COMPANY				RECEIVED:	02/08/83	JA: OH			
8321871		3409321187		107-TF		BARTTER #2	COLUMBIA	40.0	COLUMBIA GAS TRAN
-HANLEY HARDIN				RECEIVED:	02/08/83	JA: OH			
8321873		3410522600		107-TF		GRAHAM #1	SCIPIO	0.0	
-HOPEWELL OIL AND GAS DEVELOPMENT CO				RECEIVED:	02/08/83	JA: OH			
8321874		3411522266		107-TF		SCOTT FISHER #1	HOMER	10.0	COLUMBIA GAS TRAN
-HORTIN & HUFFMAN				RECEIVED:	02/08/83	JA: OH			
8321875		3403124936		103	107-TF	LOWE #1	CLARK TWP	2.0	COLUMBIA GAS TRAN
-J D DRILLING CO				RECEIVED:	02/08/83	JA: OH			
8321876		3410522197		107-TF		CHARLES & GERTRUDE NEECE #2	SALISBURY	7.0	COLUMBIA GAS TRAN
8321877		3410522198		107-TF		J B & ROBERTA O'BRIEN #2	RUTLAND	6.0	COLUMBIA GAS TRAN
-JAMES R SMAIL				RECEIVED:	02/08/83	JA: OH			
8321964		3416923151		107-TF		HANZIE #1	CANAAN	35.0	COLUMBIA GAS TRAN
8321965		3416923348	D	107-TF		SARGEANT UNIT #1	PLAIN	36.0	COLUMBIA GAS TRAN
-JOHN C MASON				RECEIVED:	02/08/83	JA: OH			
8321920		3407523870		107-TF		ELI MILLER #1	BERLIN	36.0	COLUMBIA GAS TRAN
-KEN-TRAK VIII				RECEIVED:	02/08/83	JA: OH			
8321878		3410522527		107-TF		LENVILLE HARMON #1	LOWER MISSISSIPPIAN	0.0	COLUMBIA GAS TRAN
-L & M OIL & GAS DEVELOPMENT CO				RECEIVED:	02/08/83	JA: OH			
8321905		3416923407		103		LADRACH #2	PLAIN	10.0	COLUMBIA GAS TRAN
-LAKE REGION OIL INC				RECEIVED:	02/08/83	JA: OH			
8321912		3407523941		103	107-TF	ADEN R MILLER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321908		3407523897		103	107-TF	ALBERT YODER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321913B		3407523942		107-TF		ARTHUR HAGAR #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8321913A		3407523942		103		ARTHUR HAGAR #1	KILLBUCK	15.0	COLUMBIA GAS TRAN
8321910		3407523920		103	107-TF	FLOYD E TROYER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321909		3407523900		103	107-TF	JACOB MAST #1	CLARK	15.0	COLUMBIA GAS TRAN
8321911		3407523924		103	107-TF	MELVIN J YODER #1	CLARK	15.0	COLUMBIA GAS TRAN
8321906		3407523842		103	107-TF	NOAH M S MILLER	CLARK	15.0	COLUMBIA GAS TRAN
8321907		3407523896		103	107-TF	SAMUEL D ERB #1	CLARK	15.0	COLUMBIA GAS TRAN
-LOMAK PETROLEUM INC				RECEIVED:	02/08/83	JA: OH			
8321915		3413322871		107-TF		C ENGLISH #1	SHALERSVILLE	24.0	
8321914		3405520265		108		GINGERICH/BYLER #1		3.1	EAST OHIO GAS CO
-M C F OIL CO				RECEIVED:	02/08/83	JA: OH			
8321919		3407522947		103		JEAN SKEEN #1	MONROE	5.0	COLUMBIA GAS TRAN
-MCCLAIN OIL CO				RECEIVED:	02/08/83	JA: OH			
8321921		3408924440		103		FLOWERS #1	HANOVER	10.0	NATIONAL GAS & OI
-NATIONAL PETROLEUM CORP				RECEIVED:	02/08/83	JA: OH			
8321924		3400720721		108		EWING #1		2.0	TIMKIN CO
8321925		3400720722		108		EWING #2		2.0	TIMKIN CO
8321929		3400720731		108		EWING #4		2.0	TIMKIN CO
8321928		3400720730		108		EWING #5		2.0	TIMKIN CO
8321927		3400720727		108		OBERNYER #3		2.0	TIMKIN CO
8321926		3400720726		108		OBERNYER #4		2.0	TIMKIN CO
8321923		3400720691		108		R ALLEN #1		1.0	TIMKIN CO
8321930		3400720769		108		R ALLEN #3		1.0	TIMKIN CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-NEVA PETROLEUM CORP				RECEIVED: 02/08/83		JA: OH			
8321931		3411122008		107-OV		LOUISA WILSON #1	WASHINGTON	9.0	
-NEW FRONTIER EXPLORATION INC				RECEIVED: 02/08/83		JA: OH			
8321934		3415123803		103	107-TF	CLARENCE JOHNSON #3	WASHINGTON	22.0	YANKEE RESOURCES
8321935		3415123804		103	107-TF	DONALD ROHR #3	WASHINGTON	22.0	YANKEE RESOURCES
8321933		3415123788		103	107-TF	FRANK GABRIC #2	WASHINGTON	0.0	YANKEE RESOURCES
8321932		3412120296		103	107-TF	GEORGE SLATER #2	NOBLE	22.0	YANKEE RESOURCES
-OIL DRILLING & DEVELOPMENT CLUB				RECEIVED: 02/08/83		JA: OH			
8321936		3405320805		107-TF		WOODS #1	CHESHIRE	10.0	
-ONE LIVINGSTON ENTERPRISES				RECEIVED: 02/08/83		JA: OH			
8321937		3410521711		107-RT		HAROLD & JUNE DEWHURST #1	RUTLAND	1.5	COLUMBIA GAS TRAN
-PENN-OHIO ENERGY CORP				RECEIVED: 02/08/83		JA: OH			
8321938		3405520392		107-TF		GEAUGA COUNTY INFIRMARY #2 GC-310	CLARIDON TOWNSHIP	40.0	EAST OHIO GAS CO
-RED HILL DEVELOPMENT				RECEIVED: 02/08/83		JA: OH			
8321900		3415723252		108		ANDREWS-MILLER - WELL #1		6.0	
8321897		3415723241		108		BEACHY-SWIHART - WELL #1		6.0	
8321892		3415723214		108		C HAGLOCK - WELL #1		3.0	
8321883		3415723170		108		C SCHMIDT - WELL #1		7.0	
8321902		3415723314		108		C SCHOTZINGER - WELL #1		6.0	
8321881		3415723157		108		D FINZER - #1		13.0	
8321888		3415723188		108		D JOHNSON - WELL #1		11.0	
8321901		3415723313		108		F LANZ - WELL #1		18.0	
8321890		3415723195		108		H BEITZEL - WELL #2		12.0	
8321904		3415723364		108		J COMANITA - WELL #1		5.0	
8321879		3415723123		108		J HOCHSTETLER - WELL #1		5.0	
8321893		3415723221		108		J SWEITZER - WELL #1		7.0	
8321885		3415723184		108		K MCCLUGGAGE - WELL #1		17.0	
8321896		3415723238		108		L SPECHT - WELL #1		7.0	
8321891		3415723196		108		L WALTER - WELL #1		5.0	
8321898		3415723244		108		L YODER - WELL #1		12.0	
8321903		3415723329		108		M LAHMERS - WELL #1		10.0	
8321882		3415723165		108		METZGER-FLINNER - WELL #1		7.0	
8321899		3415723245		108		N MILLER - WELL #1		9.0	
8321894		3415723228		108		P ANDREAS - WELL #1		7.0	
8321889		3415723194		108		P ELLIOTT - WELL #1		11.0	
8321884		3415723174		108		P RABER - WELL #2		10.0	
8321886		3415723185		108		T BREYER - WELL #1		20.0	
8321887		3415723186		108		T BREYER - WELL #2		16.0	
8321895		3415723229		108		T BREYER - WELL #3		17.0	
8321880		3415723145		108		WM SWIHART - WELL #1		8.0	
-RHINE OIL CO				RECEIVED: 02/08/83		JA: OH			
8321939		3403124941		107-TF		SHERWIN #1	BETHLEHEM	18.0	COLUMBIA GAS TRAN
-ROVI RESOURCES CORP				RECEIVED: 02/08/83		JA: OH			
8321945		3411523019		107-TF		BAKER #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321946		3411523041		107-TF		BAKER #6	BLOOM	11.0	COLUMBIA GAS TRAN
8321947		3411523042		107-TF		BAKER #7	BLOOM	11.0	COLUMBIA GAS TRAN
8321944		3411523018		107-TF		H REX #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321943		3411523017		107-TF		H REX #3	BLOOM	11.0	COLUMBIA GAS TRAN
8321942		3411523016		107-TF		H REX #4	BLOOM	11.0	COLUMBIA GAS TRAN
8321941		3411522950		107-TF		RICHARDSON #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321940		3411522943		107-TF		RICHARDSON #6	BLOOM	11.0	COLUMBIA GAS TRAN
8321948		3411523068		107-TF		RUSH #1	BLOOM	11.0	COLUMBIA GAS TRAN
8321949		3411523071		107-TF		RUSH #3	BLOOM	11.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-ROYAL LEVERAGED LTD 82-II				RECEIVED: 02/08/83		JA: OH			
8321959		3410522585		103	107-TF	F ROSS #1	BEDFORD	5.0	COLUMBIA GAS TRAN
-ROYAL LEVERAGED LTD 82-III				RECEIVED: 02/08/83		JA: OH			
8321956		3405327980		103	107-TF	BEN BICKERS #1	ADDISON	5.0	COLUMBIA GAS TRAN
8321957		3410522573		103	107-TF	D HOWARD #1	SCIPIO	5.0	COLUMBIA GAS TRAN
8321958		3410522578		103	107-TF	R WILLIAMS #1	RUTLAND	5.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM LTD 82-B				RECEIVED: 02/08/83		JA: OH			
8321950		3400922677		103	107-TF	DUTIEL #1	AMES	5.0	COLUMBIA GAS TRAN
-ROYAL PETROLEUM LTD 82-C				RECEIVED: 02/08/83		JA: OH			
8321955		3410522599		103	107-TF	E J MILLER #1	RUTLAND	5.0	COLUMBIA GAS TRAN
8321951		3405320788		103	107-TF	LAWHON #2	ADDISON	5.0	COLUMBIA GAS TRAN
8321952		3405320789		103	107-TF	LAWHON #3	ADDISON	5.0	COLUMBIA GAS TRAN
8321953		3405327900		103	107-TF	LAWHON #4	ADDISON	5.0	COLUMBIA GAS TRAN
8321954		3405328040		103	107-TF	WHEELER #1	ADDISON	5.0	COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)				RECEIVED: 02/08/83		JA: OH			
8321960		3416727302		103		CHARLES HALL #1	INDEPENDENCE	10.9	
-SENECA ENERGY CORP				RECEIVED: 02/08/83		JA: OH			
8321963		3403124942		107-TF		BROWN #2	MILLCREEK	21.0	COLUMBIA GAS TRAN
8321962		3403124914		107-TF		CROFT #3	MILLCREEK	38.0	COLUMBIA GAS TRAN
8321961		3403124880		107-TF		MILEY #2	MILLCREEK	18.0	COLUMBIA GAS TRAN
-STONEWALL GAS CO INC				RECEIVED: 02/08/83		JA: OH			
8321970		3410522317		107-TF		BOBBY & CLARA POWERS #1	SHADS	0.0	COLUMBIA GAS TRAN
8321969		3410522316		107-TF		BOBBY & CLARA POWERS #2	BEDFORD	0.0	COLUMBIA GAS TRAN
8321973		3410522361		107-TF		CLARENCE L STORY #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8321967		3405320756		107-TF		GALLIA COUNTY IMPROVEMENT CORP #1	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
8321968		3405320757		107-TF		GALLIA COUNTY IMPROVEMENT CORP #2	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
8321966		3405320730		107-TF		HAMLIN & MARY KING #1	GALLIPOLIS	0.0	COLUMBIA GAS TRAN
8321972		3410522334		107-TF		LARRY & JUDY #1	BEDFORD	0.0	COLUMBIA GAS TRAN
8321971		3410522333		107-TF		VERNAL & LOUISE #2	BEDFORD	0.0	COLUMBIA GAS TRAN
-STRATA CORP				RECEIVED: 02/08/83		JA: OH			
8321975		3400922646		107-TF		R LAUGHLIN #1	ROME	5.0	
8321974		3400922498		107-TF		W SNYDER #1	ROME	5.0	
-T B GAITANAROS				RECEIVED: 02/08/83		JA: OH			
8321865		3415321164		107-TF		T B GAITANAROS #1	COPLEY	20.0	EAST OHIO GAS CO
-TATUM PETROLEUM OHIO INC				RECEIVED: 02/08/83		JA: OH			
8321976		3407523560		107-TF		HENRY C YODER #2	NEW BEDFORD	700.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED: 02/08/83		JA: OH			
8321922		3415723790		103	107-TF	EVERHARD-COLE #5	GOSHEN	7.5	EAST OHIO GAS CO
-TIGER OIL INC				RECEIVED: 02/08/83		JA: OH			
8321980		3411922879		108		CLAPPER #1		2.0	EAST OHIO GAS CO
8321978		3411922870		108		F CULBERTSON #1		1.0	EAST OHIO GAS CO
8321979		3411922878		108		FLOWERS ESTATE #1		5.0	EAST OHIO GAS CO
-TWINOAKS OIL & GAS				RECEIVED: 02/08/83		JA: OH			
8321981		3408924563		103		RANDALL COOPER #1	MARYANN	6.0	COLUMBIA GAS TRAN
-UNION DRILLING INC				RECEIVED: 02/08/83		JA: OH			
8321982		3408720308		107-DV		DAVY & DIXIE TURNER 6001	WINDSOR TOWNSHIP	0.0	COLUMBIA GAS TRAN
-W B C CORP				RECEIVED: 02/08/83		JA: OH			
8321984		3400720074		108		R & WANDA BENSON #1		2.3	EAST OHIO GAS CO
8321983		3400720039		108		ROY ENGLISH #1		2.3	EAST OHIO GAS CO
-W J LYDIC INC				RECEIVED: 02/08/83		JA: OH			
8321916		3407523691		103	107-TF	MILLER #1-16-2	MECHANIC	25.0	COLUMBIA GAS TRAN
8321918		3411129371		107-DV		PHILLIP CHRISTMAN #1	SUMMIT	8.0	
8321917		3407523713		103	107-TF	UHL #1	MECHANIC	18.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WESTGROWTH PETROLEUMS INC				RECEIVED:	02/08/83	JA: OH			
8321985		3410522444		107-TF		MEIGS COUNTY BEAGLE CLUB #1	SCIPIO	10.0	COLUMBIA GAS TRAN
-3 M DRILLING CO				RECEIVED:	02/08/83	JA: OH			
8321977		3407523841		107-TF		CLINTON NEALE #1	CLARK	6.0	COLUMBIA GAS TRAN

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OKLAHOMA CORPORATION COMMISSION

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-ADVANCE ENERGY SYSTEMS INC				RECEIVED:	02/09/83	JA: OK			
8321811	18417	3514321626		108		A SIVADON #20	EAST MOUNDS	7.3	PHILLIPS PETROLEU
-ALTMAN OPERATING CO				RECEIVED:	02/09/83	JA: OK			
8321812	18946	3511123940		108		NELLIE FRANK #1	HECTORVILLE	5.0	PHILLIPS PETROLEU
-ARCO OIL AND GAS COMPANY				RECEIVED:	02/09/83	JA: OK			
8321802	19796	3506120339		108		RABON HEIRS UNIT #2 N/C	KINTA	18.3	OKLAHOMA GAS & EL
-ARTESIAN OIL & GAS CORP				RECEIVED:	02/10/83	JA: OK			
8322003	19478	3504520429		102-4	103	KRETZ #1-9		0.0	TRANSWESTERN PIPE
-B J HOWELL				RECEIVED:	02/09/83	JA: OK			
8321795	19455	3506300000		108		BOYD #1	SHADY GROVE	15.7	HILL TOP INVESTME
8321796	19456	3506300000		108		SHOWALTER #1	SHADY GROVE	8.1	HILL TOP INVESTME
8321833	19457	3506300000		108		STEPHENS #1	SHADY GROVE	11.5	HILL TOP INVESTME
8321832	19454	3506300000		108		TRUMBO #1	SHADY GROVE	12.7	HILL TOP INVESTME
-BILL O ANDRESS				RECEIVED:	02/10/83	JA: OK			
8321998	19762	3512120857		103		COLLIER #1-3		75.0	ARKANSAS LOUISIAN
-C W SMITH & ASSOCIATES INC				RECEIVED:	02/09/83	JA: OK			
8321810	19747	3508121664		103		JAMES MURPHY #3	S E DAVENPORT	18.0	MERIDIAN ENERGY I
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	02/09/83	JA: OK			
8321825	17744	3509300000		103		JOSEPH WILSON #2	E CHANEY DELL	80.0	CHAMPLIN PETROLEU
-COLOMA PETROLEUM INC				RECEIVED:	02/10/83	JA: OK			
8321988	19802	3504722322		108		MERRITT #1	SOONER TREND	6.0	PANHANDLE EASTERN
-DYCO PETROLEUM CORPORATION				RECEIVED:	02/10/83	JA: OK			
8321993	19782	3500920496		103		JARVIS #1-10		250.0	
-F C D OIL CORP				RECEIVED:	02/10/83	JA: OK			
8321991	19792	3504722735		103		EZS 1-17	N W KREMLIN	36.5	C R A INC
-FIRST NATIONAL OIL INC				RECEIVED:	02/09/83	JA: OK			
8321821	15166	3513921191		103		CLARK #1	GUYMON - HUGOTON	7.5	PHILLIPS PETROLEU
-GEORGE RODMAN INC				RECEIVED:	02/09/83	JA: OK			
8321831	19275	3508720683		103		LOCKMILLER 1-29	SW WAYNE	0.0	
-GEORGE RODMAN INC				RECEIVED:	02/10/83	JA: OK			
8322000	19677	3504921590		103		BULLOCK 1-5	BRADLEY POOL	36.5	
-HALLIBURTON OIL PRODUCING COMPANY				RECEIVED:	02/10/83	JA: OK			
8321995	19777	3504700000		103		LUELLA #1	N MARSHALL	0.0	EASON OIL CO
-HARPER OIL COMPANY				RECEIVED:	02/09/83	JA: OK			
8321801	19996	3507300000		108		HOBBS #2	SOONER TREND	4.0	PHILLIPS PETROLEU
-HAWKINS OIL & GAS INC				RECEIVED:	02/09/83	JA: OK			
8321830	19103	3515321325		102-4		STARK #1-2A	S WOODWARD	1095.0	PRODUCERS GAS CO
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	02/09/83	JA: OK			
8321822	11549	3504700000		108		ALBERT #1-7	SPRING VALLEY	27.0	GRACE PETROLEUM C
-KANOKLA ENERGY CORP				RECEIVED:	02/09/83	JA: OK			
8321800	19739	3513321732		103		JEFFERSON #1		36.5	KANOKLA ENERGY CO
8321808	19742	3511321884		103		JEFFERSON #2		18.0	KANOKLA ENERGY CO
8321807	19741	3513300000		103		JORDAN #1		18.2	KANOKLA ENERGY CO
8321799	19738	3513300000		103		JORDAN #2		36.5	KANOKLA ENERGY CO
8321806	19740	3513321900		103		JORDAN #3		73.0	KANOKLA ENERGY CO
-LOUIS KAHAN				RECEIVED:	02/10/83	JA: OK			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321994	19781	3504722799		103		ROY BUSS	ENID NORTHEAST	54.0	CRA INC
-MAC ENGINEERING & OPERATING CO				RECEIVED:		02/10/83 JA: OK			
8321992	19784	3511721589		103		CHAMBERS #1		124.1	H J D CATTLE CO
-MAY PETROLEUM INC				RECEIVED:		02/10/83 JA: OK			
8321999	19690	3510321702		103		VANN "D" #1		365.0	
-MOBIL OIL CORP				RECEIVED:		02/09/83 JA: OK			
8321820	20000	3501900000		108		GRAHAM DEESE #1-11J (J LAHMAN #11)	SHO VEL TUM	0.2	LONE STAR GAS CO
8321817	20002	3501900000		108		GRAHAM DEESE #1-12E (E LAHMAN #12)	SHO VEL TUM	0.0	LONE STAR GAS CO
8321816	20001	3501900000		108		GRAHAM DEESE #1-13E (E LANHAM #13)	SHO VEL TUM	0.0	LONE STAR GAS CO
8321819	20004	3501900000		108		GRAHAM DEESE #1-19E (E LANHAM #19)	SHO VEL TUM	0.0	LONE STAR GAS CO
8321818	20003	3501900000		108		GRAHAM DEESE #8-2 (A D DAVIS #2)	SHO VEL TUM	0.1	LONE STAR GAS CO
-MONTGOMERY EXPLORATION COMPANY				RECEIVED:		02/09/83 JA: OK			
8321797	19718	3509322444		103		MCQUOWN #2-19	NE SEILING	0.0	DELHI GAS PIPELIN
8321798	19719	3509322487		103		MCQUOWN #4	NE SEILING	0.0	DELHI GAS PIPELIN
-MORAN EXPLORATION INC				RECEIVED:		02/09/83 JA: OK			
8321809	19745	3502720651		103		TRAVIS "A" #1	WEST NORMAN FIELD	10.0	SUN GAS CO
-NATIONAL OIL COMPANY				RECEIVED:		02/09/83 JA: OK			
8321814	19223	3509321902		103		L B PERRY #1	S E MENO	6.0	CITIES SERVICE GA
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		02/09/83 JA: OK			
8321803	19790	3500700000		108		BLAKEMORE AH #1	COMO FLORIS GAS AREA	0.0	INTER NORTH INC
8321804	19789	3500700000		108		BLAKEMORE DH #1	MOCANE LAVERNE	0.0	INTER NORTH INC
-RED EAGLE OIL CO				RECEIVED:		02/10/83 JA: OK			
8321996	19775	3509322498		103		LAVERNE #1	WEST FAIRVIEW	155.0	PHILLIPS PETROLEU
8321997	19774	3509322550		103		SCHOEPPEL #1	WEST FAIRVIEW	27.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:		02/09/83 JA: OK			
8321794	19118	3501722158		102-2	103	GARTEN #1-28		11.0	PHILLIPS PETROLEU
8321813	19116	3501722300		102-4		JUNKER #1-32		146.0	PHILLIPS PETROLEU
-SENECA OIL COMPANY				RECEIVED:		02/10/83 JA: OK			
8322002	19489	3513921524		102-2	103	BLASER #1-11		282.2	PANHANDLE EASTERN
-STANTON ENERGY INC				RECEIVED:		02/10/83 JA: OK			
8321989	19798	3511921972		103		SMITH #1		12.0	SUN GAS TRANSMISS
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		02/09/83 JA: OK			
8321815	19226	3507323110		103		BARNES GAS UNIT #2L	LACEY SW (SIMPSON)	97.0	ARKANSAS LOUISIAN
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:		02/10/83 JA: OK			
8322001	19533	3500700000		108		EDWARD WAHL #1	S E BOYD	15.0	NATURAL GAS PIPEL
-SWAN PETROLEUM CORP				RECEIVED:		02/10/83 JA: OK			
8321990	19795	3515300000		103		SCHICKEDANZ #1	SO WOODWARD	0.0	INTER NORTH INC
-UNION TEXAS PETROLEUM				RECEIVED:		02/09/83 JA: OK			
8321826	17985	3509322525		103		A L MCFADDEN #2	HODGE AREA	584.0	PANHANDLE EASTERN
8321824	17467	3500320986		103		M HASSON #2	HODGE	91.3	PANHANDLE EASTERN
-WARD PETROLEUM CORP				RECEIVED:		02/09/83 JA: OK			
8321827	18047	3509322478		103		FLESHMAN FREED #1	S W AMES	365.0	TRANSOK PIPELINE
-WESTERN STATES OIL & GAS CO				RECEIVED:		02/09/83 JA: OK			
8321823	16580	3510300000		103		CERMAK #1	S W PERRY	0.0	AMINOIL U S A
-WESTHEIMER-NEUSTADT CORP				RECEIVED:		02/09/83 JA: OK			
8321805	19749	3504900000		108		COLWELL #2	E FOSTER POOL	17.0	WARREN PETROLEUM
-101 ENERGY CORP				RECEIVED:		02/09/83 JA: OK			
8321829	18991	3504722970		103		BECKNER 16-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
8321828	18975	3504722865		103		SHIMANEK 33-1	SOONER TREND	35.0	WELLHEAD ENTERPRI
**********									
OREGON DEPARTMENT OF GEOLOGY & MINERAL INDUSTRIES									
**********									
-REICHHOLD ENERGY CORP				RECEIVED:		02/11/83 JA: OR			
8321987		3600900110		102-2		COLUMBIA COUNTY 13-34	MIST GAS FIELD	0.4	NORTHWEST NATURAL
8321986		3600900089		102-2		PAUL 34-32	MIST GAS FIELD	0.7	NORTHWEST NATURAL

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 8717-01-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 (MHCF). 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 (2.5 mile rule)
- 102-3: New well (1000 ft. rule)
- 102-4: New onshore reservoir
- 102-5: New reservoir on old BCS leave

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. 83-6247 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Volume 844]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: March 7, 1983.

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JD NO   JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME            PROD   PURCHASER
-----   ------        ------      - ------ ------ ---------                          ----------            ----   ---------
*************************************************************************************
  OKLAHOMA CORPORATION COMMISSION
*************************************************************************************
-S K TUTHILL & B J BARBEE             RECEIVED:  02/11/83    JA: OK
 8321793  00541       3515300000 D 103            SIMPSON WALKER #1-31               SE FAIRVALLEY          0.0 PANHANDLE EASTERN
-SUN OIL COMPANY                      RECEIVED:  08/07/81    JA: OK
 8151031  8197        3507300000   108            BORELLI #1-8                                              0.0
 8151032  10075       3503700000   108            STROUD PRUE SD UNIT TR 20 #1                              0.0
*************************************************************************************
  TEXAS RAILROAD COMMISSION
*************************************************************************************
-AMERICAN ENERGY GROUP INC            RECEIVED:  02/09/83    JA: TX
 8321785  F-09-063320  4207700000   103            PERKINS 22472                      BUFFALO SPRINGS SOUTH 15.0 TEXAS UTILITIES F
 8321786  F-09-063321  4207700000   103            PERKINS 22472                      BUFFALO SPRINGS SOUTH 20.0 TEXAS UTILITIES F
-AMERICAN QUASAR PETROLEUM CO         RECEIVED:  02/09/83    JA: TX
 8321636  F-09-058954  4218130897   102-4          MARY #1-L                          W F CHAFFIN SURVEY A-  0.0 LONE STAR GAS CO
 8321668  F-8A-061561  4244530641   102-4          SEATON #1                          SECTION 92 BLOCK T DL  0.0 CITIES SERVICE GA
-AMOCO PRODUCTION CO                  RECEIVED:  02/09/83    JA: TX
 8321752  F-10-063260  4239330022   108            BEN A HILL #2                      PARSELL               14.5 TRANSWESTERN PIPE
-ARIES OPERATING INC                  RECEIVED:  02/09/83    JA: TX
 8321769  F-7B-063287  4213332615   102-4          OSCAR SCHEAFER "A" #1 (17108)      LBS (CADDO)            1.0 EL PASO HYDROCARB
-B & W EXPLORATION                    RECEIVED:  02/09/83    JA: TX
 8321618  F-7B-055977  4213332965   102-4          MOATES #1 (103003)                 MOATES (MARBLE FALLS 135.0 LONE STAR GAS CO
-BILL FORNEY INC                      RECEIVED:  02/09/83    JA: TX
 8321789  F-02-063324  4229733177   102-4          SCHREINER RANCH TRUST II #2 #101126 OAKVILLE (WILCOX 9700 350.0 HOUSTON PIPE LINE
 8321762  F-02-063275  4229733214   102-4          SCHREINER RANCH TRUST II #3 #102910 OAKVILLE (WILCOX 9700 290.0 HOUSTON PIPE LINE
-BISON PETROLEUM CORP                 RECEIVED:  02/09/83    JA: TX
 8321708  F-10-062905  4235730956   102-4          HAWK #1 089930                     MCGEE (UPPER MORROW)  20.0 INTER NORTH INC
-CARTER EXPLORATION CO                RECEIVED:  02/09/83    JA: TX
 8321647  F-02-060278  4202500000   102-4  103     MOLLIE SUGAREK "A" G U #1          WILDCAT                0.0
-CHAMPLIN PETROLEUM COMPANY           RECEIVED:  02/09/83    JA: TX
 8321621  F-04-056396  4235531172   103            G P WARDNER #133                   WILDCAT                0.0 TENNESSEE GAS PIP
 8321610  F-04-054524  4235532028   102-4  103     TEXON ROYALTY "B" GP #3-L          STRATTON (6-21-5)     16.8 TENNESSEE GAS PIP
-CHEVRON U S A INC                    RECEIVED:  02/09/83    JA: TX
 8321660  F-04-061097  4247933116   102-4          HELEN PENA #1                      LA MANGANA (LOBO 6)  365.0 HOUSTON PIPE LINE
-CIRCLE SEVEN PRODUCTION CO           RECEIVED:  02/09/83    JA: TX
 8321705  F-09-062828  4223734688   103            L P RICHEY #1                      JACK COUNTY REGULAR    0.0 CITIES SERVICE CO
 8321706  F-09-062830  4223734762   103            SHAWVER "A-2"                      JACK COUNTY REGULAR (  0.0 LONE STAR GAS CO
-CITIES SERVICE COMPANY               RECEIVED:  02/09/83    JA: TX
 8321784  F-08-063315  4238931314   103            PRIEST E #4                        COLLIE (DELAWARE)     46.0 INTRATEX GAS CO
-CONOCO INC                           RECEIVED:  02/09/83    JA: TX
 8321740  F-08-063208  4210931666   103            G E RAMSEY "44" #10 ID #27636      GERALDINE/DELAWARE 34 14.2 EL PASO NATURAL G
 8321756  F-08-063265  4213533893   103            GIST UNIT #135 ID #19373           FOSTER                 2.9 EL PASO HYDROCARB
 8321757  F-7B-063266  4243331507   103            GUEST CANYON SAND UNIT #51 #10655  GUEST/CANYON SAND       2.6 CITIES SERVICE CO
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321675	F-04-061730	4242700000		108		T B SLICK ESTATE A-485 NO 139	RINCON (C-7)	21.0	TENNESSEE GAS PIP
-COOK PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321606	F-09-053870	4223700000		102-4		ANDY SHAWYER #1	SHAWYER (2600 STRAWN)	10.0	TEXAS UTILITIES F
-CORDOVA RESOURCES INC				RECEIVED:	02/09/83	JA: TX			
8321704	F-7B-062827	4213333750		103		NORTH PIONEER UNIT #1404	EASTLAND COUNTY REGUL	14.0	ODESSA NATURAL GA
-DELRAY OIL INC				RECEIVED:	02/09/83	JA: TX			
8321727	F-7B-063188	4220731283		102-4		F A ULMER #1	WEREWOLF (4900)	27.4	RUST OIL CO
-DIAMOND SHAMROCK CORPORATION				RECEIVED:	02/09/83	JA: TX			
8321624	F-10-057053	4221131474		103		LESLIE WEBB "M" #2	MENDOTA NW	0.0	INTER NORTH INC
-DINERO OIL CO				RECEIVED:	02/09/83	JA: TX			
8321617	F-04-055852	4235531461		103		MCKINZIE UNIT #1	TURKEY CREEK (5370)	70.0	ESPERANZA TRANSMI
-DYNEX ENERGY INC				RECEIVED:	02/09/83	JA: TX			
8321607	F-06-054120	4236531473		102-4	103	DOUGLAS ROSS #2 PERMIT #158474	BECKVILLE (TRAVIS PEA	100.0	EASTEX GAS TRANSM
-EL PASO NATURAL GAS COMPANY				RECEIVED:	02/09/83	JA: TX			
8321652	F-10-060466	4248325989		108		AYCOCK #1	PANHANDLE EAST	30.1	EL PASO NATURAL G
-ERICKSEN W R				RECEIVED:	02/09/83	JA: TX			
8321676	F-7B-061848	4213334063		102-4	103	FRANCES COX #1	RANGER NW (MARBLE FAL	14.4	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED:	02/09/83	JA: TX			
8321791	F-04-063365	4204700000		108		MCGILL BROS 389-F (091168)	KELSEY DEEP (19-H W)	9.0	TRUNKLINE GAS CO
8321712	F-8A-062939	4216532309		103		ROBERTSON CLEARFORK UNIT #9603	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
-FLORIDA GAS EXPLORATION COMPANY				RECEIVED:	02/09/83	JA: TX			
8321602	F-7C-051122	4241300000		103	107-TF	FLORENCE 24 #2	PHYLLIS SONORA	0.0	INTRATEX GAS CO
8321601	F-7C-050970	4243532670		103	107-TF	FLORENCE 28 #3	PHYLLIS SONORA	0.0	INTRATEX GAS CO
-GETTY OIL COMPANY				RECEIVED:	02/09/83	JA: TX			
8321749	F-7C-063242	4245131023		103		EDWIN BOOK 940 #1	HARRIET N E	2.0	
8321748	F-8A-063241	4216931846		103		KIRKPATRICK #3	ROCKER "A" S W (ELLEN	8.0	
-GLENN COPE				RECEIVED:	02/09/83	JA: TX			
8321633	F-10-058392	4248330518		108		G R SEWELL #1	PANHANDLE EAST	1.7	EL PASO NATURAL G
-GULF OIL CORPORATION				RECEIVED:	02/09/83	JA: TX			
8321753	F-08-063262	4213508561		108		COWDEN R B #2	GOLDSMITH N (SAN ANDR	7.8	PHILLIPS PETROLEU
8321770	F-08-063290	4247532538		103		CRAWAR FIELD UNIT #7	CRAWAR (SAN ANDRES)	0.0	TRANSWESTERN PIPE
8321672	F-09-061644	4218130820		103		CULLAR UNIT #1	MINERAL CREEK WEST (V	266.0	
8321754	F-08-063263	4247532647		103		HUTCHINGS STOCK ASSN #1186	WAGON WHEEL (PENN)	62.0	CABOT CORP
8321751	F-08-063249	4210332782		103		W N WADDELL #1158	DUNE	36.0	
8321742	F-08-063222	4210332991		103		W N WADDELL #1169	DUNE	4.3	
-GWELCO PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321692	F-7B-062502	4242933496		102-4		RUBY DAVIS 1035 -B- #1	DAVIS (CADDO)	0.0	GREAT WESTERN GAS
-H-M OIL CO				RECEIVED:	02/09/83	JA: TX			
8321654	F-02-060629	4246931766		102-4	103	NANCY F SHELTON #2	UNA WEST (6550)	0.0	UNITED TEXAS TRAN
-HENDERSON CLAY PRODUCTS INC				RECEIVED:	02/09/83	JA: TX			
8321671	F-06-061568	4240131452		102-3	107-TF	BUSBY ESTATE GAS UNIT A-1	HENDERSON N (COTTON V	730.0	B & A PIPE LINE C
8321646	F-06-060113	4240131514		102-3	107-TF	GAY TAYLOR GAS UNIT	CYRIL (COTTON VALLEY)	704.0	B & A PIPE LINE C
-HENRY PETROLEUM CORP				RECEIVED:	02/09/83	JA: TX			
8321653	F-8A-060565	4211500000		103		KOEHLER 82-1	TEX-HAMON (DEAN)	0.0	ADOBE OIL & GAS C
8321640	F-8A-059194	4211500000		103		WEAVER "82" #1	LAMESA NORTH (7650')	0.0	PHILLIPS PETROLEU
-HILL INTERNATIONAL PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321713	F-06-062941	4220330933		103	107-TF	VAUGHN #1	WASKOM (COTTON VALLEY	550.0	TEXAS EASTERN TRA
-HILL JOHN H				RECEIVED:	02/09/83	JA: TX			
8321659	F-7C-061051	4243532787		103	107-TF	HILL-EDWIN S MAYER JR "K-1"	SAWYER (CANYON)	155.0	LONE STAR GAS CO
8321656	F-7C-060878	4243532818		103	107-TF	HILL-EDWIN S MAYER JR Z-1	SAWYER (CANYON)	219.0	LONE STAR GAS CO
8321655	F-7C-060870	4243532699		103	107-TF	HILL-H E GLASSCOCK #1	SAWYER (CANYON)	160.5	LONE STAR GAS CO
-HNG OIL COMPANY				RECEIVED:	02/09/83	JA: TX			
8321605	F-04-052598	4247900000		102-4	103	BRUNI MINERAL B #4	JUANITA (LOBO)	0.0	HOUSTON PIPELINE

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321605	F-04-052598	4247900000		107-TF		BRUNI MINERAL B #4	JUANITA (LOBO)	0.0	HOUSTON PIPELINE
-HORN J R				RECEIVED:		02/09/83 JA: TX			
8321596	F-09-047874	4250300000		102-2		CARTER #1	HORN CONGLOMERATE	73.0	SOUTHWESTERN GAS
-HOUSTON OIL & ENERGY INC				RECEIVED:		02/09/83 JA: TX			
8321717	F-7B-063093	4244132242		102-4		KEY ESTATE #1	WILDCAT	413.0	LONE STAR GAS CO
-INCA OIL CO				RECEIVED:		02/09/83 JA: TX			
8321619	F-02-056091	4217531532		103		WILKINSON #1	WILDCAT	3.2	TEXAS EASTERN TRA
-INDIAN WELLS OIL CO				RECEIVED:		02/09/83 JA: TX			
8321599	F-7C-049856	4223531853		102-2	103	RICHEY #42A#6	PROBANDT (CANYON)	0.0	INTER NORTH INC
-INTERNATIONAL OIL & GAS CORP				RECEIVED:		02/09/83 JA: TX			
8321776	F-04-063303	4235532026		103		MCNAIR #1	KUYPERS 5900	0.0	UNITED GAS PIPELI
8321612	F-7C-055465	4210533356		102-4	103	VERNON B COX "A" #2	DUDLEY EAST (DEVONIAN	45.0	INTRASTATE GATHER
-J B HERRMANN				RECEIVED:		02/09/83 JA: TX			
8321691	F-10-062456	4223331456		103		LUCAS #10 #04565	PANHANDLE-HUTCHINSON	21.0	PHILLIPS PETROLEU
-JAMES B HARBIN				RECEIVED:		02/09/83 JA: TX			
8321678	F-7B-061861	4204900000		108		RAYMOND CARRUTH #1 089102	BLANKET (MARBLE FALLS	9.0	LONE STAR GAS CO
-K L H OIL & GAS INC				RECEIVED:		02/09/83 JA: TX			
8321698	F-7B-062809	4204933339		102-4		H°C WILLIAMS #3	CHAMBERS (CONGL)	59.0	EL PASO HYDROCARB
-KA-HUGH INTERNATIONAL INC				RECEIVED:		02/09/83 JA: TX			
8321642	F-02-059233	4223900000		102-4		LIONEL PASTOR #1	WILDCAT-PROPOSED LA W	91.0	UNITED GAS PIPELI
8321638	F-02-058962	4246931941		103		M A HILL #1	TELFERNER (4600)	109.5	DELHI GAS PIPELIN
-KAISER-FRANCIS OIL COMPANY				RECEIVED:		02/09/83 JA: TX			
8321597	F-10-048572	4248300000		102-4	103	UNDERWOOD #1-7	WHEELER (N W)	300.0	PIONEER NATURAL G
-KARPER & GLASS OIL CO				RECEIVED:		02/09/83 JA: TX			
8321728	F-09-063189	4250300000		108		J A BIRDWELL ID #20286	ROCK CREEK (MARBLE FA	18.0	LONE STAR GAS CO
-L & F DRILLING CO				RECEIVED:		02/09/83 JA: TX			
8321677	F-04-061858	4235500000		102-4		W D SWILLING #1(RRCID UNASSIGNED)	RICHARD KING (4300°)	0.0	DELHI GAS PIPELIN
-LAMBERT HOLLUB DRILLING CO				RECEIVED:		02/09/83 JA: TX			
8321718	F-03-063140	4205132354		102-4		AUSLEY #2	HOOKER CREEK (NAVARRO	34.2	FERGUSON CROSSING
8321719	F-03-063141	4205132246		102-4		BRYMER #1	HOOKER CREEK (NAVARRO	40.0	FERGUSON CROSSING
8321720	F-03-063142	4205132247		102-4		SEBESTA #1	HOOKER CREEK (NAVARRO	20.0	FERGUSON CROSSING
-LHG RESOURCES INC				RECEIVED:		02/09/83 JA: TX			
8321620	F-7B-056349	4242933153		103		HAGAMAN RANCH #3	STEPHENS COUNTY REGUL	0.0	LONE STAR GAS CO
-MARIANAS OPERATING CO INC				RECEIVED:		02/09/83 JA: TX			
8321666	F-7B-061494	4208333128		102-4		HUDSON #1	WILDCAT	1025.0	UNION TEXAS PETRO
-MARSHALL EXPLORATION INC				RECEIVED:		02/09/83 JA: TX			
8321622	F-06-056456	4241930390		103		MACLEAN #1	PAXTON (TRAVIS PEAK)	120.0	UNITED GAS PIPELI
-MCZ INC				RECEIVED:		02/09/83 JA: TX			
8321774	F-03-063300	4204130810		102-2		TODD UNIT #1-L	KURTEN (BUDA)	146.0	FERGUSON CROSSING
8321775	F-03-063301	4204130810		102-2		TODD UNIT #1-U	BRYAN (WOODBINE)	125.0	FERGUSON CROSSING
-MEADCO PROPERTIES				RECEIVED:		02/09/83 JA: TX			
8321657	F-7C-060932	4223531986		102-2		UT-25 A #1 RRC #	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
8321661	F-7C-061110	4223531987		102-2		UT-41 A #1	ANDREW A (CANYON)	0.0	FARMLAND INDUSTRI
-MID-AMERICA PETROLEUM INC				RECEIVED:		02/09/83 JA: TX			
8321739	F-7C-063207	4238332187		103		SHAW #3	SPRABERRY (TREND AREA	12.0	INTER NORTH INC
-MITCHELL ENERGY CORPORATION				RECEIVED:		02/09/83 JA: TX			
8321688	F-7B-062432	4236300000		108		D L HART #1 #068998	GRAFORD (BEND CONGL)	13.8	SOUTHWESTERN GAS
8321648	F-7C-060388	4245131033		102-4	103	FREYSCHLAG 219 A #3-L #09637	K W B (STRAWN LO)	375.0	ESPERANZA PIPELIN
8321603	F-09-051518	4249732336		103		GILBERT SHAWN #5	BOONSVILLE (BEND CONG	219.0	NATURAL GAS PIPEL
8321679	F-05-061883	4239530275		102-4		T W WHALEY #1	BALD PRAIRIE (COTTON	274.0	UNITED TEXAS TRAN
-MOBIL PROD TEXAS & NEW MEXICO INC				RECEIVED:		02/09/83 JA: TX			
8321738	F-02-063205	4239100314		108		F B ROOKE & SONS #S-1	LA ROSA WEST (3900 SA	18.2	UNITED GAS PIPELI
-MOLE OPERATING COMPANY INC				RECEIVED:		02/09/83 JA: TX			

JO NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321716	F-78-063020	4222100000		108		MUSICK A-2	LIPAN (STRAWN)	9.2	WARREN PETROLEUM
-MORAN EXPLORATION INC				RECEIVED:		02/09/83 JA: TX			
8321699	F-7C-062812	4238330137		108		ROCKER "B" #38	SPRABERRY (TREND AREA	9.6	INTER NORTH INC
8321700	F-7C-062813	4238330247		108		ROCKER B "B" #1	SPRABERRY (TREND AREA	4.4	INTER NORTH INC
-NATOMAS NORTH AMERICA INC				RECEIVED:		02/09/83 JA: TX			
8321639	F-02-059048	4228531501		102-4		ALLEN #1	PROVIDENCE CITY 2150	240.0	GOLDENROD TRANSMI
8321644	F-7C-059638	4245131005		102-4		JONES #5	HOUR (STRAWN)	50.0	INTER NORTH INC
-NEEB H L				RECEIVED:		02/09/83 JA: TX			
8321592	F-78-023315	4205900000		103		STRALEY 1-349 #1	STRALEY (JENNINGS SAN	0.0	TEXAS UTILITIES F
8321593	F-78-023316	4205900000		103		STRALEY 1-370 #1	STRALEY (JENNINGS SAN	0.0	TEXAS UTILITIES F
-OLSEN ENERGY INC				RECEIVED:		02/09/83 JA: TX			
8321707	F-08-062886	4237133679		107-TF		WILLIAMS #1	ABELL (CLEAR FORK)	75.0	INTER NORTH INC
-PANHANDLE ENERGY CORP				RECEIVED:		02/09/83 JA: TX			
8321745	F-10-063226	4206531285		103		SHANNON #2 (ID# 05245)	PANHANDLE CARSON	50.0	GETTY OIL CO
8321744	F-10-063225	4206531286		103		SHANNON #3 (ID# 05245)	PANHANDLE CARSON	50.0	GETTY OIL CO
8321743	F-10-063223	4206531287		103		SHANNON #4 (ID# 05245)	PANHANDLE CARSON	50.0	GETTY OIL CO
-PANHANDLE PRODUCING COMPANY				RECEIVED:		02/09/83 JA: TX			
8321715	F-10-062981	4223300000		108		WHITTENBURG #4 (023805)	WEST PANHANDLE	6.0	COLORADO INTERSTA
8321747	F-10-063231	4223300000		108		WHITTENBURG #6 (023807)	WEST PANHANDLE	7.0	COLORADO INTERSTA
-PARKER & PARSLEY INC				RECEIVED:		02/09/83 JA: TX			
8321697	F-08-062709	4231700000		103		NAIL "B" #1	SPRABERRY (TREND AREA	0.0	ADOBE OIL & GAS
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:		02/09/83 JA: TX			
8321714	F-08-062945	4237700000		107-TF		R E KORN #1 057774	KORN (ATOKA)	0.0	WEST TEXAS GAS IN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:		02/09/83 JA: TX			
8321777	F-08-063304	4213500368		108		(12239) CUMMINS A #12	GOLDSMITH (CLEARFORK)	9.0	EL PASO NATURAL G
8321726	F-10-063171	4217900000		108		ANNIE #11	PANHANDLE GRAY	0.0	
8321725	F-10-063170	4206500000		108		COOPER C #7	PANHANDLE CARSON	0.0	GETTY OIL CO
8321724	F-10-063169	4206500000		108		COOPER C #8	PANHANDLE CARSON	0.0	GETTY OIL CO
8321778	F-08-063305	4213504344		108		FORBESS #3 (04865)	PENWELL (ELLENBERGER)	1.0	EL PASO NATURAL G
8321723	F-10-063168	4217900000		108		FOXX J #6	PANHANDLE GRAY	0.0	
8321722	F-08-063158	4213533518		108		GOLDSMITH ADOBE UNIT #39-14 (18713)	GOLDSMITH (5600')	2.0	EL PASO NATURAL G
8321721	F-08-063157	4213503141		108		GOLDSMITH ANDECTOR UNIT N-14	GOLDSMITH (CLEARFORK)	24.0	EL PASO NATURAL G
8321779	F-08-063306	4213505843		108		TXL-A #2C (06963)	TXL (ELLENBURGER)	2.0	SHELL OIL CO
-PLACER ENERGY CORP				RECEIVED:		02/09/83 JA: TX			
8321626	F-7C-057205	4238332004		103		A V MCMASTERS #2	SPRABERRY (TREND AREA	0.7	UNION TEXAS PETRO
-PLEXUS PETROLEUM CO				RECEIVED:		02/09/83 JA: TX			
8321665	F-7C-061467	4239932529		102-4		FRED SPREEN #1	WILDCAT	162.0	EL PASO HYDROCARB
-PRODECO EXPLORATIONINC				RECEIVED:		02/09/83 JA: TX			
8321645	F-03-060064	4204130797		102-2		D TRIOLA #1	KURTEN (BUDA)	177.0	FERGUSON CROSSING
-PYRO ENERGY CORP				RECEIVED:		02/09/83 JA: TX			
8321658	F-04-060950	4224731489		102-4		MESTENA "5-J-2" #1	WEST COYOTE (PROPOSED	183.0	
-R A W ENERGY CORP				RECEIVED:		02/09/83 JA: TX			
8321604	F-09-051834	4223700000		102-4	103	HENDERSON #1	JACK COUNTY REGULAR (	0.0	SOUTHWESTERN GAS
-RANGER OIL CO				RECEIVED:		02/09/83 JA: TX			
8321631	F-03-058246	4201500000		102-4	103	LIEBERMAN #1	SEALY (WILCOX 10,400'	365.0	SOUTHWESTERN GAS
-RANGER PETROLEUM				RECEIVED:		02/09/83 JA: TX			
8321674	F-10-061714	4206531227		103		TERRY #3	PANHANDLE CARSON FIEL	86.1	PANHANDLE EASTERN
-ROBERT KLABZUBA				RECEIVED:		02/09/83 JA: TX			
8321681	F-7C-062107	4209530434		102-2		RANSBARGER #1 #C95696	FUZZY CREEK (GOEN)	200.0	
8321682	F-7C-062108	4209530431		102-2		SCHWETHELM CHESTER #1 #81295	FUZZY CREEK (GOEN)	100.0	
-ROMINES AND WARNER				RECEIVED:		02/09/83 JA: TX			
8321746	F-10-063227	4223331229		103		WHITTENBURG "K" #A-2 (ID# 02055)	PANHANDLE HUTCHINSON	70.0	PHILLIPS PETROLEU
-SANTA FE-WINDSOR PRODUCING CO				RECEIVED:		02/09/83 JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321615	F-03-055610	4228731237		102-2	103	BIGON #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
8321616	F-03-055611	4228731256		102-2	103	FRITSCHE #1	GIDDINGS (BUDA)	36.5	PGP GAS PRODUCTS
8321627	F-03-057391	4228700000		102-2	103	MINNIE #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
8321614	F-03-055608	4228731257		102-2	103	PKG #1	GIDDINGS (AUSTIN CHAL	36.5	PGP GAS PRODUCTS
-SCANDRILL INC				RECEIVED:	02/09/83	JA: TX			
8321669	F-09-061565	4223734690		102-4		PEMBERTON #10	STEVE LOWER STRAWN	54.8	LONE STAR GAS CO
8321670	F-09-061566	4223734517		103		REYNOLDS #1	JACK COUNTY REGULAR	73.0	LONE STAR GAS CO
8321690	F-09-062441	4250300000		102-4		SCAN-KING "E" #6	WOODWARD RANCH (STRAW	0.0	J H TAYLOR GAS CO
8321673	F-09-061659	4250336134		102-4		SCAN-KING "E" #7	WOODWARD RANCH (STRAW	54.8	J H TAYLOR GAS CO
8321689	F-09-062440	4250300000		102-4		SCAN-KING "E" #8	WOODWARD RANCH (STRAW	0.0	J H TAYLOR GAS CO
-SEAGULL INTERNATIONAL EXPLORATION I				RECEIVED:	02/09/83	JA: TX			
8321641	F-06-059204	4236531032		102-4		SMITH-WALLACE GAS UNIT #1	PINEHILL SE (TRAVIS P	91.3	UNITED GAS PIPE L
-SHELL OIL CO				RECEIVED:	02/09/83	JA: TX			
8321628	F-7C-057541	4210500000		108		FORRISTALL-B #12	TIPPETT WOLFCAMP UPPE	20.7	NELEH OIL & GAS C
-SIERRA EXPLORATION CO				RECEIVED:	02/09/83	JA: TX			
8321613	F-02-055604	4229732416		102-4		L DOLAN "A" #1	WILDCAT	41.0	EL PASO NATURAL G
-SNOW OIL CO				RECEIVED:	02/09/83	JA: TX			
8321680	F-7B-062077	4213334314		102-4		CASTLEBERRY-WEST #1	REB (MARBLE FALLS)	68.0	LONE STAR GAS CO
-SOJOURNER DRILLING CORP				RECEIVED:	02/09/83	JA: TX			
8321734	F-7B-063201	4220731297		102-4		HESTER "A" #1-30 (18828)	SHIELDS (STRAWN 4500)	2.0	CITIES SERVICE CO
8321729	F-7B-063194	4220731193		102-4		HESTER "A" #1-31 (18828)	SHIELDS (STRAWN 4500)	37.0	CITIES SERVICE CO
8321733	F-7B-063199	4220731284		102-4		HESTER "A" #1-32 (18828)	SHIELDS (STRAWN 4500)	37.0	CITIES SERVICE CO
8321732	F-7B-063198	4220731303		102-4		HESTER "A" #2-30 (18828)	SHIELDS (STRAWN 4500)	2.0	CITIES SERVICE CO
8321730	F-7B-063195	4220731282		102-4		HESTER "A" #2-31 (18828)	SHIELDS (STRAWN 4500)	37.0	CITIES SERVICE CO
8321731	F-7B-063196	4220731290		102-4		HESTER "A" #3-31 (18828)	SHIELDS (STRAWN 4500)	38.0	CITIES SERVICE CO
-SOUTHLAND ROYALTY CO				RECEIVED:	02/09/83	JA: TX			
8321758	F-7C-063270	4210533609		103		UNIVERSITY "13" #1	CUESTA HILL	15.0	WEST TEXAS GAS IN
-STALLWORTH OIL & GAS INC				RECEIVED:	02/09/83	JA: TX			
8321594	F-06-045023	4242330385		102-4	103	LEWIS OIL UNIT (#10240)	CHAPEL HILL (TRAVIS P	32.9	UNITED GAS PIPELI
8321595	F-06-045024	4242330015		102-4		SANDERS OIL UNIT #1 RRC #10453	CHAPEL HILL (TRAVIS P	138.7	UNITED GAS PIPELI
-SUEMAUR CORP				RECEIVED:	02/09/83	JA: TX			
8321696	F-04-062643	4213134990		102-4		WELDER HEIRS #1-211	DEJAY NORTH (FIRST QU	380.0	VALERO TRANSMISSI
-SUGARBERRY OIL & GAS CORP				RECEIVED:	02/09/83	JA: TX			
8321667	F-7C-061506	4241331134		103	107-TF	CASE #3-T	VELREX (HENDERSON UPP	54.8	CRA INC
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	02/09/83	JA: TX			
8321687	F-7B-062340	4242900000		108		A S VEALE, -C- #9	VEALE (MARBLE FALLS)	18.0	SOUTHWESTERN GAS
8321702	F-8A-062821	4250132228		103		BENNETT RANCH UNIT #336	WASSON	9.0	SHELL OIL CO
8321703	F-8A-062822	4250132218		103		BENNETT RANCH UNIT #342	WASSON	11.0	SHELL OIL CO
8321611	F-04-054914	4242731523		102-4		BENTSEN BROS "A" #6	YZAQUIRRE	136.0	
8321768	F-7B-063281	4242933408		103		J M WARD "C" #123	STEPHENS COUNTY REGUL	7.0	PETROLEUM CORP OF
8321767	F-7B-063280	4242933419		103		J M WARD "C" #124	STEPHENS COUNTY REGUL	0.4	PETROLEUM CORP OF
8321766	F-7B-063279	4242933395		103		J M WARD "C" #125	STEPHENS COUNTY REGUL	2.0	PETROLEUM CORP OF
8321761	F-7B-063274	4242933380		103		J M WARD "C" #126	STEPHENS COUNTY REGUL	0.4	PETROLEUM CORPORA
8321765	F-7B-063278	4242933389		103		J M WARD "C" #127	STEPHENS COUNTY REGUL	7.0	PETROLEUM CORP OF
8321764	F-7B-063277	4242933388		103		J M WARD "C" #128	STEPHENS COUNTY REGUL	2.0	PETROLEUM CORP OF
8321763	F-7B-063276	4242933396		103		J M WARD "C" #131	STEPHENS COUNTY REGUL	5.0	PETROLEUM CORP OF
8321759	F-08-063272	4246100000		108		MCELROY S W UNIT #29	MCELROY	0.2	PHILLIPS PETROLEU
8321760	F-08-063273	4200300000		108		O B HOLT -H- #1	NORTH COWDEN	1.5	PHILLIPS PETROLEU
8321694	F-8A-062560	4221933500		103		SOUTHEAST LEVELLAND UNIT #291	LEVELLAND	4.0	AMOCO PRODUCTION
8321693	F-8A-062509	4221933498		103		SOUTHEAST LEVELLAND UNIT #293	LEVELLAND	7.0	AMOCO PRODUCTION
8321625	F-04-057075	4242731508		102-4		SULEMA GARZA #1	LOCKHART	3.0	TENNESSEE GAS PIP
8321701	F-8A-062819	4250132249		103		WASSON N CLEARFORK UT #91	N E WASSON (CLEARFORK	10.0	SHELL OIL CO
-TENNECO OIL COMPANY				RECEIVED:	02/09/83	JA: TX			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8321629	F-10-057698	4239330913		102-2		LEDRICK 3-55	SOUTH LEDRICK RANCH	90.0	TRANSWESTERN PIPE
8321600	F-10-049956	4239330872		102-2	103	MORRISON #2-1	WILDCAT	40.0	TRANSWESTERN PIPE
-TERRY L MCIVER				RECEIVED:		02/09/83 JA: TX			
8321634	F-7B-058410	4208333150		102-4		DOYLE EVANS #1	TRICKHAM (CROSSCUT LO	30.0	LONE STAR GAS CO
-TEXACO INC				RECEIVED:		02/09/83 JA: TX			
8321735	F-10-063202	4206500000		108		M C BURNETT NCT-5 #4	PANHANDLE CARSON COUN	1.8	PHILLIPS PETROLEU
8321736	F-10-063203	4206500000		108		M C BURNETT NCT-5 #6	PANHANDLE CARSON COUN	1.6	PHILLIPS PETROLEU
8321686	F-8A-062309	4221933654		103		MONTGOMERY ESTATE DAVIES NCT-2 #94	LEVELLAND	0.0	AMOCO PRODUCTION
8321737	F-10-063204	4223300000		108		S B BURNETT NCT-5 #19	PANHANDLE HUTCHINSON	2.6	PHILLIPS PETROLEU
8321685	F-08-062307	4243131229		103		STERLING "J" FEE 5	CONGER (PENN)	0.0	VALERO TRANSMISSI
8321684	F-08-062306	4243131228		103		STERLING "K" FEE #5	CONGER (PENN)	0.0	VALERO TRANSMISSI
8321695	F-08-062615	4243131233		103		STERLING "K" FEE #6	CONGER (PENN)	0.0	VALERO TRANSMISSI
8321635	F-08-058476	4213533986		102-4		W E CONNELL NCT-2 #162	JORDAN WEST	95.2	PHILLIPS PETROLEU
8321683	F-8A-062117	4221933649		103		W T COBLE "A" NCT-1#40	LEVELLAND	0.0	AMOCO PRODUCTION
-TEXAS INTERNATIONAL PET CORP				RECEIVED:		02/09/83 JA: TX			
8321608	F-03-054139	4205100000		102-2		BLINKA POEHLS #2	GIDDINGS (BIG "A" TAY	0.0	CLAJON GAS CO
8321643	F-03-059635	4204100000		102-2		PETERS #1	KURTEN (AUSTIN CHALK)	0.0	PRODUCER'S GAS CO
8321598	F-03-049743	4204100000		102-2		PETERS #1	GIDDINGS	219.0	
-TEXLAND-RECTOR & SCHUMACHER				RECEIVED:		02/09/83 JA: TX			
8321782	F-8A-063310	4221933086		103		DAVIS "B" #6	SLAUGHTER	1.0	AMOCO PRODUCTION
8321783	F-8A-063311	4221932707		103		DAVIS "B" 4-X	SLAUGHTER	1.0	AMOCO PRODUCTION
8321781	F-8A-063309	4221933440		103		J J STALLINGS #4	LEVELLAND	8.0	AMOCO PRODUCTION
8321780	F-8A-063308	4221933637		103		J J STALLINGS #5	LEVELLAND	8.0	AMOCO PRODUCTION
-TRIPLE L OIL CO INC				RECEIVED:		02/09/83 JA: TX			
8321792	F-04-063374	4235531989		102-4		MORGAN-CLARK #2	SAXET	182.5	DELHI GAS PIPELIN
-TUMBLEWEED PRODUCTION CO				RECEIVED:		02/09/83 JA: TX			
8321788	F-10-063323	4206500000		103		LINDA #4	PANHANDLE	124.6	GETTY OIL CO
-TXO PRODUCTION CORP				RECEIVED:		02/09/83 JA: TX			
8321630	F-04-058020	4226130416		102-4		ERCK #7	MCGILL (9400' SEGMENT	0.0	FLORIDA GAS TRANS
8321609	F-04-054229	4227331272		103		YEARY #1	YEARY WILDCAT	0.0	TEXAS EASTERN TRA
-UNION OIL COMPANY OF CALIF				RECEIVED:		02/09/83 JA: TX			
8321664	F-01-061389	4210534110		102-2		PAMELA ACTON #1	MASSIE (STRAWN)	350.0	INTRATEX GAS CO
-UNITED CO				RECEIVED:		02/09/83 JA: TX			
8321711	F-8A-062926	4207930548		108		MARTY WRIGHT #42 072329	LEVELLAND (SAN ANDRES	15.2	EL PASO NATURAL G
8321710	F-8A-062925	4207900000		108		REED WRIGHT B #12 049400	LEVELLAND (SAN ANDRES	18.5	EL PASO NATURAL G
-VANDERBILT RESOURCES CORPORATION				RECEIVED:		02/09/83 JA: TX			
8321709	F-01-062920	4217731367		102-4		PETTUS #3	PEACH CREEK (BUDA)	72.0	VALERO TRANSMISSI
-W H TAYLOR ESTATE				RECEIVED:		02/09/83 JA: TX			
8321663	F-10-061225	4217900000		108		TAYLOR RANCH #18	WEST PANHANDLE (GAS)	18.5	PHILLIPS PETROLEU
8321662	F-10-061223	4217900000		108		TAYLOR RANCH #38	WEST PANHANDLE (GAS)	16.4	PHILLIPS PETROLEU
-WAGNER & BROWN				RECEIVED:		02/09/83 JA: TX			
8321755	F-08-063264	4243131218		103		FLINT #3-24	CONGER (PENN)	117.8	TEXAS UTILITIES F
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:		02/09/83 JA: TX			
8321772	F-08-063292	4210332968		103		J B TUBB "A" #44	SAND HILLS (MCKNIGHT)	40.6	EL PASO NATURAL G
8321771	F-08-063291	4210332839		103		J B TUBB "B" #54	SAND HILLS (JUDKINS)	183.3	EL PASO NATURAL G
8321773	F-08-063293	4210333002		103		M B MCKNIGHT #130	SAND HILLS (MCKNIGHT)	52.7	EL PASO NATURAL G
8321741	F-08-063220	4210333003		103		P J LEA #130	LEA (SAN ANDRES)	63.9	EL PASO NATURAL G
8321750	F-08-063246	4210332797		103		STATE "EG" #30	DUNE	3.1	EL PASO NATURAL G
-WELLS-BATTELSTEIN OIL & GAS INC				RECEIVED:		02/09/83 JA: TX			
8321649	F-7B-060439	4235331239		102-4		L W SWEET #1	SUGGS	68.0	LONE STAR GAS CO
8321650	F-7B-060441	4235331283		102-4		L W SWEET #2	SUGGS	182.0	LONE STAR GAS CO
8321651	F-7B-060442	4235331300		102-4		L W SWEET #3	SUGGS (ELLENBURGER)	37.0	LONE STAR GAS CO
8321623	F-04-056977	4224931533		102-4		MARGARET ADAMS #2	ALFRED UPPER STILLWEL	146.0	SOUTHERN GAS PIPE

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-WESLEY SENKEL INC				RECEIVED:	02/09/83	JA: TX			
8321790	F-09-063360	4250336190		102-4		LOFTIN #2	SENKEL (CADDO 4600) F	24.0	SOUTHWESTERN GAS
-WILSON RICHARD NEAL				RECEIVED:	02/09/83	JA: TX			
8321637	F-78-058957	4213300000		102-4		BISHOP #1	FOSTER (PERMIAN SAND)	59.0	EL PASO HYDROCARB
-WINN EXPLORATION/DULCE CO				RECEIVED:	02/09/83	JA: TX			
8321632	F-01-058257	4250700000		102-4		PRYOR RANCH	WINN-DULCE	0.0	INTER NORTH INC
-WY-VEL CORP				RECEIVED:	02/09/83	JA: TX			
8321787	F-10-063322	4217931247		103		KERSEY (05256) #1	PANHANDLE	100.0	GETTY OIL CO

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 (MMCF). 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 (2.5 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-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. 83-6246 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-345-000]

Connecticut Light and Power Co.; Filing

March 8, 1983.

Take notice that on February 22, 1983, Connecticut Light and Power Company (CL&P) tendered for filing as an initial rate schedule an agreement (the Exchange Agreement) between CL&P, the Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company ((WMECO), and together with HELCO and CL&P, the NU Companies) and Montaup Electric Company (Montaup). The Exchange Agreement, dated as of June 30, 1982, provides for an exchange of excess capacity and associated energy from the NU Companies' system, "system power" for an equal amount of capacity from certain generating units on Montaup's system (the Exchange Units). CL&P states that the timing of the exchanges cannot be accurately estimated but that the NU Companies and Montaup would enter into an exchange only when it was economic for both to do so.

Montaup will pay an hourly energy reservation charge to the NU Companies for each hour of each exchange in an amount equal to the capacity exchange amount (expressed in kilowatts) for such exchange, times an amount not to exceed $0.007 per kilowatt. Montaup will pay a fuel charge to the NU Companies for each exchange in an amount equal to the kilowatt hours provided by the NU Companies during such exchange, times a fuel charge rate. The fuel charge is based on the heat rate and the New England Power Exchange's replacement fuel price of the generating unit(s) which the NU Companies determine to be available to provide system power at the time of an exchange.

The NU Companies will pay Montaup a fuel charge for each exchange in an amount equal to the kilowatthours provided by Montaup during such exchange, times a fuel charge rate. The fuel charge rate associated with Montaup's generating units is based on the heat rate and the New England Power Pool Exchange's replacement fuel price for each such unit. The NU Companies will pay a variable maintenance charge to Montaup for any portion of an exchange made from any gas turbine type generating units equal to the product of the applicable variable maintenance rate (expressed in $/hour of operation) and the NU Companies' fractional entitlement in each such unit. The NU Companies will also pay an additional variable maintenance charge associated with Montaup's gas turbine type generating units equal to the product of the applicable additional variable maintenance charge rate (expressed in $/hour of operation) and the NU Companies' fractional entitlement in each such unit.

CL&P requests an effective date of June 30, 1982 and therefore request wavier of the Commission's notice requirements.

Copies of this filing have been served upon HELCO, WMECO and Montaup.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6328 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-341-000]

Gulf States Utilities Co.; Filing

March 8, 1983.

Take notice that on February 23, 1983, Gulf States Utilities Company (Gulf States) tendered for filing an Agreement between Gulf States and the Louisiana municipality of New Roads, together with Service Schedules LTS (Transmission Service), ES (Emergency Service), RE (Replacement Energy) and ECON (Economy Energy Supply).

GSU proposes that the Agreement and related Service Schedules become effective no later than June 1, 1983, or the date that all facilities required to implement the Interconnection Agreement are in service. GSU expects service under the filing to commence on June 1, 1983.

Copies of the filing have been served on the municipality of New Roads, the Public Utility Commission of Texas and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211, and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6329 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-594-000]

Iowa Power and Light Co.; Settlement Compliance Report

March 8, 1983.

Take notice that on February 18, 1983, Iowa Power and Light Company filed a Settlement Compliance Report pursuant to the Commission's order issued February 2, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6330 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-212-000]

Michigan Wisconsin Pipe Line Co.; Application

March 8, 1983.

Take notice that on March 2, 1983, Michigan Wisconsin Pipe Line Company, One Woodward Avenue, Detroit, Michigan 48226 (Applicant), filed in Docket No. CP83-212-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an interruptible transportation service for Michigan Consolidated Gas Company (MichCon), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application indicates that pursuant to an agreement dated February 24, 1983, MichCon has agreed to sell to Indiana Glass Company (Indiana Glass) up to 4,000 dt equivalent per day and 1,500,000 dt equivalent of natural gas per year subject to interruption to the extent the gas supplies are required by MichCon to provide adequate service to its distribution customers. The term of the agreement is for an initial period of two years commencing for the date of the first deliveries and is extendable for successive two-year periods. In an affidavit by the president and general manager of Indiana Glass, included in the application, it is estimated that the purchase of gas from MichCon would result in annual fuel cost savings approximately $1.2 million and would likely prevent permanent extensive lay-offs of employees. Applicant further states that upon authorization of the requested service, 425 employees currently laid off would be recalled.

Applicant states that it has entered into an agreement with MichCon dated February 23, 1983, which provides for the transportation of up to 4,000 dt equivalent per day of natural gas. Applicant would receive the natural gas from MichCon by displacement at an existing point of delivery at Applicant's Willow Run Station in Ypsilanti Township, Washtenaw County, Michigan and would deliver thermally equivalent volumes to Indiana Gas Company, Inc. (Indiana Gas), at an existing delivery point located near Muncie in Delaware County, Indiana. Since the transportation service is by displacement, Applicant states, MichCon has agreed to pay it two cents for each dt equivalent of natural gas delivered to Indiana Gas for the account of MichCon based on Applicant's administrative and general expenses.

Any person desiring to be heard or to make any protest with reference to said application should on or befor March 21, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regualtions under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without futher notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6331 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-181-000]

Northern States Power Company (Wisconsin); Refund Compliance Report

March 8, 1983.

Take notice that on February 12, 1982, Northern States Power Company (Wisconsin) submitted for filing a refund compliance report pursuant to the Commission's letter order dated February 20, 1981 approving settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6332 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-340-000]

Otter Tail Power Co.; Filing

March 8, 1983.

Take notice that on February 22, 1983, Otter Tail Power Company (Otter Tail) tendered for filing rate schedules covering scheduling and dispatching service provided to Cooperative Power Association (Association) and Central Power Electric Cooperative (Central). An effective date of April 1, 1983 is requested for the increase, estimated at approximately $7,617 per year, in rates to be charged the Association per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 154. An effective date of March 20, 1983 is requested for the increase estimated at approximately $2,175 in rates to be charged Central per Supplement No. 3 to Otter Tail's Rate Schedule FERC No. 171.

Otter Tail requests waiver of the Commission's notice requirements to allow these two schedules to become effective on April 1, 1983 and March 20, 1983, respectively.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6333 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-532-000]

Pacific Gas and Electric Co.; Refund Report

March 8, 1983.

Take notice that on February 22, 1983, Pacific Gas and Electric Company submitted for filing a refund report pursuant to the Commission's Opinion No. 143, issued August 16, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before March 24, 1983. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-6334 Filed 3-10-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-339-000]

Pacific Power & Light Co.; Filing

March 8, 1983.

Take notice that Pacific Power & Light Company (Pacific) on February 22, 1983, tendered for filing an Agreement providing for temporary wheeling services for the City of Gillette, Wyoming.

Pacific requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were supplied to the City of Gillette, Wyoming and the Public Service Commission, the State of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6335 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-334-000]

Puget Sound Power & Light Co.; Filing

March 8, 1983.

Take notice that Puget Sound Power & Light Company (Puget), on February 18, 1983, tendered for filing Puget's Schedule 5 to Appendix 1 to the Residential Purchase and Sale Agreement between Puget and the Bonneville Power Administration (BPA). Schedule 5 to Appendix 1 reflects BPA's average system cost calculations.

Puget requests an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Puget has sent notice of this filing to the parties who commented to BPA regarding Schedule 5.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 25, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6336 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-342-000]

Vermont Electric Power Company, Inc.; Filing

March 8, 1983.

Take notice that on February 23, 1983, Vermont Electric Power Company, Inc. (VELCO) tendered for filing an amendment to its Three-Party Power Agreement with Central Vermont Public Service Company and Green Mountain Power Corporation. That agreement assigns to VELCO the entitlements of Central Vermont and Green Mountain to the output of the Vermont Yankee nuclear power plant located in Vernon, Vermont. VELCO, in turn, makes the output of that unit available to all Vermont utilities elected to participate. The proposed amendment is necessitated by a filing submitted by Vermont Yankee Nuclear Power Corporation to begin the collection of decommissioning charges. The amendment would permit VERLO to pass those decommissioning charges through to the Vermont participants.

VELCO requests that the proposed amendment be accepted effective April 24, 1983 but that it be permitted to defer inclusion of decommissioning charges until September 1, 1983 to track the relief requested by Vermont Yankee. If the decommissioning charge had been in effect for the full calendar year 1983, the increase to the Vermont participants would have been 7.8 percent or $4,561,150. Of that amount approximately one-half represents the collection of taxes. If Vermont Yankee is able to obtain a favorable tax ruling, which it is seeking, the dollars collected for taxes will be refunded to its customers, including the Vermont participants.

VELCO states that copies of this filing, and of the complete Vermont Yankee filing, have been served on all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211,

385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6337 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-343-000]

Vermont Yankee Nuclear Power Corp.; Filing

March 8, 1983.

Take notice that on February 23, 1983, Vermont Yankee Nuclear Power Corporation (Vermont Yankee) tendered for filing an amendment to Section 7 of the Power Contract between Vermont Yankee and its ten owner-sponsors governing the sale of the output of Vermont Yankee's nuclear power plant located in Vernon, Vermont. The amendment would permit Vermont Yankee to begin collecting decommissioning charges. The ten owner-sponsors of Vermont Yankee are: Central Vermont Public Service Corporation, Green Mountain Power Corporation, New England Power Company, The Connecticut Light and Power Company, Central Maine Power Company, Public Service Company of New Hampshire, the Hartford Electric Light Company, Western Massachusetts Electric Company, Montaup Electric Company, and Cambridge Electric Light Company.

Vermont Yankee requests that the proposed amendment to Section 7 of the Power Contract be permitted to become effective April 24, 1983 but that it be permitted to defer inclusion of the decommissioning charge until September 1, 1983. The proposed amendment to Section 7 of the Power Contract would, according to the Company, have increased revenues by 7.8 percent or $8,293,000 if the decommissioning charge had been in effect for the full calendar year 1983. Of that amount approximately one-half represents the collection of taxes. Vermont Yankee indicates that it is seeking a ruling that decommissioning charges are not subject to federal income tax. If it prevails, the amounts collected for federal income taxes will be refunded to its customers.

Vermont Yankee states that copies of the filing have been served upon each of the customers taking power from Vermont Yankee, both the owner-sponsors and the secondary purchasers who have contracted for a portion of the entitlement of an owner-sponsors. Copies of the filing have also been served on each state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 29426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 23, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6338 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2032-000]

William F. Miller; Application

March 8, 1983.

Take notice that on February 15, 1983, William F. Miller filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Pacific Gas & Electric Company
Director, Fireman's Fund Insurance Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before March 31, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-6339 Filed 3-10-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Period of January 10 Through January 28, 1983

During the period of January 10 through January 28, 1983, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave. NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Piedmont Petroleum Company, Middleburg, Virginia; HEE-0045, No. 2, Distillate

On October 13, 1982, Piedmont Petroleum Company (Piedmont) filed an Application for Exception from the Energy Information Administration's reporting requirements. The exception request, if granted, would permit Piedmont to be relieved of the obligation to file Form EIA-9A, "No. 2 Distillate Price Monitoring Report." On January 25, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Rogers Fuels, Inc., Middleburg, Virginia, HEE-0045, No. 2, Distillates

Rogers Fuels, Inc. (Rogers) filed an Application for Exception from the reporting requirements of the Energy Information Administration. The exception request, if granted, would relieve Rogers of the responsibility of filing Form EIA-9A. On January 26, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Spring Brook Ice & Fuel Company, Waterville, Maine, HEE-0048, No. 2, Distillates

On November 10, 1982, Spring Brook Ice & Fuel Company (Spring Brook) filed an Application for Exception from the reporting requirements of the Energy Information Administration. The exception request, if granted, would permit Spring Brook to discontinue filing a monthly report, Form EIA-782B, "Monthly No. 2 Distillate Sales Report." On January 27, 1983, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 83-6259 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of January 17 Through January 21, 1983

During the week of January 17 through January 21, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Brownlie, Wallace, Armstrong & Bander, Inc., Denver, Colorado; HRO-0112, Crude Oil

On January 20, 1983, Brownlie, Wallace, Armstrong, Bander, Inc. (BWAB), 555 17th Street, Suite 3300, Denver, Colorado 80202, filed a Notice of Objection to a Proposed Remedial Order that the Economic Regulatory Administration of the DOE issued to the firm on December 22, 1982. In the PRO the ERA determined that during the period from January 1, 1979 through December 31, 1980, BWAB misapplied the provisions of 10 CFR 212.79 and Ruling 1980-3 and as a result improperly classified and priced crude oil sold from the Burlington-Northern 11-21 property located in McKenzie County, North Dakota. According to the PRO the BWAB violation resulted in $370,234.34 of overcharges.

Mira Oil Co., Spring Valley, New York; HRO-0113, Motor Gasoline

On January 20, 1983, Mira Oil Co., 53 Main Street, Spring Valley, New York 10977, filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on December 2, 1982. In the PRO the Northeast District found that during the period June 1, 1979 through December 31, 1979, Mira charged prices in excess of the maximum lawful selling price in its sales of motor gasoline. According to the PRO the Mira Oil Co. violation resulted in $112,949.96 of overcharges.

Osborne Energy Corp., Houston, Texas; HRO-0116, Crude Oil

On January 21, 1983, Osborne Energy Corp., Eleven Greenway Plaza, Suite 626, Houston, Texas 77046, filed a Notice on Objection to a Proposed Remedial Order which the DOE Houston Office of Special Counsel of the Economic Regulatory Administration issued to the firm on January 6, 1983. In the PRO the Houston Office found that during the period October 1980 through December 1980, Osborne, a crude oil reseller, charged prices for crude oil in excess of the actual purchase price without providing any service or function traditionally and historically associated with the resale of crude oil. According to the PRO Osborne received illegal revenues for the period October through December 1980 totalling $3,002,029.71. In the exercise of its administrative prosecutorial discretion, the ERA proposes in the PRO that the firm refund $978,637, the amount of its gross profits from sales of crude oil during the October through December 1980 period, plus the appropriate interest.

Transco Trading Company and Refiners & Producers Marketing, Inc., Midland, Texas; HRO-0114, Crude Oil

On January 21, 1983, Kenneth Cory, Controller of the State of California c/o Lobel, Novins & Lamont, 1523 L Street, NW., Washington, D.C. 20005, filed a Notice of Objection to a Proposed Remedial Order which the DOE Office of Special Counsel of the Economic Regulatory Administration issued to Transco on December 21, 1983. On February 3, 1983, Transco 230 West Wall Street, Suite 612, Commerce Bank Building, Midland, Texas 79709, filed a Notice of Objection to the PRO. In the PRO the Office of Special Counsel found that during the period July 1978 through May 1980, Transco, a crude oil reseller, sold crude oil at prices in excess of those permitted under 10 C.F.R. Part 212. According to the PRO the Transco violation resulted in $21,187,493.48 of overcharges.

Zephyr Oil & Trading Co., Houston, Texas; HRO-0115, Motor Gasoline

On January 21, 1983, Zephyr Oil & Trading Co., 4801 Woodway, Suite 300-D, Houston, Texas 77024 filed a Notice of Objection to a Proposed Remedial Order which the DOE Northeast District Office of Enforcement issued to the firm on December 21, 1982. In the PRO the Northeast District found that during the period July 1, 1978 through October 30, 1979, Zephyr charged prices in excess of the Maximum Lawful Selling Price for Motor Gasoline. According to the PRO the Zephyr violation resulted in $618,827.00 of overcharges.

[FR Doc. 83-6262 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Order Filed; Period of January 24 Through February 4, 1983

During the period of January 24 through February 4, 1983, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial order described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in this proceeding should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Kelly Trading Corp., Houston, Texas; HRO-0117, Crude Oil

On February 2, 1983, Kelly Trading Corp. (Kelly), 5065 Westheimer, Suite 805 East, Houston, Texas 77056, filed a Notice of Objection to a Proposed Remedial Order which the DOE's Economic Regulatory Administration (ERA) issued to the firm on January 6, 1983. In the PRO the ERA found that during the period January through November, 1980, Kelly violated the crude oil pricing regulations found in 10 CFR 212.186, 210.62 and 205.22. According to the PRO the Kelly violation resulted in $360,986.25 of overcharges.

[FR Doc. 83-6261 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of February 4 Through February 11, 1980

During the Week of February 4 through February 11, 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. A submission inadvertently omitted from an earlier list has also been included.

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.

March 3, 1983.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of February 4 through February 11, 1983]

Date	Name and location of applicant	Case No.	Type of submission
Feb. 3, 1983	Texaco Inc., Washington, D.C.	HRZ-0134	Interlocutory order. If granted: The Office of Special Counsel would be required to supplement its response to the Motion for Discovery filed by Texaco Inc. (Case No. HRD-0077).
Feb. 7, 1983	Economic Regulatory Administration/Texaco Inc., Dallas Tex.	HRS-0021	Request for stay. If granted: The proceeding involving the Proposed Remedial Order issued to Texaco Inc. (Case No. HRO-0012) would be stayed through March 31, 1983, pending settlement negotiations between the firm and the Economic Regulatory Administration.
Feb. 8, 1983	Economic Regulatory Administration/Texaco Inc., Dallas Tex.	HRS-0029	Request for stay. If granted: The proceeding involving the Proposed Remedial Order issued to Texaco Inc. (Case No. BRO-1467) would be stayed through March 31, 1983, pending settlement negotiations between the firm and the Economic Regulatory Administration.
Feb. 9, 1983	Economic Regulatory Administration/Texaco Inc., Dallas Tex.	HRS-0030	Request for stay. If granted: The proceeding involving the Proposed Remedial Order issued to Texaco Inc. (Case No. HRO-0032) would be stayed through March 31, 1983, pending settlement negotiations between the firm and the Economic Regulatory Administration.
Feb. 10, 1983	Edward G. Connor, Washington, D.C.	HFA-0018	Appeal of an information request denial. If granted: The January 10, 1983, Freedom of Information Request Denial issued by the Director of Personnel would be rescinded and Edward G. Connor would receive access to further documents regarding the vacancy announcement number 82-21C, Program Analysts GM-345-15.

REFUND APPLICATIONS RECEIVED

[Week of February 4, to February 11, 1983]

Date	Name of refund proceeding/name of refund applicant	Case No.
Feb. 10, 1983	Ada Resources/ Groendyke Transport Co.	RF24-2.
	Amoco Refund Applications.	RF21-1843; RF21-2237.

[FR Doc. 83-6263 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decision and Order; Week of February 14 Through February 18, 1983

During the week of February 14 through February 18, 1983, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives acutal notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact of law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

March 3, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Wyoming Energy Conservation, Cheyenne, Wyoming, HEE-0035

The Wyoming Energy Conservation Office filed an Application for Exception from the provisions of 10 CFR 455.83. The exception request, if granted, would permit Wyoming in utilizing grant monies under Cycle IV of the Institutional Conservation Program, to spend more than five percent of the funds to defray administrative expenses associated with the program.

[FR Doc. 83-6260 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

Motion To Terminate Proceeding

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Motion To Terminate Investigation of Common Carrier Pipelines, Ex Parte 308 (Sub-No. 1), Case No. DOP-0003.

SUMMARY: On February 10, 1983, the Economic Regulatory Administration (ERA) of the Department of Energy filed a motion with the Office of Hearings and Appeals (OHA) requesting that OHA issue an order terminating the investigation of common carrier petroleum pipelines initiated by the Bureau of Investigation and Enforcement of the Interstate Commerce Commission on February 24, 1976. Responsibility for conducting that investigation was transferred to the ERA upon the establishment of the Department of Energy. Comments on the ERA motion may be filed within 20 days of the publication of this Notice in the **Federal Register.** An original and one copy of all comments should be sent to: The Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461. Comments should contain the OHA case number (DOP-0003) and a certificate of service indicating that copies of the comments have been served upon the parties named on the service list in the Appendix to this Notice, and upon Theodore A. Miles, Assistant General Counsel for Administrative Litigation, Department of Energy, 1000 Independence Ave., S.W., Washington, D.C. 20585. Comments should not contain any proprietary, confidential information.

SUPPLEMENTARY INFORMATION: On February 24, 1976, the Interstate Commerce Commission (ICC) initiated an investigation of Common Carrier Pipelines, pursuant to Section 11 of the Clayton Act, 15 U.S.C. 21, and Sections 12 and 13 of the Interstate Commerce Act, 49 U.S.C. 12 and 13. the purpose of the ICC investigation, which was designated Ex Parte 308 (Sub-No. 1), was to determine whether ownership and active control of common carrier petroleum pipelines by their shippers may tend substantially to lessen competition or to create a monopoly, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18. All common carrier pipelines subject to the provisions of Part I of the Interstate Commerce Act were made respondents in the proceeding.

On July 8, 1976, the respondents were served with eight interrogatories propounded by the ICC Bureau of Investigations and Enforcement (BIE), concerning their operations during the period from 1960 through 1975. Approximately 93 respondents submitted answers in whole or in part. In an order served on March 2, 1977, an ICC administrative law judge directed those respondents that had not responded to the interrogatories do so within 30 days, and specified procedures to maintain the confidentiality of the material submitted in response to the interrogatories. On June 7, 1977, the BIE served two additional interrogatories on the respondents. On September 30, 1977, the ICC modified the March 2 order by specifying procedures for the transmittal of confidential material to the Federal Trade Commission Bureau of Competition; and the ICC established a number of conditions regarding use by the Bureau of Competition of confidential data which the Bureau received in connection with its participation in Ex Parte 308 (Sub-No. 1).

Pursuant to the Department of Energy Organization Act, 42 U.S.C. 7101 *et seq.*, as implemented by E.O. 12009, FR 46267(September 15, 1977), and DOE Delegation Order No. 0204-4, the existing proceedings under Ex Parte No. 308 (Sub-No. 1) were transferred from the ICC to the Economic Regulatory Administration (ERA) of the DOE. On January 4, 1978, the Administrator of the ERA determined that the Office of Enforcement of the ERA would perform all functions previously performed in Ex Parte 308 (Sub-No. 1) by the BIE. 43 FR 1639-40 (January 11, 1978). All records in this matter which were in the possession of the BIE were subsequently transferred to the DOE Office of Enforcement. In addition, in that January 11, 1978 Federal Register Notice, the DOE Office of Administrative Review (OAR), the predecessor of the office of Hearings and Appeals, was designated to perform all functions in connection with the proceeding that were previously performed by the members of the ICC or by the administrative law judge designated by the ICC to hear and decide any aspect of the matter. *Id.* Accordingly, all records which were held by the Secretdary of the ICC and the administrative law judge designated by the ICC to oversee the investigation were transferred to the OAR.

On January 6, 1978, the OAR issued a Decision and Order that stayed the provisions of the September 30 ICC order regarding disclosure of confidential information to the Bureau of Competition, pending a determination with respect to motions for reconsideration of the September 30 order which had been filed by several respondents. *Common Carrier Pipelines,* 1 DOE ¶82,020 (1978). On February 10, 1978, the OAR issued a Proposed Decision and Order in which it specified the procedures that it proposed to follow in connection with Ex Parte 308 (Sub-No. 1). *Investigation of Common Carrier Pipelines,* Case No. DOP-0003, 43 FR 7017 (February 17, 1978). Written comments on the Proposed Decision were invited, and the OAR received 17 submissions on behalf of 43 respondents in the investigation. No final procedures for this proceeding were ever issued.

On February 10, 1983, the ERA filed a "motion to Terminate Proceeding" with the OHA. After summarizing the history of this proceeding, the motion states:

> At this time, the Administrator of the ERA has determined not to pursue the investigation of common carrier pipelines initiated by the ICC Bureau of Investigations and Enforcement.

Accordingly, the ERA requests that the OHA issue an order terminating Ex Parte No. 308 (Sub-No. 1). If the ERA motion were granted, the OHA would dismiss the proceeding pending before it (Case No. DOP-0003) and all confidential material furnished to the ICC would be treated pursuant to the provisions of the March 2, 1977 order. In accordance with that order, the Administrative Litigation Division of the DOE Office of General Counsel, as counsel for the DOE Office of Enforcement, the successor to the BIE, would return to the supplying respondents all confidential material in the possession of the Office of Enforcement, and the Office of Hearings and Appeals, as successor to the ICC and the administrative law judge, would seal all confidential information in its possession. *(1)* A complete copy of the ERA motion may be inspected in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Ofice Building, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays.

Footnote

(1) Paragraphs 8 and 9 of the Protective Order appended to the March 2, 1977 order provide that:

8. [N]o later than thirty (30) days following the conclusion of this proceeding, all confidential discovery materials, all extracts, tabulations and compilations containing portions of such materials, all copies thereof, and all computerizations thereof, and indices thereto, in any form, shall be returned to such supplying repondent by counsel of record for the [ICC] Bureau [of Investigations and Enforcement]. Receipt of such material by the supplying respondent shall be acknowledged in writing. If a tabulation or compilation contains confidential information supplied by more than one respondent, that tabulation or compilation will be destroyed.

9. In the event that any document containing Confidential information is filed with the Secretary of the Commission, the Administrative Law Judge, or with the Commission or members thereof, or with any United States court, in support of or as a part of a motion or other pleading or otherwise as

a part of the record in this proceeding, the Confidential portion shall be filed in sealed envelopes or other appropriate containers and shall be endorsed to the effect that the envelopes are sealed pursuant to the instant Order and by reason of containing Confidential documents in the instant proceeding.

The existing service list in this proceeding does not contain the full names or current addresses of each person who may be interested in this proceeding. Accordingly, and in view of the importance of the motion, this Notice is being published in the **Federal Register** in order to provide an opportunity for all interested persons to comment.

Dated: March 3, 1983.

George B. Breznay,

Director Office of Hearings and Appeals:

FOR FURTHER INFORMATION CONTACT:

Richard W. Dugan, Associate Director, Office of Hearings and Appeals, (202) 633-8394

Ted Hochstadt, Assistant Director, Office of Hearings and Appeals, (202) 633-8383.

Appendix

Service List

Ex Parte 308 (Sub. 1) OHA Case No. DOP-0003

Bolivar C. Andrews, Jack D. Head, P.O. Box 2521, Texas Eastern Transmission Corp., Houston, TX 77001

Anti-Trust Division, U.S. Dept. of Justice, Washington, D.C. 20530

Augellow & Pezdd, P.C., Attorney for Long Island Fuel Oil Ass'n. 120 Main Street, P.O. Box Z Huntington, New York 11743

William J. Ayers, The Permian Corp., 2000 South Post Oak Road, Houston, TX 77001

Albert R. Beal, Ste. 400, 201 King of Prussia Rd., Radnor, PA 19087

James F. Bell, Attorney for Marathon Pipe Line Co., Jones, Day, Reavis & Pogue, 1100 Connecticut Ave., N.W., Washington, D.C. 20036

Paul D. Borghesani, 2800 W. Lexington Avenue, Elkhart, IN 46514

David W. Brawn, U.S. Dept. of Justice, P.O. Box 7513, Washington, D.C. 20044

Charles W. Burkett, Attorney for Southern Pacific Pipe Lines, Southern Pacific Building, One Market Plaza, San Francisco, CA 94105

T. E. Burnett, Dixie Pipeline, Post Office Box 2220, Houston, TX 77001

Robert L. Calhoun, 1025 Connecticut Ave., N.W., Ste. 500, Washington, D.C. 20036

Tom Cator, New Senate Office Bldg., Room G 133, Washington, D.C. 20510

E. Check, Ruan Transport Corp., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309

Louise Corso, Foster Oil Pipeline Report, 1101 17th Street, N.W., Washington, D.C. 20036

H. T. Chilton, Richard F. Taylor, Colonial Pipeline Company, 3390 Peachtree Road, N.E., Lenox Towers, Atlanta, GA 30326

Wesley S. Chused, 15 Court Square, Boston, MA 02108

John M. Cleary, 914 Washington Building, 15th St. & New York Ave., N.W., Washington, D.C. 20005

L. V. Cooley, IV, Counsel for Olympic Pipe Line Co., P.O. Box 900, Dallas, TX 75221

Kevin F. Cunningham, John E. Bailey, O. Gordon Oldham, P.O. Box 3725, Houston, TX 77001

Michael Q. Davis, 6 N. 3rd Street, Bergner Bldg., Harrisburg, PA 17108

Harry L. Delung, 80 East Jackson Blvd., Chicago, IL 60604

Tefft W. Smith, Kirkland & Ellis, 200 E. Randolph Drive, Suite 5600, Chicago, IL 60601

Fred W. Drogula, James Wessner, Ginsburg, Feldman and Bress, 1700 Pennsylvania Ave., N.W., Washington, D.C. 20006

Robert M. Dubbs, 100 Motson Ford Rd., Radnor, PA 19087

Dane J. Durham, C. Douglas Floyd, Pillsbury, Madison & Sutro, P.O. Box 7880, San Francisco, CA 94120

J. Donald Durand, Association of Oil Pipe Lines, 1725 K Street, N.W., Suite 1208, Washington, D.C. 20006

Glenn E. Davis, Legal Division, Phillips Petroleum Co., 519 Frank Phillips Building, Bartlesville, OK 74004

Robert O. Foerster, III, Interstate Commerce Commission, Bureau of Enforcement, Washington, D.C. 20423

Joseph P. Foley, 2000 Westchester Avenue, White Plains, New York 10650

J. Wallace Adair, James R. Fox, W. Thomas Haynes, Howrey & Simon, 1730 Pennsylvania Avenue, N.W., Washington, D.C. 20006

Bernard A. Gould, Director, Bureau of Enforcement, Interstate Commerce Commission, Room 7417, Washington, D.C. 20423

Charles E. Graham, 3390 Peachtree Rd., N.E., Atlanta, GA 30326

David D. Green, Airforce Pipeline, Inc., P.O. Box 1808, Washington, D.C. 20013

Donald F. Haas, 2223 Dodge St., Omaha NE 68102

Robert W. Hawkins, 1700 Pennsylvania Ave., N.W., Washington, D.C. 20006

Frank L. Heard, Jr., Exxon Pipeline Company, P.O. Box 2220, Houston, TX 77001

John D. Heckert, 1100 Connecticut Ave., N.W., Suite 600, Washington, D.C. 20036

Dennis J. Helfman, Santa Fe Pipeline Co., 80 East Jackson Blvd., Chicago, IL 60604

Stanley Hoffman, 270 Park Avenue, New York, NY 10017

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J. Richard Horner, Shank, Irwin, Conant, Williamson, & Grevelle, 3100 First National Bank Bldg., Dallas, TX 75202

Harvey Huston, Gulf Central Pipeline Co., 80 East Jackson Blvd., Chicago, IL 60604

Alfred F. Dougherty, Jr., Owen M. Johnson. Jr., Bureau of Competition, Federal Trade Commission, Washington, D.C. 20580

Robert A. Johnson, Sohio Pipe Line Co., 1725 Midland Bldg., Cleveland, OH 44115

Robert E. Jordan, III, James H. Pipkin, Jr., Richard H. Porter, Steptoe & Johnson, 1250 Connecticut Ave., N.W., Washington, D.C. 20036

Martin J. Keating, 200 E. Randolph Dr., Room 2103-A, Chicago, IL 60601

Andrew J. Kilcarr, Maureen O'Bryon, Donovan, Leisure, Newton & Irvine, 1850 K Street, N.W., Washington, D.C. 20006

Katherine R. Kile, Attorney for Kerr-McGee Pipeline Corp and White Shoal Pipeline Co., P.O. Box 25861, Oklahoma City, OK 73125

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Herbert J. Martin, 1100 Connecticut Ave., N.W., Washington, D.C. 20036

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Howard Mahany, Jr., American Hess Corporation, 1185 Avenue of the Americas, New York, NY 10036

MAPCO Inc., 1800 South Baltimore Ave., Tulsa, OK 74119

James W. McCartney, Vinson & Elkins, 2100 First City National Bank Bldg., Houston, TX 77002

Howard D. McCloud, Explorer Pipe Line Co., P.O. Box 2650, Tulsa, OK 74101

Charles McDermott, Gorsuch, Kirgis, Campbell, Walker and Grover, Suite 1200 818 17th Street, Denver, CO 80202

Peter J. McHugh, 1670 Broadway, P.O. Box 5568, Denver, CO 80217

Archie A. Messenger, 270 Park Avenue, New York, NY 10017

John R. Morris, 620 Juliana St., Parkersburg, WV 26101

Daniel M. O'Donoghue, Assistant Director, Bureau of Enforcement, Interstate Commerce Commission, Room 7338, Washington, D.C. 20423

Keith E. Pugh, 1730 Pennsylvania Ave., N.W., Washington, D.C. 20006

Richard W. Pogue, Jones Day Reavis & Pogue, 1700 Union Commerce Building, Cleveland, OH 44115

Harry L. Reed, P.O. Box 2463 Houston, TX 77001

C. Frank Reifsnyder, Patrick Raher, Richard C. Green, Hogan & Hartson, 815 Connecticut Ave., N.W., Washington, D.C. 20006

Charles F. Riddle, I.C.C. Bldg., Rm. 7138, 12th & Constitution Ave., N.W., Washington, D.C. 20423

Clifton Peter Rose, Patton, Boggs & Blow, 1200 Seventeenth Street, N.W., Washington, D.C. 20036

Hays & Landsman, Attn: David A. Ross, Eleven Broadway, New York, NY 10004
E. W. Hack, P.O. Box 300, Tulsa, OK 74102
W. A. Schneeberg, Amdel Pipeline, Inc., P.O. Box 2159. Dallas, TX 74102
David M. Schwartz, 1025 Connecticut Avenue, N.W., Suite 500, Washington, D.C. 20036
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Peter J. McHugh, Western Crude Oil, Inc., 1670 Broadway, Box 5568, Denver, CO 80217
Tefft W. Smith, 200 East Randolph Drive, Chicago, IL 60601
L. F. Springer, Kaneb Pipe Line Co., Suite 550, 100 North Broadway, Wichita, KS 67207
Clifford O. Stone, Jr., P.O. Box 3000, Tulsa, OK 74102
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Albert S. Tabor, Jr., Vinson & Elkins, First City Nat'l Bank Bldg., Houston, TX 77002
Ronald Taylor, P.O. Box 900, Dallas, TX 75221
W. Charles Tegeler, 1437 S. Boulder Ave., Tulsa, OK 74119
Marcus L. Thompson, Andrews, Kurth, Campbell & Jones, 2500 Exxon Building, Houston, TX 77002
Robert S. Turkington, Bureau of Inves. & Enforcement, I.C.C., Rm. 7417, Washington, D.C. 20423
Husky Oil Co., Attn: Traffic Department, 6060 South Willow Drive, Englewood, CO 80111
Frederic L. Wood, 914 Washington Building, Washington, D.C. 20005

[FR Doc. 83-6258 Filed 3-10-83; 8:45 am]
BILLING CODE 6450-01-M

Second State Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of section stage refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy has issued a Decision and Order concerning second stage refund procedures to be implemented for distribution of the consent decree fund remitted to the DOE by PVM Oil Associates, Inc.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461 (202) 633-8377.

SUPPLEMENTARY INFORMATION: The Decision an Order which appears below establishes procedures for distribution of the $215,000 consent decree fund remitted to the DOE by PVM Oil Associates, Inc. (PVM). The entire balance of this fund, plus all interest accrued to date, remain unclaimed following the expiration of the deadline for firms who purchased fuel oil marketed by PVM to submit applications for refund. In this Decision, the Office of Hearings and Appeals (OHA) orders the distribution of 11.35 percent of the consent decree fund, or $24,402 plus accrued interest, to the General Electric Lamp Division, and 57.04 percent of the fund, or $122,636 plus accrued interest, to the Missouri Pacific Railroad. The OHA has ascertained that both of these firms were end-users of No. 2 fuel oil which was marketed or brokered by PVM, and were injured as a result of PVM's alleged violations. Disbursement to Missouri Pacific is conditioned on receipt of a statement by the firm indicating that it has notified its governing regulatory agency of the refund, and explaining how the refund will be passed on to its customers. The purpose of this requirement is to ensure that those persons likely to have been injured as a result of PVM's alleged violations will receive the benefit of the refund.

The remaining 31.61 percent of the consent decree fund, or $67,961 plus accrued interest, will be distributed to New York State, upon approval by the OHA of a plan submitted by the state which will provide restitutionary benefits to consumers of No. 2 fuel oil in the New York City metropolitan area. These consumers were the end-users of the remainder of the fuel oil covered by the PVM consent decree. The state government is an appropriate body to formulate a distribution plan in this proceeding which will provide effective and efficient restitution to fuel oil consumers in the New York City metropolitan area.

Issued in Washington, D.C., on March 4, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

March 4, 1983.

Decision and Order of the Department of Energy

Supplemental Order

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of PVM Oil Associates, Inc.

Date of Filing: December 15, 1982.

Case Number: HQF-0012.

On May 20, 1982, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order establishing special refund procedures for distributing funds obtained by the DOE through consent orders entered into with Panhandle Eastern Pipeline Company, PVM Oil Associates, Inc. (PVM), Loveladdy Oil Company, Armstrong and Associates, and Ethyl Corporation. *Office of Enforcement*, 9 DOE ¶ 82,569 (1982) (hereinafter cited as *Panhandle*). Under the terms of the consent orders, each firm placed money into a DOE escrow account to be distributed, together with interest, in accordance with the directives of the OHA pursuant to special refund proceedings in order to compensate for alleged violations of the DOE price regulations. While the common legal and factual issues in these cases made it appropriate to consolidate them for the purpose of instituting special refund procedures, the consent order funds have remained separate, and the refund proceedings in each case will be handled separately. The present Decision concerns only the PVM consent order fund.

The May 20 Decision established a two-stage process for the distribution of the PVM consent order fund. In the first stage, applications for refund were invited from claimants who purchased No. 2 fuel oil which was marketed by PVM during the period January 1, 1974 through July 31, 1975. The deadline for the submission of refund applications was August 24, 1982. The May 20 Decision also suggested that any funds remaining after qualified claimants had been paid would be distributed to entities which would pass through the benefits of any refunds to the group of persons who were likely injured as a result of the allegedly improper pricing practices.

The deadline for the submission of claims has now passed, and we have not received any refund applications. Under these circumstances, no funds have as yet been distributed directly to purchasers of fuel oil marketed by PVM. This Decision will therefore address the procedures to be instituted for distribution of consent order funds in the second stage of the refund process. Based on our analysis of the investigatory records leading up to the enforcement action against PVM, which is further explained below, the following parties incurred injury as a result of PVM's alleged violations and should share in the escrow fund: the Missouri Pacific Railroad; the General Electric Lamp Division in Cleveland, Ohio; and consumers of No. 2 fuel oil in the New York City metropolitan area.

Background

PVM is a "reseller" of petroleum products as that term was defined in 10 CFR 212.31, and is engaged in operations in the New York City metropolitan area. During the relevant time period, PVM was subject to the Mandatory Petroleum Price Regulations set forth in 10 CFR Part 212, Subpart F, which governed the maximum prices that could lawfully be charged by resellers in the sale of fuel oil, motor gasoline, and other covered products.

On June 29, 1979, the United States Attorney for the Eastern District of New York filed a civil action under Section 209 of the Economic Stabilization Act of 1970, 12 U.S.C. 1904 note, against PVM Oil Associates, Inc., Pasquale V. Mazzarulli, its President, and Joseph V. DiMauro, a PVM employee. *United States v. PVM Oil Associates, Inc.*, Civil Action No. 79C 1697 (E.D.N.Y., filed June 29, 1979). The complaint alleged that during the period January 1, 1974 through July 31, 1975, the defendants were involved in a scheme to violate the DOE Mandatory Petroleum Price Regulations by charging prices exceeding

maximum lawful levels in sales of No. 2 fuel oil. The defendants had allegedly participated in "daisy-chains" consisting of essentially fictional paper transactions in which fuel oil was "resold" several times between a number of firms with the aim of artificially inflating prices, in violation of the applicable DOE regulations. The lawsuit was resolved by a consent decree, entered into on June 29, 1979, by which the defendants agreed to remit $215,000 to the DOE in settlement of all claims raised in the complaint. The DOE Office of Enforcement was unable to identify any persons or firms that purchased heating oil from PVM during the audit period, and consequently filed a Petition for Implementation of Special Refund Procedures with the Office of Hearings and Appeals.

Second Stage Refund Procedures

As we have stated in a number of previous Decisions, the primary purpose of Subpart V special refund procedures is to provide restitution to persons injured by alleged regulatory violations. *See generally, Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (hereinafter cited as *Vickers).* The Subpart V refund process offers a means of compensating individuals who, because they lack resources or do not have a sufficient financial stake in the outcome to institute private lawsuits under Section 210 of the Economic Stabilization Act, have suffered injuries which would otherwise go unredressed. To accomplish these objectives, we have generally utilized a two-stage refund process. In the first stage, payment is made to claimants who file applications for refund and demonstrate that they were injured in some way by the alleged overcharges. Any funds remaining after valid claims are paid are distributed through second stage procedures which permit the fashioning of distribution programs consistent with the restitutionary objectives of the Subpart V regulations and the underlying statutes. In the present case, no injured purchasers have filed claims for refunds in the first stage, and thus the entire $215,000 consent decree fund remains available for distribution through second stage refund procedures.

We must therefore address, at this time, the best means to channel the consent decree fund to persons injured as a result of PVM's alleged violations. Since the issuance of the *Panhandle* decision, we have obtained additional information which has enabled us to identify some of the persons who were injured by the alleged PVM overcharges. While there was insufficient information in the consent decree or the civil complaint for us to make any determinations regarding the nature of the alleged violations or their probable effects, we have recently examined the investigatory files prepared by the DOE Office of Special Investigations (OSI) which led up to the civil complaint against PVM and the other defendants. Before turning to that information, it is important to note that the consent decree is the result of a negotiated settlement which compromises the allegations therein and is in no way an admission of liability by PVM or its officers. Thus, the DOE investigatory files represent preliminary determinations made by the agency, and do not reflect actual overcharges. Nonetheless, we believe that these files, which formed the basis of the government's complaint and which underlie the settlement, do provide an appropritate basis on which to fashion an equitable plan for restitution of the available funds in this case. *See Armstrong and Associates/City of San Antonio,* 10 DOE ¶ 85,505 (1983).

The OSI files document a number of highly complex "daisy chain" transactions. In some of these transactions, PVM actually took title to the fuel oil at one point in the chain, and in others PVM acted as a broker, arranging sales between other parties. In these instances, the parties who were ultimately injured were end-users at the end of each daisy chain who were not in a position to pass on the increased costs. (*1*) Our analysis of the transactions documented in the DOE investigatory files indicates that in two of these daisy-chains, fuel oil was ultimately sold to a large firm which was an end-user of the product. These entities are the General Electric Lamp Division in Cleveland, Ohio, and the Missouri Pacific Railroad. Even though neither of these firms filed a first stage refund application, equitable considerations which are discussed below dictate that they should receive refunds at this time. These firms were unaware of the true origin of some of the fuel oil they purchased. Although in *Panhandle* we stated that the product covered by the PVM settlement was sold to consumers in Westchester County, New York, we now know that the effects of PVM's alleged violations were not localized in Westchester County. 9 DOE at 82,569, n.2. Under these circumstances, there was no reasonable way for either General Electric or the Missouri Pacific to have known that they were eligible to file a first stage refund claim for any of the fuel oil involved in the PVM settlement.

Missouri Pacific is a common carrier whose rates are regulated by a government agency. In numerous previous decisions we have approved the use of rate-regulated transportation companies and utilities as an efficient, cost-effective and equitable means of distributing refunds to overcharged customers in first-stage proceedings. *See Office of Enforcement* (Northeast Petroleum Industries, Inc.), 10 DOE ¶ 85,021 (1982); *Panhandle; Office of Special Counsel* (Pennzoil), 9 DOE ¶ 82,545 (1982); *Office of Enforcement* (Tenneco), 9 DOE ¶ 82,538 (1982). Our determination was based on representations by the Transportation Group, an organization comprised of regulated transportation companies including the Association of American Railroads, that any refunds received by these companies would be passed on to their customers by the regulatory bodies. Moreover, we noted that the DOE's Office of Special Counsel has reviewed the operation of the agencies that regulate transportation companies and has determined that refunds to these firms are indeed factored into their rate-making systems. *See, e.g., Pennzoil,* 9 DOE at 82,244. We therefore stated in each of those cases that we would approve refunds to regulated firms if they provided us with an explanation of the manner in which the refunds would be passed on to their customers in the form of lower prices or better services. In addition, receipt of refund money was conditioned on notice to the relevant regulatory body. We believe that the same conditions are appropriate in the instant proceeding, and therefore will issue a refund to Missouri Pacific upon receipt of a statement from the firm which indicates that it has notified its governing agency, and which explains how the refund will be passed on to its customers.

With regard to General Electric, it is impossible for us to ascertain the impact of any increase in fuel oil prices on the firm's operations, and an inquiry into the pricing practices of an end-user engaged in the manufacture of non-petroleum products would be beyond the scope of the present special refund proceeding. Accordingly, we have determined that Missouri Pacific and General Electric should receive a portion of the PVM escrow fund equal to the percentage of fuel oil purchased by each company relative to the total volume of fuel oil which was the subject of documented daisy chain transactions. General Electric should receive 11.35 percent of the consent decree fund and Missouri Pacific should receive 57.04 percent of the fund. Each of these companies should also receive an appropriate share of the interest accrued on the PVM consent decree funds.

In each of the remaining four daisy chain transactions documented by the DOE, the final purchasers of the fuel oil were small residential and commercial customers located in the New York City metropolitan area. Consequently, we have determined that the remaining 31.61 percent of the escrow fund (plus accured interest) which corresponds to these transactions should be distributed to these consumers. As further discussed below, we believe that the government of the State of New York is the most appropriate body to formulate a distribution plan which will benefit consumers of No. 2 fuel oil in the New York City metropolitan area. This portion of the escrow fund will be disbursed to New York State upon approval of a restitutionary distribution plan. In the remainder of this Decision we will first consider the comments we have received concerning the second stage refund procedures in this case. We will then discuss our determination that these funds should be distributed to consumers of fuel oil in the New York City metropolitan area through a plan devised by New York State. Finally, we will provide guidance to New York to assist it in formulating a distribution plan that may be approved by the DOE.

Comments on Second Stage Refund Procedures

During the course of this proceeding we suggested several alternatives for distributing funds in the second stage. We stated that "[s]ince restitution is the primary concern of Subpart V proceedings, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the higher prices charged by PVM. . . ." *Office of Enforcement,* No. BEF-0041 (November 4, 1981) (proposed decision) at 11. We therefore

suggested the following possible distribution mechanisms: (1) First purchasers, who are in the best position to channel refunds to downstream purchasers, would be invited to formulate plans for distribution; (2) refunds might be made in the form of lowered energy or energy-related costs in PVM's market area, through special programs formulated by state governments; and (3) in the event that other distribution mechanisms proved infeasible or inappropriate, deposit the remaining funds into the United States Treasury. Finally, we solicited comments from interested parties for alternative distribution mechanisms.

The comments we received concerning the second stage refund procedures can be divided into two groups: comments filed by the Transportation Group, an *ad hoc* organization of four trade associations whose members are regulated transportation companies, and comments filed by state governments.(*2*) In its comments the Transportation Group essentially argues that in special refund proceedings the OHA is obligated to refund money to purchasers of product during the consent order period, and that this obligation limits OHA's authority to fashion second stage refund procedures. The Transportation Group therefore maintains that a distribution of funds to rate-regulated utilities or states upon an agreement to benefit the class of consumers who was injured is inconsistent with DOE statutes and regulations which require that refunds be made only to injured persons.

As an initial matter, we find no legal support for the position that we are *obligated* to refund settlement money only to direct purchasers of product covered by the consent decree. Nevertheless we believe that the Transportation Group's concerns have been adequately met by the refund procedures established in this proceeding. In addition to efforts made by the DOE Office of Enforcement during the investigative stage, any injured party was permitted to file an application for a portion of the consent decree fund during the first stage of this proceeding. The second stage refund procedures set forth in this Decision represent a further effort to provide restitution to injured parties. In fact, the major portion of the consent decree fund will be distributed to documented purchasers of product which was marketed or brokered by PVM. As discussed below, our analysis of the investigatory record leading up to the civil action against PVM revealed that in the remaining four transactions, which correspond to less than one-third of the consent decree fund, the adverse effects of the alleged overcharges were borne by consumers of No. 2 fuel oil in the New York City metropolitan area. Distribution of the escrow funds for the benefit of these consumers furthers the restitutionary goals of the statutes and regulations under whose authority special refund proceedings are undertaken. *See generally* 10 CFR Part 205, Subpart V; *Sauder v. DOE,* 648 F. 2d 1341 (Temp. Emer. Ct. App. 1981); *Vickers* at 85,398.

Comments were also filed in the *Panhandle* proceeding by state agencies and offices of Idaho, Oregon, Michigan, Connecticut, Maine and Iowa. These States all favor the distribution of second stage refund money through plans formulated by state governments to benefit injured consumers within the state concerned.(*3*) In addition, in comments filed August 23, 1982, the New York State Energy Office stated that it supports the distribution of remaining funds through the New York State government. Since these comments generally support the action taken, they need not be discussed further in this decision.(*4*)

Distribution of Remaining Consent Decree Funds Through a New York State-Formulated Plan

For the reasons explained below, we believe that distribution of the remaining portion of the consent decree fund to the government of the State of New York, in accordance with the guidelines set forth below, is most consistent with the restitutionary goals of Subpart V and the underlying statutes. Our examination of the DOE investigatory records leading up to the civil complaint against PVM revealed that the effects of four of six transactions would have been localized among purchasers of No. 2 fuel oil in the New York City metropolitan area. New York State is familiar with the energy needs of its populace, and with the existing and potential mechanisms for distributing these funds through energy-related programs in a cost effective manner. A state-formulated plan will therefore provide effective and efficient restitution to fuel oil consumers in the New York metropolitan area.

Accordingly, we will direct the disbursement of the remaining 31.61 percent of the consent decree fund, or $67,961, plus interest, to the State of New York upon the approval of a plan for spending this money submitted by the State. This plan should meet the general restitutionary objective of benefiting the class of persons who were injured by the alleged violations—users of No. 2 fuel oil in the New York City metropolitan area. The plan will be scrutinized to ensure that administrative costs will be minimized. The refunds must not be used as a substitute for state funds to implement projects or programs which would be funded regardless of this distribution. In other words, the money distributed to New York should be used to supplement, not supplant, any state or federal funds which are already budgeted for those purposes. Each program must be implemented within a reasonable period following receipt of the funds. Upon implementation of the plan, New York State should certify that the funds were spent in accordance with the approved plan.

Following the broad guidelines discussed above, the plan that New York submits should include the following information: (1) A description of the programs to be funded; (2) the time frame for implementation of the programs; (3) a statement explaining whether each program is an enlargement of an existing program or a new project; (4) an explanation of the manner in which consumers of No. 2 fuel oil in the New York City metropolitan area will benefit from the programs; (5) a statement certifying that the submitting agency or office has authority under state law to submit the plan; and (6) a statement committing the agency or office responsible for administering the plan to filing with the OHA a post-plan report, which will include a certification that the funds were spent in accordance with the DOE-approved plan.

Finally, to assist the State of New York in formulating a suitable distribution plan, we can suggest the following types of programs which would provide restitutionary benefits to consumers of No. 2 fuel oil:

(1) Residential or commercial building energy audits;

(2) Grant or loan programs for weatherization or other energy conservation equipment installation;

(3) Energy assistance programs for low-income persons to subsidize heating fuel costs or make emergency repairs;

(4) Energy conservation or energy research programs related to fuel oil consumption in the New York City metropolitan area.

To the extent that benefits will be derived by the class of persons who are users of No. 2 fuel oil in the New York City metropolitan area, the funds may be used to augment various federal energy-related programs already implemented for these purposes. The above list is by no means exhaustive, and the State is free to select any appropriate energy-related project or program, so long as the funds will be spent in a manner which satisfies the restitutionary objectives of this special refund proceeding.

The following procedures will govern the processing of New York's share of the second stage refund money in this proceeding. The State of New York should submit a plan to spend the PVM funds. If approved, we will direct disbursement of this portion of the PVM escrow fund. New York will be required to submit a post-plan report when the project(s) is completed. A copy of the plan and the post-plan report will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 12th Street and Pennsylvania Avenue, NW., Washington, D.C.

It is Therefore Ordered That:

(1) The Director of the Office of Finance and Accounting, Washington Financial Services Division, of the DOE Office of the Controller shall take appropriate action to disburse $24,402 plus 11.35% of the accrued interest from the deposit fund escrow account established at the Department of the Treasury for this purpose to General Electric Lamp Division at the following address: Mr. Ralph D. Ketchem, Senior Vice President and Group Executive, Lighting Business Group, General Electric, Nela Park, Cleveland, Ohio 44112.

(2) A portion of the PVM escrow fund equal to $122,636, plus 57.04% of the accrued interest, will be distributed to Missouri Pacific Railroad upon receipt of a statement submitted by the firm which conforms with the requirements set forth in the foregoing Decision.

(3) The remaining 31.61 percent of the PVM escrow fund, or $67,961 plus accrued interest, shall be distributed to New York State, upon approval by the Office of Hearings and Appeals of a plan submitted by the state which conforms with the guidelines set forth in the foregoing Decision.

(4) This is a final order of the Department of Energy.

Dated: March 4, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Notes

(1) In none of these transactions was PVM the final purchaser, and thus PVM's customers would not have been injured as a result of its alleged regulatory violations.

(2) Comments were filed by the following agencies and offices within the respective state governments: the State of Idaho Department of Water Resources, the Oregon Department of Justice, the Attorney General of the State of Michigan, the Connecticut Office of Policy and Management (Energy Division), the State of Maine Office of Energy Resources, and the Iowa Department of Justice.

(3) A number of states have voiced specific objections to one or more of the alternative suggested distribution plans set forth in the Proposed Decision.

(4) In accordance with our determination in *Attorneys General of the States of Delaware, Iowa, Louisiana, North Dakota and Rhode Island,* 10 DOE ¶ 82,536 (1982), we have considered the Petition for Special Redress filed by the aforementioned states with the Office of Hearings and Appeals on October 5, 1982 as an Application for Refund in this proceeding. By their petition, these states requested that all funds remaining in any Subpart V proceeding after identifiable claimants have been paid be distributed to consumers of petroleum products through their agents, the state governments. The Petitioners claim that restitution can best be achieved by distributing the remaining escrow funds to the states on the basis of their proportionate consumption of the covered products sold by the firms that entered into the consent orders.

[FR doc. 83-6264 Filed 3-10-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-140029A; TSH-FRL 2318-5]

Toxic and Hazardous Substances Control; VIAR and Company; Change in Transfer of Data to Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As announced in the **Federal Register** of October 7, 1982 (47 FR 44426), VIAR and Company has been granted access to confidential business information submitted to EPA under sections 5 and 8(a), (b), and (d) of the Toxic Substances Control Act (TSCA). However, VIAR and Company is now working under subcontract to Computer Sciences Corporation and no longer under subcontract to Systems Development Corporation.

DATE: March 11, 1983.

FOR FURTHER INFORMATION CONTACT: J. P. McCarthy, Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 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: As announced in the **Federal Register** of October 7, 1982 (47 FR 44426), VIAR and Company of Alexandria, Virginia, has been granted access on EPA premises to information, including confidential business information, submitted by manufacturers, processors, and importers of chemical substances under sections 5 and 8(a), (b) and (d) of TSCA. As stated in that notice, VIAR and Company is maintaining conversion and optimization software and implementing ADP systems to process this information.

VIAR and Company is now performing this work under subcontract (dated January 24, 1983) to Computer Sciences Corporation of Falls Church, Virginia, and no longer under subcontract to Systems Development Corporation. Transfer of data to Computer Sciences Corporation under contract No. 66-01-6639 was announced in the **Federal Register** of February 3, 1983 (48 FR 4908).

As under the previous subcontract, VIAR and Company is required to safeguard TSCA Confidential Business Information from any unauthorized disclosure and must comply with the provisions of the EPA security manual "Contractor Requirements for the Control and Security of TSCA Confidential Business Information."

Dated: February 25, 1983.

Linda A. Travers,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-6301 Filed 3-10-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51457; BH-FRL-2319-8]

Toxic and Hazardous Substances Contol; 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-five PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-508, 83-509, 83-510, 83-511, 83-512, 83-513, 83-514, 83-515, 83-516 and 83-517; May 25, 1983.

PMN 83-518 and 83-519; May 28, 1983.

PMN 83-520, 83-521, 83-522, 83-523, 83-524, 83-525 and 83-526; May 29, 1983.

PMN 83-527, 83-528, 83-529, 83-530, 83-531 and 83-532; May 30, 1983.

Written comments by:

PMN 83-508, 83-509, 83-510, 83-511, 83-512, 83-513, 83-514, 83-515, 83-516 and 83-517; April 25, 1983.

PMN 83-518 and 83-519; April 28, 1983.

PMN 83-520, 83-521, 83-522, 83-523, 83-524, 83-525 and 83-526; April 29, 1983

PMN 83-527, 83-528, 83-529, 83-530, 83-531 and 83-532; April 30, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-51457]" 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-216, 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 83-508

Manufacturer. Confidential.

Chemical. (G) Substituted benezenesulfonic acid salt.

Use/Production. (G) A minor constituent in an article for commercial and consumer use. Prod. range: 2,500-5,000 kg/yr.

Toxicity Data. Acute oral: 3,000 mg/kg; Acute dermal: <1,000 mg/kg; Irritation: Skin—Slight, Eye—Slight; Secondary waste treatment compatibility study: 5,000 mg/L did not inhibit glucose metabolism 50%; LC_{50}: <100 mg/l; Plant growth effects: No

significant effects at 100 mg/L; Repeated skin application: Slight.

Exposure. Manufacture and processing: dermal and inhalation, a total of 60 workers, up to 2 hrs/da, up to 90 da/yr.

Environmental Release/Disposal. Minimal release to water. Disposal by publicly owned treatment works (POTW), biological treatment system and incineration.

PMN 83-509

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzotriazole.

Use/Production. (G) A minor constituent in an article for commercial and consumer use. Prod. range: 50-200 kg/yr.

Toxicity Data. Acute oral: >1,300 mg/kg; Acute dermal: >1,000 mg/kg; Irritation: Skin—Slight, Eye—Moderate; Secondary waste treatment compatibility: 63 mg/L caused a 50% decrease in glucose metabolism; Acute effects on seven aquatic species, LC_{50}: >100 mg/L for one species; 10-100 mg/L for five species; and 1-10 mg/L for one species; Skin sensitizaton: Low; Repeated skin application: Moderate.

Exposure. Manufacture and processing: dermal and inhalation, minimal.

Environmental Release/Disposal. Minimal release to water. Disposal by POTW, biological treatment system and incineration.

PMN 83-510

Manufacturer. Confidential.

Chemical. (G) Reaction product of an aromatic dianhydride with a substituted C_{8-14} alcohol and epichlorohydrin.

Use/Production. (G) Dispersive use. Prod. range: 25,000-100,000 kg/yr.

Toxicity Data. Acute oral: >5.0 gm/kg; Irritation: Skin—Not an irritant, Eye—Not an irritant.

Exposure. Manufacture: dermal, a total of 14 workers, up to 4,500 man/hrs/yr.

Environmental Release/Disposal. Minimal release to water.

PMN 83-511

Manufacturer. Confidential.

Chemical. (G) Polyester.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture, processing and use: dermal and eye, a total of 6 workers, up to 24 hrs/da, up to 300 da/yr.

Environmental Release/Disposal. 10-1,000 kg/yr released to land. Disposal by approved landfill.

PMN 83-512

Importer. Confidential.

Chemical. (G) Polymer of amino-alkyl-carbomonocycle, Hexamethylene diisocyanate, propylene oxide, alkane triol, alkanone, and disubstituted alkane diol.

Use/Import. (S) Crosslinker for industrial coatings. Import range: Confidential.

Toxicity Data. Acute oral: >5 ml/kg; Irritation: Skin—Strong, Eye—Strong.

Exposure. Processing and use: dermal and inhalation, a total of 9 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-513

Importer. Confidential.

Chemical. (G) Polymer of isophorone diisocyanate, alkanoic acid, mixed alkane diols, alkane triol, oxo-heteropolycycle, and neopentyl glycol.

Use/Import. (S) Croslinker for industrial coatings. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 7 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by incineration.

PMN 83-514

Importer. Confidential.

Chemical. (G) Substituted indolium, salt.

Use/Import. (S) Colorant for textiles and paper. Import range: Confidential.

Toxicity Data. Acute oral: 1.18 ml/kg; Irritation: Skin—Moderate, Eye—Severe; Bacterial Inhibition: LC_{50}, 10 mg/L; Fish Toxicity, 48 hrs.: 10 mg/L.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-515

Manufacturer. S. C. Johnson & Son, Inc.

Chemical. (G) Styrene co-polymer.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by landfill and in-house water treatment facility.

PMN 83-516

Manufacturer. Confidential.

Chemical. (G) Aromatic polyester with substituted alkanes.

Use/Production. (S) Site limited chemical intermediate. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to ½ hr/da, up to 225 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air and land. Disposal by approved landfill.

PMN 83-517

Manufacturer. Confidential.

Chemical. (G) Polyurethane polymer, with an aromatic polyester.

Use/Production. (S) Site limited coating. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture and use: dermal, a total of 7 workers, up to 4 hrs/da, up to 208 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air with 1,000-10,000 kg/yr to land. Disposal by approved landfill.

PMN 83-518

Manufacturer. The Dow Chemical Company.

Chemical. (S) 1,1'[isopropylidenebis(6-hydroxy-m-phenylene)] bis(tetrahydrothiophenium hydroxide) bis (inner salt) tetrahydrate.

Use/Production. (S) Production of polymeric cross-linked article. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: 2 g/kg; Irritation: Skin—Non-irritant, Eye—Moderate; Eye Absorption study: No effect.

Exposure. Manufacture and use: dermal and eye, a total of 27 workers, up to 2 hrs/da, up to 52 da/yr.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-519

Manufacturer. Confidential.

Chemical. (G) Functionalized acrylic polymer.

Use/Production. (S) Industrial general purpose trade sales dispersant. Prod. range: Confidential.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >5.0 g/kg; Irritation: Skin—Non-irritant, Eye—Inconsequentially irritating.

Exposure. Manufacture and processing: dermal and eye, a total of 9 workers, up to 8 hrs/da.

Environmental Release/Disposal. 100-10,000 kg/yr released to land. Disposal by POTW and approved landfill.

PMN 83-520

Manufacturer. Confidential.

Chemical. (G) Polyester polycarboxylate salt.
Use/Production. (S) Glass fiber binder resin. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture, use and disposal: dermal, a total of 15 workers, up to 24 hrs/da, up to 50 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air. Disposal by incineration.

PMN 83-521

Manufacturer. Confidential.
Chemical. (G) Carbomonocyclic ester.
Use/Production. (G) Open use. Prod. range: 3,000–9,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and processing: dermal and eye, a total of 54 workers, up to 6 hrs/da, up to 5 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.

PMN 83-522

Manufacturer. The Dow Chemical Company.
Chemical. (S) Reaction product of succinic anhydride and 1,2-ethanediamine, N-[3-(trimethoxy-silyl)propyl].
Use/Production. (S) Primer coatings formulations for crosslinked polymer. Prod. range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Moderate.
Exposure. Manufacture: dermal, a total of 3 workers, up to 1 hr/da, less than 4 da/yr.
Environmental Release/Disposal. No release. Disposal by biological treatment system and approved landfill.

PMN 83-523

Manufacturer. The Dow Chemical Company.
Chemical. (S) 1,1'[isopropylidenebis(6-hydroxy-m-phenylene)] bis(tetrahydrothiophenium hydroxide) mixed salts.
Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.
Toxicity Data. Acute oral: >2 g/kg.
Exposure. Manufacture: dermal and eye, a total of 3 workers, up to 1 hr/da, up to 12 da/yr.
Environmental Release/Disposal. No release. Disposal by approved landfill.

PMN 83-524

Importer. Confidential.
Chemical. (G) Polymer of trisubstituted methane, alkyl phenol and substituted bis benzene derivative.
Use/Import. (S) Injection-molded parts and extruded parts. Import range: Confidential.
Toxicity Data. No data submitted.
Exposure. Processing and disposal: dermal, a total of 10 workers, occasional exposure.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–1,000 kg/yr to land. Disposal by approved landfill.

PMN 83-525

Importer. Confidential.
Chemical. (G) Substituted benzindolium, salt.
Use/Import. (S) Colorant for textiles and paper. Import range: Confidential.
Toxicity Data. Acute oral: 7,572 g/kg; Irritation: Skin—Irritant, Eye—Irritant; Fish toxicity, 48 hrs.: Not toxic @ 1 mg/L.
Exposure. Use: Negligible.
Environmental Release/Disposal. No release. Disposal by POTW.

PMN 83-526

Manufacturer. Confidential.
Chemical. (G) Isocyanate derived polyamide.
Use/Production. (G) Products for industrial components. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Confidential.
Environmental Release/Disposal. Less than 10 kg/yr released to water with 100–1,000 kg/yr to land. Disposal by certified waste disposal service.

PMN 83-527

Importer. Confidential.
Chemical. (G) Sulfonaphtholazonaphthol, chromium complex.
Use/Import. (S) Commercial colorant for leather. Import range: Confidential.
Toxicity Data. Acute oral: >10 g/kg; Irritation: Skin—Irritant, Eye—Highly irritating.
Exposure: Manufacture: dermal, a total of 2 workers, up to 2 hrs/da, up to 100 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water. Disposal by POTW and captive waste treatment plant.

PMN 83-528

Manufacturer. Wilmington Chemical Corporation.
Chemical. (G) Dimer-trimer triglycidyl ester.
Use/Production. Confidential. Prod. range: Confidential.
Toxicity Data. No data submitted.
Exposure. Manufacture, processing and disposal: air, dermal and inhalation, a total of 10 workers, up to 24 hrs/da, up to 15 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air with 10–100 kg/yr to water.

PMN 83-529

Importer. Sandoz Colors and Chemicals.
Chemical. (G) Dicarboxylic acid, polyamine polymer.
Use/Import. (S) Quencher for fluorescent whitening agents in paper making. Import range: Confidential.
Toxicity Data. Acute oral: >5,000 mg/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant.
Exposure. Use: dermal, a total of 1 worker, up to 1 hr/da per shift, per site.
Environmental Release/Disposal. 10–100 kg/yr released to water. Disposal by biological treatment system.

PMN 83-530

Manufacturer. Confidential.
Chemical. (G) Disubstituted carbomonocyclic ester.
Use/Production. (S) Open use. Prod. range: 4,600–11,500 kg/yr.
Toxicity Data. Irritation: Skin—Not a primary skin irritant by FHSA definition, but reactions on human skin would be anticipated.
Exposure. Manufacture, processing and use: dermal and eye, a total of 35 workers, up to 8 hrs/da, up to 250 da/yr.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with 10–100 kg/yr released to land. Disposal by incineration.

PMN 83-531

Manufacturer. Confidential.
Chemical. (G) Polyoxo arylene triazino epoxy derivative.
Use/Production. (G) A thermosetting resin intended for industrial use. Prod. range: 100–300,000 kg/yr.
Toxicity Data. No data submitted.
Exposure. Manufacture and use: dermal, a total of 35 workers, occasional.
Environmental Release/Disposal. Less than 10 kg/yr released to air and water with less than 10–100 kg/yr released to land. Disposal by approved landfill.

PMN 83-532

Manufacturer. Celanese Chemical Company, Inc.
Chemical. (G) Clyceryl propoxy diacrylate.
Use/Production. (G) Diluent for coatings and adhesives. Prod. range: Confidential.
Toxicity Data. Irritation: Skin—Moderate, Eye—Severe.

Exposure. Confidential.

Environmental Release/Disposal. No release. Disposal by biological treatment system and incinceration.

Dated: March 2, 1983.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 83-6305 Filed 3-10-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2320-2]

Availability of Environmental Impact Statements Filed February 28 Through March 4, 1983 Pursuant To 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5075 or 382-5076.

Corps of Engineers:
- EIS No. 830122, Final, COE, HI, Alenio Stream Flood Control Plan, County and Island of Hawaii, due: Apr. 11, 1983
- EIS No. 830123, Final, COE, WA, Sequim Bay Boat Haven/Marina Facility Construction, Clallam County, due: Apr. 11, 1983

Department of the Interior:
- EIS No. 830126, Draft, FWS, MA, Parker River Nat'l Wildlife Refuge Mgmt. & Development, Essex County, due: May 2, 1983
- EIS No. 830127, Draft, BLM, CA, McLaughlin Gold Extraction and Milling Project, Permits, due: Apr. 25, 1983
- EIS No. 830124, Final, BLM, CA, California Desert Conservation Area Plan and E. San Diego County MFP, due: May 10, 1983
- EIS No. 830129, Draft, MMS, CA, PAC, OCS, Oil and Gas Lease Sale No. #73, Pacific Ocean, due: Apr. 25 1983

Environmental Protection Agency:
- EIS No. 830130, Draft, EPA, TX, Martin Lake D Area Lignite Surface Mine, NPDES Permit, Rusk County, due: May 3, 1983

Department of Defense, Navy:
- EIS No. 830128, Draft, USN, VA, East Coast Landing Craft Air Cushion Operational Base, Location, due: Apr. 25, 1983
- EIS No. 830125, Final, USN, RI, Newport Naval Center, Frigate Long Range Homeporting, Newport County, due: Apr. 11, 1983

Department of Agriculture:
- EIS No. 830121, Draft, AFS, CA, Angeles National Forest, Special Use Road Permit, Los Angeles County, due: May 13, 1983

Amended Notices:
- EIS No. 830108, Final, COE, NY, Hudson River Federal Channel Maintenance Dredging, published FR March 4, 1983—Review period reestablished due to noncompletion of distribution, due: Apr. 11, 1983
- EIS No. 830091, Final, BLM, OR, Andrews Grazing Management Program, Harney County, Published FR February 25, 1983—Review extended, due: Mar. 30, 1983
- EIS No. 830063, Draft, COE, AK, Bristol Bay Small Boat Harbor Improvements, Dillingham, published FR February 11, 1983—Review extended, due: Apr. 1, 1983

Dated: March 8, 1983.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 83-6308 Filed 3-10-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-226]

California Federal Savings and Loan Association, Los Angeles, California.; Final Action Approval of Conversion Applications

Notice is hereby given that on February 18, 1983, the Federal Loan Bank Board, as operating head of the Federal Savings and Loan Insurance Corporation ("Corporation"), by Resolution No. 83-92 approved the application of California Federal Savings and Loan Association, Los Angeles, California ("Association"), for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of San Francisco, P.O. Box 7948, San Francisco, California.

Dated: March 8, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-6380 Filed 3-10-83; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10051-8]

Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Agreement No. 10051-8 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The Signatories to this Agreement include Spanish Line, Costa Line, Farrell Lines, Inc., Ibero Line, Sea-Land Service and Prudential Lines. The amendment extends the scope of the Force Majeure agreement to include as well the trades between Mediterranean ports and Gulf ports of the United States.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 83-6319 Filed 3-10-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

United Jersey Banks; Application; Correction

This notice corrects a previous **Federal Register** document (FR Doc. 83-4987), printed at page 8347 of the issue for Monday, February 28, 1983. The proposed activities would be performed at an office of Richard Blackmum & Co., Inc. located in Paramus, New Jersey, and at some or all of the existing offices of Applicant's subsidiary banks located throughout the State of New Jersey, and the geographic areas to be served are the State of New Jersey, contiguous counties of the States of Pennsylvania and New York, and the New York City metropolitan area.

Board of Governors of the Federal Reserve System, March 7, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-6253 Filed 3-10-83; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Advertising Substantiation Program; Request for Comments

AGENCY: Federal Trade Commission.

ACTION: The Federal Trade Commission is requesting comments from the public regarding the implementation of its advertising substantiation requirement.

SUMMARY: The Federal Trade Commission is undertaking a review of the implementation of its advertising substantiation requirement. Under a legal doctrine announced in 1972, advertisers are expected to have a "reasonable basis" for the objective

claims they make in advertising. The amount of support an advertiser is expected to have, *i.e.*, what constitute a "reasonable basis" for a particular claims, is flexible and depends on factors such as: (1) The type and specificity of the claim made; (2) the type of product; (3) the possible consequences of a false claim; (4) the degree of reliance by consumers on the claim; and (5) the type and accessibility of evidence adequate to form a reasonable basis for making the particular claim. The Commission is seeking comments on various aspects of how it applies the ad substantiation requirement.

FOR FURTHER INFORMATION CONTACT: Collot Guerard, Federal Trade Commission, Bureau of Consumer Protection, 724–1499, Washington, D.C. 20580.

Comments: Comments should be filed in Room 136, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20508, no later than July 15, 1983.

SUPPLEMENTARY INFORMATION: Under Commission law and policy, advertisers are expected to have a reasonable basis for objective claims in advertising before an ad is disseminated. The Commission remains committed to this principle, which has been an important element of the Commission's program for deterring unfair and deceptive claims and preserving public confidence in the reliability of advertising. By undertaking this public inquiry, the Commission does not intend to depart from this basic requirement. Any perception that the Commission is relaxing the requirement that advertisers possess a reasonable basis when they make objective claims would be wrong. Some aspects of the implementation and application of the ad substantiation requirement have been controversial and unclear, however. The Commission seeks information about the administration of the doctrine in order to improve it.

There are several reasons why advertisers should possess a reasonable basis for their objective claims. First, consumer dissatisfaction over deceptive claims creates an incentive for firms to possess a reasonable basis that a claim is true before making it to consumers. Otherwise, firms risk damaging their reputations, one of the most valuable assets for companies that advertise. Second, as part of the self-regulatory process, which includes possible consideration by the National Advertising Review Board and pre-clearance by the major television networks, advertisers are required to possess a reasonable basis. Finally, as explained above, the Commission requires that advertisers possess a reasonable basis when they make certain claims. In these circumstances, consumers are likely to expect that claims made by advertisers are supported by a reasonable basis.

The Commission has implemented the substantiation requirement in two ways. First, it has ordered firms within certain selected industries to submit substantiation for specific ad claims, pursuant to its authority under section 6(b) of the FTC Act. Between 1971 and 1981, the Commission conducted 29 of these industry-wide rounds. Second, the Commission has implemented the program on a case-by-case basis, in which the staff asks an individual advertiser to provide substantiation for claims made in its advertising. Both processes have led to a number of law enforcement actions. As of January 1, 1983, the Commission has issued 21 litigated orders and 126 consent orders. Firms under these orders are subject to civil penalties if they fail to possess a reasonable basis for future ad claims.

The Commission is absolutely committed to fulfilling its mandate to police the marketplace to prevent unfair or deceptive advertising. As part of that effort, the Commission had relied on its prior substantiation doctrine, a requirement whose general concept has received very wide support, including support from all members of the current Commission. Chairman Miller and others, however, have identified several questions concerning how the Commission applies the requirement. For example, do advertisers realize which claims require substantiation, or is the line between objective performance claims requiring substantiation and subjective claims that do not need substantiation unclear? Moreover, and closely related, how should the doctrine be applied to implied claims that are not reasonably apparent on the face of the ad and whose very existence is in dispute? Further, has the amount of evidence required as a "reasonable basis" sometimes been excessive, thereby deterring truthful advertising that would be useful to consumers? Finally, should the Commission evaluate substantiation that is not developed or produced until after a claim has been made and if so, how and when?

The Commission's staff has been engaged in an ongoing study of specific aspects of the administration of the advertising substantiation program, to address these and other questions. To facilitate systematic evaluation, the Commission is soliciting data and comments bearing on the implementation of the requirement. Although it is also interested in receiving comments on other issues relating to ad substantiation that seem important to the commentor, the Commission is particularly interested in the general issues outlined below, and the specific questions raised under each. We are seeking comment from interested individuals and groups on these issues, including advertisers, ad agencies, consumer research houses, academics, consumers and consumer groups, advertising media, advertising self-regulatory groups, and trade associations. The Commission is particularly interested in specific comments and any available support evidence. Empirical evidence such as surveys would be mor useful if accompanied, to the extent possible, by relevant underlying data and details concerning methodology.

A. Procedures for Implementing the AD Substantiation Program

1. As noted above, the FTC has sought substantiation either by industry-wide rounds (Section 6(b) orders) or on an individual basis. In both cases, the substantiation is treated confidentially, but law enforcement initiatives against individual companies may result. What has been the impact of each process? Comments from companies who have received both a 6(b) order and an individual request for information would be particularly useful.

2. Should the Commission employ one process instead of another, and if so, under what circumstances?

3. Could either process be improved, and if so how?

4. When should the ad substantiation program be used as a broad investigatory tool to develop possible cases *e.g.*, by requesting substantiation from all firms in an industry, and when should it be used as a more narrowly focused tool to explore alleged problems?

B. Standards for Reviewing Substantiation or Standards Included in Reasonable Basis Orders

1. Are general standards (*e.g.*, possess and rely on a reasonable basis) for advertisers/ad agencies under order preferable to specific standards (*e.g.*, two well controlled clinical studies)? Why?

2. Would advertisers and ad agencies affected by the Commission's program prefer to have specific standards issued, such as (depending on the product and the claim made for it):

— Two well-controlled double-blind clinical studies;
— Written results of dynamometer testing according to test cycles established by an agency or department of the United States government;
— A written certification from the manufacturer, proprietor or licensee of the brand name, or qualified testing laboratory that there is a reasonable basis;
— Valid and reliable scientific evidence;
— Competent and reliable objective materials available in written form;
— Competent and reliable opinions of engineering or other experts.

Please explain why.

3. Could specific standards for the reasonable basis requirement be clearer? If so, how? How do advertisers and agencies under order interpret such phrases as "two well-controlled clinical tests" in terms of parameters of the tests such as sample size, confidence levels, etc.?

4. Would a reasonable basis order that included both a general and a specific standard, either of which the advertiser/ad agency under order could follow at their option, be preferable?

5. In determining the amount of substantiation to require of an advertiser/ad agency under order, how should the Commission balance the risk of suppressing truthful information against the risk of allowing dissemination of deceptive information?

6. Under current law, advertisers are required to have a reasonable basis for factual claims before the ad is disseminated. Should subsequent substantiating evidence (developed after a claim is made) be evaluated in FTC enforcement proceedings and, if so, how and when? Specifically, should any such evaluation consider:

—When the post-claim evidence was actually developed (*i.e.*, before or after an investigation is initiated)?
—Whether the advertiser reasonable believed that the ad did not make the claim for which substantiation is sought?

7. What tests, protocols, or other procedures do advertisers and ad agencies conduct to ascertain which claims their advertisements convey to consumers? Please provide specific examples.

C. Expectations of Consumers

1. The Commission believes that consumers expect that advertisers have support for certain claims they make in advertising. Please provide any consumer research or other evidence to support or refute this point, including as much specific information as possible.

2. If an ad states explicitly that it is based on clinical tests, or some other particular kind of evidence, consumers are likely to expect the advertiser to possess the evidence identified. For claims that are less explicit, however, the amount of substantiation that consumers expect is less clear. Even when an advertisement identifies a particular basis, issues arise concerning the quantum or quality of substantiation that consumers expect. For example, when an ad claims that it is based on tests, how sophisticated or extensive do consumers expect the tests to be? If an ad claims that it is based on medical opinion, what kind and amount of opinion do consumers expect? Please provide any consumer research or other evidence regarding the amount of substantiation that consumers expect in such instances including as much specific information as possible.

3. The Commission also believes that consumers' expectations about the amount of substantiation depend on a variety of factors, including: the product, the type and specificity of the claim, the possible consequences of a false claim, the degree of reliance by consumers on the claim, and the type and accessibility of evidence adequate to form a reasonable basis. For instance, consumers may expect a higher quantum and better quality of substantiation for health and safety claims, or claims that contain specific details, or claims that use the words "proves" or "guarantees." Please provide any consumer research or other evidenc addressing how expectations differ depending on these factors, including as much specific information as possible. The Commission is also interested in any evidence addressing the quantum or quality of substantiation consumers expect for:

—Objective performance claims making no reference to specific evidence;
—Claims in which a competitor is named or implied;
—Claims for frequently-purchased, inexpensive products that are easily evaluated by the consumer at a low cost;
—Claims concerning subjective product attributes, such as taste, appearance, or smell.

D. Relationship of FTC A Substantiation Program To Self-Regulatory Bodies

1. What effect, if any, did the establishment of the FTC substantiation requirement have on the advertising standards set by companies for internal use, by self-regulatory bodies, or by others?

2. How, when, and why did the self-regulatory units, including the network continuity clearance departments, develop? Is there a regulatory unit similar to continuity clearance for national print ads?

3. What substantiation, if any, did advertisers and agencies develop before the FTC established the reasonable basis requirement? If substantiation was developed, why? What kind of documentation was developed?

—If documentation was developed, did the FTC's requirement change the type or amount of documentation? If yes, how did the requirement affect the documentation?

4. What documentation do advertisers and ad agencies develop for other purposes, such as network copy clearance, National Advertising Division (NAD) review, or otherwise? Is the same documentation developed for these purposes as is developed in response to the FTC's ad substantiation requirement?

5. Substantiation developed by advertisers and ad agencies can be reviewed by a variety of regulatory bodies including the networks the NAD, and the FTC. Do the standards differ among the networks, the NAD, and the FTC? How? Is one entity more stringent than another with respect to particular areas of advertising? How?

6. Do the types of claims pursued by the FTC and self-regulation units differ? If so, please explain.

7. To what extent are the decisions by the network clearance departments or by the self-regulation units based on FTC decisions and orders, policy statements, or guides?

8. What effect does the FTC's ad substantiation program have on self-regulation today?

9. How have the decisions by the networks or the self-regulatory units differed from those of the FTC?

10. What has been the effect on advertisers/ad agencies of decisions by the NAD, or courts under the Lanham Act?

11. Do self-regulatory bodies require advertisers/ad agencies to provide substantiation to support the implied—as well as the express—claims they make in advertising? If so, what sorts of documentation do they require advertisers/ad agencies to provide to support implied claims? How do they ascertain what implied claims exist?

E. Role of Government Agencies Other Than the FTC

1. Do government agencies other than the FTC, including state and local government, have an effect on how advertising claims are made? Please

explain what the agencies are and their effect.

2. What effect, if any, has the FTC's prior substantiation requirement had on advertising regulation by state and local governments?

3. Is there inconsistency between standards and requirements followed by other government agencies and by self-regulatory units?

F. Complaints

1. Under what circumstances does an advertiser complain to the NAD? To the networks? To the FTC? Commence a private law suit under Section 43 of the Lanham Act?

2. How often, and under what circumstances, do consumers complain to advertisers or to other institutions about advertising?

3. How often does one advertiser complain privately to another about that company's advertising?

4. How much does it cost an advertiser or consumer to pursue to final resolution a complaint before the networks? Before the FTC? Before the NAD? In court under the Lanham Act?

G. Benefits of the FTC's AD Substantiation Program

For the following questions addressing benefits and costs of the substantiation program, we are particularly interested in academic research. For example, such research might include studies of changes in advertising for an industry or a specific product as a result of specific Commission action. Studies comparing advertising before and after the substantiation requirement was announced would also be useful.

1. What are the benefits of the ad substantiation program? Please submit any available data documenting such benefits.

2. What changes have occurred in the content of advertising since the inception of the ad substantiation program in 1972? Have there been more or less of some types of claims since the ad substantiation program came into existence? Have ads become more or less factual? To what extent are these changes attributable to ad substantiation?

3. Has advertising become more accurate and believable since 1972? What data or other information support or refute this proposition? What factors explain this proposition, if it is true? If it is true, to what extent has it lessened the overall cost of advertising?

4. Has the ad substantiation program deterred dissemination of false ads or ads that omit material information and, if so, how? Is the current deterrent effect sufficient?

5. Have there been other benefits of the ad substantiation program? Please explain.

H. Cost of the AD Substantiation Program

1. What are the costs of the ad substantiation program? Please submit any available data documenting such costs.

2. There may be claims that an advertiser believed were adequately substantiated but decided not to make because of concerns about substantiation. For example, have advertisers avoided claims concerning scientific controversies in the belief that the Commission would require a higher degree of substantiation than the advertiser possessed? Have there been claims that an advertiser believed were adequately substantiated, but for which self-regulatory bodies requested additional support? Have advertisers in such circumstances revised or abandoned claims rather than develop additional evidence? What was the specific reasons that the claim was not made? Please provide specific examples if possible.

3. What has been the additional cost, if any, of developing documentation to meet the general ad substantiation requirement beyond the cost of documentation that would have been developed in any event? What has been the cost of responding to FTC requests for substantiation for individual requests? For Section 6(b) industry-wide requests?

4. Have advertisers developed materials because of the ad substantiation requirement that they would not have developed for the networks, or other purposes? What has been the cost of developing those materials?

5. What has been the cost of complying with an FTC ad substantiation order for a company under order in terms of developing additional documentation? Has the effect of the ad substantiation doctrine been different on those companies under order from those only required to meet the general ad substantiation concept? If so, please explain how.

6. Has the ad substantiation program had any effect on advertising budgets or on advertising/sales ratios? Please explain.

7. What effect, if any, does the ad substantiation program have on the decision whether to prepare advertising in-house or use an ad agency? What cost, if any, has this effect imposed?

8. Has the ad substantiation program had different effects on large and small advertisers or agencies? What has been the significance of these effects? Please be as specific as possible

9. Are there any other costs associated with the ad substantiation program? Please explain.

10. On balance, how do the benefits of the program compare to its costs? Please explain.

I. Effects of AD Substantiation Orders

1. What has been the effect of an ad substantiation order against an advertiser on that advertiser? On other manufacturers of the same product? For example, have such companies instituted new review procedures, either for products subject to the order or for other products? Have companies developed additional supporting evidence? Please describe these changes, and provide any specific data.

2. What has been the effect of an ad substantiation order against a specific ad agency on that agency? On ad agencies that handle accounts for competing products? For example, do agencies under order find it more difficult to obtain new accounts for products covered by the order? Have such agencies instituted new review procedures, either for products subject to the order or for other products? Have agencies developed or requested additional supporting evidence? Please describe these changes, and provide any specific data.

J. Recommendations

1. What changes in the implementation of the ad substantiation requirement, if any, would improve the program?

By direction of the Commission.

Dated: March 3, 1983.

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-6340 Filed 3-10-83; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 150; 10-I-OR-651]

J-1 Lateral, Lost River Area, Klamath County, Oregon; Conveyance of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the General Services Administration dated February 14, 1983,

the property, consisting of 3.5 acres of unimproved land, known as J-1 Lateral, Lost River Area, Klamath County, Oregon (10-I-OR-651), has been conveyed to the State of Oregon, Department of Fish and Wildlife.

2. The above described property was conveyed for wildlife conservation in accordance with the provisions of section 1 of said Pub. L. 80-537 (16 U.S.C. 667b), as amended by Pub. L. 92-432.

Dated: February 18, 1983.

Carroll Jones,

Commissioner.

[FR Doc. 83-6323 Filed 3-10-83; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. April 14 and 15, 9 a.m., Rm. 121, Bldg. 29, 8800 Rockville Pike, Bethesda, MD.

Type of meeting and contact person. Open public hearing, April 14, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, April 15, 8:30 a.m. to 4 p.m.; Jack Gertzog, National Center for Drugs and Biologics (HFN-6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of vaccines and related biological products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will begin review of the Office of Biologics research program.

General Hospital and Personal Use Device Section of the General Medical Devices Panel

Date, time, and place. April 18, 9 a.m., Rm. 503-529A, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 5 p.m.; Robert R. Gatling, National Center for Devices and Radiological Health (HFK-420), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7750.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before April 4, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss and make classification recommendations on the following devices: Antimicrobial Treated Hospital Products; Apgar Timer; Chemical Disinfection System; Implanted Percutaneous Intravascular Delivery Catheter; Implanted Subcutaneous Intravascular Delivery Catheter; Implanted Subcutaneous Intraventricular Delivery Catheter; Implanted Subcutaneous Lumbar Delivery Catheter; Infusion Fluids Microwave Warmer; Infusion Fluids Thermal Warmer; Miniature Ion Selective Electrodes; and Multiple Needle Injector.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Dated: March 4, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6080 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: Orlando District Office, chaired by Adam J. Trujillo, District Director.

DATE: Thursday, March 31, 1983, 9:30 a.m. to 12 m.

ADDRESS: Dade County Department of Housing and Urban Development Conference Room, 1407 NW. 7th St., Miami, FL 33125.

FOR FURTHER INFORMATION CONTACT: Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305-855-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting 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, patient education, quackery, and diet products.

Dated: March 3, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-5914 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83F-0050]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant/stabilizer.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B3697) has been filed by Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10532, proposing to amend the food additive regulations to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant/stabilizer.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6249 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following national consumer exchange meeting, chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: Monday, March 28, 1983, 10 a.m. to 12 m.

ADDRESS: Health and Human Services (HHS) North Bldg. Auditorium, 330 Independence Ave. SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Alexander Grant, Associate Commissioner for Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rm. 16-85, Rockville, MD 20857, 301-443-5006 (TTY (telephone for the deaf): 301-443-1818).

SUPPLEMENTARY INFORMATION: The purpose of this meeting is for top FDA officials and consumers to exchange views and to relay information on vital health and policy issues. Proposed discussion at this meeting will focus on direct-to-consumer advertising of prescription drugs, an emerging issue on which the agency seeks public opinion.

Dated: March 7, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6252 Filed 3-10-83; 8:45 a.m.]

BILLING CODE 4160-01-M

[Docket No. 83F-0052]

Rohm & Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Rohm & Haas Co. has filed a petition proposing that the food additive regulation be amended to provide for the safe use of divinylbenzene polymers for use in the removal of organic substances from aqueous foods.

FOR FURTHER INFORMATION CONTACT: Mary W. Lipien, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B3686) has been filed by Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that the food additive regulations be amended to provide for the safe use of divinylbenzene polymers for use in the removal of organic substances from aqueous foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: March 3, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-6250 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83M-0055]

Telectronics Proprietary, Ltd.; Premarket Approval of Autima™ Model 2251 Pulse Generator and Model 2600 Programmer

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 Autima™ Model 2251 Pulse Generator and Model 2600 Programmer sponsored by Teletronics, Inc., Suffield, CT. After reviewing the recommendation of the Circulatory System Devices Panel, FDA notified the sponsor that the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by April 11, 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 June 8, 1982, Telectronics, Inc., Suffield, CT, submitted to FDA an application for premarket approval of the Autima™ Model 2251 Pulse Generator and Model 2600 Programmer. The application was reviewed by the Circulatory System Devices Panel, an FDA advisory committee, which recommended approval of the application for use of this device as a cardiac pacing system. On February 10, 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 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 appliction. 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 April 11, 1983, file with the Dockets Management Branch (address above) two copies of 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: March 1, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-6251 Filed 3-10-83; 8:45 am]

BILLING CODE 4160-01-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 March 4.

Social Security Administration

Subject: Application for Widow's or Widower's Insurance Benefits (SSA-10-BK/SSA-1050-U5 (1-83))—Revised.

Respondents: Individuals or households.

OMB Desk Officer: Milo Sunderhauf.

Office of Human Development Services

Subject: Standard Setting Requirements for Medical and Nonmedical Facilities where SSI Recipients Reside—New.

Respondents: State agencies that license medical or nonmedical facilities.

OMB Desk Officer: Milo Sunderhauf.

Health Care Financing Administration

Subject: Medicare Home Office Cost Statement (HCFA 287)—Revised.

Respondents: Home offices of health care provider chain organizations participating in the Medicare program.

OMB Desk Officer: Fay S. Iudicello.

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. Strand, 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: March 4, 1983.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 83-6108 Filed 3-10-83; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Fort Hall Irrigation Project

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 230 DM 1 and redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Section 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

On January 28, 1983, in 48 FR 4053, there was published a notice of proposed assessment rates and related provisions on the Fort Hall Irrigation Project for Calendar Year 1983 and subsequent years until further notice. These assessment rates were proposed pursuant to the authority contained in the Acts of March 1, 1907, (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provisions. During this period no comments, suggestions, or objections were submitted. Therefore, the assessment rates and related provisions as set forth below are adopted effective 30 days after date of publication in the **Federal Register.**

Fort Hall Irrigation Project

Regulations and Charges

Administration

The Fort Hall Irrigation Project, which consists of the Fort Hall Unit including ceded area south of the Fort Hall Indian Reservation, the Michaud Unit and the Minor Units on the Fort Hall Indian Reservation, Idaho, is administered by the Bureau of Indian Affairs. The Superintendent of the Fort Hall Agency is the Officer-in-Charge and is fully authorized to carry out and enforce the regulations, either directly or through employees designated by him. The general regulations are contained in Part 191, Operation and Maintenance, Title 25—Indians, Code of Federal Regulations.

Irrigation Season

Water will be available for irrigation purposes from April 15 to September 30 of each year. These dates may be varied by 15 days depending on weather conditions and the necessity for doing maintenance work.

Methods of Irrigation

Where soil, topography, and other physical conditions are unfavorable for surface irrigation, and the project facilities are designed to deliver water to farm units for sprinkler irrigation, the Officer-in-Charge may limit deliveries to this type of irrigation.

Distribution and Apportionment of Water

(a) *Delivery:* Water for irrigation purposes will be delivered throughout the irrigation season by either the continuous flow or rotation method at the discretion of the Officer-in-Charge. If during a time when delivery is by the rotation method, a water user desires to loan his turn to another eligible water user, he shall notify either the watermaster or the ditch rider who may permit such exchange, if feasible.

(b) *Preparation and Submission of a Water Schedule:* If the decision of the Officer-in-Charge is to deliver water by the rotation method, the watermaster will assist the water users on each lateral in preparing a rotation schedule should they choose to get together and prepare the schedule. In cases where the water users fail to exercise this right before March 1, the watermaster will prepare the schedule which shall be final for the season. Owners of 120 acres or more in one farm unit may elect between the continuous flow and rotation method of delivery, provided such choice does not interfere with delivery to other lands served by the lateral.

(c) *Application for Deliveries of Irrigation Water:* Requests for water changes will be made at least 24 hours in advance. Not more than one change will be made per day. Changes will be made only during the ditch rider's regular tour. Pump shut-down, regardless of duration, without the required notice will result in the delivery being closed and locked. Repeated violations of this rule will result in strict enforcement of rotation schedules. Water users will change their sprinkler lines without shutting off more than one-half of their lines at one time. Sudden and unexpected changes in ditch flow results in operating difficulties and waste of water.

Duty of Water

Dependent upon available supplies of water for each unit of the Project, the duty of water is based on the delivery to the farm unit of 3.5-acre-feet of water per acre per irrigation season. This duty of water may be varied at the discretion of the Officer-in-Charge depending on supplies available, but each irrigable acre shall be entitled to its pro-rata share of the total water supply.

Charges

A bill covering irrigation charges will be issued to the owner of record taken from the Bannock, Bingham or Power County records as of December 31, preceding the due date. In the case of Indian-owned land leased to a non-Indian, when an approved lease contract is on file with the Superintendent of the Fort Hall Agency, operation and maintenance charges will be billed to the lessee of record.

Basic and Other Water Charges

(a) The annual basic water charges for the operation and maintenance of the Fort Hall Irrigation Project lands in non-Indian ownership, and assessable Indian-owned lands leased to a non-Indian or a non-member of the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation, Idaho, are fixed for the Calendar Year 1983 and subsequent years until further notice as follows:

(1) Fort Hall Unit basic rate..... $17.00 per acre
(2) Michaud Unit basic rate.....$21.00 per acre
Additional rate for sprinkler when pressure is supplied by project...$8.50 per acre
(3) Minor Units basic rate.....$14.00 per acre

(b) In addition to the foregoing charges there shall be collected a minimum charge of $5 for the first acre, or fraction thereof, on each tract of land for which operation and maintenance bills are prepared. The minimum bill issued for any area will, therefore, be the basic rate per acre plus $5.

Payments

The water charges become due on April 1 of each year and are payable on or before that date. To all assessments on lands in non-Indian ownership, and lands in Indian ownership which do not qualify for free water, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one-half percent per month, or fraction thereof, from the due date until paid. No water shall be delivered to any farm unit until all irrigation charges have been paid.

Assessments on Indian Owned Land

When land owned by members of the Shoeshone-Bannock Tribes of the Fort Hall Indian Reservation is first leased to non-Indians or non-members of the tribe, and an approved lease is on file at the Fort Hall Agency, the leased land is not subject to operation and maintenance assessments for three years. The three years the land is not subject to assessment need not run consecutively. When land has been leased for a total of three years, the land, when under lease to non-Indians or non-members of the tribe, is subject to operation and maintenance assessments the same as lands on non-Indian ownership and lands owned by non-members of the tribe within the project. (See Solicitor's Opinion M 28701, approved September 24, 1936, and the instructions of September 19, 1938, approved September 24, 1938, and instructions of December 1, 1938, approved December 17, 1938).

Stanley Speaks,

Area Director.

[FR Doc. 83-6254 Filed 3-10-83; 8:45 am]
BILLING CODE 4310-02-M

Bureau of Land Management

[INT Draft MFP Amendment/EIS 83-12]

Las Cruces/Lordsburg Resource Area; Draft Management Framework Plan Amendment; Environmental Impact Statement

AGENCY: Bureau of Land Management (BLM), Las Cruces District, Interior.

ACTION: Notice of availability, public meetings and public hearings.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a Draft Management Framework Plan Amendment/Environmental Impact

Statement (MFPA/EIS) to reconsider constraints on energy minerals leasing imposed by existing decisions for the Las Cruces/Lordsburg Resource Area (Dona Ana, Luna, Hidalgo, and Grant Counties) and to implement a rangeland management program for the 3-county area (Luna, Hidalgo, and Grant Counties) of the Las Cruces District in southwest New Mexico. The energy minerals issue involves the identification and analysis of areas where potential resource conflicts would be significant enough to either preclude or restrict oil and gas or geothermal leasing and associated operations. The rangeland management issue involves the amount of vegetation allocated to grazing and other uses, the methods of grazing management, support facilities, monitoring and evaluation, and maintenance of rangeland developments. For each issue, a general implementation schedule has been outlined; standard operating procedures and interrelationships with other agencies in the Resource Area are discussed.

DATE: Written comments on the MFPA/EIS must be received in the Las Cruces District Office no later than 90 days from this notice.

ADDRESS: Comments should be sent to the Las Cruces District Office, Attn: Mary Austin, MFPA/EIS Team Leader, P.O. Box 1420, Las Cruces, New Mexico 88004.

FOR FURTHER INFORMATION CONTACT: Mary Austin, MFPA/EIS Team Leader, at the above address. Telephone: (505) 524-8551 or FTS 571-8312.

SUPPLEMENTARY INFORMATION: Copies of the Draft MFPA/EIS have been distributed to a mailing list of identified interested parties. A limited number of additional copies are available at the Las Cruces District Office, 317 North Main, P.O. Box 1420, Las Cruces, New Mexico 88004. Public reading copies are available for review at the BLM State Office, Office of Public Affairs, Joseph M. Montoya Federal Building and U.S. Post Office, Santa Fe, New Mexico and public and university libraries in Las Cruces, Deming, Silver City, Lordsburg, Albuquerque, New Mexico, and El Paso, Texas. Reviewers should retain the Draft MFPA/EIS for future reference, as the final MFPA/EIS may not reprint the full text of the Draft MFPA/EIS. (The Draft MFPA/EIS will be incorporated by reference in the final statement.)

Public meetings and hearings will be held at 10 a.m. and 1:30 p.m. on April 12, 13 and 14, 1983 to receive oral or written comments on the merits of the proposal and alternatives and the adequacy of the Draft MFPA/EIS.

PUBLIC MEETINGS AND HEARINGS: Public meetings and hearings will be held on the dates and at the locations listed below to receive oral or written comments on the merits of the proposal and alternatives and the adequacy of the Draft MFPA/EIS.

Tuesday, April 12, 1983

Deming, New Mexico
Location: Council Chambers of the Deming City Hall, 309 S. Gold Avenue
Public Meeting: 10 a.m. Public Hearing: 1:30 p.m.

Wednesday, Arpil 13, 1983

Las Cruces, New Mexico
Location: Branigan Memorial Library, Room B, 200 E. Picacho
Public Meeting: 10 a.m. Public Hearing: 1:30 p.m.

Thursday, April 14, 1983

Lordsburg, New Mexico
Location: Lordsburg Civic Center, 313 East 4th Street
Public Meeting: 10 a.m. Public Hearing: 1:30 p.m.

During the public meetings, representatives of the BLM will be available for discussion and to answer questions. During the public hearings, oral comments will be limited to 10 minutes and should be accompanied with a written text. Anyone wanting to register for the public hearings to present oral comments should contact Rena Gutierrez at the Las Cruces District Office, phone (505) 524-8551, prior to April 5, 1983.

Dated: February 24, 1983.

Monte G. Jordan,

Associate State Director, New Mexico.

[FR Doc. 83-6224 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Environmental Statement; San Juan Resource Area, Utah

AGENCY: Bureau of Land Management, Moab District, Utah, Interior.

ACTION: San Juan Resource Area, Utah; Resource Management Plan and Environmental Impact Statement (RMP/EIS).

SUMMARY: A Resource Management Plan (RMP) and an Environmental Impact Statement are being prepared for the San Juan Resource Area, based on the requirements of section 202(f) of the Federal Land Policy and Management Act and section 102(c) of the National Environmental Policy Act.

The San Juan Resource Area contains approximately 2 million acres of public land located in San Juan County of southeastern Utah.

General issues to be addressed in the San Juan Resource Area RMP/EIS include livestock requirements, wildlife habitat requirements, critical watersheds, off-road vehicle (ORV) use and management, lands disposal or lease, minerals, recreation, and fire management.

The RMP/EIS will be prepared by an interdisciplinary team consisting of a planning coordinator, a soil conservationist, a hydrologist, a wildlife management biologist, an outdoor recreation planner, a lands specialist, two range conservationists, a geologist and an economist.

Public participation is being sought as part of the issues identification process. Public workshops will be held on April 5, 1983 at 7:00 p.m. at the San Juan County Library in Monticello and on April 6, 1983 at 7:00 p.m. at the San Juan County Library in Blanding.

FOR FURTHER INFORMATION CONTACT: Edward R. Scherick, Area Manager, San Juan Resource Area, P.O. Box 7, Monticello, Utah 84535, or call (801) 587-2201.

Dated: March 4, 1983.

Vernon M. Wright,

Acting District Manager.

[FR Doc. 83-6274 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

[Modified Competitive Sale I-18802]

Idaho Falls District Realty Action; Public Land in Caribou County, Idaho

The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750: 43 U.S.C. 1713) at not less than the fair market value of $8,400.

Boise Meridian, Idaho

T. 6 S. R. 42 E.,
Sec. 11: SW¼SE¼—40 acres.

The land will be sold at public auction by modified competitive bidding. Monsanto Company, Soda Springs, Idaho 83276 will be the designated bidder to have a preference right to purchase the land by meeting the highest bid. Such preference right is being offered because they are the adjoining landowners and have a pending phosphate use permit application (I-3800) on the subject tract.

The above described lands will be offered for sale on Tuesday, May 17, 1983 at 1:30 p.m. The subject public sale will be held at the Soda Springs BLM office.

The lands are being offered for sale in order to facilitate land-use planning in the area and enhance land-use

compatibility with adjoining private lands. The lands do not complement BLM programs and the location and physical characteristics of the tract, along with the private ownership of adjoining lands, make it difficult and uneconomical to manage as public land. This is consistent with the Bureau's planning for the lands involved and has been discussed with the Caribou County Planning and Zoning Commission. Disposal would not have any significant effect on resource values and would best serve the public interest.

The terms and conditions applicable to the sale are:

1. The sale of this land will be subject to all Caribou County regulations.

2. The sale of this land will be subject to all existing rights.

3. Preference right will be given to Monsanto Company. No bids will be accepted for less than the appraised price and bids for a parcel must include all the land in the parcel. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State or the United States. Proof of citizenship shall accompany the bid.

4. Upon disqualification of the apparent high bidder, the next high bid will be honored.

5. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976 U.S.C. 1719.

6. A right-of-way is reserved for ditches and canals constructed by the authority of the United States Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

Bid Standards: No bid will be accepted for less than the appraised fair market value of $8,400. Bids must be for all the land in the specified tract.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received by the Bureau of Land Management, Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276, prior to 1:30 p.m. on May 17, 1983. Bids sent in by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management, for not less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left hand corner, "Sealed Bid, Public Land Sale I-18802, sale to be May 17, 1983." If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be made in increments of not less than $50. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

Modified Bidding: For a period of 30 days following the date of the sale, Monsanto Company will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them, and the other bid will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a waiver of such bidding provision.

Final Details: The successful high bidder, whether it is by sealed or oral bid will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Tuesday at the same hour and place and continued on each succeeding Tuesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

Further Information/Inquiries: Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Soda Springs Resource Area Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Idaho Falls District Manager, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of the Interior.

Dated: March 4, 1983.

James Gabettas,

Acting District Manager.

[FR Doc. 83-6269 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Grazing Advisory Board; Meeting Correction

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Notice of Meeting.

SUMMARY: Correction.

DATE: March 24, 1983, 9:30 am

ADDRESS: Crimson Room, Howard Johnson Motor Lodge, 2600 South Valley Drive, Las Cruces, New Mexico

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88004 Phone: (505) 524-8851

Correction

SUPPLEMENTARY INFORMATION: Federal Register Document Number, 83-4835, p. 8144 appearing February 25, 1893, should have read Las Cruces District Grazing Advisory Board.

Dated: March 3, 1983.

Marvin M. James,

Acting District Management.

[FR Doc. 83-6272 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District, Nevada; Stateline-Esmeralda Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Preparation of Esmeralda Resource Management Plan.

SUMMARY: The Las Vegas District Office of the Bureau of Land Management is initiating land use planning for that portion of the Stateline-Esmeralda Resource Area exclusive of Clark County. The Esmeralda Planning Area covers all of Esmeralda County and that part of Nye County south and west of Nellis Air Force Base Bombing and Gunnery Range. The planning area is 3,105,160 acres in size and includes the communities of Beatty, Goldfield, Silverpeak, Dyer, Lida, Goldpoint, Coaldale, Lathrop Wells, Pahrump, Ash Meadows, and the Amargosa Farm Area. The planning area is a part of the Basin and Range Physiographic

Province, characterized by north-south trending mountain ranges. From north to south, these are: Monte Cristo, Lone Mountain, Cedar Mountain, Weepah Hills, Silver Peak Range, Palmetto Mountains, Montezuma Range, Magruder Mountain, Mount Jackson Ridge, Slate Ridge, Gold Mountain, Goldfield Hills, Grapevine Mountains, Bullfrog Hills, and Bare Mountains. The area includes Boundary Peak in the northwest corner which, at 13,145 feet elevation, is the highest point in Nevada.

The Resource Management Plan is a land use plan which focuses on specific issues, identifies goals for resource condition and use levels, program constraints, and outlines needs for more detailed management plans.

The BLM, at this time, anticipates the issues to be management of wilderness study areas, vegetative uses, and in southern Nye County, community expansion, and endangered species.

An interdisciplinary team representing range management, wildlife habitat management, lands and realty, minerals, and wilderness will be assigned to this planning task.

The plan will be prepared according to BLM planning regulations (43 CFR 1600).

Public comment and involvement is necessary throughout the planning process and in developing the inclusive Environmental Impact Statement. From now through September 1983, public participation will be needed to identify issues and help develop planning criteria.

DATES: The times, dates and locations of public meetings and hearings, and other public participation opportunities to obtain the aforementioned information have yet to be determined. News releases will be issued identifying specific meeting places and times as per 43 CFR 1601.3.

FOR FURTHER INFORMATION CONTACT: William T. Civish, Area Manager, Stateline-Esmeralda Resource Area, 301 E. Stewart Ave., P.O. Box 7334, Las Vegas, Nevada 89125, (702) 385-6627.

SUPPLEMENTARY INFORMATION: Planning documents and other pertinent materials may be examined at the Stateline-Esmeralda Resource Area Office located at 301 E. Stewart Ave., Las Vegas, Nevada, between 7:30 a.m. and 4:15 p.m., Monday through Friday.

Roger J. McCormack,

Associate State Director.

[FR Doc. 83-6270 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Motorized Vehicles on Public Lands; Utah

March 4, 1983.

AGENCY: Bureau of Land Mangement, Utah, Interior.

ACTION: Notice of restriction of use of motorized vehicles on public lands.

Notice is hereby given that use of motorized vehicles on certain public lands in the Goblin Valley area is temporarily restricted, in accordance with the provisions of 43 CFR, Subpart 8362. These restrictions do not apply to emergency, law enforcement, and Federal or other government vehicles while being used for official or emergency purposes, or vehicles authorized by permit, contract or statute.

The area affected by this restriction is located approximately 13 miles north of Hanksville, Utah. The area is accessible from the entrance road to Goblin Valley State Reserve and lies adjacent to the State Reserve at its entrance. The area comprises 60 acres of the eastern slope of Wild Horse Butte and the flats to the east connecting with the entrance road to Goblin Valley State Reserve and the Wild Horse Butte road to the north.

The purpose of this emergency closure is to prevent excessive erosion, unnecessary destruction of plant life, public health and safety and the natural environment. The area has been excessively used by off-road vehicles (ORVs) resulting in conditions which necessitate this closure. This action has resulted from consultation with the Utah Division of Parks and Recreation and complaints received from visitors to Goblin Valley State Reserve.

The entire area will be signed at common points of ORV access.

Maps showing the area are available at the Moab District Office in Moab, Utah and the Price Area Office, in Price, Utah.

This notice is effective upon publication and will be in effect until June 1, 1983.

Dated: March 4, 1983.

Vernon M. Wright,

Acting District Manager.

[FR Doc. 83-6273 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

New Mexico Emergency ORV Closure

AGENCY: Bureau of Land Management, Las Cruces District, Interior.

ACTION: Emergency ORV Closure.

SUMMARY: Notice is hereby given that effective immediately all public lands in Sections 3, 4, 10, 11, T. 29 S., R. 3 E., NMPM, located south and west of the road paralleling the top of the Rio Grande Mesa are closed to all off road vehicle use.

DATE: This closure will remain in effect until further notice.

ADDRESS: Las Cruces/Lordsburg Resource Area Office, 1705 N. Valley Drive, Las Cruces, New Mexico 88001.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District Office, P.O. Box 1420, Las Cruces, New Mexico 88004.

SUPPLEMENTARY INFORMATION: The purpose of this closure is to protect the known cultural resources in the area from damage by motor vehicles.

The authority for this closure is 43 CFR 8341.2.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 83-6271 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Advisory Council Meeting

Notice is given in accordance with Pub. L. 92-463, that a meeting of the Winnemucca District Advisory Council will be held on April 15, 1983. The meeting will be from 10:00 a.m. to 5:00 p.m. in the Conference Room of the Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445.

The agenda for the meeting will include: (1) Orientation, (2) Land Use Plan, (3) Election of Officers and (4) History of Public Lands in the United States.

The meeting is open to the public. Interested persons may make oral statements to the Council at 1:30 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445, by April 5, 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 Council meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: March 3, 1983.

Frank C. Shields,

District Manager for State Director, Nevada.

[FR Doc. 83-6268 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

[Int DEIS 83-8]

Availability of Draft Environmental Impact Statement for Homestake Mining Company's McLaughlin Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) and 43 CFR 3809, the Bureau of Land Management has had a draft environmental impact statement prepared for Homestake Mining Company's McLaughlin Project, near Knoxville, California. This statement was prepared by Engineering-Science of Berkeley, California, and also satisfies the requirements of the California Environmental Quality Act (CEQA) as an Environmental Impact Report. Napa County is the Lead Agency for CEQA; Lake and Yolo counties are Responsible Agencies. Alternatives discussed in detail include the proposed plan of operation, no action, an alternative water supply reservoir, and alternative mill sites.

DATES: Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations.

Written comments should be submitted by April 25, 1983, to the District Manager, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482.

Public hearings will be held by Napa County on March 16 and April 25; by Lake County on April 7; and by Yolo County on April 4 and April 20. Contact the county planning departments for further information or changes in schedules.

ADDRESSES: A limited number of copies of the statement are available at the Ukiah District Office, or by contacting James Goodfellow, Project Coordinator, 1195 Third Street, Room 210, Napa, California 94558. Telephone (707) 253-4416. Copies are avilable for review at public libraries in Lake, Napa, and Yolo counties.

FOR FURTHER INFORMATION CONTACT: Timothy P. Julius, Planning and Environmental Coordinator, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, Telephone (707) 462-3873.

Dated: March 1, 1983.

Van W. Manning,

District Manager.

[FR Doc. 83-6282 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

[N-34756]

Nevada; Realty Action; Noncompetitive Sale of Public Lands in White Pine County

March 1, 1983.

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Mount Diablo Meridian

T. 13 N., R. 66 E.,
Sec. 5, lots 17, 19, 20, 22 and 23.

The above described land, comprising 17.04 acres, is being offered by direct sale to Joseph Miller at fair market value.

The lands are being offered as a direct, noncompetitive sale to Mr. Miller, the owner of the adjoining tract and improvements on the sale tract. Mr. Miller has filed mining claims and made improvements on the sale parcel. He is willing to relinquish the mining claims prior to title transfer. Disposal by direct sale to Mr. Miller will legalize his occupancy of the land, protect his equity investment in the improvements on the land, and resolve a complicated trespass situation.

The land has not been used and is not required for any federal purpose. Disposal would best serve the public interest. The sale is consistent with the Bureau's planning system. The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.

And will be subject to:

1. Those rights for highway purposes which have been granted to the State of Nevada, Department of Highways, its successors or assigns, by Permit No. Nev-014144, under the Act of November 9, 1921, 42 Stat. 212.

2. Those rights for powerline purposes which have been granted to Mt. Wheeler Power, Inc., its successors or assigns, by Permit No. Nev-062177, under the Act of December 21, 1928, 45 Stat. 1057, 43 U.S.C. 617d.

3. Those rights for communication line purposes which have been granted to Nevada Bell, its successors or assigns, by Permit No. Nev-065208, under the Act of March 4, 1911, 36 Stat. 1253, 43 U.S.C. 961.

4. Pursuant to the authority contained in sec. 3(d) of Executive Order 11988 of May 25, 1977 (42 FR 26955), this patent is subject to a restriction which constitutes a covenant running with the land, that the portion of the land lying within the 100 year flood plain, in Lots 17, 19, 22 and 23, may be used only for agricultural purposes or for park and nonintensive open space recreation purposes, but not for dwellings or buildings.

Detailed information concerning the sale is available for review at the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada.

For a period of 45 days, interested parties may submit comments to the State Director (N-943), P.O. Box 12000, Reno, Nevada 89520.

Richard G. Morrison,

Acting Deputy State Director, Operations.

[FR Doc. 83-6325 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT-DES 83-13]

Galesville Project, Douglas County, Oregon; Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on the proposed Galesville Project in Douglas County, Oregon.

Under provisions of the Small Reclamation Projects Act (Pub. L. 84-984, as amended), Douglas County has applied for a Federal loan to develop a dam and reservoir at the Galesville site on Cow Creek which would provide for irrigation, municipal and industrial water supply, stream enhancement, flood control, hydropower generation, and outdoor recreation opportunities.

Written comments on the draft environmental statement may be submitted to the Regional Director, Pacific Northwest Region, Bureau of Reclamation, by May 7, 1983.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Communications, Washington, D.C. 20240; telephone (202) 343-9247;

Department of the Interior, Bureau of Reclamation, Office of Environmental Affairs, Washington, D.C. 20240; telephone (202) 343-4991;

Engineering and Research Center, Divisions of Engineering Support, Technical Service and Publications Branch, Denver Federal Center, Denver, Colorado 80225; telephone (303) 234-3006;

Office of the Regional Director, Bureau of Reclamation, Pacific Northwest Region, Box 043, 550 West Fort Street, Boise, Idaho 83724; telephone (208) 334-1207; or

Douglas County, Department of Water Resources Survey, Justice Building, Room 104, Roseburg, Oregon 97470; telephone (503) 440-4255.

Single copies of the statement may be obtained upon request to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in the project vicinity.

Dated: March 8, 1983.

R. N. Broadbent,

Commissioner of Reclamation.

[FR Doc. 83-6366 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

Notice is hereby given that an Applicant has applied in due form for an amendment to permit PRT 2-9740 to take sea otters 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 18).

1. Applicant: Bolt Beranek and Newman, Inc., 10 Moulton Street, Cambridge, Massachusetts.
2. Type of Permit: Amendment; Take (harassment).
3. Name and Number of Animals: Sea otter (*Enhydra lutris*) unknown.
4. Type of Activity: Use of an air gun array by seismic exploration ship to provide acoustic response data for this type of source.
5. Location of Activity: Coastal waters south of Monterey, California.
6. Period of Activity: 18 April-7 May 1983.

The purpose of this application is for the applicant to obtain an amendment to his permit to authorize the taking (harassment) of sea otters that may be close to areas where the applicant plans to conduct research, using an air gun array, on the impacts of noise by oil and gas development to gray whales.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The appliction has been assigned file number PRT 2-9740. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, 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 particulat application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 534, 1717 H Street, NW., Washington, D.C.

Dated: March 8, 1983.

R. K. Robinson,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 83-6365 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-55-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Report of Migratory Birds Taken.
Bureau Form Number: 3-430a.
Frequency: On occasion.
Description of Respondents: Persons who collect migratory birds under the authority of a scientific collecting permit.
Annual Responses: 1,852.
Annual Burden Hours: 370.
Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Dated: March 7, 1983.

Don W. Minnich,

Acting Associate Director, Wildlife Resources.

[FR Doc. 83-6326 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-55-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Service's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Service clearance officer and the OMB Interior Desk Officer at 202-395-7340.

Title: Bird Band Recovery Report (To aid the Service in determining the population size; mortality and survival rates, longevity and migration patterns of migratory birds).
Bureau Form Number: 3-1807.
Frequency: On occasion.
Description of Respondents: Individuals, State and Federal employees who are licensed bird banders.
Annual Responses: 50,000.
Annual Burden Hours: 2,500.
Service Clearance Officer: Arthur J. Ferguson, 202-653-7499.

Dated: March 7, 1983.

Don W. Minnich,

Acting Associate Director, Wildlife Resources.

[FR Doc. 83-6327 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; CNG Producing Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that CNG Producing Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3802, Block 318, West Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978,

that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53665). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 2, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6278 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Howell Petroleum Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Howell Petroleum Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 4909, Block 64, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53665). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: March 2, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-6276 Filed 3-10-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

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 and address of principal office: Bouras Industries, Inc. (incorporated in State of New Jersey), 475 Springfield Ave., P.O. Box 662, Summit, NJ 07901.

2. Wholly-owned subsidiaries which will participate in the operations (all incorporated in the State of New Jersey):

A. Nicholas J. Bouras, Inc., 475 Springfield Avenue, P.O. Box 662, Summit, NJ 07901.

B. Prior Coated Metals, Inc., 2233-26th Street, SW., P.O. Box 4117, Allentown, PA 18105.

C. United Steel Deck, Inc., 14 Harmich Road, P.O. Box 352, South Plainfield, NJ 07080.

D. A.B.A. Trucking Corp., 14 Harmich Road, P.O. Box 352, South Plainfield, NJ 07080.

1. Parent corporation and address of principal office: Dean Foods Company, 3600 North River Road, Franklin Park, IL 60131.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

DFC Transportation Company, 12007 Smith Drive, Huntley, IL 60142
Creamland Dairies, Inc., 1911-2nd Street, NW., Albuquerque, NM 87125
Amboy Packaging Co., 100-108 Bluff Street, Amboy, IL 61310
Dean Foods Company, 630 Meadow Street, Belvidere, IL 61308
McCadam Cheese Co., 23 Collins Street, Chateaugay, NY 12920
Dean Foods Company, 6303 Maxon Road, Harvard, IL 60033
Baskin-Robbins, 9400 West Foster, Chicago, IL 60656
Vita Foods Products, 2222 West Lake Street, Chicago, IL 60612
Dean Foods Company, 802 Court Street, Conway, AR 72032
Amboy Packaging Company, 820 Palmyra Avenue, Dixon, IL 61021
Green Bay Food Company, Merlin Street, Eaton Rapids, MI 48827
Price's Creameries, 600 North Piedras, El Paso, TX 79903
Liberty Dairy, 530 North River Street, Evart, MI 49631
Creamland Dairies, Inc., 1201 W. Apache, Farmington, NM 87401
McArthur Dairy, Inc., 1101 N.W. 40th Avenue, Fort Lauderdale, FL 33313
Green Bay Food Company, 857-897 School Place, Green Bay, WI 54303
McCadam Cheese Company, 12 Annette Street, Heuvelton, NY 13654
Dean Foods Company, 11713 Mill Street, Huntley, IL 60142
Dean Foods Co. Warehouse, 12007 Smith Drive, Huntley, IL 60142
Dean Foods Company, 216 Center Avenue, Janesville, WI 53545
Dean Foods Company, 11121 Rodney Parham Road, Little Rock, AR 72212
Dean Milk Company, Inc., 4420 Bishop Lane, Louisville, KY 40218
Dean Foods Company, 6316 Material Avenue, Loves Park, IL 61111
Bell Dairy Products, 201 University, Lubbock, TX 79408
St. Thomas Dairies, Inc., Box 2937, St. Thomas, V.I. 00801
Dean Foods Company, 2040 Madison Avenue, Memphis, TN 38104
Mrs. Weaver's Salads, 2040 Madison Avenue, Memphis, TN 38104
McArthur Dairy, Inc., 6851 N.E. Second Avenue, Miami, FL 33138
Life Style Products Div., Highway 15A, Orange City, FL 32763
T. G. Lee Foods, Inc., 315 N. Bumbay Ave., Orlando, FL 32802
Dean Foods Company, 215 West Third Street, Pecatonica, IL 61063
Dean Foods Company, Business U.S. 31 North, Rochester, IN 46975
Dean Foods Company, 1126 Kilburn Avenue, Rockford, IL 61101
Candy's Dairies, Inc., 332 Pulliam Street, San Angelo, TX 76903
Creamland Dairies, Inc., 1591 Pacheco St., Santa Fe, NM 87501
Field Crest Sales, 401 South Main Street, Westby, WI 54667

Juice Services, Inc., Blackstone Valley Way, 146–295 Industrial Park, Lincoln, RI 02865

Atkins Pickle Company, Inc., 602 East First Street, Atkins, AR 72823

1. Parent corporation and address of principal office. George Weston, Ltd., 22 St. Clair, Avenue E., Suite 202, Toronto, Ontario, Canada M4T 2S3.

2. Wholly-owned subsidiaries which would participate in the operations and the address of their respective principal office.

(a) E. B. Eddy Forest Products Ltd., P.O. Box 3521 Station C, Ottawa, Ontario, Canada Kly 4L5.

(b) William Neilson Ltd., 277 Gladstone Ave., Toronto, Ontario, Canada M6J 3L9.

(c) Bowes Co. Ltd., 75 Vickers Road Toronto, Ontario, Canada M9B 6B8.

(d) Eastern Fine Papers, Inc., 517 South Maine, Brewer, Maine 04412.

(e) Chocolate Products Co. Ltd., 335 Judson Street, Toronto, Ontario, Canada M8Z 5Pl.

1. Parent corporation and address of principal office: Inland Container Corporation, 151 North Delaware St., P.O. Box 925, Indinapolis, Indiana 46206.

2. Wholly-owned subsidiaries which will participate in the operations and State of incorporation:

a. Anderson Box Company, Inc., Indiana

b. Container Systems, Inc., Colorado

c. El Morro Corrugated Box Corporation, Delaware

d. El Morro Corrugated Box Corporation, de Puerto Rico

e. Fibre-Pacific Paper Products, Inc., California

f. Eastex Packaging Corporated, Delaware

g. Indisc, Inc., Indiana

i. Inland Paper Company, Inc., Indiana

j. Inland Real Estate Investments, Inc., Indiana

k. Pacific Kraft Corporation, California

l. Summit Container Corporation, Virginia

1. Parent corporation: J. R. May Co., Inc., P.O. Box 147, Friendswood, texas 77546.

2. Wholly-owned subsidiary: American Suncoast Transportation, Inc. (Texas).

1. Parent corporation and address of principal office: Norton Simon, Inc., 277 Park Avenue, New York, New York 10017.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Avis, Inc., 900 Old Country Road, Garden City, New York 11530; Delaware.

(ii) Glass Containers Corporation, 535 North Gilbert Avenue, Fullerton, California 92634; Delaware.

(iii) Halston Enterprises, Inc., 6454 Fifth Avenue, New York, 10022; Delaware.

(iv) Hunt-Wesson Foods, Inc., 1645 West Valencia Drive, Fullerton, California 92634; Delaware.

(v) Max Factor & Co., 1655 North McCadden Place, Los Angeles, California 90028; Delaware.

(vi) McCall Pattern Company, The 230 Park Avenue, New York, 10017; Delaware.

(vii) Somerset Importers, Ltd., 1114 Avenue of the Americas, New York, New York 10036; Delaware.

(viii) United Can Company, P.O. Box 4360 2600 East Nutwood Avenue, Fullerton, California 92634;' Delaware.

1. Parent corporation and address of principal office: Seaward Construction Company, Inc., Route 236, Kittery, ME 03904.

2. Wholly-owned subsidiary which will participate in the operation, and State of incorporation: Interstate Equipment Corporation, Incorporated in Delaware.

1. Parent corporation and address of principal office: Universal Management Corporation, Highway 45 South, Post Office Box 192, Columbus, Mississippi 39703–0192.

2. Wholly-owned subsidiarie which will participate in the operations and state of incorporation:

(I) Five star Corporation—Delware.

(II) Century Transportation Corporation—Mississippi

(III) Universal Industries Corporation—Mississippi

(IV) MBI International Corporation—Mississippi.

(V) Vital Systems, Inc.—Nevada.

(VI) Universal Health Services, Inc.—Alabama.

(VII) Two Bits, Inc.—Mississippi.

(VIII) UDI Corporation—Delaware.

(IX) Drinks For All Seasons—Mississippi.

(IX) Universal Marketing Corporation—Mississippi.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–6291 Filed 3–10–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (fitness-only;) Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods). The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the **Federal Register** on November 24, 1982, at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publicaiton, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team Three at (303) 275-5223.

Volume No. OP3-83

Decided: March 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 138755 (Sub-3(a)), filed February 11, 1983.

Applicant: WORTS TRANSIT CO., INC., 1315 N. North Dr., McHenry, IL 60050. Representative: Patrick H. Smyth, 105 W. Madison St., Suite 1008, Chicago, IL 60602 (312) 263-2397. 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 transportion.

NOTE.—Applicant receives governmental financial assistance for the purchase or operation of buses, or is an operator for such a recipient.

MC 144164 (Sub-3), filed February 18, 1983. Applicant: DONALD R. SPRAY d.b.a. ELK RIVER LINES, 302 So. Atlantic St., Tullahoma, TN 37388. Representative: L. Wayne Bomar, 104 Depot St., P.O. Box 129, Shelbyville, TN 37160 (615) 684-6213. Transporting *passengers,* in charter and special operations, beginning and ending at points in TN and AL and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 154755 (Sub-2), filed February 18, 1983. Applicant: NORTHWEST IOWA TRANSPORTATION, INC., P.O. Box 278, Badger, IA 50516. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *passengers,* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 159785 (Sub-1), filed February 18, 1983. Applicant: MEDICINE LAKE BUS COMPANY, INC. d.b.a. MEDICINE LAKE LINES, 835 Decatur Ave., N., Golden Valley, MN 55427. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340-0808. Transporting *passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

MC 166034, filed February 2, 1983. Applicant: BAR BEA TRUCK LEASING CO., INC., 70 Kennedy Blvd., Bayonne, NJ 07002. Representative: Barbara Gallagher (same address as applicant), (201) 339-4827. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 166315, filed February 18, 1983. Applicant: DUNSMITH INTERNATIONAL U.S., INC., 198 Hill Place Rd., Venetia, PA 15367. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, (412) 471-3300. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166324, filed February 17, 1983. Applicant: J. LOUIS ASSOCIATES, INC., 3 Tunxia Village, Farmington, CT 06032. Representative: William P. Botticello, 3 Cobbs Rd., West Hartford, CT 06107, (203) 521-8636. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166334, filed February 17, 1983. Applicant: KARL N. MELLON, d.b.a. MELLON TRANSPORTATION, Box 321, North East Harbor, ME 04662. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657-6071. 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 166365, filed February 23, 1983. Applicant: TRU-JEN, LTD., 3515 Greenpoint Ave., Long Island City, NY 11101. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, (212) 755-9500. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP3-89

Decided: March 1, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 144315 (Sub-11(b)), filed February 8, 1983. Applicant: PORT CITY LEASING, INC., P.O.B. 498, Lewiston, ID 83501. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, (208) 343-3071. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-123

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 96007 (Sub-32), filed February 18, 1983. Applicant: KENNETH HUDSON, INC., d.b.a. HUDSON BUS LINES, 70 Union St., Medford, MA 02155. Representative: Mary E. Kelley, 22 Stearns Ave., Medford, MA 02155, (617) 396-4090. Transporting *passengers,* in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166226, filed February 28, 1983. Applicant: MONTANA TRAVEL, INC., d.b.a. MONTANA TRAVEL/SPECIAL TRAFFIC, 209 S. Willson Ave., P.O. Box 459, Bozeman, MT 59715. Representative: Audrey O'Connell (same address as applicant), (406) 587-4448. Transporting *passengers,* in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166386, filed February 23, 1983. Applicant: WILLIAM R. EGEMO, 4 N. 15th St., Fort Dodge, IA 50501. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. 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 166427, filed February 25, 1983. Applicant: GREER TOURS, INC., 1403 Chestnut Ridge, Kingwood, TX 77339. Representative: Robert G. Greer (same address as applicant), (713) 358-8854. Transporting *passengers*, in special operations, beginning and ending at points in Harris County, TX and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special transportation.

MC 166436, filed February 22, 1983. Applicant: C. W. ENNIS, 3554 McReynolds Ave., Modesto, CA 95355. Representative: George LaBissoniere, 15 So. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. 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 166437, filed February 23, 1983. Applicant: WILLIAM HALES d.b.a. FAR WEST ENTERPRISES, 14961 Chandler Rd., Omaha, NE 68138. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. As a *broker of general commodities* (except household goods), between points in the U.S. (except HI).

Vol. No. OP4-130

Decided: March 4, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 727 (Sub-3), filed February 23, 1983. Applicant: HEGINS VALLEY LINES, INC., P.O. Box 407, Millersburg, PA 17061. Representative: Lloyd L. Persun, P.O. Box 729, Harrisburg, PA 17108-0729, (717) 232-6701. Transporting *passengers*, in charter and special transportation, between points in PA, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 11316 (Sub-2), filed March 1, 1983. Applicant: THE GALION & MANSFIELD TRANSIT COMPANY, 1271 Bowman St., Mansfield, OH 44903. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *passengers*, in charter and special operations, between points in OH, on the one hand, and, on the other, points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 45276 (Sub-1), filed February 25, 1983. Applicant: WERTZ MOTOR COACHES, INC., 24 East 9th St., Marcus Hook, PA 19061. Representative: J. Raymond Clark, Suite 350, 1225 19th St., N.W., Washington, DC 20036, (202) 659-0770. 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 142867 (Sub-1), filed February 28, 1983. Applicant: AMERICAN PACIFIC FORWARDERS, 5480 Ferguson Dr., Suite 102, Los Angeles, CA 90022. Representative: Paul J. Fox (same address as applicant), (213) 726-1452. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Vol. No. OP4-132

Decided: March 7, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 144407 (Sub-30), filed March 1, 1983. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 96 Route 23, Riverdale, NJ 07457. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234-0301. 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 166497, filed February 28, 1983. Applicant: DALTON BUS SERVICE, INC., Route 2, Box 350, Baxter, TN 38544. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219, (615) 255-0540. 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 166516, filed February 23, 1983. Applicant: S&J SMITH CORPORATION, 307 W. Evans, Rice Lake, WI 54868. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333-1341. Transporting *passengers*, in charter and special operations, beginning and ending at points in WI, MN, MI, IA, and IL and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-98

Decided: March 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 12798 (Sub-3), filed February 18, 1983. Applicant: XYZ CORPORATION, 1745 Fifteenth St., Boulder, CO 80302. Representative: Andy James (same address as applicant), 303-449-2700. Transporting *passengers*, in charter and special operations, beginning and ending at points in Boulder, CO., and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 134779 (Sub-12), filed February 22, 1983. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, 1800 S. Jackson, Janesville, WI 53545. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., NW., Washington, DC 20005, 202-296-5188. Transporting for and 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.

MC 140319 (Sub-3), filed February 18, 1983. Applicant: SALEM STAGE, INC., 2101 Hamburg Pike, Jeffersonville, IN 47130. Representative: Allison J. Maggiolo, 2556 First National Tower, Louisville, KY 40202, 502-589-4100. 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 149189 (Sub-3), filed February 11, 1983. Applicant: PIPELINE INDUSTRIES, INCORPORATED, 11250 East Firestone Blvd., Norwalk, CA 90650. Representative: Kenneth D. McNicol (same address as applicant), (213) 924-6688. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),

between points in the U.S. (except AK and HI).

MC 166268, filed February 15, 1983. Applicant: KENTUCKY CHURCH TOURS INC., 4718 Manslick Rd., Louisville, KY 40216. Representative: Ray Grasmick (same address as applicant), 502-367-8066. Transporting *passengers*, in charter and special operations, beginning and ending at Louisville, KY and points in its commercial zone, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166278, filed February 16, 1983. Applicant: KENNETH E. DUCKER, 4070 Polk Ave., Riverside, CA 92501. Representative: Richard C. Celio, 2300 Camino del Sol, Fullerton, CA 92633, 714-738-3889. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166299, filed February 17, 1983. Applicant: TRIDON BUS CO., INC., 41 Purdy Ct., Rockville Center, NY 11570. Representative: Arthur Wagner, 342 Madison Ave., New York, NY 10173, 212-755-9500. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166328, filed February 18, 1983. Applicant: MERCHANDISE WAREHOUSE CO., INC., 1414 So. West St., P.O. Box 575, Indianapolis, IN 46206. Representative: John A. Finneran (same address as applicant), (317) 632-2525. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 166338, filed February 18, 1983. Applicant: YANKEE EXPRESS, INC., 2710 Eastern Ave., Perry, IA 50220. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, 515-245-4300. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 166348, filed February 18, 1983. Applicant: ROCKAWAY VALLEY BUS CO., INC., 23 Slope Drive, Dover, NJ 07801. Representative: James Cicatelli (same address as applicant) (201) 361-5705. Transporting *passengers*, in charter and special operations, beginning and ending at points in NJ, NY, PA, and 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 166349, filed February 17, 1983. Applicant: SAN DIEGO TRAFFIC SERVICES, INC., 4340 Vandever Ave., Suite S, P.O. Box 20597, San Diego, CA 92120. Representative: William R. Daly (same address as applicant), (619) 280-3334. To operate as a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP5-101

Decided: March 2, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 84728 (Sub-68), filed February 18, 1983. Applicant: SAFEWAY TRAILS, INC., 1200 "I" St., NW., Washington, DC 20005. Representative: George W. Hanthorn, 1500 Jackson St., Suite 415, Dallas, TX 75201, (214) 655-7937. Transporting (1) *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, and (2) *shipments weighing 100 pounds or less*, if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 127669 (Sub-7), filed February 24, 1983. Applicant: AMERICAN WAY COACH, INC., Beech Ave. & Route 73, (P.O. Box H), Berlin, NJ 08009. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., 426 Cottman St., Jenkintown, PA 19046, (215) 576-0131. Transporting *passengers*, in special and charter operations, beginning and ending at points in CT, DE, MD, NJ, NY, PA, RI, VA, WV, and DC, and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 148069 (Sub-3), filed February 23, 1983. Applicant: SUSQUEHANNA TRANSIT COMPANY, P.O. Box U, Avis, PA 17721. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, 215-925-8300. 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 163879 (Sub-1), filed February 22, 1983. Applicant: MICHAEL CHARLES BROOKS, PATRICIA ANN BROOKS AND ROBERT ARTHUR DOCKERTY, d.b.a. CALIFORNIA LEISURE CHARTER, 2597 Hampshire Rd., Riverside, CA 92506. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting *passengers*, in charter and special operations, between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 166269, filed February 15, 1983. Applicant: DAVID STOCKERT, d.b.a. NORDAK COACHES, 4308 LaSalle Dr., Mandan, ND 58554. Representative: David Stockert (same address as applicant), 701-663-2226. Transporting *passengers*, in charter and special operations, beginning and ending at points in ND and SD and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

Volume No. OP5-104

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 49368 (Sub-118) filed February 22, 1983. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Wilmer B. Hill, Suite 366, 1030 15th St., NW., Washington, DC 20005, 202-296-5188. 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.

MC 111749 (Sub-3) filed February 18, 1983. Applicant: H. E. ROHRER, INC., d.b.a. ROHRER BUS SERVICE, P.O. Box 1062, Duncannon, PA 17020. Representative: Robert J. Brooks, 1828 L Street, NW., Suite 1111, Washington, DC 20036, (202) 466-3892. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 165388 (Sub-1) filed February 23, 1983. Applicant: RONSON LEASING, INC., 1244R Manheim Pike, Lyndhurst, NJ 17602. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602, (717) 299-1181. 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.

MC 166358, filed February 23, 1983. Applicant: ALL WAYS TRAVEL, INC., 11631 W. Florissant, Florissant, MO 63033. Representative: Richard G. Gross (same address as applicant), (314) 831-4444. Transporting *passengers*, in

charter and special operations between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-6292 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions, Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." 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 5 at (202) 275-7289.

Volume No. OP5-97

Decided: March 1, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-669, filed February 17, 1983. Applicant: COUGHLIN TRANSPORTATION, INC., 27050 Wick Rd., Taylor, MI 48180. Representative: William B. Larkin (same address as applicant), 313-946-5010. As a freight forwarder in connection with the transportation of *general commodities* (except classes A and B explosives), between Detroit, MI and points in the U.S. (except AK and HI).

MC 41098 (Sub-95), filed February 18, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Hughes Aircraft Company of El Segundo, CA.

MC 79658 (Sub-59), filed February 18, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Robert C. Mills (same address as applicant), 812-424-2222. Transporting *household goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Combined International Corporation of Northbrook, IL.

MC 103798 (Sub-57), filed February 17, 1983. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, 612-333-1341. Transporting *general commodities* (except classes A and B explosives, and household goods), betwen points in the U.S. (except AK and HI), under continuing contract(s) with Mondovi Foods Corporation and Whiteall Processing, Inc., both of Mondovi, WI.

MC 139588 (Sub-9), filed February 18, 1983. Applicant: GRANDVIEW ENTERPRISES, INC., 8265 N. Bothwick Ave., P.O. Box 17335, Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224-4840. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in

OR, CA, AZ, WA, ID, UT, TX, CO, MO, MT, OK, and NV, on the one hand, and, on the other, points in OR, WA, RI, NJ, MA, OH, MN, IL, IN, MI, WI, NY, CT, PA, MD, VA, WV, DE, NC, SC, GA, FL, CA, TN, KY, IA, and WY.

MC 140889 (Sub-32), filed February 18, 1983. Applicant: FIVE STAR TRUCKING, INC., 1638 Pioneer Way, El Cajon, CA 92020. Representative: Jon Gramc, 4720 Beidler Rd., Willoughby, OH 44094, 216-953-9300. Transporting *general comodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145978 (Sub-11), filed February 18, 1983. Applicant: R & S TRUCKING, INC., 3421 Hoveland Avenue, Sioux Falls, SD 57104. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103, (605) 335-1777. Transporting (1) *food and related products,* between points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OH, OK, SC, SD, TN, TX, UT, WI, and WY, and (2) *chemicals and related products, building materials, clay, concrete, glass or stone products, and ores and minerals,* between points in Custer and Pennington Counties, SD and Natrona County, WY, on the one hand, and, on the other, points in AL, AR, CO, IL, IN, IA, KY, LA, MN, MS, MT, NE, ND, NJ, NY, OH, OK, PA, TN, TX, WI, and WY.

MC 155238 (Sub-5), filed February 14, 1983. Applicant: EVAN F. SITTON, d.b.a. E. SITTON TRUCKING, 2211 Whistlers Park Rd., Roseburg, OR 97470. Representative: Evan F. Sitton (same address as applicant), 503-672-2767.Transporting (1) *building materials,* between points in the U.S. (except HI), and (2) *metal products,* between points in CA, IL, MO, on the one hand, and, on the other, points in AZ, CA, CO, ID, ND, NM, NV, MT, OR, TX, UT, WA, and WY.

MC 156829 (Sub-1), filed February 18, 1983. Applicant: AMHOF TRUCKING, DIVISION OF AMHOF FARMS, INC., R.R. 3, Davenport, IA 52804. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting (1) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Scot and Clinton Counties, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *lumber, wood products, and building materials,* between points in Cerro Cordo County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162239 (Sub-2), filed February 18, 1983. Applicant: SALEM CARRIERS, INC., 245 Charlois Blvd., Winston-Salem, NC 27103. Representative: Steven J. Kalish, Suite 1105, 1750 Pennsylvania Ave., N.W., Washington, DC 20006, 202-393-5710. Transporting *clothing and related products,* between points in the U.S. under continuing contract(s) with L'eggs Products, a division of Consolidated Foods Corp. of Winston-Salem, NC.

MC 163078 (Sub-1), filed February 17, 1983. Applicant: ART KNIGHT, INC., 705 North Cook St., Portland, OR 97227. Representative: Harold E. Hass, P.O. Box 14626, Portland, OR 97214, 503-284-7431. Transporting *geneal commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 163079 (Sub-1), filed February 18, 1983. Applicant: LETICA RESOURCES, INC., d.b.a., LETICA FREIGHTLINES, 1600 W. Hamlin Rd., Rochester, MI 48063. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, 313-349-3980. 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 DFC Transportation Company of Franklin Park, IL.

MC 164218 (Sub-1), filed February 14, 1983. Applicant: CONTAINER MAINTENANCE SERVICE, INC., P.O. Box 24781, Houston, TX 77029. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, 713-898-8086. Transporting (1) *electrical equipment,* and (2) *scrap metal,* between points in Dallas and Tarrant Counties, TX, on the one hand, and, on the other, points in Pulaski, Quachita, and Hempstead Counties, AR.

MC 165038, filed February 15, 1983. Applicant: JOHNSON TRUCK LINES, INC., P.O. Box 7387, High Point, NC 27264. Representative: Alexander L. Johnson, Jr. (same address as applicant), 919-476-3101. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, SC, VA and GA on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165539 (Sub-1), filed February 14, 1983. Applicant: PONDEROSA TRUCKING CO., INC., Rt. 1, Box 12, Houston, MS 38851. Representative: Melvin E. Gann (same address as applicant), (601) 456-5335. Transporting *furniture and fixtures,* between points in Chickasaw County, MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 165809 (Sub-1), filed February 14, 1983. Applicant: COUGAR EXPRESS LINES, INC., 24-50 Wright Ave., Auburn, NY 13021. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036, 202-296-2900. 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 165848, filed February 16, 1983. Applicant: P. L. PECORARO, d.b.a. P. L. PECORARO TRUCKING, 1227 Wooded Fork, Chesterfield, MO 63017. Representative: P. L. Pecoraro (same address as applicant), 314-458-2093. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Prairie Farms Dairy, Inc., and its P.F.D. Supply Corp. Division of Granite City, IL.

MC 166288, filed February 16, 1983. Applicant: J & L TRUCKING, INC., 214 Escambia Drive, Winter Haven, FL 33880. Representative: M. Craig Massey, 1701 South Florida Avenue, P.O. Drawer 2787, Dixieland Station, Lakeland, FL 33806-2787, (813) 682-1178. Transporting *food and related products,* between points in FL, GA, AL, NC and SC, on the one hand, and, on the other, points in MI, OH, IN, IL, IA, MO, NE, KS, MN, ND, SD, and WI. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either (1) state that a petition has been filed under 49 U.S.C. § 11343 (e) seeking an exemption from the requirements of 49 U.S.C. § 11343, (2) file an application under 49 U.S.C. § 11343 (A), or (3) submit an affidavit indicating why such approval is unnecessary, to the Secretary's office. In order to expedite issuance of any authority please submit a copy of this filing to Team 5, Room 2414.

Volume No. OP5-100

Decided: March 2, 1983.

By the Commission. Review Board No. 1. members Parker, Chandler, and Fortier.

MC 41098 (Sub-96), filed February 22, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street NW., 20006, (202) 833-8884. Transporting *households goods,* between points in the U.S., under continuing contract(s) with the Hertz Corporation, of New York, NY.

MC 51018 (Sub-20), filed February 18, 1983. Applicant: THE BESL TRANSFER COMPANY, 5550 Este Ave., Cincinnati,

OH 45232. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215 (614) 228-1541. 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 Cincinnati Milacron Marketing Company, of Cincinnati, OH.

MC 118838 (Sub-101), filed February 22, 1983. Applicant: GABOR TRUCKING, INC., P.O. Box 687, Detroit Lakes, MN 56501. Representative: Patrick M. Porritt (same address as applicant), 218-847-9217. Transporting (1) *building materials,* and (2) *lumber and wood products,* between points in the U.S. (except AK and HI).

MC 143709 (Sub-2), filed February 18, 1983. Applicant: JAMES H. PAXSON & SONS, INC., P.O. Box 57P, West Grove, PA 19390. Representative: Brian S. Stern, 5411-D Backlick Rd. Springfield, VA 22151, 703-941-8200. Transporting *food and related products,* between points in New Castle County, DE, and Delaware, Chester, Lancaster, Berks, and Montgomery Counties PA, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 144428 (Sub-17), filed February 18, 1983. Applicant: TRUCKADYNE, INC., Route 16 P.O. Box 308, Mendon, MA 01756. Representative: Joseph A. Reed (same address as applicant) 1-800-982-4723. Transporting *printed matter,* and *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continung contract(s) with Rand McNally & Co., of Skokie, IL.

MC 144858 (Sub-53), filed February 18, 1983. Applicant: DENVER SOUTHWEST EXPRESS, INC., 11900 Stagecoach Rd., Little Rock, AR 72219. Representative: Scott E. Daniel (same address as applicant) (501) 455-4911. 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 159659 (Sub-3), filed February 18, 1983. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Ave., Hillside, NJ 07205. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Transporting *instruments and photographic goods,* between points in the U.S. (except AK and HI), under continuing contract(s) with Disposable Medical Products, Inc., Of Slidell, LA.

MC 163948 (Sub-1), filed February 17, 1983. Applicant: SID ROLLINGS AND TINA ROLLINGS, d.b.a. ROLLINGS TRUCKING, Box 273, Hudson, SD 57034. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103 (605) 335-1777. Transporting *metal products, lumber and wood products, and machinery,* between points in IA and SD, on the one hand, and, on the other points in the U.S. (except AK and HI).

MC 166359, filed February 22, 1983. Applicant: ROBERT M. MENNING, d.b.a. BOB MENNING TRUCKING, Route 1, Box 298, Edgerton, MN 56128. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103 (605) 335-1777. Transporting (1) *food and related products, and chemicals and related products,* between points in IL, KS, and UT, on the one hand, and, on the other, points in IA, MN, SD, and WI, and (2) *chemicals and related products, and farm equipment and supplies,* between points in MN, on the one hand, and, on the other, points in IA, MN, MT, NE, SD, and WI.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-126

Decided: March 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-165357, filed February 16, 1983. Applicant: RUSS' DISTRIBUTING, INC., 555-76th St., SW, Grand Rapids, MI 49509. Representative: J. Michael Smith, 800 Calder Plaza Bldg., Grand Rapids, MI 49503 (616) 459-8311. Transporting *household appliances, furniture and fixtures, musical instruments, plumbing and heating equipment, fixtures, accessories and supplies, office equipment, building and remodeling equipment and supplies,* between points in Montcalm, Ionia, Newaygo, Muskegon, Kent, Allegan, Barry, Kalamazoo and Ottawa Counties, MI, under continuing contracts(s) with Sears, Roebuck & Co., of Chicago, IL.

Volume No. OP4-122

Decided: March 3, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-13087 (Sub-61), filed February 18, 1983. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 2nd St., SW, Mason City, IA 50401. Representative: William L. Fairbank., 2400 Financial Center, Des Moines, IA 50309 (515) 282-3525. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with National Commercial Services Co., Inc., of Des Moines, IA.

MC-74416 (Sub-36), filed February 23, 1983. Applicant: LESTER M. PRANGE, INC., P.O. Box 1, Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005 (202) 296-3555.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 A & S Transportation Services, Inc., of Coatesville, PA.

MC-156306 (Sub-1), filed February 28, 1983. Applicant: SHIPPER'S CHOICE CORPORATION, 200 Curry Hollow Rd., Pittsburgh, PA 15236. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471-1800. 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-160556 (Sub-1), filed February 22, 1983. Applicant: MARCO TRANSPORTATION, 3225 Dug Gap Rd., P.O. Box 2468, Dalton, GA 30720. Representative: Walter E. Collins (same address as applicant) (404) 277-9841. Transporting (1) (a) *pulp, paper and related products,* and (b) *rubber and plastic products,* between points in the U.S. (except AK and HI), (2) *clay, concrete, glass or stone products,* between points in TN and OH, on the one hand, and, on the other, points in AL, GA, NC, SC, KY, VA, MS, MI, PA, IL, IN, WV, and MO, (3) *textile mill products,* (a) between points in MI, OH, VA, NC, SC, TN, GA, IN, and TX, (b) between points in NJ, on the one hand, and, on the other, points in MI, IN, OH, VA, NC, SC, GA, and TX, and (c) between points in VA, on the one hand, and, on the other, points in GA, AL, TN, KS, MI, IL, IN, OH, PA, and MO, and (4) *X-ray, radiology, electrical and surgical equipment, boxes, cabinets, desks, tables, and chairs,* between points in MI, IL, IN, WI, OH, PA, MO, GA, AL, LA, TX, and FL.

MC 164406 (Sub-1), filed February 25, 1983. Applicant: MERIT MOTOR FREIGHT, INC., 3467 Holeman Place, Memphis, TN 38118. Representative: Danny R. Henderson (same address as applicant) (901) 363-4035. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IN, TN, LA, TX, OH, MN, CA, FL, VA, OR, KS, AL, AR, GA, IL, IA, MI, MS, MO, NE, NC, OK, SC, WV, WI, NY, PA, WA, NJ, MD, and CO.

MC 164947, filed February 25, 1983. Applicant: HAF GROUP, INC., 341 Cumberland, St., Memphis, TN 38112. Representative: Ralph D. Golden, Suite 2348—100 N. Main Bldg., Memphis, TN

38103, (901) 526-1122. Transporting *carpet and carpet products*, between Columbus, GA, on the one hand, and, on the other, points in TN, MS, LA, AR, MO, AL, TX, OK, KY, NC, and SC, under continuing contract(s) with Columbus Mills, Inc., of Columbus, GA.

MC 166396, filed February 23, 1983. Applicant: MOTORCYCLE DEALER SERVICE, INC., 694 Rancheros Dr., San Marcos, CA 93069. Representative: John H. Lawson (same address as applicant), (619) 727-1190. Transporting *transportation equipment and machinery*, between points in AZ, on the one hand, and, on the other, points in CA.

Volume No. OP4-127

Decided: March 3, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 111947 (Sub-13), filed February 7, 1983, noticed in the **Federal Register** issue of February 24, 1983, and republished this issue. Applicant: VAN CURLER TRUCKING CORP., 121 LaGrange Ave., Rochester, NY 14613. Representative: Mark W. Leunig, 700 Midtown Tower, Rochester, NY 14604, (716) 232-6500. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, GA, IL, IN, IA, KS, KY, MD, ME, MA, MI, MN, MO, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC.

Note: The purpose of this republication is to correct the territorial description.

[FR Doc. 83-6293 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-81]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: March 2, 1983.

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.

Please direct status inquiries to Team 3, at (202) 275-5223.

MC 139754 (Sub-6)X, filed February 23, 1983. Applicant: SOFT DRINK CARRIERS, INC., 1882 East Highland Road, Twinsburg, OH 44087. Representative: David M. O'Boyle, 1610 Two Chatham Center, Pittsburgh, PA 15219, (412) 765-1600. Sub 3 and 4F Permits: broaden commodity description from soft drinks (except in bulk) and materials, equipment and supplies to "beverages and related products" (Sub 3), broaden containers, container closures, packaging products, container components, and scrap materials and equipment, materials and supplies used in the manufacture, and/or distribution of containers to "containers and related products and metal products" (Sub 4F); and broaden the territorial description to between points in the U.S. (except AK and HI), under contract(s) with named shippers (Sub 3 and 4F).

[FR Doc. 83-6286 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-MCFC-92]

Motor Carriers; Decision Notice; Finance Applications

Decided: March 4, 1983.

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, (202) 275-5223.

MC-FC-81108. By decision of March 4, 1983, issued under 49 U.S.C. 10928 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to T. G. & D. S. FREIGHT SERVICE, INC. d.b.a. G & S FREIGHT SERVICE of Certificate No. MC-4024 issued December 5, 1963 to HORN TRUCKING CO. authorizing the transportation of *general commodities* (usual exceptions), over regular routes between Marine, IL and St. Louis, MO, serving all intermediate and off-route points within five miles of Marine, IL, (a) from Marine over unnumbered hwy to St. Jacob, IL, then over U.S. Hwy 40 to St. Louis, and return over the same route, and (b) from Marine over unnumbered hwy to junction IL Hwy 43, then over IL Hwy 43 to junction U.S.

Hwy 40, then over U.S. Hwy 40 to St. Louis, and return over the same route.

Notes.—(1) Transferee is a non-carrier. (2) An application for temporary authority has been filed.

[FR Doc. 83-6285 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15114]

Adrian Carriers, Inc.—Purchase Exemption—Spector Red Ball, Inc. (Debtor in Possession)

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 400 (Sub-No. 1), *Procedures Handling Exemptions filed by Motor Carriers,* 367 I.C.C. 113 (1982), Adrian Carriers, Inc. (MC-146553) seeks an exemption from the requirement under § 11343 of prior regulatory approval for the acquisition of a portion of the operating authority of Spector Red Ball, Inc. (SRB) (MC-2229) which authorize generally the transportation of general and specific commodities over regular, irregular and alternate routes in IL, WI, IA, CO, NE, IN, KS, and MO. Temporary authority has been requested.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, James M. Hodge, Isaacon, Clarke, Vernon & Hodge, 3730 Ingersall, Des Moines, IA 50312.

Comments should refer to No. MC-F-15114.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7949.

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: March 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6296 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15151]

Dick Irvin, Inc.—Purchase Exemption—Shoemaker Trucking Company (Loren Wetzel, Trustee-in-Bankruptcy)

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 I.C.C. 113 (1982), Dick Irvin, Inc. (Dick Irvin) (No. MC-119634) and Shoemaker Trucking Company (Shoemaker) (No. MC-138875) (acting by Loren Wetzel, its trustee in bankruptcy) seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by Dick Irvin of a portion of the operating rights of Shoemaker.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send Comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, David E. Wishney, Attorney at Law, P.O. Box 837, Boise, ID 83701.

Comments should refer to No. MC-F-15151.

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: March 4, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6295 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15126]

Rock Haulers, Inc.—Purchase Exemption—D.D.H., Inc.

Decided: March 7, 1983.

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 I.C.C. 113 (1982), Rock Haulers, Inc. (Rock Haulers), a noncarrier, and D.D.H., Inc. (D.D.H), a motor carrier holding authority in Certificate No. MC-149353 seek an exemption from the requirement of prior, regulatory approval under 49 U.S.C. 11343 for the acquisition by Rock Haulers of D.D.H.'s operating authority. The parties have failed to establish that the proposed transaction would otherwise be subject to our regulation under section 11343 and, accordingly, the petition for exemption will be dismissed.

The parties state that D.D.H. seeks to transfer its operating authority to Rock Haulers without compensation. In addition, they note that the stockholders, officers, and directors of D.D.H. and Rock Haulers are identical. Revenues of D.D.H. do not exceed $2 million.

The transaction proposed here is one involving the transfer of operating rights, a "split-up" of its authority, and therefore subject to 49 U.S.C. 10926. Compare *County of Marin* v. *United States,* 356 U.S. 412 (1958), and *See* No. MC-FC-71649, *Zimmerman Moving & Storage Co., Transferee and T. M. Zimmerman Company, Transferor* (not printed), decided May 25, 1970, which extended *County of Marin* to situations involving transfers of authority between horizontal corporate affiliates.

Even in the absence of *County of Marin* and *Zimmerman,* the transaction would still be a section 10926 transfer, since Rock Haulers is a noncarrier. Approval under 49 U.S.C. 11343 of its control in a common interest with D.D.H. is not required because D.D.H's revenues are below the $2 million jurisdictional threshold of section 11343(d)(1).

We may use the section 11343(e) procedures to exempt only transactions which would otherwise be subject to regulation under section 11343. Here the transfer of D.D.H's authority to Rock Haulers is not subject to regulation under that section, and, accordingly, the petition for exemption must be dismissed. The parties should refile using Form OP-FC-1 in accordance with the Commission's regulations set forth at 49 CFR Part 1181.

It is ordered:

The petition for exemption, filed pursuant to 49 U.S.C. 11343(e), is dismissed.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6287 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

Society of the Plastics Industry; Section 10706(a)(5)(A) Application No. 7

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of agreement and request for comment.

SUMMARY: Under the provisions of 49 U.S.C. 10706(a)(5)(A), shippers wishing to enter into an agreement among themselves to discuss the amount of compensation to be charged rail carriers for the use of privately owned cars must apply to the Commission for approval of the agreement. The Commission will approve the agreement only upon finding that it furthers the rail transportation policy set forth in 49 U.S.C. 10101a; if necessary, the commission can impose conditions to further that policy. If the agreement is approved, the antitrust laws do not apply to parties and other persons with respect to the making and carrying out of the agreement.

An application for approval of an agreement under 49 U.S.C. 10706(a)(5)(A) has been filed by The Society of the Plastics Industry on behalf of members who own or lease rail cars. the application may be inspected at the Office of the Secretary, Interstate Commerce Commission, in Washington, DC.

Comments are invited on the proposed agreement, with special attention to the following subjects:

(1) How will this agreement further the transportation policy set forth in 49 U.S.C. 10101a? (Is the requested antitrust immunity necessary?)

(2) Are there any anti-competitive effects that may result because of the agreement?

(3) What, if any, safeguards are necessary to ensure that the proposed agreement will not have an undesirable anti-competitive effect or suppress competition among members of the society?

(4) What other matters should the Commission consider in determining whether the agreement should be approved?

While it does not appear that this action will have a significant effect on the quality of the human environment or conservation of energy resources, comments on these issues are also invited.

DATES: An original and 10 copies of comments by interested parties should be filed by March 31, 1983.

ADDRESS: Comments should be addressed to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Louise E. Gitomer, (202) 275-7245.

(49 U.S.C. 10706(a)(5))

Dated: March 7, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6289 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-F-15131]

Stephen A. Lawrence, Alton S. Lawrence, Jay A. Lawrence, and E. Ross Flowers—Control Exemption—T-Line, 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*, 363 I.C.C. 113 (1982), Steven A. Lawrence, Alton S. Lawrence, Jay A. Lawrence, and E. Ross Flowers, who jointly control Lawrence Transportation Services, Inc., a non-carrier, which in turn controls Redwing Transportation Corporation (No. MC-148036), seek an exemption from the requirement under section 11343 of prior regulatory approval for their acquisition of control of T-Line, Inc. (No. MC-147913), through the purchase of all of T-Line's stock.

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register.**

ADDRESSES: Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423

and

(2) Petitioner's representative, Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, D.C. 20036.

Comments should refer to No. MC-F-15131.

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: March 7, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6294 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(3), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278, or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specifics	Review Board [1]	Decided date
843	Ann Arbor Railroad System, ICC-AA-C-0010 (Switching charges)	3	3-7-83
844	Burlington Northern Railroad Co., ICC-BN-C-0294, (Soda ash)	1	3-7-83
846	Norfolk and Western Railway Co., ICC-NW-C-7017, (Bituminous coal) Port of Charleston, SC	3	3-7-83
849	The Texas Mexican Railway Co., ICC-TM-C-31, Supplement 2, (Grain)	3	3-7-83
851	St. Louis Southwestern Railway Co., ICC-SSW-C-0386, (Lumber)	1	3-7-83

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6290 Filed 3-1-83; 8:45 am]

BILLING CODE 7035-01-M

Commission Issuance; Absentee Voting

AGENCY: Interstate Commerce Commission.

ACTION: Commission issuance.

SUMMARY: This notice adds a new procedure to the issuance that governs the Commission's internal operations. The procedure explains absentee voting by members of the Commission, and the circumstances under which such voting is permitted.

EFFECTIVE DATE: March 9, 1983.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King, 202-275-0956.

SUPPLEMENTARY INFORMATION: The Commission issuances are amended by adding the following provisions:

14. *Absentee Voting* (a) *General.* No Commissioner may delegate the authority to determine his or her vote in any matter requiring Commission action. A Commissioner may, however, vote when absent if the Chairman determines that one of the special cicumstances delineated below is met. The absent Commissioner's vote shall be based on his or her reasoned judgment after consideration of the details of the matter as explained to him or her by a member of the Commissioner's staff. The absent Commissioner must vote by a telephone call to the Chairman's office. The absent Commissioner must confirm the vote by telegram, mailgram or other written communication addressed to the Chairman and delivered no later than the close of business of the second succeeding working day.

(b) *Special Circumstances.* Absentee voting may be permitted if: (1) A majority is needed on a particular matter, and the Chairman determines that action is in the public interest; (2) a Commissioner notifies the Chairman's office at any time prior to the close of the voting period that he or she wishes to vote on a particular matter that will be voted upon while he or she is away; or, (3) a Commissioner notifies the Chairman that he or she is physically unable to be present because of illness, injury, or other incapacity.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

(49 U.S.C. 10306, 10321(a); 5 U.S.C. 553(b)(A))

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-6417 Filed 3-10-83; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisor Committee Act, notice is hereby given of the fifty-fifth meeting of the Board for International Food and Agricultural Development (BIFAD) on March 31, 1983.

The purpose of the meeting is to consider the AID-university Memorandum of Understanding process, progress and prospects; discuss the AID strategy papers in agriculture and nutrition and their relation to regional strategies; receive a status report on a proposed program for orientation and preparation of Title XII university personnel for AID overseas technical assistance contracts; hear a report on the activities of the Joint Committee on Agricultural Research and Development (JCARD); and meet with the BIFAD Support Staff to discuss staff actions and operational procedures.

The meeting will begin at 9:30 a.m. and adjourn at 12:15 p.m., and will be held in Room 1107, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meeting with the BIFAD Support Staff will begin at 8:00 a.m. and adjourn at 9:15 a.m. This meeting will be held in Room 1408, New State Department Building, 22nd and C Streets, NW., Washington, D.C. The meetings are open to the public. Any interested person may attend, may file written statements with the Board before or after the meetings, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meetings permit. An escort from the "C" Street Information Desk (Diplomatic Entrance) will conduct you to the meeting.

Dr. Erven J. Long, Coordinator, Research and University Relations, Bureau for Science and Technology, Agency for International Development, is designated as AID Advisory Committee Representative at this meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, International Development Cooperation Agency, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: March 8, 1983.

Erven J. Long,

AID Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 83-6382 Filed 3-10-83; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Advisory Committee on the Implementation of the Job Training Partnership Act; Establishment

In accordance with the provisions of the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA, the Secretary of Labor has determined that the establishment of the Advisory Committee on the Implementation of the Job Training Partnership Act (JTPA) is in the public interest in connection with the performance of duties imposed on the Department by the Job Training Partnership Act, Pub. L. 97-300, October 13, 1982.

The Committee will advise the Assistant Secretary on the transition issues from the Comprehensive Employment and Training Act (CETA) into programs authorized by JTPA. The Committee's objective and the scope of its activity wil be to:

1. Identify and assess options relating to the transition into the Job Training Partnership Act and out of CETA;

2. Encourage timely and accurate communication among all parts of the training and employment system;

3. Identify potential impediments to the development and implementation of training and employment programs, and

4. Engender a spirit of partnership throughout the implementation of the Job Training Partnership Act.

The Committee will consist of approximately 30 members including representatives of: (a) Private employers; (b) State governments, including both the executive and legislative branches; (c) local governments, including both cities and counties; (d) labor organizations; (e) community organizations; and (f) other related perspectives, including academe.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Its charter will

be filed under the Act 15 days from the date of this publication.

Interested persons are invited to submit comments regarding the establishment of the Advisory Committee on the Implementation of the Job Training Partnership Act. Such comments should be addressed to: Mr. Patrick J. O'Keefe, Director, Transition Task Force, Office of the Assistant Secretary, Employment and Training Administration, 601 D Street, NW., Room 8400, Patrick Henry Building, Washington, D.C. 20213; telephone (202) 376-8444.

Signed at Washington, D.C., this 8th day of March 1983.

Albert Angrisani,

Assistant Secretary of Labor for Employment and Training.

[FR Doc. 83-6376 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Extended Benefits; New Extended Benefit Periods in the States of Iowa and Rhode Island

This notice announces the beginning of new Extended Benefit Periods in the States of Iowa and Rhode Island, effective on February 20, 1983.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

In accordance with section 203(d) of the Act, each State unemployment compensation law provides that there is a State "on" indicator in the State for a week if the head of the State employment security agency determines that, for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured employment under the State unemployment compensation law equalled or exceeded the State trigger rate. The Extended Benefit Period actually begins with the third week following the week for which there is an "on" indicator. A benefit period will be in effect for a minimum of 13 consecutive weeks, and will end the third week after there is an "off" indicator.

Determination of "on" Indicator

The head of the employment security agency of each State named above has determined that the rate of insured unemployment in the State, for the period consisting of the week ending on February 5, 1983, and the immediately preceding 12 weeks, rose to a point that equals or exceeds the State trigger rate, so that for that week there was an "on" indicator in the State.

Therefore, new Extended Benefit Periods commenced in those States with the week beginning on February 20, 1983.

Information for Claimants

The duration of extended benefits payable in the new Extended Benefit Period, and the terms and conditions on which they are payable, are governed by the Act and the State unemployment compensation law. The State employment security agency of each State will furnish a written notice of potential entitlement to extended benefits to each individual who has established a benefit year in the State that will expire after the new Extended Benefit Period begins, and who has exhausted all rights under the State unemployment compensation law to regular benefits before the beginning of the new Extended Benefit Period. 20 CFR 615.13(d)(1). The State employment security agency of each State also will provide such notice promptly to each individual who exhausts all rights under the State unemployment compensation law to regular benefits during the Extended Benefit Period, including exhaustion by reason of the expiration of the individual's benefit year. 20 CFR 615.13(d)(2).

Persons who believe they may be entitled to extended benefits in a State named above, or who wish to inquire about their rights under the Extended Benefit Program, should contact the nearest State employment office or unemployment compensation claims office in their locality.

Signed at Washington, D.C., on February 28, 1983.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 83-6377 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act (Pub. L. 97-300); Proposed Allotment Methodology for Distribution of Funds to the Territories Under Title II, Part A, Section 201(a); Training Services for the Disadvantaged; Adult and Youth Programs

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice proposes an approach to the distribution of funds to Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands for programs under Title II-A, Section 201(a) of the Job Training Partnership Act (JTPA). There is no statutory formula for distributing funds among the territories.

FOR FURTHER INFORMATION CONTACT: Robert Colombo, Acting Director, Office of Employment and Training Programs, 601 D Street NW., Room 6402, Washington, D.C. 20213, telephone number (202) 376-6093.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Job Training Partnership Act (JTPA) requires that not more than $5,000,000 be allotted among Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, There is not statutory formula for distributing the $5,000,000 among the territories.

In the past (under CETA) the territories' allotments were tied to the appropriation and went up or down as the appropriation went up or down.

In an atttempt to be consistent with the statutory formula for allotment among the States, the following formula is proposed:

1. 100 percent of the $5,000,000 be allotted on the basis of the relative population (as published by the U.S. Bureau of the Census) residing in each territory as compared to the total population residing in all territories.

2. No territory shall be allotted less than 90 percent of its allotment percentage for the fiscal year preceding the fiscal year for which the determination is made. For the purpose of this allotment process, the allotment percentage for each territory for the Fiscal Year 1982 is the percent that each territory received in 1982, pursuant to the total of such allocations for all territories made under CETA in Fiscal Year 1982. For each succeeding fiscal year the allotment percentage of a territory shall be the percentage which the territory received of allotments pursuant to this allotment formula.

The population data will be updated annually, No unemployment data are available for the territories.

DATE: Comments must be submitted on or before April 11, 1983.

ADDRESS: Comments should be addressed to Robert Colombo, Acting Director, Office of Employment and Training Programs, 601D Street, NW., Room 6402, Washington, D.C. 20213.

Signed this 7th day of March 1983.

Joyce Kaiser,

Associate Assistant Secretary for Employment and Training.

[FR Doc. 83-6381 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-83-11-C]

Peabody Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Peabody Coal Company, 301 North Memorial Drive, St. Louis, MO 63102 has filed a petition to modify the application of 30 CFR 77.1605(k) (berms and guards) to its Black Mesa Surface Mine (I.D. No. 02-00533) located in Navajo County, Arizona. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that berms or guards be provided on the outer bank of elevated roadways.

2. The surface mining operation is multiple seam method that requires equipment within the pits to travel upon the coal seam or parting.

3. Petitioner states that installation of berms on the coal seam and parting within the working area of the pits would result in a diminution of safety for the miners affected because:

a. Equipment must be used extremely close to the edge in order to place the berms;

b. The berms obscure vision, especially at night and during inclement weather.

4. As an alternate method, petitioner proposes to:

a. Mark the boundary of coal seams by use of eight-foot tall warning tubes placed at suitable intervals;

b. Make frequent inspection of the boundary tubes to determine their adequate placement and repair;

c. Continue a regular program of safety instruction on the specific hazards involved with equipment near the edge.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 11, 1983. Copies of the petition are available for inspection at that address.

Dated: March 7, 1983.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 83-6379 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-43-M

Office of Pension and Welfare Benefit Program

Employee Benefit Plans; Prohibited Transaction Exemptions

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

A. G. Edwards Directed Investment Retirement Plan for Self-Employed Individuals (Keogh), Retirement Accounts, Inc. (the Plan), Located in El Paso, Texas

[Application No. D-3493]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale of certain partnership

interests by the Plan to Cliff Electrodiagnostic, Inc. (Cliff), a party in interest with respect to the Plan, for the total amount of $10,500, provided that the terms of the sale are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party on the date of sale.

Summary of Facts and Representations

1. The Plan is a self-directed Keogh plan with two participants. The Plan trustee is A. G. Edwards (the Trustee), a national stock brokerage firm. The Plan was adopted in 1977 by the medical practice of Martin Heitzman, M.D. (Dr. Heitzman) for its employees. The two participants in the Plan are Dr. Heitzman and Phyllis Geary, a common law employee of the medical practice. Contributions to the Plan ceased in 1981 when Dr. Heitzman incorporated his practice. As of December 10, 1982, Dr. Heitzman's account in the Plan had total assets of $29,428.

2. In August of 1981, Dr. Heitzman directed the Trustee to acquire five units of ownership (the Partnership Interests) in El Paso Medical Laboratory, Ltd. (the Partnership) for his individual account at a cost of $10,000.

3. Dr. Heitzman requests an exemption to permit him to sell the Partnership Interests to Cliff, a Texas corporation in which he owns a 50 percent interest. Dr. Heitzman wishes to sell the Partnership Interests because they will not generate significant earnings for some time, and he now believes that the Partnership Interests are a poor investment for his account in the Plan.

4. Dr. Heitzman proposes to sell the Partnership Interests to Cliff for $2,100 per unit. This would be a total sales price of $10,500 for the Partnership Interests payable in cash. Dr. Heitzman represents that this price represents fair market value because on May 18, 1982 an unrelated third party acquired two units of the Partnership at $2,100 per unit.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(1) The transaction will be a one-time, cash transaction;

(2) The Plan will be able to divest itself of a low income producing investment which has proven difficult to sell to an unrelated party;

(3) The Plan will receive fair market value for the Partnership Interests; and

(4) The only Plan participant to be affected by the proposed transaction will be Dr. Heitzman and he requests that the transaction be consummated.

Notification of Interested Persons: Because Dr. Heitzman is the only person affected by the transaction, there is no need to distribute notice to interested persons. Comments and hearing requests are due 30 days after publication in the **Federal Register.**

For Further Information Contact: Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Emjay Corporation Master Profit Sharing Trust and Plan (the Trust) as Adopted by the Warner S. Bump Medical Group, S.C. Profit Sharing Plan and Trust (the Plan), Located in Rhinelander, Wisconsin

[Application No. D-3763]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed loan of funds by the Plan to Warner S. Bump Medical Group, S.C. (the Employer), the sponsor of the Plan, and the Warner S. Bump Medical Building (the Partnership), parties interest with respect to the Plan, provided that the terms and conditions of the loans are not less favorable to the Plan than those obtainable in similar transactions with an unrelated third party.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 78 participants. As of March 31, 1982, the Plan had net assets of $1,764,618. The Plan adopted the Trust on April 2, 1979. Three principals of the Employer, Drs. George F. Pratt, John F. Brown and Leo G. Norden constitute an administrative committee which directs the trustee of the Trust, Mr. Louis A. Maier III, as to Plan investments.

2. The Employer is a medical clinic located in Rhinelander, Wisconsin. As of November, 1982, the Employer employed 16 physicians of which 14 are equal shareholders of the Employer. As of January 1, 1983, the Partnership consisted of 13 partners, many of whom are shareholders of the Employer. The Partnership was formed for the purpose of owning, operating and leasing real estate to be used in the practice of medicine.

3. The applicant is requesting an exemption to allow the Plan to loan $114,800 to the Partnership (Partnership Loan) and $64,000 to the Employer (Employer Loan). The proceeds from the Partnership Loan will be used by the Partnership to refinance indebtedness incurred with respect to the acquisition of two parcels of real property located adjacent to the Employer's main facility, and the renovation and construction of portions of the second floor of the Employer's main facility. The total purchase price of the two parcels of real property was $51,500, and the total cost of the renovation will be approximately $115,000. The proceeds from the Employer Loan will be used to refinance indebtedness incurred with respect to the purchase by the Employer of data processing equipment (the Equipment) on March 30, 1982. The total cost of such equipment, excluding sales tax, was $60,942. The Equipment was purchased from SSI/MSI, located in Milwaukee, Wisconsin.

4. The terms of each loan will provide for the payment of interest on its unpaid principal balance at a rate the greater of 1½% above the prime rate as quoted by the First National Bank of Minneapolis, or 8%. The interest rate will be adjusted monthly. The Partnership Loan will be repaid in 120 equal monthly installments, and the Employer Loan will be repaid in 48 equal monthly installments.

5. The loans will be secured by a perfected first security interest in the Equipment and any and all additions made to the Equipment, and in all accounts receivable owned and to be owned in the future by the Employer. As of September, 1982, the accounts receivable had a face value of $903,622. The average balance in the outstanding accounts is $74.45, and in 1982 a reserve for bad debts of 4.5% was established. As of September, 1982, receivables having a value of $365,176 were outstanding for greater than 120 days. In addition to the previously mentioned collateral, the Partnership Loan will also be secured by a duly recorded first mortgage on the two parcels of real property recently acquired by the Partnership. The Employer will insure all of the collateral for the loans against fire or other loss and the Plan will be the named insured of such insurance policies.

6. The partners of the Partnership will jointly and severally guarantee the repayment of the loans. The partners have a net worth, as of May, 1982, in excess of $2.7 million.

7. The Richfield Bank & Trust Co. (the Bank), located in Richfield, Minnesota,

will serve as the fiduciary for the Plan with regard to the assets of the Plan to be involved in the loan transactions. The Bank does not maintain any commercial and/or business relationships with the Employer. The Bank has broad experience in pension and profit sharing plan administration, and has general investment and management expertise. The Bank has reviewed the terms of the loans and has initially detemined that the loans are appropriate investments of the Plan, and will be in the best interests of the Plan and its participants and beneficiaries. The Bank has determined that the interest rates of the loans are appropriate interest rates. The Bank has reviewed the value of the properties, computer equipment, and accounts receivable which will act as security for the proposed loans and believes that such collateral is adequate to secure the loans.

8. The Bank will have final administrative authority and control over the loans, and will monitor and enforce the performance of the Employer's and the Partnership's obligations under the loans. Additionally, the Bank's duties will include, but not be limited to, the monthly adjustment of the loans' interest rates, the determination of any need for the provision of additional collateral to ensure that the total value of the collateral securing the loans remains in excess of 150% of the outstanding balance of the loans, determining whether adequate insurance on all collateral is maintained to protect against a loss by fire or other damage, and the execution and filing of a valid security agreement, financing statement and first mortgage in favor of the Plan.

9. In summary, the applicant represents that the proposed loans will satisfy the statutory criteria of section 408(a) of the Act because: (a) The loans will be secured by a perfected first security interest and a duly recorded first mortgage in insured collateral which has a value greatly in excess of the outstanding balance of the loans; (b) the Bank, an independent qualified party will serve as the fiduciary of the Plan with regard to the loans and has determined that the loans are appropriate and in the best interests of the Plan; and (c) the Bank will completely monitor the loans and enforce the performance of the Employer's and the Partnership's obligations under the loans.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Tarboro Clinic, P.A. Restated Money Purchase Pension Plan (the Money Purchase Plan) and the Tarboro Clinic, P.A. Restated Profit Sharing Plan (the Profit Sharing Plan; collectively, the Plans), Located in Tarboro, North Carolina

[Application Nos. D-3780 and D-3781]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the past purchases totaling 240 shares of the common stock of the Edgecombe Bank and Trust Company (Edgecombe) from Dr. Victor Herring III (Herring), by the individual accounts of Herring in the Plans provided that the price paid for such stock was not greater than the fair market value of the stock at the time of the transactions. Herring is a director of the Tarboro Clinic, P.A., the sponsor of the Plans and at the time of such purchases was a director of Edgecombe.

1. The Plans are administered under a single trust by the Branch Banking and Trust Company (the Bank) located in Tarboro, North Carolina, which is the trustee of the Plans. Pursuant to the Plans' documents, participants of the Plans may direct the investments of their individual accounts.

2. At his own direction, on April 13, 1977, Herring sold to his individual accounts 100 shares of common stock of Edgecombe, a bank which was formerly the trustee of the Plans and which subsequently merged with the Bank. The price of the Edgecombe common stock per share in such transaction was $26.50. The price of $26.50 was established by the Bank on the basis of an estate tax valuation which had been performed by the Bank. The Bank represents that such estate tax valuation was used because at the time of the transaction the lack of a trading market in the edgecombe common stock prevented obtaining a market price quotation. This purchase involved 12.66% of Herring's individual account balances at the time of this transaction. The Pension Plan received 24.08 shares, having contributed $638.12 of the purchase price, and the Profit Sharing Plan received 75.92 shares, having contributed $2,011.88 of the purchase price. The applicant represents that this allocation of shares received by each Plan was mandated by the terms of the trust instrument of the Plans. At his own direction, on February 5, 1979, Herring sold to his individual accounts 100 shares of common stock of Edgecombe. The price of the stock per share in such transaction was $25.875, which was the prevailing bid price obtained by the Bank from Merrill, Lynch, Pierce, Fenner, and Smith, Inc. (Merrill Lynch) and Wheat First Securities, Inc., both of which are New York Stock Exchange member brokers that maintained market positions in the Edgecombe common stock at the time of this transaction. This purchase involved 9.24% of Herring's individual account balances at the time of this transaction. The Pension Plan received 24.08 shares, having contributed $623.07 of the purchase price, and the Profit Sharing Plan received 75.92 shares, having contributed $1,964.43 of the purchase price. This allocation between the Plans was mandated by the terms of the trust instrument of the Plans. At his own direction, on July 13, 1979, Herring sold to his individual accounts 40 shares of the common stock of Edgecombe. The price of the Stock per share in such transaction was $26.625, which was the prevailing bid price obtained by the Bank from Merrill Lynch and Wheat First Securities, Inc. Both of which maintained market positions in the Edgecombe stock at the time of the transaction. This purchase involved 3.35% of Herring's individual account balances at the time of this transaction. The Pension Plan received 9.63 shares, having contributed $256.45 of the purchase price, and the Profit Sharing Plan received 30.37 shares, having contributed $808.55 of the purchase price. This allocation between the Plans was mandated by the terms of the trust instrument of the Plans.

3. The total cumulative investment of Herring's individual accounts in purchases of the Edgecombe common stock from Herring amounted to 19.84% of Herring's individual account balances following the final purchase. The shares of the Edgecombe common stock purchased from Herring have at all times been held in Herring's individual accounts and have not been commingled with other assets of the Plans. The purchases of Edgecombe common stock from Herring did not involve any brokerage commissions or other expenses. Herring's individual accounts in the plans are 100% vested.

4. At the time of each transaction, Herring was a director of Edgecombe. The applicant represents that the directorship provided only nominal economic benefit to Herring involving only the receipt of meeting attendance fees. The applicant represents that the Edgecombe common stock was purchased by the Plans because it was a desirable investment for his individual accounts. In addition, the Bank represents that such purchases were in the best interests of the individual accounts for which the Edgecombe common stock was purchased. The Bank has also certified that the prices of the Edgecombe common stock purchased for Herring's individual accounts represented the fair market value of the Edgecombe common stock at the time of each purchase.

5. In summary, the applicant represents that the transactions satisfied the statutory criteria of section 408(a) of the Act because: (1) The trustee of the Plans has certified that the transactions were in the best interests of the individual accounts for which the purchases were made; (2) the Edgecombe common stock was sold to Herring's individual accounts at the prevailing fair market price as certified by the Bank; and (3) the only assets of the Plans affected by the transactions are those in Herring's individual accounts and he directed the purchases in accordance with the provisions of the trust instrument of the Plans.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free Number.)

Gerber & Linton Self-Employed Retirement Plan—H.R. 10 Plan (the Plan), Located in Reading, Pennsylvania

[Application No. D-3918]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722. If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the loans (the Loans) made by the Plan on October 19, 1982 to Mr. Jack A. Linton and Mr. Bernard R. Gerber, respectively, both of whom are owner-employees with regard to the Plan as defined in section 401(c)(3) of the Code. The Loans involve only the individual Plan accounts of Messrs. Linton and Gerber. Section 408(d)(1) of Title I of the Act provides that the Department lacks authority to grant an exemption under section 408(a) of the Act for loans by a Plan to an owner-employee. Therefore, the Department cannot grant an exemption under Title I for the Loans. However, there is jurisdiction under Title II of the Act, pursuant to section 4975 of the Code. The applicant recognizes that the exemptive relief proposed herein would not apply to prohibited transactions described in Title I of the Act.

Effective Date: The effective date of the proposed exemption, if granted, will be October 19, 1982.

Summary of Facts and Representations

1. The Plan is a defined contribution plan with five participants and net assets of $116,590.09 as of October 19, 1982. The Plan trustee (the Trustee) is American Bank and Trust Company. While the Trustee has fiduciary authority and responsibility with regard to Plan assets, Messrs. Linton and Gerber directed the Trustee to make the Loans from their respective nonforfeitable accrued individual Plan accounts.

2. On October 19, 1982, the Plan made Loans of $22,500 to Mr. Linton and $10,500 to Mr. Gerber. Each Loan bears an annual interest rate of 16¼% and a term of five years with payments of interest only until the end of the Loan term. The security for each Loan is the nonforfeitable accrued benefit of the borrower, which was $55,417.16 for Mr. Linton and $57,949.28 for Mr. Gerber at the time the Loans were made. The net worth of Messrs. Linton and Gerber is substantially in excess of the amounts of their respective Loans. The terms of the Loans were arrived at in consultation with the Trustee. The interest rate reflects the rate charged by the Trustee bank to its customers for similar loans at the time the Loans were made.

3. In summary, the applicants represent that the Loans satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The Loans involve only the respective individual accounts of Messrs. Linton and Gerber;

(b) The terms of the Loans were arrived at in consultation with the Trustee;

(c) The interest rate payable under the Loans was determined by comparison with rates charged by the Trustee bank for similar loans; and

(d) The security for each Loan greatly exceeds the amount of the Loan.

For Further Information Contact: Mr. Robert Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

The Group Health Cooperative of Puget Sound Staff Pension Plan (the Plan), Located in Seattle, Washington

[Application No. D-3950]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to certain transactions involving the contribution, sale and purchase of "no-load" mutual fund shares (the "No-Load" Mutual Fund Shares) between the Plan and professional and administrative employees (the Participants) of the Group Health Cooperative of Puget Sound (the Employer), provided all purchases and sales of the "No-Load" Mutual Fund Shares are conducted at fair market value and all Participant contributions of "No-Load" Mutual Fund Shares are valued at their fair market value on the date contributed.

Summary of Facts and Representations

1. The Employer is a health maintenance organization serving the Seattle, Olympia and Tacoma, Washington metropolitan areas. The Employer serves over 240,000 subscribers and employs more than 3,500 individuals.

2. The Plan is an integrated, defined contribution plan providing benefits to approximately 300 participants who are employed in professional and administrative positions. The Plan does not cover individuals employed by the Employer on a temporary or contractual basis nor does it include those persons employed in a residency program. As of December 31, 1981, the Plan had total assets of $19,041,252. The trustee of the Plan (the Trustee) is the Rainier National Bank, a national banking concern having its principal office in Seattle, Washington.

3. The Plan contains three types of Participant accounts whereby individual Participants direct their investments. The first type of account is the Employer Contribution Account which reflects contributions made by the Employer to the Plan. The second type of account is the Participant Contribution Account which includes both voluntary contributions by Participants and pre-

1971 mandatory contributions. The third kind of account is the Rollover Account to which rollover amounts are transferred pursuant to applicable Code provisions.

4. Participants in the Plan are afforded a broad range of options as to the investment of their account balances. A Participant may direct any portion of his/her accounts be held in one of four Commingled Investment Funds: a General Fund, a Fixed Income Fund, an Equity Fund and a Short Term Money Market Fund. In addition, a Participant may request that any portion of his/her accounts be held in one or more Individually Directed Portfolios (the Portfolios): the Mutual Fund Portfolio, consisting of "load"-type mutual funds (the "Load" Mutual Fund Shares) which are selected by the Participant and held in the name of the Trustee for the benefit of the Participant; the Treasury Issue Portfolio which holds U.S. Treasury bills, notes and bonds; the Insurance Portfolio which consists of life insurance and annuity contracts selected by the Participant and held by the Trustee; and the Broker Portfolio which consists of assets purchased through a stock brokerage firm chosen by the Participant.

5. On July 20, 1982, at 47 FR 31459, the Department granted Prohibited Transaction Exemption (PTE) 82-118 which permitted the contribution, sale or purchase of "Load" Mutual Fund Shares, U.S. Treasury shares and other securities. Participants are allowed to engage in these transactions with the Portfolios maintained by the Plan. Pursuant to PTE 82-118, a Participant is permitted to contribute, sell or purchase "Load" Mutual Funds Shares held in the Mutual Fund Portfolio; individual life insurance contracts and annuities held in the Insurance Portfolio subject to the limitations of PTEs 77-7 and 77-8,[1] and other securities held in the Broker Portfolio and which appear on an approved list of securities issued by brokerage firms approved by the Employer.[2] The transactions are permitted to the extent they do not contravene the Plan's articles. However, certain investments are expressly prohibited, e.g., commodity contracts, tax exempt municipal bonds, securities issued by the Employer or other participating employers and securities purchased on margin or acquired subject to margin restrictions.

[1] The Department did not propose an exemption for the purchase or sale of insurance contracts beyond that provided in PTEs 77-7 and 77-8.

[2] Ten brokerage firms which are members of the New York Stock Exchange have been approved by the Employer.

6. PTE 82-118 also imposes additional restrictions on the transactions. For example, all securities are to be traded on a national or regional securities exchange or with the brokerage firm acting as principal. No private sales or placements are permitted. In addition, the values of the securities, "Load" Mutual Fund Shares and Treasury issues involved in the transactions are to equal their fair market valuations as of the end of the day of actual transfer. Such values are to be based on listings appearing in *The Wall Street Journal.* Where separate bid and asked for quotes are given, the value taken is the average of two quotes.

7. Participants who wish to engage in the transactions described in PTE 82-118 are not permitted to deal directly with the financial institutions, brokerage houses or mutual fund companies involved. All such transactions, which are subject to annual audit by an independent accounting firm, are to be conducted by the Employer at the Participant's request and in accordance with detailed procedures. Essentially, the Employer is to inform the Trustee to transfer securities from the Participant's personal account to the Participant's account under the Plan (or vice versa) and then cause funds to be remitted to the Participant or collected from the Participant.

8. An exemption is requested to expand the terms of PTE 82-118 by allowing Participants to contribute, sell and purchase "No-Load" Mutual Fund Shares. Specifically, the proposed exemption will give Participants the opportunity to: (a) Take "No-Load" Mutual Fund Shares held as personal assets outside the Plan and contribute those shares to the Participant's individually-directed Mutual Fund Portfolio held by the Plan; (b) take "No-Load" Mutual Fund Shares held as personal assets outside the Plan and sell those shares to the Participant's individually-directed Mutual Fund Portfolio held by the Plan; and (c) direct the Trustee to allow the Participant to purchase "No-Load" Mutual Fund Shares from the Participant's individually directed Mutual Fund Portfolio held by the Plan. The proposed transactions will be conducted in accordance with the procedures and limitations prescribed in PTE 82-118. It is represented that the proposed exemption will result in increased flexibility for individual Participants, and it is likely to encourage voluntary contributions by Participants to the Plan.

9. In summary, it is represented that the proposed transactions will satisfy the statutory criteria of section 408(a) of the Act because: (a) The market value of "No-Load" Mutual Fund Shares is readily determinable and all transactions will be comparable to open market transactions; (b) the transactions will result in increased flexibility for the Participants; and (c) all transactions will be conducted on the specific instructions of the Participant, and only such Participant's accounts will be affected by the transaction.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the partcipants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and

that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 8th day of March 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-6355 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in.

Each entry will contain the following information:

The Agency of the department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected,

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Arnold Strasser, Telephone 202-395-6880, Office of Information and Regulatory Affairs,Office of Management and Budget, Room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Reinstatement

Mine Safety Health Administration

- Noise Data Report Form

MSHA 214
Semiannually and annually
Businesses or other institutions; small business or organization
SIC: 111 and 121
175,000 responses; 12,430 hours
Requires coal mine operators to report to MSHA the environmental noise levels to which each miner is exposed. The purpose of these reports is to monitor the noise levels miners are exposed to so as to prevent a noise induced hearing loss.

Escape and Evacuation Plan
MSHA 400
Other: As configuration of mine changes
Businesses or other institutions; small business or organization
SIC: Multiple
900 responses; 21,600 hours
Requires development of a specific escape and evacuation plan for each underground metal and nonmetallic mine. It additionally requires revisions as mining progresses, availability to the inspector, conspicuous posting for the benefit of affected miners.

Signed at Washington, D.C. this 8th day of March 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83-6378 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the National Panel will be held at 806 15th Street, NW., Washington, D.C. 20506.

DATE: April 1, 1983.

Time: 9:00 a.m. to 5:30 p.m.

Room: 1134.

Program: This meeting will review applications submitted for Research Materials: Computer Panel, Division of Research Programs, for projects beginning after July 1, 1983.

The proposed 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. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial of financial information obtained from a person and privileged of confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting 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 about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 83-6362 Filed 3-10-83; 8:45 am]

BILLING CODE 7536-01-M

Institute of Museum Services; Museum Assessment Program

AGENCY: Institutes of Museum Services, NFAH.

ACTION: Grant application announcement for fiscal year 1983.

SUMMARY: *This grant application announcement applies only to the Museum Assessment Program (MAP).* Following the date of publication of this announcement the Institute of Museum Services (IMS) will be receiving applications for grants under the Museum Assessment Program (MAP) under 34 CFR 64.20 through 64.26 for Fiscal Year 1983.

Nature of Program: The Director of IMS makes grants under the Museum Assessment Program to assist museums in carrying out institutional assessments (34 CFR 64.20). The program is designed to help museums—particularly those with small budgets—to provide better services and broaden their bases of private and other non-Federal financial support through an independent professional assessment of their programs and operations. A museum as defined in 34 CFR 64.3 may apply for a MAP grant (34 CFR 64.21(a)). A museum which receives a MAP grant for a fiscal year may not receive another MAP grant in the same or any subsequent fiscal year (34 CFR 64.21(b)). Accordingly, a museum which received a grant under the MAP program in Fiscal Year 1981 (the only prior fiscal year in which grants were made) is ineligible for such assistance in Fiscal Year 1983 or any subsequent fiscal year. A museum which applies for a MAP grant for Fiscal Year 1983 is not barred from applying for or receiving a General Operating Support or Special Project grant for Fiscal Year 1983.

A museum must use the grant for assessment assistance to pay for: expenses of institutional assessment such as registration fees; surveyor honoraria; travel and other expenses of a surveyor; and technical assistance materials (34 CFR 64.22). The amount of a MAP grant to a museum may not exceed $600 (34 CFR 64.23(b)).

Grant Application Procedures: Under 34 CFR 64.24, the Director considers an application (*on a form supplied by IMS*) by a museum for a grant for assessment assistance only if: (1) The museum first applies for assessment to an appropriate professional organization as defined in the regulations and (2) that professional organization notifies IMS that the application (to the professional organization) for assessment is *complete* and that the museum applying for assessment is *eligible* to participate as a museum as defined in 34 CFR 64.3 of the regulations. The American Association of Museums (AAM) is an organization which has been designated under 34 CFR 64.24 as an appropriate professional organization. To participate in the assessment program, a museum must apply to AAM and complete the self-study questionnaire provided by AAM.

In order to avoid needless paperwork by museums, IMS supplies an application form and instructions to a museum *only after* the professional organization had notified IMS that the museum qualifies under the above-described procedures. Applications are supplied by IMS to such museums until available funds are exhausted or until May 6, 1983, whichever first occurs. Accordingly, a museum interested in the program should first apply to the professional organization (AAM). Interested museums should contact AAM for further information: The American Association of Museums, 1055 Thomas Jefferson Street, N.W., Washington, D.C. 20007. Telephone (202) 338-5300.

The Director approves applications meeting the MAP grant requirements on a *first-come, first-served basis,* (*i.e., in* the order in which an application is received and has been determined to have met such requirements) (34 CFR 64.25). Applications are approved for awards, subject to the availability of funds, until a given date in the fiscal year established by publication in the **Federal Register.** For Fiscal Year 1983, IMS establishes such date as June 6, 1983. There are *no* selection criteria (34 CFR 64.25(b)). Matching requirements do *not* apply (34 CFR 64.24(c)), H.R. Rept. No. 97-978, 97th Cong. 2d Sess. 42 (1982).

Applicable Regulations: Applicable regulations are found in 34 CFR 64.20 through 64.26, also published in 46 FR 33247 (June 29, 1981) and other related provisions in 34 CFR Part 64. (These regulations and the procedures set forth therein were the regulations and procedures used in conducting the program in Fiscal Year 1981.)

IMS has recently published proposed regulations for its General Operating Support and Special Project support grants, (47 FR 57871 (Dec. 21, 1982)). Because IMS funds only recently became available for MAP for Fiscal Year 1983 and because IMS desires to make this assistance available to museums as soon as possible in the fiscal year, IMS is not able to develop new proposed regulations for the MAP program for Fiscal Year 1983. IMS believes that the current regulations already in effect (34 CFR 64.20 through 64.26 and related provisions) are adequate and reflect simple procedures which will not be overly burdensome to museums. When the proposed GOS/SP regulations published on December 21, 1982 are published in final form, IMS anticipates that it will also republish current MAP regulations (in Subchapter E of Title 45 CFR) so that all IMS regulations are found in one place in the Code of Federal Regulations under the heading of the National Foundation on the Arts and the Humanities.

In applying the current regulations for Fiscal Year 1983, IMS will observe the following as a result of legislation enacted since the regulations were promulgated:

(1) The Interior Department and Related Agencies Appropriation Act, 1983, provides that IMS shall hereafter be an entity within the National Foundation on the Arts and the Humanities rather than the Department of Education. Accordingly, references in the regulations to the Secretary of Education should be deemed to be references to the Director of IMS.

(2) Although the regulations provide that the aggregate amounts of the grants under the MAP program may not exceed $24,000 for a fiscal year (34 CFR 64.23(c)), the legislative history of the Interior Department and Related Agencies Appropriation Act, 1983, indicates that up to $120,000 may be spent for the Museum Assessment Program in Fiscal Year 1983. (Cong. Rec. S. 14302 (Daily Ed., Dec. 9, 1982)). Accordingly, the aggregate amount of the grants for assessment assistance under MAP will not exceed $120,000 for Fiscal Year 1983.

(3) In view of the the transfer of IMS out of the Education Department effected by the Interior Department and Related Agencies Appropriations Acts for Fiscal Years 1982 and 1983, Pub. L. 97-210 and 97-394 and consistent with consideration by the National Museum Services Board, of general regulations for the Institute, IMS will not apply provisions of the Education Department General Administrative Regulations (EDGAR) to Fiscal Year 1983 MAP grants.

Further Information: For further information contact Mary Kahn, Grants Director, Institute of Museum Services, Mary Switzer Building, Room 4006, 330 C Street, S.W., Washington, D.C. 20202. Telephone (202) 426-6577.

(Catalog of Federal Domestic Assistance No. 45.301 Institute of Museum Services)

Dated: March 9, 1983.

Lilla Tower,

Director, Institute of Museum Services.

[FR Doc. 83-6450 Filed 3-10-83; 8:45 am]

BILLING CODE 4000-02-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment To Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 92 to Facility Operating License No. DPR-31, and Amendment No. 86 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications to be consistent with the Regulations 10 CFR 50.54(t) and 10 CFR 73.40(d) which require Emergency Plans and Security Plans be independently audited at least every 12 months.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments are not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) The application for amendments dated February 1, 1983; (2) Amendment Nos. 92 and 86 to License Nos. DPR-31 and DPR-41; and (3) the Commission's related letter dated March 1, 1983. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of March 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-6370 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-498 and 50-499]

Houston Lighting and Power Co., South Texas Project, Units 1 and 2; Issuance of Director's Decision

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has denied the petition filed by Mr. Lanny Sinkin on August 4, 1982 on behalf of the Concerned Citizens About Nuclear Power, Inc. The petition has been treated pursuant to 10 CFR 2.206 of the Commission's regulations.

The petition addressed numerous allegations dealing with deficiencies in design and construction and non-compliance with Commission regulations and criteria. The allegations were based on findings contained in a report prepared by the Quadrex Corporation for the Applicant, Houston Lighting and Power Company. The petitioner requested that the Commission suspend construction of the Applicant's South Texas Project, direct an immediate third party review of the project's design, and establish an Atomic Safety and Licensing Board to hold hearings on the alleged design deficiencies identified in the Quadrex Report.

The Staff has concluded that the findings in the Quadrex Report were addressed in an adequate and timely fashion by the Applicant and that no violation of Commission regulations occurred in the handling and disposition of the report. Therefore, the petitioner's request has been denied.

The reasons for the above conclusions are put forth in a "Director's Decision Under 10 CFR 2.206" which is available in the Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C. 20555; at the Bay City Library, 1900 Fifth Street, Bay City, Texas 77414; and at the Austin Public Library, 810 Guadalupe Street, Austin, Texas 78768.

A copy of the decision is being filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

Dated at Bethesda, Maryland this 3rd day of March 1983.

For the Nuclear Regulatory Commission.

Edson G. Case,

Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc. 83-6371 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-352A and 353A]

Philadelphia Electric Co.; Receipt of Antitrust Information

The Philadelphia Electric Company has submitted antitrust information accompanying its application for operating licenses for two boiling water nuclear reactors (known as Limerick Generating Station, Units 1 and 2) near Pottstown, in Limerick Township, Montgomery County, Pennsylvania. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of the staff's antitrust review, the Director of Nuclear Reactor Regulation will issue an intitial finding as to whether there have been "significant changes" under Section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington, D.C. and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and coping for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the local public document room at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Any persón who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect

to significant changes related to antitrust matters which have occurred in the applicant's activities since the construction permit antitrust review should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Office of Nuclear Reactor Regulation, on or before April 14, 1983.

Dated at Bethesda, Maryland, this 2nd day of March 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-6372 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-537]

United States Department of Energy, Project Management Corp., Tennessee Valley Authority (Clinch River Breeder Reactor Plant) 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 construction permit proceeding. As reconstituted, the Appeal Board for this proceeding will consist of the following members:

Gary J. Edles, Chairman
Dr. W. Reed Johnson
Howard A. Wilber

Dated: March 7, 1983.

Barbara A. Tompkins,

Secretary to the Appeal Board.

[FR Doc. 83-6373 Filed 3-10-83; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee; Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on: Thursday, April 7, 1983; Thursday, April 14, 1983; Thursday, April 21, 1983; Thursday, April 28, 1983.

These meetings will convene at 10 a.m. and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

Dated: March 2, 1983.

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

[FR Doc. 83-6213 Filed 3-10-83; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13074; 812-5385]

IMI Commercial Paper, Inc.; Application

March 4, 1983.

In the matter of IMI Commercial Paper, Inc., 21 Dupont Circle, NW., Washington, D.C. 20036 (812-5385) application for order prusuant to Section 6(c) of the Act exempting applicant from all provisions of the Act.

Notice is hereby given that IMI Commercial Paper, Inc. ("Applicant") filed an application on November 24, 1982, and an amendment thereto on January 5, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of 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.

Applicant, a Delaware corporation, is a wholly-owned subsidiary of IMI International Holding S.A., a Luxembourg corporation ("Holding") which, in turn, is a wholly-owned subsidiary of Istituto Mobiliare Italiano ("IMI"), a government-controlled, statutory entity. Applicant proposes to issue and sell its commercial paper notes (the "Notes") in the United States commercial paper market and utilize the net proceeds of sale thereof to make advances (the "Advances") to two wholly-owned subsidiaries of Holding, Industrial Mulitinational Investments Limited, a Jersey, Channel Islands corporation ("IMIL") and The Euram Corporation, a Delaware corporation ("Euram") (together with IMIL, the "Designated Subsidiaries"), for use by the Designated Subsidiaries in making loans and extending credit in the ordinary course of their businesses. Applicant states further that payment of amounts owed by Applicant in respect of the Notes will be supported by an irrevocable letter of credit (the "Letter of Credit") to be issued by Bankers Trust Company ("Bankers") pursuant to a Credit Agreement (the "Credit Agreement") among Applicant, the Designated Subsidiaries, Bankers,

certain other banks (together with Bankers, the Banks), and Bankers, as agent for the Banks. Applicant states that is obligations to the Banks will be irrevocably and unconditionally guaranteed by IMI. Substantially all of the Applicant's assets will consist of its right to receive repayment from the Designated Subsidiaries of the Advances made by the Applicant to the Designated Subsidiaries.

Applicant states that IMI was established under Italian law in 1931 by Royal Decree Law No. 1398 as an Ente di Diritto Publico (Public Law Institute), a government-controlled, statutory entity with corporate status. The application states that IMI is managed by a twenty-member board of directors whose composition is established by Italian law and IMI's by-laws. Applicant states that nine members of IMI's board of directors are appointed by the Italian government and act as its representatives thereto. Applicant states further that the eleven remaining directors are elected by the holders of IMI's equity capital. According to the application, IMI's purpose is to contribute to the development and strengthening of the Italian economy by carrying out credit and financial transactions, principally through the extension of medium and long-term credit to public and private sector entities. IMI also provides export credit financing to finance the export of goods and products manufactured in Italy. The application further states that, through wholly-owned or majority-owned direct and indirect subsidiaries incorporated in Italy and elsewhere, IMI engages in a variety of activities incidental to its principal business. Those activities include finance company lending, financial consulting services, real estate investment, management of an investment company operating outside of the United States and rendering investment advisory services to an investment company operating outside of the United States.

Applicant states that the principal factors in IMI's determination to provide financing are the economic viability of the financing transaction and the extent to which the particular project would contribute to the development and strengthening of the Italian economy. Applicant states that among the Italian industries to which IMI has extended credit and financing are: iron and steel, petrochemicals, textile and clothing, agriculture, public utilities, telecommunications, air and land transport, building, and shipping. Applicant submits that approximately 43% of IMI's current loan portfolio consists of loans extended to Italian industrial entities, approximately 53% consists of loans to Italian public utilities and service entities and approximately 4% consists of loans to Italian shipping concerns. Applicant states that IMI does not, as a general rule, extend financing by making equity investments.

Applicant states that, as of March 31, 1982, IMI had total assets of 18,805.1 billion lire (U.S. $14,224,735,250). Applicant states further that, as of March 31, 1982, 15,252.8 billion lire (U.S. $11,537,670,200) (after provision for loan losses), or approximately 82%, of IMI's total assets, consisted of loans. Applicant represents that no other category of assets constituted more than approximately 4.9% of IMI's total assets as of March 31, 1982. Applicant maintains that securities holdings of IMI representing investments of its excess cash constituted approximately 4.2% of IMI's total assets as of that date. Applicant asserts that, for the fiscal year ended March 31, 1982, IMI had net revenues from lending operations (after provision for loan losses) of 221.3 billion lire (U.S. $167,397,882), net revenues of 73.3 billion (U.S. $55,446,293) from other sources and net income (after provision for income taxes) of 72.1 billion lire (U.S. $54,538,578). Applicant states that, as of March 31, 1982, IMI's investments in subsidiaries performing activities incidental to its principal business was 232.0 billion lire (U.S. $175,491,679), or approximately 1.2% of IMI's total assets.

Applicant states that, as of March 31, 1982, IMI's paid in equity capital was 500 billion lire (U.S. $378,214,826). Applicant represents that approximately 85% of IMI's equity capital is owned and controlled by the Italian government directly or indirectly through other Italian government-controlled, statutory entities or Italian public sector entities. Applicant states that IMI's principal additional source of funds is the issuance and sale of its bonds in Italy. Applicant states that, as of March 31, 1982, IMI had 10,925.6 billion lire (U.S. $8,264,447,806) principal amount of bonds outstanding, an amount equal to approximately 58% of its total liabilities and stockholders' equity.

Applicant represents that the banking operations, books and records of IMI are subject to supervision by Banca d'Italia. Applicant represents that, in addition, as a medium-term and long-term credit institution established as a public statutory body, IMI's general activities and business are subject to supervision by a number of Italian governmental entities, including the Interministerial Committee on Credit and Savings, the Ministry of the Treasury, Banca d'Italia, and the Governor of the Banca d'Italia.

The application states that Holding, pursuant to IMI's direction, acts as a holding company for corporations owned by IMI that are engaged in business and incorporated outside of Italy. Applicant states that Holding owns the entire capital stock of ten subsidiary corporations and owns minority interests in two other corporations. Applicant states further that the wholly-owned subsidiaries of Holding include the Designated Subsidiaries, which, as of December 31, 1981, together represent approximately 41.8% of Holding's consolidated total assets of $444,849,438. Applicant states that Holding's remaining wholly-owned subsidiaries are engaged in real estate activities, management and administrative services, export credit financing, the management of an investment company operating outside of the United States, investment advisory services and other financing activities. Applicant states that, as of December 31, 1981, $351,129,283, or approximately 78.9% of Holding's consolidated assets, consisted of loans and advances made by its subsidiaries. Applicant states further that Holding had aggregate net income (prior to consolidation adjustments) of $9,670,493 on consolidated revenues of $82,164,752.

Applicant represents that IMIL is a finance corporation engaged primarily in making medium-term loans to Italian public and private sector borrowers and to non-Italian borrowers. Applicant represents that approximately 42.5% of IMIL's currently outstanding loans are to Italian entities, about 64.7% of which consist of loans to Italian public sector entities, and the remaining 57.5% of IMIL's loans are to non-Italian entities. Applicant submits that such loans to non-Italian entities are often made for the purpose of facilitating development of the Italian economy, including the foreign purchase of Italian goods and services. Applicant represents that, as of December 31, 1981, IMIL's total assets were $169,106,642, of which $166,692,149, or 98.6%, consisted of loans. Applicant states that for its fiscal year ended December 31, 1981, IMIL had net income from its loan portfolio of $24,051,572, or approximately 97.9% of IMIL's gross income for that period.

Applicant states that Euram is a Delaware corporation engaged primarily in financing activities. Applicant states further that, as of December 31, 1981, promissory notes evidencing loans made by Euram amounted to $10,218,756, or approximately 60%, of Euram's total assets of $17,028,967 at such date.

Applicant states further that, as of that date, Euram's principal assets other than its loans consisted of two office buildings located in Washington, D.C. Applicant asserts that, as of December 31, 1981, the book value of such office buildings and associated land was $4,725,401, or approximately 23% of Euram's assets on that date. Applicant states that the remainder of Euram's assets consisted of a participation in a real estate venture and temporary investments in marketable securities. Applicant states that Euram also provides administrative and consulting services to Holding and other companies. Applicant represents that, of its approximately $10.2 million of loans, as of December 31, 1981, approximately 55% in principal amount consisted of loans to a number of Italian public sector entities. Applicant submits that the remaining 45% in principal amount consisted of loans made to three non-Italian borrowers. Income from Euram's loan portfolio for its fiscal year ended December 31, 1981 amounted to $1,437,081, or approximately 50.8% of Euram's revenues. Rental income from its real estate amounted to $1,158,060, or approximately 40.9% of Euram's revenues for that period.

Applicant states that one or both of the Designated Subsidiaries may from time to time, pursuant to the Credit Agreement, request Applicant to make an Advance to it. Applicant states that to obtain funds to make the Advances, Applicant proposes to issue and sell the Notes, which will be short-term negotiable promissory notes of the type exempt from the registration requirements of the Securities Act of 1933 (the "1933 Act") by virtue of paragraph 3(a)(2) or 3(a)(3) thereof and generally referred to as commercial paper. The 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 be eligible for any extention, renewal, or automatic "rollover" at the option of either the holder or Applicant.

Applicant undertakes not to market any Notes prior to receiving an opinion of counsel to the effect that the proposed offering of the Notes is exempt from the registration requirement of the 1933 Act by virtue of paragraph 3(a)(2) or 3(a)(3) thereof. Applicant does not request Commission review or approval of counsel's opinion regarding the availability of an exemption for the Notes under paragraph 3(a)(2) or 3(a)(3) of the 1933 Act. Applicant represents that the 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.

Applicant undertakes to insure that each dealer in the Notes will furnish to each offeree memoranda describing the businesses of IMI, the Designated Subsidiaries, Bankers and the Applicant and providing the most recent annual financial information for IMI, the Designated Subsidiaries and Bankers. Applicant states that IMI's financial information will include its most recent fiscal year-end balance sheet and statement of income for the entire fiscal year accompanied by the description prepared by the independent public accountants of IMI of the accounting principles applied in the preparation of such financial statements. The application states that the memoranda will be updated as promptly as practicable to reflect material adverse changes in the financial status of Applicant, IMI, the Designated Subsidiaries of Bankers and will be at least as comprehensive as memoranda customarily used in offering commercial paper. Applicant consents to the inclusion, in any order granting the application, of an express condition that it comply with the undertakings in this paragraph.

Applicant maintains that it will select a major commercial bank, expected to be Bankers, to act as issuing and paying agent for the Notes (the "Depositary"). Applicant further maintains that Bankers will issue the Letter of Credit in favor of the Depositary, in trust for the benefit of the holders of the Notes. Applicant represents that, in order to obtain funds to pay each maturing Note, the Depositary will make a drawing under the Letter of Credit and apply the funds received to the payment of the maturing Note. Applicant represents that, prior to their issuance, the Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization. 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 the Applicant.

Applicant states that it could be deemed to be an investment company subject to the Act's registration requirements because Applicant's rights in respect of the Advances, which would constitute virtually all of Applicant's assets, could be deemed to be investment securities. Section 6(c) of the Act provides, in part, that the Commission upon application may by order conditionally or unconditionally exempt any person from the provisions of the Act if the exemption would be necessary or appropriate in the public interest, consistent with the protection of investors, and consistent with the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that approval of the application is necessary or appropriate in the public interest because, among other reasons, approval of the application would further the policy of opening the United States capital markets to foreign entities, thus encouraging the free flow of capital among nations. Applicant further asserts that approval of the application would be consistent with the protection of investors because Applicant is an indirect wholly-owned subsidiary of IMI whose capital structure and operations are regulated by Italian law and supervised by departments and officials of the Italian government. Applicant states that the holders of the Notes will not require the protections accorded investors under the Act because holders of the Notes will be adequately protected by the Letter of Credit of Bankers. Applicant further maintains that approval of the application would be consistent with the purposes of the Act because Applicant is not the type of entity to which the Act was intended to apply.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than March 29, 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. 83-6356 Filed 3-10-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements for OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATE: Comments must be received on or before March 31, 1983. If you anticipate commenting on a submission but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer and the agency clearance officer of your intent as early as possible.

Copies: Copies of the proposed forms, the requests for clearance (S.F. 83), supporting statements, instructions, transmittal letters, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Elizabeth M. Zaic, Small Business Administration, 1441 L St., NW., Room 200, Washington, D.C. 10416. Telephone (202) 653–8538;

OMB Reviewer: J. Timothy Sprehe, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235, New Executive Office Building, Washington, D.C. 20503. Telephone (202) 395–4814.

SUPPLEMENTARY INFORMATION:

Forms Submitted for Review

Title: 8(a) Business Plan Application
Form Nos.: SBA 1010 A–E and I
Frequency: Non-recurring
Description of Respondents: Applicants desiring consideration as socially and economically disadvantaged owners of small business.
Annual Responses: 3,000
Annual Burden Hours: 60,000
Type of Request: Extension

Title: Procurement Automated Source System—Company Profile
Form Nos.: SBA 1167, 1167A
Frequency: Non-recurring
Description of Respondents: Small businesses interested in government contracting
Annual Responses: 20,000
Annual Burden Hours: 5,000
Type of Request: Extension (No change)

Title: SBI Program Evaluation
Form Nos.: SBA 24, 1351
Frequency: Non-recurring
Description of Respondents: Small Business Clients of Small Business Institutes
Annual Responses: 1,800
Annual Burden Hours: 660
Type of Request: Extension (adjustment to burden)

Title: Survey of Government Contractors to Assess Level of Subcontracting to Small Business
Form Nos.: None
Frequency: Non-recurring
Description of Respondents: Firms awarded Federal contracts in excess of $10,000 in FY 1981
Annual Responses: 2,250
Annual Burden Hours.: 300
Type of Request: New

Dated: March 7, 1983.

Elizabeth M. Zaic,

Chief, Paperwork Management Branch, Small Business Administration.

[FR Doc. 83–6375 Filed 3–10–83; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period February 25 through March 3, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0023.
Form Number: 720.
Title: Quarterly Federal Excise Tax Return.
OMB Number: N-A (new submission).
Form Number: 8084.
Title: Elderly Tax Clinic Response Card.
OMB Number: 1545–0271.
Form Number: 6627.
Title: Environmental Taxes.
OMB Number: 1545–0271.
Form Number: 500–5–56.
Title: Letter to follow up on Undelivered Orders.
OMB Number: 1545–0120.
Form Number: 1099–G.
Title: Statement for Recipient of Certain Government Payments.
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Alcohol, Tobacco and Firearms

OMB Number: 1512–0065.
Form Number: ATF F 1450 (5130.13).
Title: Application and Withdrawal Permit to Procure Spirits Free of Tax.
OMB Number: 1512–0117.
Form Number: ATF F 2147 (5620.7).
Title: Claim for Drawback of Tax on Cigars, Cigarettes, Cigarette Papers, or Cigarette Tubes.
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Comptroller of the Currency

OMB Number: 1557–0094.
Form Number: None.
Title: Notice for Future and Forward Placement Contracts Activities.
OMB Reviewer: Richard Sheppard (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Dated: March 7, 1983.

Floyd Sandlin,

Chief, Information Resources Management Division.

[FR Doc. 83–6306 Filed 3–10–83; 8:45 am]

BILLING CODE 4810–25–M

Bureau of Alcohol, Tobacco and Firearms

Firearms; Granting of Relief

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfuly acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Ackerman, Patrick H., 41408 Sunset Way, Stayton, Oregon, convicted on May 5, 1980, in the United States District Court, Judicial District of Oregon.

Adams, Craig Henry, 1002 South Camino, DeLas Palmas, Tucson, Arizona, convicted on September 11, 1969, in the Superior Court of Pima County, Arizona.

Agnello, Joseph C., 482 Barton Drive, Lewiston, New York, convicted on March 29, 1978, in the Supreme Court of Niagara County, New York.

Aldridge, Derrick Avery, 716 East Morango, Flint, Michigan, convicted on August 4, 1978, in the Tenth Judicial Court of Birmingham, Alabama; and on September 17, 1972, in the District Court of Pine Bluff, Arkansas.

Allen, James Arthur, 1501 Alamo Drive, B-4, Vacaville, California convicted on June 10, 1976, in the Superior Court of California, Solano County, California.

Allred, Harry Jackson, 1202 7th Street, Southwest, Cullman, Alabama, convicted on August 25, 1975; and on March 3, 1976, in the Circuit Court of Cullman County, Alabama.

Amato, Daniel Ralph, 83 Allen Street, Springfield, Massachusetts, convicted on December 8, 1970, in the Hampden County Superior Court, Springfield, Massachusetts.

Anderson, John W., 301 Belle, Waterloo, Iowa, convicted on July 20, 1945; and on November 19, 1948, in the Black Hawk District Court, Waterloo, Iowa.

Avery, James William, Sr., 1351 Wilma Drive, West Columbia, South Carolina, convicted on April 10, 1979, in the United States District Court, Columbia, South Carolina.

Andrews, James Lee, 958th Street, Fond Du Lac, Wisconsin, convicted on December 27, 1967, in the Sheboygen County Court, Sheboygen, Wisconsin.

Bailey, Harold David, 1437 Reed Drive, Lot #18, Marietta, Georgia, convicted on April 23, 1953; and September 20, 1955, in the Superior Court of Cobb County, Georgia; and on May 15, 1962, in the Circuit Court of Birch County, Georgia.

Bakian, John David, 6851 Rose Road, Plymouth, Indiana, convicted on November 14, 1968, in the Marshall County Circuit Court, Plymouth, Indiana.

Bannister, Harwood A., 1231 South Tenth Street, Mount Vernon, Washington, convicted on July 2, 1971, in the Superior Court of Skogit County, Mount Vernon, Washington.

Barker, Robert Lee, Post Office Box 211, Crimora, Virginia, convicted on September 26, 1975, in the Circuit Court of Augusta, Virginia.

Bayne, Ernest E., Underwood Road, Milledgeville, Georgia, convicted on April 18, 1979, in the United States District Court, Middle Judicial District of Georgia.

Bean, Mitchell Ewell, Northwest 205 Anthony Hall, Apartment 4, Pullman, Washington, convicted on January 25, 1973, in the McCracken Circuit Court, Commonwealth of Kentucky.

Bennett, Scott Edward, 368 Highway 101 West, Port Angeles, Washington, convicted on January 23, 1976, in the Superior Court of Challan County, Washington.

Bennington, Karl W., Jr., 401 LaVeta Drive, Richmond, Virginia, convicted on July 16, 1980, in the Circuit Court of Henrico County, Virginia.

Beresovoy, Louis Carl, Jr., West 3321 Bruce, Spokane, Washington, convicted on July 28, 1975, in the Superior Court of Spokane, Washington.

Berke, Donald E., 60 Morrow Avenue, Scarsdale, New York, convicted on October 14, 1954, in the United States District Court, Eastern District of New York.

Betts, Walter Charles, 3014 Pershing Way, Longview, Washington, convicted on June 12, 1968, in the Superior Court of Cowlitz County, Washington.

Blanton, Jimmy Berry, Good Neighbor Road, Loyall, Kentucky, convicted on April 13, 1964, in the United States District Court, London, Kentucky.

Bledsoe, Kenneth Wayne, 200 East Burgess Road, Apartment 38A, Pensacola, Florida, convicted on March 26, 1970, in the United States District Court of Pensacola, Florida.

Boatman, Michael R., P.O. Box 28, 1355 East Fourth North Street, Mountain Home, Idaho, convicted on August 8, 1978, in the Fourth District Court of Idaho.

Bone, Alfred Lee, 144 Whittier Street, Gadsden, Alabama, convicted on January 4, 1982, in the United States District Court, Northern Judicial District of Alabama.

Boroody, Samuel Joseph, 544 Chapel Lake Drive, Apartment 101, Virginia Beach, Virginia, convicted on October 11, 1977, in the United States District Court, Eastern District of Virginia.

Bouten, James Jerome, Jr., 1713 Hardy, Apartment 27, Houston, Texas, convicted on June 5, 1979, in the Superior Court of Spokane County, Washington.

Bowen, Jack David, Route 2, Quail Ridge, Apartment 6, Whiteville, North Carolina, convicted on November 20, 1969, in the Superior Court of Whiteville, North Carolina.

Bowers, Cowyn Edward, 1620 West First Street, Apartment 69, Winston-Salem, North Carolina, convicted on November 11, 1977, in the United States District Court, Wilkesboro, North Carolina.

Bowling, Lawrence Edward, 1511 Clark Street, Flatwoods, Kentucky, convicted on April 6, 1955, in the Martin County Circuit Court of Kentucky; on October 29, 1954, in the Lawrence County Circuit Court of Kentucky; and on June 20, 1958, in the Oldham County Circuit Court, LaGrance, Kentucky.

Bradberry, Swint Edward, Jr., Post Office Drawer B, Wrightsmill Road, Aiken, South Carolina, convicted on January 12, 1973, in the General Sessions Court, Aiken, South Carolina.

Breeden, Harry Lee, Post Office Box 16, Free Union, Virginia, convicted on June 8, 1973, in the Circuit Court of Page County, Virginia.

Brinkley, Gerald Lee, 327-B Gage Boulevard, Richland, Washington, convicted on November 19, 1976, in the Superior Court of Franklin County, Washington.

Brown, Benny Neal, 10 Oliver Street, Seminole, Okahoma, convicted on September 20, 1957, in the Superior Court of Seminole, Oklahoma; and on November 3, 1959, and November 28, 1966, in the District Court of Seminole, Oklahoma.

Brown, Emory L., Old Highway 55, Red Level, Alabama, convicted on August 4, 1979, in the Circuit Court of Andalusia, Alabama.

Brown, James Linwood, Jr., 5454 Narcissus Avenue, Baltimore, Maryland, convicted on Decmeber 9, 1968, in the Criminal Court of Baltimore, Maryland.

Brunas, Deborah M., 19784 Westbrook, Detroit, Michigan, convicted on August 1, 1978, in the Circuit Court of Wayne County, Detroit, Michigan.

Buckley, Raymond L., Route 1, Mount Herman, Kentucky, convicted on November 16, 1975, in the Barren County Circuit Court, Glasgow, Kentucky.

Burgin, William Garner, Jr., 823 Fallwood Avenue, Columbus, Mississippi, convicted on July 24, 1980, in the United States District Court of Appeals, Fifth Circuit, Southern District of Biloxi, Mississippi.

Cabe, Randall Lee, 1046 Southwest 21st Street, Chehalis, Washington, convicted on May 21, 1979, in the Superior Court of Lewis County, Washington.

Camp, Frank Wade, Route 2, Box 75-A, Calloway, Virginia, convicted on October 7, 1974, in the Franklin County Circuit Court, Rocky Mount, Virginia.

Canzone, Michael J., 1922 McGraw Avenue, Bronx, New York, convicted on February 19, 1936, in the Court of General Sessions, New York County, New York.

Capitani, Charles W., 2925 6th Avenue, Hibing, Minnesota, convicted in April 1973, in the United States District Court, Northern District, Illinois.

Capps, Bruce George, 1601 Hillcrest Road, Apartment 69, Mobile, Alabama, convicted on March 12, 1976, in the United States District Court, Southern District of Alabama.

Capps, John Terry, c/o Mr. R. H. Bowers, 1679 Ware Avenue, East Point, Georgia, convicted on November 6, 1972, in the Circuit Court of Jefferson County, Birmingham, Alabama.

Carlson Richard P., 3227 West 48th Street, Indianapolis, Indiana, convicted on May 9,

1980, in the United States District Court, Southern District of Indianapolis, Indiana.

Carnes, Dale Duane, Sr., 206 Southwest Arlan Drive, Ankeny, Iowa, convicted on February 6, 1959, in the District Court of Warren County, Indianola, Iowa.

Caroon, Michael S., 4534 South 54th Street, Lincoln, Nebraska, convicted on September 10, 1975, in the District Court of Lancaster County, Nebraska.

Catlett, Vernon Max, Rural Route 2, Box 171, Hamburg, Iowa, convicted on May 3, 1976, in the United States District Court, Southern District of Iowa.

Cermak, Kenneth, General Delivery, Kildeer, North Dakota, convicted on May 3, 1977, in the First Circuit Court of Yorktown County, South Dakota.

Cerveny, William J., 183 Western Avenue, Westfield, Massachusetts, convicted on August 15, 1975; and on December 21, 1976, in the Hampden County Superior Court, Springfield, Massachusetts.

Chapman, James Richard, 9830 Lakemere, Dallas, Texas, convicted on April 21, 1977, in the United States District Court, Western District of Oklahoma City, Oklahoma.

Cheek, David E., Rural Route 1, Charleston, Maine, convicted on January 31, 1974, in the Providence County Superior Court, Providence, Rhode Island.

Clardy, John D., Post Office Box 28, Timber Ridge Ranch, Harrison, Idaho, convicted on June 15, 1978, in the United States District Court, Northern District of California.

Clayton, Michael Edward, 9808 Beckley Crest, Dallas, Texas, convicted on December 5, 1979, in the 204th Judicial District Court, Dallas, Texas.

Cochrane, David J., 710 Oakdale Road, Johnson City, New York, convicted on May 30, 1977, in the Superior Court of Broome County, Binghamton, New York.

Cockran, Marvin Leo, Post Office Box 77, North Thibodaux Road, Ponchatoula, Louisiana, convicted on August 9, 1978, in the United States District Court, Eastern District of New Orleans, Louisiana.

Collins, Lawrence P., Route 1, Box 88, Everton, Missouri, convicted on January 28, 1970, in the Fourteenth Judicial District Court of Tulsa, Oklahoma.

Combs, Phillip, 9505 Joos Road, Jacksonville, Florida, convicted on January 19, 1970, in the Circuit Court of Duval County, Florida.

Conley, Lawrence, 924 Tenth Avenue, Tuscaloosa, Alabama, convicted on May 18, 1977, in the Circuit Court of Tuscaloosa County, Alabama.

Corman, Michael H., 353 State Highway 12, Space 71, Montewana, Washington, convicted on December 28, 1973, in the Superior Court of Grays Harbor County, Washington.

Corso, Leonard, 40 Old Route 25A, Fort Salonga, New York, convicted on March 5, 1971, in the United States District Court, Eastern District of Brooklyn, New York.

Cotton, James Beatty, 3456 Boxdale Street, Memphis, Tennessee, convicted on January 16, 1979, in the United States District Court, Eastern District of New Orleans, Louisiana.

Crawford, David Calvin, 929 North Baehr, Wichita, Kansas, convicted on June 11, 1964, in the District Court of Sedgwick County, Kansas; and on June 15, 1966, in the District Court of Finney County, Kansas.

Crenshaw, Joseph C., Route 1, Box 30-A, Daphne, Alabama, convicted on January 17, 1977, in the United States District Court, Southern District of Mobile, Alabama.

Crigler, Kenneth D., Jr., 3361 Nancy Avenue, Dayton, Ohio, convicted on May 14, 1963, in the Court of Common Pleas, Montgomery County, Ohio.

Crook, Arthur Lee, 4307 Martha Lane, Richmond, Virginia, convicted on January 8, 1969, in the Hustings Circuit Court of Richmond, Virginia.

Davis, Dennis R., Route 4, Box 65, St. Maries, Idaho, convicted on February 9, 1979, in the First District Court, Benewah, Idaho.

Davis, Lee Edward Michael, 643 Loop Drive, Moses Lake, Washington, convicted on January 15, 1971, in the Superior Court of Hiant County, Washington.

Davis, Leonard Rea, Route 1, Box 153, Keswick, Virginia, convicted on January 30, 1958, in the District Court of Brazos County, Brazos, Texas.

Davis, Robert Lee, Route 3, Box 196, North Platte, Nebraska, convicted on April 14, 1975, in the District Court of Lincoln County, North Platte, Nebraska.

Deal, John L., 2425 Handon Loop Road, Pasco, Washington, convicted on November 7, 1975, in the Superior Court of Franklin County, Washington.

Deaton, Michael Glenn, Prather Mobile Home Park #10, Flaherty, Kentucky, convicted on June 6, 1976, in the Circuit Court of Meade County, Brandenburg, Kentucky.

Demore, Raymond John, 208 Parkerville Road, Southboro, Massachusetts, convicted on November 9, 1971, in the Suffolk County Superior Court of Boston, Massachusetts.

Doroff, Gary Wayne, 1440 10th Avenue, Fargo, North Dakota, convicted on March 9, 1978, in the District Court of Cass County, North Dakota.

Dornbusch, James Robert, 3534 Park Drive, Covington, Kentucky, convicted on March 4, 1977, in the United States District Court, Cattettsburg, Kentucky.

Doucet, Joseph M., Jr., 12494 Red Creek Road, Wolcott, New York, convicted on December 11, 1959, in the Yates County Supreme Court, Penn Yan, New York.

Downard, Douglas Dean, 1101 West Lincoln Avenue, Yakima, Washington, convicted on March 10, 1976, in the Superior Court of Yakima County, Washington.

Druien, Michael D., 510 South Main Street, Maron City, Illinois, convicted on January 17, 1974, in the Maron County Circuit Court of Haranna, Illinois.

Dunn, Curtis Wayne, 1101 West Hall, Apartment 3, Midland, Texas, convicted on April 5, 1979, in the 106th Judicial District Court, Dawson County, Texas.

Dupell, Arnold, 800 Nelson Street, Lebanon, Oregon, convicted on November 12, 1941, in the District Court of Jefferson County, Colorado.

Edmonson, Douglas E., Route 1, Post Office Box 983, Cadiz, Kentucky, convicted on September 9, 1975, in the Circuit Court of Trigg County, Kentucky.

Fair, Hollie William, 212A North Holly, Cleveland, Texas, convicted on February 21, 1977, in the 75th District Court, Liberty County, Texas.

Fanti, Duilio Thomas, Jr., 1019 Garfield, Cartondale, Colorado, convicted on November 30, 1978, in the United States District Court, Detroit, Michigan.

Farley, David Wilton, Post Office Box 45, Boissevain, Virginia, convicted on August 17, 1979, in the Circuit Court of Tazewell County, Virginia.

Ferdig, Duane Allan, Box 53, East Star Route, Blackduck, Minnesota, convicted on November 29, 1976, in the Ninth District Court, Itasca, Minnesota.

Ferguson, Larry Glen, 2845 Walton, Apartment 234, Fort Worth, Texas, convicted on October 15, 1971, in the Criminal District Court, Dallas, Texas.

Ferguson, Thomas R., Route 2, Box 333, Port Townsend, Washington, convicted on October 12, 1979, in the United States Superior Court, Jefferson County, Washington.

Finch, Glenn E., Route 1, Box 204, Mead, Washington, convicted on August 24, 1976, in the Superior Court, Spokane County, Washington.

Finkbone, John Edward, 311 Mariposa, Carlsbad, New Mexico, convicted on August 18, 1964, in the District Court of Otero County, Alamogordo, New Mexico.

Flack, Jerry E., 2479 South Anchor Way, Lincoln City, Oregon, convicted on January 31, 1969, in the Superior Court of Sacramento County, California.

Fleming, Lee E., 1544 North Union, Decatur, Illinois, convicted on January 16, 1970, in the Circuit Court of Macon County, Illinois.

Folsom, Johnny A., 2523 East Blackmore Road, Mayville, Michigan, convicted on August 22, 1977, in the Circuit Court of Tuscola County, Caro, Michigan.

Fontaine, Francis Arthur, 15 Allen Road, Granby, Connecticut, convicted on May 14, 1979, in the United States District Court of Connecticut.

Ford, William Kent, 520 Sampson Avenue, Dyersburg, Tennessee, convicted on July 11, 1978, in the United States District Court, Eastern District of Louisiana.

Fox, Ronald Malcolm, Route 3, Box 159, Kaufman, Texas, convicted on March 27, 1974, in the 204th Judicial District Court, Dallas County, Texas.

Fucci, Robert A., 373 Singleton Street, Auburn, Alabama, convicted on December 9, 1977, in the United States District Court, Middle District of Alabama.

Fuhst, William Paul, Jr., 564 West Flaming Gorge Way, Green River, Wyoming, convicted on June 30, 1976, in the 11th Judicial District Court, McKinley County, New Mexico.

Gambill, Steven Lee, 1204 Old Nelson Hill, Richmond, Virginia, convicted on May 14, 1975, in the Superior Court, Pender County, North Carolina.

Garcia, Pablo S., 811 Grant Avenue, Sunnyside, Washington, convicted on November 5, 1976, in the Superior Court of Yakima County, Washington.

Gebhart, Milford Lee, 11220 Studebaker, Warren, Michigan, convicted on June 12, 1963, in the Circuit Court of Genesee County, Michigan.

Giles, Alfred Wilson, 208 South 18th Street, Erwin, North Carolina, convicted on February

6, 1958, in the United States District Court, Raleigh, North Carolina.

Gill, Charles Francis, 1617 Pagewood, Odessa, Texas, convicted on November 1, 1966, in the 42nd Judicial District Court, Taylor County, Texas.

Gilmore, Thomas Woodrow, Jr., 3744 Longmeadow Way, Fort Worth, Texas, convicted on January 29, 1979, in the 212th Criminal District Court, Galveston, Texas.

Gordon, Thomas Lee, 20421 Cherrylawn, Detroit, Michigan, convicted on February 11, 1938, in the Detroit Recorders Court, Detroit, Michigan.

Graden, Kenneth Wayne, 2146 Bo Peep Court, Jacksonville, Texas, convicted on May 1, 1970, in the Circuit Court of Duval County, Jacksonville, Florida.

Graff, Michael J., 7149 Ustick Road, Boise, Idaho, convicted on October 23, 1980, in the Superior Court of Maricopa County, Arizona.

Green, Guy, Route 3, Box 438, Kettle Falls, Washington, convicted on September 6, 1979, in the Superior Court of Stevens County, Washington.

Gregory, Robert Maurice, Route 6, Box 197, Leander, Texas, convicted November 18, 1976, in the 197th Judicial District Court of Travis County, Texas.

Hairston, Calvin Lee, 616 Parke Avenue, Clairton, Pennsylvania, convicted on February 3, 1969, in the Allegheny County Court, Pittsburgh, Pennsylvania.

Hale, Warren A., Rural Route 2, Meadow Grove, Nebraska, convicted on July 16, 1976, in the District Court of Madison County, Nebraska.

Handy, Arden M., 516 West 4th Street, Lennox, South Dakota, convicted on February 9, 1959, in the United States District Court, Florence, South Carolina; and on February 20, 1959, in the Court of Common Pleas, Wyandot County, Ohio.

Harrington, Bobby Joe., Rural Route 2, Box 5B, Leavenworth, Kansas, convicted on June 14, 1971, in the Circuit Court of Pulaski County, Arkansas; and on April 18, 1973, in the Circuit Court of Pulaski County, Arkansas; and on January 6, 1971, in the United States District Court of Springfield, Missouri.

Harris, Charles F., 3825 North Highway 95, Lake Havasau City, Arizona, convicted on January 6, 1977, in the United States District Court of California.

Hart, Albert Stephen, 5585 Walnut Grove Road, Memphis, Tennessee, convicted on April 23, 1976, in the United States District Court, Western Judicial District of Tennessee.

Hatfield, William Charles, Jr., Route 1, Box 322, Alcolu, South Carolina, convicted on March 27, 1978, in the Court of General Sessions, Sumter County, South Carolina.

Hayes, David Paris, Jr., 139 Frost Creek Road, Glenoma, Washington, convicted on March 2, 1971, in the Superior Court of Pierce County, Washington.

Henderson, Wanda Jo, 2941 Antares Circle, Garland, Texas, convicted on October 21, 1963, in the United States District Court of Northern Texas; and on May 14, 1971, in the District Court of Smith County, Texas; and on September 7, 1972, in the United States District of Northern Texas.

Hendrix, Gary Dale, 4805-A Bradford Drive, Dallas, Texas, convicted on May 26, 1972, in the 181st District Court, Amarillo, Texas.

Heywood, John Patrick, 2014 Edgewater Avenue, Orden Hills, Minnesota, convicted on October 17, 1973, in the Ramsey County Court, St. Paul, Minnesota.

Highland, David, 1606 Cyclone Avenue, Harlan, Iowa, convicted on February 2, 1961, in the District Court of Webster County, Webster City, Iowa.

Hollen, Edward Alan, Road 2, Cochranton, Pennsylvania, convicted on May 6, 1963, in the Court of Quarter Sessions, Crawford County, Pennsylvania; and on January 23, 1967, in the Criminal Court of Crawford County, Pennsylvania.

Holmes, Lawrence Hasford, Jr., P.O. Box 37, Western Kentucky University, Bowling Green, Kentucky, convicted on February 2, 1972, in the United States District Court, Southern District of Texas, Larado Division.

Holmes, John Thomas, 4163 9th Street, Ecorse, Michigan, convicted on October 8, 1975, in the United States District Court of Detroit, Michigan.

Holroyd, Robert, 205 Oak Avenue, Baltimore, Maryland, convicted on January 25, 1955, in the City of Baltimore.

Holt, Farron Eugene, Route 1, Box 27, DD, Bowman, South Carolina, convicted on March 11, 1974, in the Court of General Sessions, Orangeburg, South Carolina.

Hooper, William James, 4025 North Dells Street, Harvey, Louisiana, convicted on November 6, 1973, in the 24th Judicial District Court, Parish of Jefferson, Louisiana.

Horner, Christopher Thomas, 1001 South Lewis, Prior, Oklahoma, convicted on April 16, 1968, in the Tulare County District Court, Visalia, California.

Hubbs, Haynes A., Box 175, Route 2, Camden, Texas, convicted on September 12, 1980, in the United States District Court, Middle District of Tennessee.

Huckaba, Charles L., Rural Route 2, C.R. 681, Box 244A, Hartford, Michigan, convicted on January 17, 1961, in the Circuit Court of Broward County, Florida.

Hunley, Ronald Joe, Route 15, Box 1118, Tyler, Texas, convicted on January 7, 1976, in the 7th Judicial District Court of Smith County, Texas.

Huntley, Scott L., P.O. Box 592, Hemet, California, convicted on January 4, 1969, in the Superior Court of Riverside, California.

Jackson, Donald Lee, 3509 Dodge Park Road, No. 203, Landover, Maryland, convicted on February 9, 1971, in the Circuit Court of Alexandria, Virginia.

Jaggers, Barry Lee, 2408 Catalina, Mesquite, Texas, convicted on March 3, 1980, in the Criminal District Court No. 2, Dallas County, Texas.

Johnson, Kecil W., Route 1, Box 345, Sugar Grove, Virginia, convicted on October 6, 1969, in the United States District Court of Abington, Virginia.

Jones, William J., 153 Chestnut Street, Northwest, Atlanta, Georgia, convicted on May 24, 1974, in the United States District Court of El Paso, Texas.

Kaiser, George W., 19399 South River Road, Elmore, Ohio, convicted in December 1969, in the Common Pleas Court of Fremont, Ohio.

Kay, Bruce E., Ext. Grand Avenue, Saratoga Springs, New York, convicted on February 22, 1977, in the United States District Court of Northern New York.

Keegan, Randy Scott, 1506 South 10th Street, Grand Forks, North Dakota, convicted on February 11, 1980, in the District Court of Grand Forks, North Dakota.

Keller, Clerance, 213 Washington Street, Killeen, Texas, convicted on October 31, 1979, in the Judicial District Court of Bell County, Texas.

Kelly, Joseph Franklin, Route 2, Box 204, Burgaw, North Carolina, convicted on February 28, 1979 in the Superior Court of New Hanover County, North Carolina.

Keyser, George A., Route 2, Box 456, Lancaster, Virginia, convicted on March 18, 1977, in the Circuit Court of Lancaster County, Virginia.

Kinckle, Vassar J., 2308 Koko Lane, Baltimore, Maryland, convicted on November 20, 1959, in the United States District Court of Baltimore, Maryland.

King, Arthur L., Route 2, Oakland, Mississippi, convicted on May 15, 1958; and on March 18, 1960; and on July 25, 1968; and on May 15, 1970, U.S. District Court, Northern District of Mississippi.

King, William W., 3 North Larchmont Drive, Memphis, Tennessee, convicted on January 30, 1981, in the United States District Court, Western District of Tennessee.

Kinlaw, Herman V., P.O. Box 157, Waterfront Street, Little River, South Carolina, convicted on June 6, 1980, in the United States District Court, Florence Division, Florence, South Carolina.

Kloeber, David Nash, 824 Greenridge Street, St. Charles, Missouri, convicted on October 21, 1953; and on December 9, 1954, in the Superior Court of Los Angeles County, California.

Knight, Calvin Ray, P.O. Box 494-R3, Wills Point, Texas, convicted on May 4, 1979, in the 194th Judicial District Court, Dallas County, Texas.

Korreck, Joseph Michael, 210 Market Street, P.O. Box 3014, Greenwood, South Carolina, convicted on March 19, 1979, in the Court of General Sessions, Pickens County, South Carolina.

Korthals, Lawrence James, 908 17th Street, Bay City, Michigan, convicted on May 3, 1976, in the Bay County Circuit Court, Michigan.

Kuresh, Donald, Rural Route 2, Onawia, Minnesota, convicted on October 27, 1978, Benton County Court, Foley, Minnesota.

Laprad, Larry W., P.O. Box 79, Hardy, Virginia, convicted on August 3, 1973, in the Circuit Court of Roanoke, Virginia.

Larson, Lennis Ray, 2214 South 120th Street, Seattle, Washington, convicted on February 15, 1979, in the Superior Court of King County, Seattle, Washington.

Leasy, Bruce Edward,, 177 Third Street, Baker, Oregon, convicted on November 2, 1978, in the Circuit Court of Umatilla County, Oregon.

Lee, Thomas Wong, 2406 Phawn Street, Philadelphia, Pennsylvania, convicted on January 12, 1970, in the Common Pleas Court, Philadelphia, Pennsylvania.

Leonard, James E., Box 255, Laurel Hill Road, Ferin, New York, convicted on September 21, 1978, in the Cheming Court of Ferin, New York.

Leonard, Lee L., 131 East Airport Road, Butler, Pennsylvania, convicted on March 12, 1970, in the United States District Court of Pittsburgh, Pennsylvania.

Littles, Rush, Route 1, Box 48, Sandy Ridge, North Carolina, convicted on July 10, 1978, in the United States District Court, Middle District of North Carolina.

Long, Jimmy Leon, Route 3, Dallas, Georgia, convicted on September 27, 1979, in the Paulding County Superior Court, Dallas, Georgia.

Longfellow, Michael F., 2207 Pannon, Danville, Illinois, convicted on January 1, 1974, in the Circuit Court of Virmition, Illinois.

Lohr, Samuel N., Route #3, Box 3188, East 7th, Kennewick, Washington, convicted on July 11, 1980, in the Franklin County Superior Court of Pasco, Washington.

Lowe, Joseph N., 7357 Ralston Avenue, Indianapolis, Indiana, convicted on September 23, 1953, in the Criminal Court of Marion County, Indiana.

Lucas, Dale Edgar, 36179 South Megan Drive, Motalla, Oregon, convicted on April 3, 1973, in the Circuit Court of Klamath County, Oregon.

Luckey, Arthur James, 25957 Richmond Hill Road, Conifer, Colorado, convicted on October 8, 1950, in the 11th Judicial District Court of Chaffee County, Colorado.

Lumley, Kenneth R., 788 West Taylor Street, San Jose, California, convicted on April 4, 1975, in the Superior Court of California.

Lund, Robert Scott, Space 61, Garcia Lane, Elko, Nevada, convicted on December 12, 1978, in the 4th District Court, Elko, Nevada.

Marcum, Squire, Route 3, Box 217 A, Manchester, Kentucky, convicted on April 4, 1960, in the United States District Court, London, Kentucky.

Mangum, Clyde Franklin, 160 Garden Grove Street, Danville, Virginia, convicted on February 10, 1969, in the Federal District Court, Danville, Virginia.

Marflak, John Paul, 524 Waddell Avenue, Clainton, Pennsylvania, convicted on April 10, 1973, in the Elk County Criminal Court, Oyer, Pennsylvania.

Martin, Louis Fritz, Sr., P.O. Box 122, Glenoma, Washington, convicted on May 24, 1971, in the Superior Court of Kitsap County, Washington.

Martin, Ronny Lee, 1504 East 23rd Street, Odessa, Texas, convicted on March 20, 1979, in the 70th Judicial District Court of Extor County, Texas.

Mason, Audrey Lee, 1216 I Street, Las Vegas, Nevada, convicted on April 23, 1964, in the 8th District of Nevada, Law Vegas, Nevada.

Matarazzo, Carl Stephen, 52 Shawn Street, Norwalk, Connecticut, convicted on July 2, 1965, Unknown Court due to pardon.

Mattingly, Charles J., 2240 Elks Lane, Unit 26, Yuma, Arizona, convicted on September 30, 1974, in the United States District Court of Arizona.

Mattos, Frank Wayne, Post Office Box 771, (303 Randolph Street), Gridley, California, convicted on April 10, 1980, in the Superior Court of California, Butte County, California.

McGraw, John, 2175 Yulee Street, Jacksonville, Florida, convicted on January 18, 1934, in the Circuit Court of Hillsborough County, Tampa, Florida.

McGaughy, Paul D., 704 West 2nd Street, Bicknell, Indiana, convicted on January 22, 1945, in Detroit, Michigan.

McGlothlen, Alan Richard, 11900 4th Street Southwest, Seattle, Washington, convicted on January 7, 1972, in the Superior Court of King County, Washington.

Miaetta, Robert Joseph, 992 Lydia Drive, Roseville, Minnesota, convicted on October 10, 1978, in the United States District Court, Southern, New York.

Minnish, Steve Dencil, 610 Picadilly Lane, Troutman, North Carolina, convicted on October 22, 1974, in the Superior Court of Statesville, North Carolina.

Mintch, William Lyman, Donque Street, Saint Regis Falls, New York, convicted on October 25, 1978, in the Franklyn Country Superior Court, Malone, New York.

Mobley, Charles E., 2721 Spa Drive, Deer Park, Texas, convicted on June 14, 1978, in the 228th District Court of Houston, Texas.

Moiser, Timothy James, 6339 LaVaque Road, Duluth, Minnesota, convicted on January 5, 1979, in St. Louis County District Court, Duluth, Minnesota.

Montz, Ronald A., 8315 Southeast Lafayette Avenue, Portland, Oregon, convicted on March 7, 1966, in the 1st District Circuit Court of Hawaii.

Morgan, Clarence Richard, Box 101 E, Route 2, Inman, South Carolina, convicted on March 19, 1979, in the United States District Court, Greenville, South Carolina.

Morgan, James Otis, P.O. Box 158, Cross Anchor, South Carolina, convicted in 1956, in the Laurens County Court of General Sessions.

Moriwaki, Michael Lee, Route 2, Box 464, Waupin, Wisconsin, convicted on October 22, 1971, in the Circuit Court of Milwaukee County, Wisconsin.

Morril, Larry Dean, Box 325, Route 1, Illmo, Missouri, convicted on February 25, 1965, in the Scott County Circuit Court, Benton, Missouri.

Morrison, Randy Lee, Route 3, Box 3087, East Wenatchee, Washington, convicted on May 10, 1977, in the United States District Court, Eastern District of California.

Morrison, Wilbur Graham, 200 1st Avenue South, St. Paul, Minnesota, convicted on June 27, 1950, in the Superior Court of Pierce County, Washington; and on August 6, 1953, in the District Court of Pottawattamie, Iowa; and on May 7, 1965, in the Washburn County Court, Washburn County, Minnesota.

Mosley, Timothy Earl, 418 Reed Road, Lot 132, Owensboro, Kentucky, convicted on May 22, 1979, in the Onslow County Superior Court, Jacksonville, North Carolina.

Myers, Sydney G., 5838 Collins Avenue, Apartment 9B, Miami Beach, Florida, convicted on June 28, 1977, in the United States District Court, Southern District of Florida.

Nannenga, Charles E., 143 16th Street Northwest, Mason City, Iowa, convicted on June 20, 1972, in Gerro Gardo County Court, Mason City, Iowa.

Nelson, Clarence Reynold, Jr., Rural Route 3, Boone, Iowa, convicted in May 1979, in the United States District Court, Des Moines, Iowa.

Nelson, Thomas R., 2811 Russell Road, Centralia, Washington, convicted on January 30, 1975, in the Superior Court of Lewis County, Washington.

Neumann, Walter, 380 Gansevoort Boulevard, Staten Island, New York, convicted on April 22, 1977, in the New York Supreme Court, New York County, New York.

New, Daniel A., 5346 Mosquito Lake Road, Deming, Washington, convicted on October 4, 1977, in the Superior Court of Whatcom County, Washington.

Nice, Terry Delane, 1850 13th Street, Gering, Nebraska, convicted on September 29, 1980, in the County District Court, Gering, Nebraska.

Norred, Lewis, 21 West Johnson Avenue, Pensacola, Florida, convicted on December 15, 1952, in the Court of Records of Escamria County, Pensacola, Florida.

Nudo, Robert Joseph, 200 West Hermosa, Apartment 101, Tempe, Arizona, convicted on July 10, 1981, in the Maricopa County Superior Court, Maricopa County, Arizona.

Oakley, Kenny, P.O. Box 667, Knightdale, North Carolina, convicted on July 14, 1980, in the Superior Court, Wake County, North Carolina.

Overholt, Ronald R., Rout 6, Box 662, Gainesville, Texas, convicted on December 20, 1979, in the Criminal District Court, Gainesville, Texas.

Palmer, Lawrence David, 2108 Sixth Street, Santa Monica, California, convicted on March 3, 1977, in the Harris County District Court, Harris County, Texas.

Palmer, Thomas Harry, 4128 Bridge Street, Whitehall, Pennsylvania, convicted on January 28, 1974, in the Court of Common Pleas, Criminal Division, Lehigh County, Allentown, Pennsylvania.

Parks, Circo Wayne, 4585 Avalon Street, Eugene, Oregon, convicted on May 13, 1970, in the Circuit Court of Lane County, Oregon.

Parmentier, Michael T., 5024 Aleova Route, Box 14, Cooper, Wyoming, convicted on June 7, 1979, in the 7th District of Wyoming, Natcona County, Wyoming.

Perdieu, Roy Alvin, 1501 Pierce Street, Lynchburg, Virginia, convicted on September 9, 1976, in the Lynchburg Circuit Court, Lynchburg, Virginia.

Pettit, Ricky Harmon, Box 452, Route 2, Stanley, Virginia, convicted on November 29, 1976, in the Circuit Court of Page County, Virginia.

Phipps, Burrow Scott, 926 Polk Street, Vicksburg, Mississippi, convicted on July 21, 1975, in the Circuit Court of Duval County, Florida; and on July 21, 1975, in the Circuit Court of Clag County, Florida.

Phillips, Larry Joseph, Route 1, Box 195, Bentonville, Virginia, convicted on March 13, 1980, in the Circuit Court of Warren County, Virginia.

Pierce, Ronald, 137 North Washington, Ypsilanti, Michigan, convicted on June 24, 1975, in the Circuit Court of Lenewge County, Michigan.

Peirsol, James Wayne, 507 Fawcett, Sioux City, Iowa, Convicted on April 13, 1966, in the Buena Vista District Court, Storm Lake, Iowa.

Pilot, Roger Ray, 5376 Stiffler Road, Flint, Michigan, convicted on May 7, 1968, in the Genesee Circuit Court, Flint, Michigan; and

on July 26, 1972, in the Shiawassee Circuit Court, Carunna, Michigan.

Pollack, Daniel J., 4913 West Earll Drive, Phoenix, Arizona, convicted on April 21, 1978, in the Maricopa County Superior Court, Phoenix, Arizona.

Pomponio, Paul Peter, 1900 South Eads Street, Apartment 612, Arlington, Virginia, convicted on April 24, 1974, in the United States District Court, Alexandria, Virginia.

Porter, James Steven, 815 University Avenue, St. Paul, Minnesota, convicted on March 7, 1977, in the Hennepin County District Court, Minneapolis, Minnesota.

Potter, Donald C., 82954 North Scott Lane, Cresswell, Oregon, convicted on March 14, 1974, in the Circuit Court of Lane County, Oregon.

Potts, Wanda Kay, 7212 Skillman, #1147, Dallas, Texas, convicted on October 20, 1975, in the 199th District Court of McKinney, Texas.

Price, James E., 329 Jeffery Drive, Montgomery, Alabama, convicted on December 5, 1979, in the United States District Court, Middle District of Alabama.

Priori, Rocco Leonard, 9114 Cambridge Avenue, Cleveland, Ohio, convicted on November 23, 1942, in the Common Pleas Court, Cleveland, Ohio.

Quillin, James W., 8309 272nd Street, North West, Stanwood, Washington, convicted on September 17, 1976, in the United States District Court of Denver, Colorado.

Ragle, Charles Gregory, Route #1, Box 242-A, Longville, Louisiana, convicted on September 7, 1979, in the 36th Judicial District Court, Parish of Beauregard, Louisiana.

Ransom, Frank E., 11528 Southeast Tyler, Portland, Oregon, convicted on November 5, 1970, and on April 27, 1971, in the Umatilla County Circuit Court, Umatilla County, Arizona.

Raybuck, James Edwin, Rural Route 1, Box 108A, Reynoldsville, Pennsylvania, convicted on August 13, 1973, in the Court of Common Pleas, Clearfield County, Pennsylvania.

Read, Daniel Boone, West Point, Kodiak, Alaska, convicted on May 12, 1941, in the District Court of Alaska.

Reason, Jesse James, 1248, Laurel Lane, Jackson, Michigan, convicted on June 27, 1977, in the 13th Circuit Court of Jackson County, Michigan.

Richardson, Steven Thomas, 854 East Main Street, Frankfort, Kentucky, convicted on January 2, 1978, in the Anderson Circuit Court, Lawrenceberg, Kentucky.

Riddell, Donald, 900 Southwest St. Clair, Apartment 601, Portland, Oregon, convicted on January 26, 1976, in the United States District Court of Oregon, Portland, Oregon.

Robinson, Gene William, Route 8, Cool Springs Road, Gainesville, Georgia, convicted on January 23, 1979, in the United States District Court of Gainesville, Georgia.

Robinson, Quenteri Robert, 15260 Rushmore, Taylor, Michigan, convicted on January 27, 1977, in the Oakland County Court, Pontiac, Michigan.

Rolby, Leonard A., 3350 Southwest 22th Terrace, Miami, Florida, convicted on January 10, 1972, in the Criminal Court of Dade County, Florida.

Rompola, Mitchell Raymond, 3109 Townline Road, Traverse City, Michigan, convicted on April 18, 1980, in the United States District Court, Grand Rapids, Michigan.

Ross, Michael K., 9026 Ohio Street, Highland, Indiana, convicted on January 26, 1972, in the Superior Court of Tippecanoe County, Indiana.

Rouse, John Robert, Route 1, Box 157, Powhatan, Virginia, convicted on October 1, 1930, in the Circuit Court of Washington County, Virginia.

Royal, Rex Junior, Route 1, Box 10, McGrady, North Carolina, convicted on October 21, 1974, in the United States District Court of Wildesboro, North Carolina.

Runyan, Kelly, Route 1, Box 76, Hartsfield, Georgia, convicted on March 20, 1979, in the Circuit Court of Barbour County, Alabama.

Schamun, Patrick Robert, 5212 Sitton Way, Sacramento, California, convicted on October 8, 1959, in the Circuit Court of Volusia County, Florida.

Schindler, Stephen M., 3421 Mooney Road, Houston, Texas, convicted on July 10, 1974, in the Circuit Court of Multnomah County, Oregon.

Schultz, William John, 307 2nd Street, Fox Lake, Wisconsin, convicted on December 19, 1962, in the Waukesha County Court, West Bend, Wisconsin.

Scott, Richard Lewis, 520 30th Street, Newport News, Virginia, convicted on May 5, 1980, United States District Court of Hampton, Virginia.

Shaw, Alfred Christian, Mills Creek Road, Staatsburg, New York, convicted on April 2, 1957, in the Dutchess County Court, Poughkeepsie, New York.

Shoemaker, Austin W., West 2817 Del Drive, Spokane, Washington, convicted on August 24, 1979, in the Superior Court of Benton County, Washington.

Shutts, Michael Thomas, 626 Church Road, Sterling, Virginia, convicted on April 1, 1974, in the Circuit Court of Fairfax, Virginia.

Simmons, Gary Wayne, Route 2A, Pine Trail Shores, Flint, Texas, convicted on February 27, 1975, in the Criminal District Court of Dallas County, Texas.

Sinclair, Richard Allen, Route 1, Box 798, Stanley, Virginia, convicted on November 15, 1977, in the United States District Court, Harrisonburg, Virginia, and on November 24, 1980, in the Circuit Court, Page County, Virginia.

Skinner, Vincent Joseph, 126 East Liberty, Rapid City, South Dakota, convicted on December 31, 1970, in the Fourth District Court of Hennipin County, Minnesota.

Slate, Arthur B., II, 505 Warren Avenue, Front Royal, Virginia, convicted in April 1975, in the Warren County Circuit Court, Front Royal, Virginia.

Smith, Jay William, 2614 South 13th Street, Council Bluffs, Iowa, convicted on April 16, 1972, in the District Court for Roscommon County, Michigan.

Snapp, Danny W., 935 Lillian Street, Prosser, Washington, convicted on April 11, 1974, in the Superior Court of Snohomish County, Everett, Washington.

Snapp, Joann E., 935 Lillian Street, Prosser, Washington, convicted on May 29, 1975, in the Superior Court of King County, Washington.

Spencer, John Martin, P.O. Box 6191, Ketchikan, Alaska, convicted on June 9, 1977, in the Superior Court of Washington, Mason County, Washington.

Spradlin, Thomas Ewing, 162 Morningstar Avenue, Oroville, California, convicted on December 1, 1972, in the Superior Court of Butte County, California.

Stamper, Thomas F., 1302 Dale Drive, Winchester, Kentucky, convicted on March 4, 1977, in the United States District Court of Charleston, West Virginia.

Stayton, Mervyn R., P.O. Box 1069, Elma, Washington, convicted on July 31, 1979, in the Superior Court of Olympia, Washington.

Stokes, Jerry Lee, 1021 South Glenn, Springfield, Missouri, convicted on December 8, 1961, in the Circuit Court of Webster County, Missouri.

Styes, Jack Edward, 3140 Tipsico Lake Road, Milford, Michigan, convicted on June 28, 1974, in the United States District Court, Eastern District of Michigan.

Stokes, Nathan P., P.O. Box 58, Rumsey, Kentucky, convicted on March 3, 1980, in the United States District, Western District of Owensboro, Kentucky.

Suiter, Timothy J. S., 16804 Southeast, 128th Street, Kenton, Washington, convicted on April 17, 1978, in the Superior Court of King County, Washington.

Sutherland, Alexander, 1805 Winfield, Apartment A, Bremerton, Washington, convicted on November 17, 1975, in the Superior Court of Kitsap County, Washington.

Sutherland, James, 864 Allen Street, Caro, Michigan, convicted on December 4, 1978, in the Tuscola County Court, Caro, Miciigan.

Sutton, Douglas, S., 33 Highland Court, Paris, Illinois, convicted on March 12, 1976, in the Circuit Court of the Fifth Judicial Circuit, Edgar County, Paris, Illinois.

Switzer, Ronald, Route 4, Russellville, Kentucky, convicted on April 29, 1975, in the Federal District Court of Bowling Green, Kentucky.

Szency, Timothy A., 217 State Park Drive, Bay City, Michigan, convicted on December 8, 1975, in the Circuit Court of Bay County, Michigan.

Tate, John Dennis, 5868 Sixteen Mile Road, Cedar Springs, Michigan, convicted on July 28, 1960, in the District Court, 2nd Judicial District, Carbon County, Rawlins, Wyoming.

Taylor, George F., Star Route, Box 28B, Addy, Washington, convicted on July 15, 1977, in the Superior Court of Stevens County, Stevens County, Washington.

Taylor, Karl Leroy, 612 Church Street, Apartment B, Clifton Forge, Virginia, convicted on September 11, 1979, in the Circuit Court of Roanoke, Virginia.

Thoms, Benny Joe, 29 West 23rd Street, Newton, North Carolina, convicted on October 10, 1978, in the Superior Court of Catawba County, North Carolina.

Thomas, Earl G., 4526 West Montebello, Phoenix, Arizona, convicted on October 6, 1962, in the United States District Court of California; and on July 12, 1956, in the Superior Court of Los Angeles, California.

Thompson, John Brian, 663 2nd Avenue, San Francisco, California, convicted on October 2, 1969, in the Superior Court of Santa Cruz, California.

Thompson, Mary Louise, 44 Vanira Avenue Southeast, Atlanta, Georgia, convicted on March 2, 1959, in the Circuit Court of Montgomery County, Alabama.

Thornley, Thomas R., III, 1409 Hemlock, Cayce, South Carolina, convicted on June 27, 1974, in the Richland County Criminal Court, Richland, North Carolina.

Thorpe, Earl Howard, 619 Monogahela Avenue, Glassport, Pennsylvania, convicted on June 10, 1955, in the Court of Quarter Sessions, Pittsburg, Pennsylvania.

Tobey, Leonard J., 507 Pilot Drive, Herscher, Illinois, convicted on November 8, 1978, in the United States District Court, Danville, Illinois.

Tooker, Steven Allen, P.O. Box 1097, Bushnell, Florida, convicted on October 25, 1968, in the Circuit Court of Marion County, Florida; June 30, 1969, in the Circuit Court of Marion County, Florida; and on March 12, 1976, in the Circuit Court of Sumter County, Florida.

Trahan, Matthew J., Vista Village Trailer Park No. 17, Bayou Vista, Louisiana, convicted on May 11, 1979, in the Third Judicial District Court, Parish of Linclon, Louisiana.

Tschaar, Alexander W., 1200 Hospital Avenue, Apartment 31, Angleton, Texas, convicted on May 18, 1978, in the Bealoria, County Court, Angleton, Texas.

Tuttle, Ricky Eugene, 6617 East Mockingbird, Dallas, Texas, convicted on April 29, 1975, in the 204th Judicial District, Dallas, Texas.

Uetz, Steven Dana, 522 South Nevada Street, Ridgecrest, California, convicted on May 27, 1975, in the Municipal Court of Kern County, California.

Vanderpool, Selwyn, Route 5, Box 515, Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.

Van Note, Daryl A., 14518 Rockwell, Spokane, Washington, convicted on August 9, 1977, in the 19th District Court, Judicial District of Montana.

Varnado, Jack D., 6044 West 20th Avenue, Kennewick, Washington, convicted on April 24, 1958, in the Circuit Cout of Franklin County, Florida; and on July 11, 1958, in the Circuit Court of Leon County, Florida.

Vitale, John J., 2 Grace Court, Brooklyn, New York, convicted on April 5, 1956, in the General Court Martial, Fort Knox, Kentucky.

Waggoner, Richard K., Box 733, Bridgeport, Washington, convicted on February 25, 1977, in the Superior Court of Grant County, Washington.

Wahus, Gordon E., Box 1311, Huran, South Dakota, convicted on April 2, 1980, in the United States District Court of South Dakota.

Wall, William Joseph, III, 4608 Kenwood Drive, Woodbridge, Virginia, convicted on April 23, 1979, in the Circuit Court, of Farifax County, Fairfax, Virginia.

Waltman, Richard James, Box 231, Burlington, Wyoming, convicted on June 28, 1968, in the District Court of Marshall County, Iowa.

Wahus, Gordon E., Box 1311, Huran, South Dakota, convicted on April 2, 1980, in the United States District Court of South Dakota.

Wardell, Stephen Wayne, Route 6, Box 12, Holts Trailer Park, Conway, South Carolina, convicted on October 11, 1977, in the Cabarrus County Superior Court, Concord, North Carolina.

Warren, Jack B., P.O. Box 706, Jena, Louisiana, convicted on January 21, 1981, in the United States District Court, Easter District of Louisiana.

Welch, Don Seaton, 818 Saratoga Avenue, Apartment L-20, San Jose, California, convicted on October 3, 1979, in the United States District Court, Northern District of Oklahoma.

Weinstein, Bernard, 6632 Brookmont Terrace, Nashville, Tennessee, convicted on August 6, 1980, in the United States District Court, Middle District of Tennessee.

Weiss, Marvin, 32 Hempton Road, New York, New York, convicted on April 26, 1950, in the Bronx Supreme Court, Bronx, New York.

Welch, Don Seaton, 818 Saratoga Avenue, Apartment L-201, San Jose, California, convicted on October 3, 1979, in the United States District Court, Northern District of Oklahoma.

Wells, Douglas Bruce, 123 Windham Way, Hendersonville, North Carolina, convicted on February 9, 1979, in the Superior Court of Hendersonville, North Carolina.

Westerfield, Ronnie G., 709 East Drive, Danville, Kentucky, convicted on April 27, 1972, in the Circuit Court of Jefferson County, Louisville, Kentucky.

Westfield, Daniel A., Box 452, Fox Lake, Wisconsin, convicted on April 27, 1978, in the Circuit Court of Green Lake County, Marquette, Wisconsin.

Wheeler, Michael, G., Sr., P.O. Box 8, Second Street, Mesa, Washington, convicted on March 23, 1981, in the Superior Court of Benton County, Washington.

Whirley, David D., 228 Gary Drive, Grand Rapids, Minnesota, convicted on March 6, 1978, in the 9th Judicial District, Grand Rapids, Minnesota.

White, Kenneth Avon, 104 Savannah, Pensacola, Florida, convicted on August 16, 1971, in the United States District Court; and on August 6, 1971.

White, Robert Ronald, Sr., 616 East Finch Street, Siler City, North Carolina, convicted on August 1, 1977, in the United States District Court, Western District of North Carolina.

Whitehead, Daniel, Sr., 1404 6th Avenue North, Birmingham, Alabama, convicted on September 1, 1972, in the Tenth Circuit Court of Birmingham, Alabama.

Williams, Stanley Atherton, Route 2, Box 12, Purdy Road, Calhoun, Louisiana, convicted on June 30, 1976, in the Fourth Judicial District Court, Monroe, Louisiana; and on April 13, 1978, in the Fourth Judicial District Court, Monroe, Louisana.

Williamson, Gary Dale, Route 1, Box 126-B, Candor, North Carolina, convicted on February 8, 1979, in the Justice Superior Court Division, Haywood County, North Carolina.

Willis, Alvin Wynn, 241 South Ardmore Avenue, Dayton, Ohio, convicted on May 24, 1951, in the United States District Court of Dayton, Ohio.

Wilson, William Raymond, 1205 North MacArthur, Irving, Texas, convicted on July 30, 1973, in the United States District Court of Corpus Christi, Texas.

Winstead, Miller, Route 3, Box 82C, Perry, Florida, convicted on March 12, 1956 in the Circuit Court of Taylor County, Taylor County, Florida.

Wingo, Beverly James, 1930 Lebanon Street, Adelphi, Maryland, convicted on April 27, 1955, in the Circuit Court, Mecklenburg, Virginia.

Woods, Henry Odis, 9977 Winding Avenue, Lemay, Montana, convicted on June 17, 1948, in the Jefferson County Court, Jefferson County, Alabama.

Word, Lou Gene, 1610 Gartland Avenue, Nashville, Tennessee, convicted on September 19, 1969, in the 10th Judicial Circuit, Davidson County, Tennessee.

Yancey, Harvey Emmett, 1124 Memorial Avenue, Williamsport, Pennsylvania, convicted on January 8, 1970, in the Court of Quarter Sessions, Philadelphia, Pennsylvania.

Yates, David Dallas, Route 1, Box 1241, Yakima, Washington, convicted on December 10, 1980, in the Superior Court of Yakima County, Washington.

Zellner, Ronald Allen, 2214 Hillshire Cove, Memphis, Tennessee, convicted on February 28, 1972, in the Criminal Court of Shelby County, Tennessee.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46FR13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Signed: March 7, 1983.

Stephen E. Higgins,

Acting Director.

[FR Doc. 83-6261 Filed 3-10-83; 8:45 am]

BILLING CODE 4810-31-M

Internal Revenue Service

Tax Forms Coordinating Committee; Public Hearings and Request for Forms Suggestions

As part of its annual forms review process, the Internal Revenue Service will hold public hearings to receive comments and suggestions concerning its tax return forms, instructions, and related schedules. While the comments may apply to any tax form issued by IRS, the Service would particularly appreciate specific suggestions on ways to reduce paperwork on the tax forms. The hearings will be held in 3 separate

cities on Thursday, May 5, 1983. The hearings will be held in Port Washington, NY, Indianapolis, and Houston beginning at 10 a.m. local time.

A person wishing to speak at one of these hearings should write or call the Internal Revenue Service at the address or phone number given below for the city of the particular hearings he or she plans to attend. If IRS is contacted by letter, the letter should be marked "Public Hearings on Forms" and should give both the return address and telephone number of the person desiring to speak.

The addresses and phone numbers to contact IRS regarding the hearings, as well as the hearing locations, are listed below:

Port Washington
- Internal Revenue Service, Attn: Public Affairs, GPO Box 606, Brooklyn, NY 11202; Phone (212) 330-7257
- Hearing Location: Port Washington Public Library, 245 Main Street, Port Washington, NY 11050

Houston
- Internal Revenue Service, Attn: Public Affairs, 3223 Briarpark Houston, TX 77042, Mail Stop 6030BP; Phone (713) 953-6434
- Hearing Location: Internal Revenue Service, 3223 Briarpark, Third Floor, Houston, TX 77042

Indianapolis
- Internal Revenue Service, Attn: Public Affairs, P.O. Box 44211, Indianapolis, IN 46244, Attn: Stop 60; Phone (317) 269-6034
- Hearing Location: Indiana Central University, Good Hall, 1400 East Hanna Avenue, Indianapolis, IN 46227

Although not required, it would be helpful to receive a copy of any written comments and suggestions a speaker may prepare. These should be sent to the appropriate mailing address listed above or may be left with the hearing panel on the day of the hearing.

In order to afford as many speakers as possible a chance to participate, each speaker's remarks will be limited to 10 minutes. Persons who have advised IRS that they wish to speak at the hearings will be notified in advance concerning the approximate time for their scheduled appearance. The last date for submitting requests to speak is April 27. However, if there is time remaining after scheduled speakers have been heard, the remaining time will be offered to persons in attendance not previously scheduled who wish to speak.

The panel for each hearing will be made up of representatives from the District Director's Office concerned and the National Office in Washington, D.C.

Request for Written Forms Suggestions

In addition to receiving comments at the public hearings, the Service also desires to receive written comments and suggestions for improving its tax return forms, instructions, and related schedules from those persons unable to attend the hearings. Again, it should be emphasized that the comments may apply to any tax form issued by IRS. The written submissions should be self-explanatory and in sufficient detail to communicate clearly what is being suggested. Careful consideration will be given to all comments and suggestions received. However, individual responses to the submissions will not be made becase of the volume of correspondence involved.

In order to meet our work schedule and early printing deadlines, we request that written submissions be made on or before June 1, 1983.

Comments and suggestions should be sent to the Chairman, Tax Forms Coordinating Committee, Room 5577, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Further information concerning this notice may be obtained by calling (202) 566-6254.

Dated: March 8, 1983.

Robert Brauer,

Director, Tax Forms and Publications Division.

[FR Doc. 83-6345 Filed 3-10-83; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 49
Friday, March 11, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue, NW., Washington, D.C.

DATE AND TIME: Monday, March 14, 1983; 9:30 a.m.–12 noon.

STATUS OF MEETING: Part open to public, part closed to public.

MATTERS TO BE CONSIDERED:

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Indiana Advisory Committee Report Entitled *Sworn to Protect Whom?*
IV. Nebraska Advisory Committee Report Entitled *Nebraska Human Rights Agencies*
V. Civil Rights Developments in the Central States Region
VI. Staff Director's Report
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports
VII. (Closed Session) Discussion of Further Agency Action on a Contracted Project
VIII. Proposed Followup Regarding Obtaining Information From Executive Agencies
IX. Review of the *Adams* States Project
X. Discussion on Improving State Advisory Committee Communications

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division (202) 254-6697.

[S-349-83 Filed 3-9-83; 1:44 pm]

BILLING CODE 6335-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, March 15, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 82-12-FOIA-55-NO, concerning a request for certain documents contained in two Title VII charge files.
4. Freedom of Information Act Appeal No. 82-12-FOIA-181-NY, concerning a request for materials denied from a charge file.
5. Freedom of Information Act Appeal No. 82-12-FOIA-135-CH, concerning a request for documents from a closed ADEA file.
6. Freedom of Information Act Appeal No. 82-11-FOIA-120-CH, concerning a request for materials denied from a charge file.
7. Freedom of Information Act Appeal No. 82-12-FOIA-64-NO, concerning a request for the content of a charge file.
8. Interpretative Bulletin on Employee Benefit Plans under the Age Discrimination in Employment Act of 1967, as amended.
9. Review of the Uniforms Guidelines on Employee Selection Procedures (UGESP) under Executive Order 12291.

Closed:

1. Litigation Authorization; General Counsel Recommendations (In addition to publishing notices on EEOC Commission Meetings in the Federal Register, the Commission also provides recorded announcements a full week in advance on future Commission sessions.

Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued March 8, 1983.

[S-352-83 Filed 3-9-83; 3:09 pm]

BILLING CODE 6570-06-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Wednesday, March 16, 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 their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agneda.

1. Proposed extension with revisions of the Report of Broker Carrying Margin Accounts (FR 240).
2. Proposals to: (1) Extend with revisions reports under the Board's securities regulations, and (2) delete the report, Market Value of Long and Short Positions Being Carried in Specialists' Accounts (FR 2020).
3. Proposed changes to Advance Reort of Deposits from Large Banks (FR 2000) and the Advance Report of Deposits from Selected Member Banks (FR 2001) to be effective when contemporaneous reserve requirements are implemented.

Discussion Agenda:

4. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) reducing time deposit maturities to which reserve requirements apply, to conform with actions of the Depository Institutions Deregulation Committee.
5. Proposals with respect to fees for wire transfer of funds and net settlement services.
6. 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: March 9, 1983.

James McAfee,
Associate Secretary of the Board.

[S-345-83 Filed 3-9-83; 11:00 am]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 11 a.m., Wednesday, March 16, 1983, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Consideration of office space needs of the Federal Reserve Board.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announcing meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: March 9, 1983.

James McAfee,

Associate Secretary of the Board.

[S-346-83 Filed 3-9-83; 11:07 am]

BILLING CODE 6210-01-M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-11]

TIME AND DATE: 2:30 p.m., Tuesday, March 22, 1983.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731-TA-124 (Preliminary) (Potatoes afrom Canada)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-350-83 Filed 3-9-83; 2:15 pm]

BILLING CODE 7020-02-M

6

INTERNATIONAL TRADE COMMISSION

[USITC SE-83-12]

TIME AND DATE: 10 a.m., Thursday, March 24, 1983.

PLACE: Room 331, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation TA-201-48 (Stainless Steel and Alloy Tool Steel)—briefing and vote on injury.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-351-83 Filed 3-9-83; 2:16 pm]

BILLING CODE 7020-02-M

7

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-8]

TIME AND DATE: 9:30 a.m., Monday, March 21, 1983.

PLACE: Conference room 8 ABC, Eighth floor, 800 Independence Ave., S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* Pan American World Airways, Inc., Boeing 727-235, N4737, New Orleans International Airport, Kenner, Louisiana, July 9, 1982.

The agenda is subject to change on short notice.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

March 10, 1983.

[S-347-83 Filed 3-9-83; 1:21 pm]

BILLING CODE 4910-58-M

8

NEIGHBORHOOD REINVESTMENT CORPORATION

[No. 27]

FEDERAL REGISTER Citation of Previous Announcement: Published February 22, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 23, 1983, 2 p.m.

CHANGE IN THE MEETING: The meeting is rescheduled to March 15, 1983 at 1 p.m., Suite 400, 1850 K Street NW., Washington, D.C.

March 9, 1983.

Donnie L. Byrant,

Secretary.

[S-344-83 Filed 3-9-83; 10:54 am]

0000-00-M

9

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 March 14, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Tuesday, March 15, 1983, at 10:00 a.m. Open meetings will be held on Wednesday, March 16, 1983, at 3:00 p.m. and on Thursday, March 17, 1983, at 10:00 a.m. and 3:00 p.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, 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 Tuesday, March 15, 1983, at 10:00 a.m., will be:

Formal orders of investigation.
Amend formal order of investigation.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Settlement of administrative procedings of an enforcement nature.
Litigation matters.
Institution of injunctive actions.

The subject matter of the open meeting scheduled for Wednesday, March 16, 1983, at 3:00 p.m., will be:

The Commission will meet with representatives of the Securities Investor Protection Corporation ("SIPC") to discuss matters of mutual concern relating to the operations of SIPC. For further information, please contact Edward Kwalwasser at (202) 272-2790.

The subject matter of the open meeting scheduled for Thursday, March 17, 1983, at 10:00 a.m., will be:

1. Consideration of whether to permit William P. Crum, Jr. to become associated with FSC Securities Corporation in a supervisory and proprietary capacity. For further information, please contact Mary Binno at (202) 272-2318.
2. Consideration of whether to grant the application by the Pacific Stock Exchange for unlisted trading privileges in the common stock of Xonics, Inc., a non-reported security presently trading over-the-counter. For further information, please contact Michael Cavalier at (202) 272-2910.
3. Consideration of whether to authorize the publication of a release describing rule and form changes that would (1) consolidate two existing forms for the registration of American Depositary Receipts ("ADRs") into a single form; (2) permit depositary banks to specify the date and time of effectiveness of certain registration statements for ADRs; and (3) various other technical changes to up-date and simplify the registration of ADRs. For further information, please contact Ronald Adee (202) 272-3250.

The subject matter of the open meeting scheduled for Thursday, March 17, 1983, at 3:00 p.m., will be:

The Commission will be meeting with representative of North American Securities Administrators Association, Inc. to discuss issues of mutual concern relating to regulation of financial institutions, new offerings and tender offers. For further information, please contact Ardith Eymann at (202) 272-2844.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

March 9, 1983.

[S-348-83 Filed 3-9-83; 1:21 pm]

BILLING CODE 8010-01-M

federal register

Friday
March 11, 1983

Part II

Office of Personnel Management

Notice of Positions Which Were Career Reserved During 1982

OFFICE OF PERSONNEL MANAGEMENT

Positions Which Were Career Reserved During 1982

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1982.

FOR FURTHER INFORMATION CONTACT: Neal Harwood, Office of Executive Personnel, (202) 632-4625.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1982, whether or not they were still career reserved on December 31, 1982. Section 3132(b)(4) of Title 5 U.S.C. requires that the head of each agency publish the list by March 1 of the following year. OPM is publishing the list for all agencies.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982

Agency and organization	Career reserved positions
ACTION	
Ofc of the Director	Assistant Director for Compliance
	Inspector General
	Asst Dir for Financial Management
Ofc Assoc Dir for Domestic & Anti-Poverty Operations.	Director-Accounting Division
Administrative Conference of the U.S. Administrative Conference of the U.S.	Executive Director
	General Counsel
	Research Director
Advisory Council on Historic Preservation Ofc of the Exec Director	Executive Director
Department of Agriculture	
Ofc of the Inspector General.	Asst Inspector General for Investigations
	Dep Asst Inspector General for Investigation
	Asst Inspector General for Auditing
	Dep Asst Inspector General for Auditing
	Asst Inspector Gen for Planning Res & Eval
	Asst Inspector General for Sec & Spec Oper
	Asst Inspector General for Analysis and Eval
Office of Asst Sec'y Administration.	Assistant Secretary for Administration
Office of Operations	Director Office of Operations
Organization Abolished	Dep Dir for Administrative Services
Farmers Home Administration.	Dep Admr-Financial and Administrative Opers
	Dir, Finance Ofc
	Asst Admin Accounting & Dir Finance Office
	Asst Admr, Community and Business Programs

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Rural Electrification Administration.	Asst Admr-mgmt
	Financial Mgr (Director) REA
Agricultural Marketing Service.	Deputy Administrator, Management
	Director, Fruit & Vegetable Division
	Director, Cotton Division
	Director, Dairy Division
	Dir-Livestock Poultry Grain and Seed Divison
	Dir Fruit & Vegetable Quality Div FSQS
	Dir Meat Quality Div FSQS
	Dir Warehouse Division
	Director, Tobacco Division
	Agricultural Marketing Svc, Dir Poultry Div
Animal & Plant Health Inspection Service.	Dep Admr for Management
	Asst Dept Admin for Mgt
	Assist Dep Admin for International Programs
Veterinary Services	Asst Dep Adm: R-Animal Health Progs-Vet Serv
	Asst Dep Admr, Inmatl Prog, Vet Services
	Dir Natl Veterinary Services Labs, Ames
	Dir, Nat Prog Planning Staffs, Vet Services
	Co-Director U.S.-Mexico Screwworm Commission
	Director, Northern Region
	Dir, S E Region, veterinary Services
	Dir, Natl Brucellosis Eradication Program
Plant Protection & Quarantine Service.	Dir, Nat Prog Plan Staff, Plant Prot & Quarantine
	Dir, S E Region, Plant Prot & Quarantine
	Assist Dep Admin for Natl & Emergency Progr
	Director Northeastern Region
Federal Grain Inspection Service.	Asst Dep Admr-Program Operations (Staff)
	Asst Dep Admin-Program Opers (Field)
Food & Nutrition Service.	Dep Admr-Financial Mgmt (Comptroller)
	Deputy Admr for Management
Food Safety and Inspection Service.	Assistant Deputy Administrator
	Dep Admir-Administrative Mgmt
	Dir Northeast Region, Phila., PA
	Regl Director, Atlanta Georgia
	Dir. North Central Region, Des Moines, Iowa
	Director, Southwestern Region, Dallas, Texas
	Dir, Western Region, Alameda, California
	Asst Dep Admr Comp & Staff Operations
	Asst Deputy Admin Regional Operations
	Assistant Deputy Admr Science FSQS
	Asst Dep Admin (Admin Mgt)
	Deputy Administrator, Science
	Dep Admr Internl Programs
Agricultural Stabilization & Conservation Service.	Accounting Officer
Foreign Agricultural Service.	Asst Administrator, Management
Commodity Programs	Director Tobacco Cotton & Seeds Division
	Dir, Grain & Feed Div
	Dir, Oilseeds & Prod Div
	Dir, Dairy, Livestock & Poultry Div
	Deputy Assistant Administrator Export Credits
Agricultural Attaches	Dep Asst Admr. Internl Agric Statistics
Ofc of Dir Science and Education Administration.	Research Leader, Wheat Research
	Research Leader-Fruit & Vegetable Chem Research
	Research Leader-Plant Physio & Photosynthesis Res
	Dep Dir for Adm

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Director, Nutrition Research Ctr on Aging
	Assoc Dep Dir for Adm Management
	Dir, Children's Nutrition Research Center
	Chief Livestock and Veterinary Sciences Staff
	Chief Post Harvest Science and Technology Stf
	Dir, Western Human Nutrition Research Center
	Pesticide Management Coordinator
Agricultural Research Service.	Chrman-Nutrition Inst, Beltsville MD
	Chief Oilseed Crops Laboratory
	Chief Fermentation Laboratory
	Research Leader-Soil & Water Research Mgmt
	Chf, Plant Virology Lab Beltsville, MD
	Res Leader Natural Products Chemistry Res
	Dir, Southern Regional Res Center, New Orleans
	Chief, Crop Protection Staff
	Assoc Dep Admr
Regional Offices, ARS	Dir, Northern Region Research Center
	Dir, Nat'l Animal Disease Ctr
	Dir, Beltsville Agricultural Research Center
	Chf Tobacco Lab
	Director, Eastern Regl Research Center
	Dir, Plum Island Animal Disease Ctr
	Chf Scientist, PIADC-Orient Point, NY
	Director, Western Regional Research Center
	Research Leader Feedstuffs Research
	Director, California-Hawaii-Nevada Area
	Director, Florida-Antilles Area
	Director, Oklahoma-Texas Area
	Director, Athens, Georgia Area
	Chief Soil Water & Air. SCI Staff
National Program Staff	Asst. Admr. National Program Staff
Research Staff	Director, U.S. Salinity Laboratory
	DIR Insects Affecting Man Laboratory
Extension Service	Dep. Admr. Home Economics & Human Nutrition
Soil Conservation Service.	Director Engineering Division
	Dir, Ecological Sciences and Technology Divisi
	Dep. Chf. for Administration
	Dir, Consv. Planning and App
	Dir, Project Dev. and Maint
	Dir, Basin & Area Planning (Soil Conserv)
	Assoc Dep Chief for Administration
	Dir, Soils (Soil Scientist)
	Dir, Land Treatment Program
Forest Service	Dep Chf for Administration
	Associate Deputy Chief-Administration
	Dir, Forest Insect & Disease Mgmt. Staff
Research	Director, Timber Mgmt. Research Staff
	Dir, Insect and Disease Research Staff
	Dir, Forest Environment Research Staff
	Dir, Forest Economics Research Staff
	Dir, Forest Products & Eng. Res. Staff
Nat'l Forest System	Dir, Range Management Staff
	Dir, Recreation, Mgmt Staff
	Dir, Timber Management Staff
	Director, Engineering Staff
	Director, Aviation and Fire Management Staff

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Director, Lands Staff
	Dir, Land Management Planning Staff
	Dir, Wildlife Mgt. Staff
	Dir, Minerals & Geology Staff
	Dir, Watershed Mgt. Staff
State & Private Forestry	Dir, of Area Planning & Dev Staff
	Dir, Cooperative Forestry
Field Units	NE Area Dir, State & Private Forestry, U Darb
	Dir, SE Area State & Private Forestry
	Dir, Intermountain Forest & Range Exp Stat, CGD
	Dir, N Eastern Forest Experiment Station
	Dir, North Central Forest Exp Station
	Dir, Pacific NW Forest & Range Exp Station
	Dir, Pacific SW For & Range Exper Sta
	Director Rocky Mt Forest & Range Exper Stat
	Dir S Eastern Forest Experiment Station
	Dir, S. Forest Experiment Station, New Orlean
	Director, Forest Products Laboratory
	Dep Dir Forest Prouducts Lab
Economic Research Service.	Admr, Economic Research Service
	Assoc Admr
	Dep Admr, Economic Research Service
	Director, International Economics Division
	Director, National Economics Division
	Dir, Natural Resource Economics Div
	Director, Economic Development Division
Economics Management Staff.	Director, Economics Management Staff
	Director, Commodity Economics Div
Statistical Research Service.	Administrator, SRS
	Dep Admr, Statistical Research Service
	Dir, Estimates Div
	Director, Survey Division
	Director, Statistical Research Division
	Director, State Statistalcal Division
World Agricultural Outlook Board.	Chairperson
	D/Chrperson for Res Weather & Remote Sensing
	Deputy Chairperson for Economic Intelligence
Board for International Broadcasting	
Board Staff	Exec Director
	Dir for Research & Engineering
	Financial Manager, Foreign Information Officer
	Foreign Information Officer
Department of Commerce	
Ofc of the Under Sec for Economic Affairs.	Statistical Coor for the Asst Sec for Eco Aff
Ofc of Asst Secy for Productivity, Tech & Innov.	Research and Development Administrator
National Technical Information Service.	Assoc Dir for Financial & Admin Mgmt
Ofc of the Inspector General.	Assistant Inspector General for Auditing
	Dep Dir, Ofc of Audits
	Asst Inspector General for Investigations
	Dir. Ofc of Policy & Administration
	Deputy Assistant Inspector Gen for Auditing
	Asst Inspector Gen for Planning & Evaluation
	Technical Advisor to the Inspector General
	Asst Insp Gen for Vulnerability Asses & Mgt Svc

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Personnel	Dir, Office of Personnel
	Dep Dir for Personnel Development
	Deputy Director of Personnel
Executive Director for Operations.	Dir Ofc of Investigations & Security
Executive Director for Information Resources Management.	Dir, Ofc of Information Management
	Dir, Ofc of Information Systems
Office of Controller	Dep Asst Secy for Acquisition, Grants & Info
	Dep Dir for Procurement
	Director, Office of Information Management
Economic Development Administration.	Dir, Off of Public Works
	Dir, Ofc of Technical Assistance
	Director, Ofc of Economic Research
	Spec Asst for Indian Affairs
	Director, Ofc of Plan, Techn Asst, Res & Eval
	Dir Ofc of Eligibility and Industry Studies
National Oceanic and Atmospheric Administration.	Asst Dir, Ocean Minerals and Energy
Asst Admr for Policy and Planning.	Dir, National Marine Pollution Program Office
Management and Budget.	Director, Ofc of Program Evaluation & Budget
	Director, Office of Personnel
	Director, Office of Management & Computer Sys
	Dir, Office of Administrative Operations
Fisheries Centers and Laboratories.	Dir, NE Fisheries Ctr
	Dir, SE Fisheries Ctr
	Dir, SW Fisheries Center
	Dir, NW & Alaska Fisheries Ctr
Regional Offices	Regl Dir, Northeast Reg, Reg III
	Regl Dir, Southeast Reg Reg, II
	Regl Dir, Northwest Reg, Reg I
	Regl Dir, Alaska Reg, Region V
National Earth Satellite Service.	Dir, Ofc of Operations
	Assoc Dir for Data Processing
	Dir, Ofc of Research
	Dir, Satellite Experiment Lab
	Director, Office of Data Services
	Director, Systems Developent,
	Director, of Satellite Operations
	Director, Earth Sciences Laboratory
Ofc of Research and Development.	Director, Ofc of Ocean Programs
	Dep Dir, Ofc of Marine Pollution Assessment
	Director, Special Research Programs Office
Environmental Research Laboratories.	Dep Dir, Environmental Research Laboratories
	Dir, Weather Modification Prog Ofc
	Director, Space Environment Laboratory
	Dir, ARL
	Dir, Meteorological Lab, Durham, NC
	Dir, Great Lakes Environmental Research Lab
	Dir, Pacific Marine Environmental Lab
	Dir, Nat'l Severe Storms Lab
	Dir, Ofc of Weather Res & Modification
Atlantic Oceanographic and Meterological Labs.	Dir, Atlantic Oceanographic & Meteorological Labs
	Depy Dir, Atlantic Oceanographic & Meteorological Labs
Wave Propagattion Lab	Director
	Dep Dir, Wave Propoagation Laboratory
Aeronomy Lab	Director, Aeronom Laboratory
	Senior Scientist/Deputy Director
Geophysical Fluid Dynamics Laboratories.	Director
	Research Meteorologist
	Res Team Leader Exp Predictions
	Research Meteorolgist
Oceanic and Atmospheric Services.	Dir, Satellite & Advanced Technoloyg

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Ocean Technology and Engineering Services.	Dep Dir, Ofc of Ocean Tech & Engr Serv
	Director, Plans and Programs Office
	Dir, Undersea Science & Technology Program
	Dir, NOAA Data Buoy Ofc
	Dir, Ocean Inst Eng Ofc
National Ocean Survey	Dep Dir
	Chf Scientist
	Dir, Geodetic Research & Development Lab
	Assoc Dir, Ofc of Aeronautical Charting & Cart
	Dir, Engrg Dev Lab
	Oceanographic Science Advisor
	Chief Geodesist
Environmental Data and Information Service.	Dep Dir, Environmental Data Service
	Associate Director for Marine Sciences
	Dir, Center for Environmental Assessment Svcs
	Dir, Environmental Science Info Center
	Dir, Nat'l Oceanographic Data Center
	Dir, Nat'L Climatic Center
	Dir, National Geophy & Solar Terres Data Center
National Weather Service.	Dep Dir, National weather Service
	Executive Director, NWS
	Dir, Nexrad Joint Systems Program OFC
Office of Meterology and Oceanography.	Dir, OFC of Meteorology & Oceanography
	Chf, Meterological Services Division
Office of Hydrology	Associate Director
	Dir, Hydrologic Services Division
	Dir, Hydrologic Research Lab
National Meteorological Center.	Dir, Climate Analysis Ctr
	Director, National Meteorological Center
	Deputy Director
	Chf, Data Automation Div
	Chief, Development Div
	Chf, Forecast Division
Systems Development Office.	Dir, Systems Development OFC
	Director, Integrated Systems Laboratory
	Dir, Technigues Dev Lab
	Director, Advanced Systems Laboratory
Office of Technical Services.	Dir, OFC of Technical Services
	Chf, Communications Division
	Chf, Data Systems Division
	Chief, Engineering Division
	Chief, Afos Operations Division
Regional Offices	Dir, Nat'l Severe Storms Forecast Center
	Dir Southern Region, Ft worth
	Director, Nat'l Hurricane Center
	Dir, Salt Lake City Region
	Dir, Alaska Region, Anchorage
	Dir, Eastern Region NWS
	Director, Central Region
Institute for Telecommunications Sciences.	Assoc Admr for Telecommunications Science
	Dep Assoc Admin for Telecommunication Scie
	Associate Director, ITS
	Assoc Dir, ITS
	Deputy Dir For Systems & Networks
	Special Technical Liaison
	Deputy Director for Spectrum
National Bureau of Standards.	Assoc Dir for International Affs
	Director, Boulder Labs
	Tech Advisor to the Director
	Director, Planning Ofc
	Assoc Dir for Programs, Budget, and Finance
	Scientific Assistant to the Director
	Deputy Dir, Office of Product Standards Policy

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
National Measurement Lab.	Senior Science Advisor
	Senior Mathematical Statistician
	Associate Director for Planning
	Assoc Dir for Measurement Service
	Chief, Metallurgy Div
	Group Leader, Ion Thermochemistry
	Group Leader, Surface and Structure Kinetics
	Chief, Gas and Particulate Science Division
Deputy Director for Programs.	Deputy Director for Programs
	Chief, Ofc of Environmental MGMTS
	Chief, Office of Standard Reference Data
	Chief, Ofc of Standard Reference Materials
	Chf, Ofc of Measurements for Nuclear Safeguard
	Prog Manager, Industrial Process Data
	Program Manager, Energy and Environmental Data
	Principal Scientist for Environmental Measure
	Chf, Ofc of Nondestructive Evaluation
Center for Absolute Physical Quantities.	Dir, Ctr for Absolute Physical Quantities
	SR Research Fellow and Chf, Quantum Metrology
	Chf, Electrical Measurements and Stds Division
Quantum Physics Division.	Chf, Quantum Physics Div (Ctr for Apq)
	Sr Sci & Fellow of Jila
	Senior Research Scientist
	Senior Scientist, Boulder
	Sr Scientist & Fellow of Jila
	Senior Scientist, Fellow of Jila
Time and Frequency Division.	Chf, Time & Frequency Div
	Group Leader, Time and Frequency Division
	Senior Sci, Time & Frequency Div Ctr for Apq
Center for Analytical Chemistry.	Director, Center for Analytical
	Chf, Radiochemical Analysis Section
	Scientific Asst to the Dir, Ctr for Analytical
	Chf, Organic Anal Research Div
Center for Radiation Research.	Dir, Center for Radiation Research
	Dep Dir, Ctr for Radiation Research
	Chf, Atomic & Plasma Radiation Divi
	Chf, Radiation Science & Instrumentation Div
Nuclear Radiation Division.	Chief, Nuclear Radiation Div.
	Physicist, (Nuclear)
	Principal Scientist, Neutron Standards
	Chief, Radiation Theory Section
Radiation Physics Division.	Prin Scientist in X-Ray Physics
	Group Leader for Far Ultraviolet Physics
Center for Material Science.	Dir, Center for Material Science
	Deputy Dir, Center for Material Science
	Senior Scientist
	Group Leader for Fiberous Systems
	Chf, Metallury Div-Ctr for Materials Science
	Scientific Assistant to the Director
Fracture and Deformation Division.	Chf, Fracture and Deformation Division
	Group Leader, Frac Cer & Comp Frac & Def Div
Chemical Stability and Corrosion Division.	Chf, Chemical Stability & Corr Div
	Group Leader, Corrosion and Electrodeposition
Ceramics Glass and Solid State Science Division.	Group Leader for Crystallography
	Chf, Inorganic Glass Section
Polymer Science and Standards Division.	Chf, Polymers Science and Standards Div
	Physicist (Solid State)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Reactor Radiation Division.	Chf, Reactor Radiation Div
	Group Leader, Reactor Radiation Division
Center for Chemical Physics.	Director, Center for Chemical Physics
	Quantum Chemistry Group Leader
	Group Leader for Environ Chemical Process
	Senior Scientist
	Scientific Asst to Dir, Cen for Thermo & M/S
	Director, Center for Chemical Physics
	Chief, Surface Science Div
	Deputy Director, Center for Chemical Physics
National Engineering Lab.	Assoc Dir for Technical Evaluation
	Assoc Dir for Program Coordination
	Senior Engineer
	Group Leader, Equation of State
	Chief, Office of Sponsored Programs
	Deputy Director for NEL Programs
	Deputy Director, Ctr for Chemical Engineering
Center for Fire Research.	Director, Center for Fire Research
	Deputy Director, Center for Fire Research
	Chf, Fire Science Division
	Chief, Fire Safety Technology Division
Center for Building Technology.	Director, Center for Building Technology
	Deputy Director, Center for Building Tech
	Chf, Structures, Materials, & Life Safety Div
	Chief, Building Thermal and Service Systems
	Chf, Building Economics & Regulatory Tech Divs
	Chf, Thermal Analysis Program
	Chf, Building Materials Div
	Chief, Building Equipment Division
Ctr for Mechanical Engineering & Process Technology.	Dir, Ctr for Mechanical Engineering & Process
	Dep Dir, Ctr for Mechanical Engineering & Proc
	Chf, Thermal Processes Division
	Chief, Automated Production Technology Div
	Chf, Thermophysical Properties Div
Center for Applied Mathematics.	Director, Center For Applied Mathematics
	Deputy Director
	Chf, Mathematical Analysis Div
	Chf, Statistical Engineering Division
	Senior Research Fellow
	Assoc Dir for Computing
	Chief, Operations Research Division
Center for Electronics and Electrical Engring.	Dir, Ctr for Electronics & Electrical Engineer
	Dep Director
	Chf, Electrosystems Division
	Chf, Electromagnetic Technology Division
	Senior Research Scientist
Center for Consumer Product Technology.	Director, Office of Engineering Standards
	Dep Dir, Center for Consumer Product Technology
Center for Field Methods.	Dir, Ctr Field Methods
	Chf, Ofc of Energy Programs
	Chief, Semiconductor Devices & Circuits Div
	Chief, Electromagnetic Fields Division
Center for Chemical Engineering.	Director, Center for Chemical Engineering
	Chief, Thermophysics Division
	Chief, Fluid Engineering Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Inst for Computer Sciences and Tecnology.	Dir, Center for Programming Science & Techn
	Chf, Ofc of Developmental Automation & Contrl
	Dir, Center for Computer Systems Engineering
	Assoc Dir for Planning Budget & Evaluation
	Chief, System Components Division
Bureau of the Census	Dep Dir
	Chief, Data User Services Division
	Asst Dir for International Programs
Administration	Associate Director for Administration
	Assistant Director for Administration
Statistical Standards and Methodology.	Assoc Dir for Statistical Standards & Method
	Asst Dir for Statistical Research
Information Technology	Asst Dir for Computer Services
	Chief, Computer Operations Division
Demographic Fields	Associate Director for Demographic Fields
	Asst Dir for Demographic Censuses
	Chf, Population Div.
	Chf, Statistical Methods Div
	Chief, Demographic Surveys Division
	Chief, Decennial Census Div
Economic Fields	Assoc Dir for Economic Fields
	Asst Dir for Economic & Agric Censuses
	Chief, Agriculture Div.
	Chf, Business Div
	Chf, Construction Statistics Div
	Chf, Econ Surveys Div
	Chf, Foreign Trade Div
	Chf, Government Div
	Chf, Industry Div.
	Senior Economic Advisor
	Chief, Center for Economic Studies
Field Operations	Assoc Dir for Field Operations
	Chf, Geography Div.
	Chf, Field Div
	Assistant Director for Processing
Bureau of Economic Analysis.	Director
	Dep Dir, Bur of Economic Analysis
	Assoc Dir for Nat'l Economic Accounts
	Assoc Dir for Nat'l Analysis & Projections
	Assoc Dir for Regional Economics
	Assoc Dir for Internat'l Economics
	Chief Economist
	Chf Statistician
	Asst to the Director for Econometrics
	Chf, Nat'l Income & Wealth Div
	Chief, Current Business Analysis Div.
	Chief, Business Outlook Div.
Bureau of Industrial Economics.	Dir, Bureau of Industrial Economics
	Dep Dir, Bureau of Industrial Economics
	Director, Office of Industrial Statistics
	Dir, Ofc of Industry Econ Res and Analysis
	Director, Office of Producer Goods
	Dir, Ofc of Basic Industries
	Dir, Ofc Consumer Goods & Svc Ind
Patent and Trademark Administration.	Asst Commissioner for Finance and Planning
	Assistant Commissioner for External Affairs
Office of Assistant Commissioner for Patents.	Adm'r for Documentation
Chemical	Group Director—110
	Group Director—120
	Group Director—140
	Group Director—160
	Group Director—170

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Electrical	Group Director--210
	Group Director--220
	Group Director--230
	Group Director--240
	Group Director--250
Mechanical	Group Director--310
	Group Director--320
	Group Director--330
	Group Director--340
	Group Director--350
Office of Assistant Commissioner for Trademarks.	Director, Trademark Examining Operation
	Chairman, Trademark Trial & Appeal Board
	Deputy Asst Commissioner for Trademarks
Board of Patent Interferences.	Chairman
Commodity Futures Trading Commission	
Office of the General Counsel.	Assoc Gen Counsel for Opinions and Review
	Assoc Gen Coun (Litigation)
	Assoc Gen Counsel (Rules)
	Deputy General Counsel (Reg & Adm)
Office of the Executive Director.	Dep Exec Dir
Office of the Chief Economist.	Dep Chf Economist
	Chf, Analysis Section
Division of Enforcement	Deputy Dir, Division of Enforcement
	Deputy Director, Division of Enforcement
Division of Trading and Markets.	Deputy Director. Div of Trading & Markets
	Dep Dir, Div of Trading and Markets
Consumer Product Safety Commission	
Ofc of General Counsel	Dep Gen Counsel, Reg Aff/Gen Law
Ofc of Executive Dir	Dir, Ofc of Prog Mgt
	Director, Ofc of Budget, Prog Plan & Eval
Office of AED for Epidemiology.	Associate Exec Dir for Epidemiology
Ofc of AED for Compliance & Administrative Litigation.	Assoc Exec Dir for Compl & Admin Litigation
Ofc of AED for Health Sciences.	Assoc Exec Dir for Field Opers
Ofc of AED for Administration.	Assoc Exec Dir for Adm
Ofc Secy of Defense	
Office of the Secretary	Asst to the Secy of Defense (Intel Oversight)
Ofc of Asst to the Secy of Def (Review and Oversight).	Principal Deputy Asst to Sec of Defense
	Dep Asst to the Secy (Follow-up Report & Mgmt)
	Dep Ast to the Secy of Def (O E & C P)
	Director, Contract Audit Follow-up
	Dir, Audit Res & Internal Audit & Invest Fol-up
	Dep Asst to the secy of Def (Criminal Investigation)
	Dir, Special Projects & Analyses
	Dir, Internal Audit Oversight & Evaluation
	Dir, Contract & Ext O/Sight and Evaluation
	Director for Criminal Policy and Oversight
Ofc of Deputy Under Secy (Policy).	Dir, Counter Intel & Investigative Prog
	Dir, Information Security
Ofc of the Asst Secy of Def (Internal Security Programs).	Dep Director, DOD SALT Task Force
	Asst Dep Dir for Strat Sys & Senior OSD Adv

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc Dep Asst Sec (Civilian Personnel Policy & Reg).	Staff Dir, CPP/Dir for Personnel Mgmt
	Dir, Compensation & Position Mgmt
	Dir, Staffing and Career Mgmt
	Dir, Overseas & Nonappropriated Fund Per/Mgmt
	Dir, Personnel Management
	Deputy Director for Labor Management Relation
Ofc Dep Asst Sec, Mil Personnel & Force Management.	Director, Accession Policy
Ofc of Deputy Asst Sec,. Equual Opportunity.	Dir for Civilian Equal Opportunity Programs
Ofc of Dir Of DOD Dependents Schools.	Dir, DOD Dependents Schools
	Dir, Pacific Region DODDS
Office of Assistant Secretary, Public Affairs.	Dir, Freedom of Information & Security Review
Ofc of Dep Director (Strategic Programs).	Dir, Strat Def and Theater Nuclear Forces Div
Washington Headquarters Services.	Director of Personnel and Security
Ofc Dep Asst Secy of Defense (Cost & Audit).	Deputy Asst Secy of Defense (Audit Policy)
	Dep Comptroller for Audit Policy
Ofc of Under Secretary for Research and Engineering.	Spec Asst for Assessment & Exec Officer—DSB
	Director, Program Control and Administration
Ofc of Asst to Secy for Atomic Energy.	Sr Analyst for Long Range Resource Planning
Ofc of Dep Under Secy (International Programs and Tech).	Asst Dep Under Secy of Def (Interni Progs)
	Dir, Technology Export
	Director , Technology Trade
	Staff Specialist for Intern'l Programs & Poli
	Special Asst for Planning and Requirements
	Dir, F/East, M/East & Southern Hemisp Affairs
Ofc of Asst Dep Und Secy of Def (Prod Policy).	Asst Dep Under Secy of Def (Production Pol)
	Director, Embedded Computer Resources
	Dir, Standardization & Acquisition Support
	Director for Production Resources
Ofc of Asst Dep Und Secy of Def (Acquisition).	Asst Dep Under Secy of Defense (Acquisition)
	Director, Cost Pricing and Finace
	Dir, Contract Placement and Administration
	Dir, Defense Acquistion Regulatory Systems
	Director, Major Systems Acquisition
	Dir, Dod Contract Studies & Mgmt Spt Services
	Director, Contract Policy
	Director, Contract Administration
Office of the Director, Test and Evaluation.	Dep Dir (Strategic & Naval Sys Div)
	Dep Dir for Test Facilities and Resources
	Staff Spec for Strategic & Naval Warfare Sys
Ofc of Dep Under Secy for Research and Advanced Tech.	Spec Asst to Dus (Research & Advanced Technol)
	Asst Dep Under Sec of Defense (Res & Adv Tech)
	Dir, Very High Speed Integrated Cir & Elec De
Ofc, Dir, Engineering Technology.	Dir (Engineering Technology)
	Staff Spec for Aeronautics and Hydronautics
	Staff Specialist for Vehicle Propulsion
	Staff Specialist for Materials & Structures
	Staff Specialist for Ordnance
	Staff Specialist for Weapons Technology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc, Dir, Electronics and Physical Sciences.	Dir, Electronics and Physical Sciences
	Staff Spec for Electron Dev & Integrated Circ
	Staff Spec for Electron Dev & Integrated Circ
	Staff Spec For Elec Warfare and Target Acq
	Staff Specialist for Search and Surveillance
Ofc, Dir, Environmental Life and Sciences.	Staff Specialist for Chemical Technology
Ofc, Dir, Rsch and Technical Info.	Dir, Research & Technical Information Ofc
	Staff Specialist for Research
Office of Directed Energy Programs.	Dir, Directed Energy Programs Ofc of the Dir, Offensive and Space Systems
	Dir, Offensive and Space Systems
	Staff Specialist for Space & Advanced Systems
	Staff Spec for Techn & Analysis (Off Sys)
Ofc, Dir, Defensive Systems.	Dir, Defensive Systems
	Staff Specialist for Early Warning & Attack
	Staff Specialist for Defensive Systems
	Staff Spec for Early warn, Air Def & At Asses
	Staff Spec for Ball Missile Def Sys
Ofc of Dir, Cruise Missile Systems.	Director, Cruise Missile Sys
Ofc, Dir, Start & Arms Control Office.	Director, Start and Arms Control Office
Ofc of Dep Under Secy Tactical Warfare Progs.	Spec Asst for Plans and Analysis
Ofc, Dir, Land Warfare	Dir, Ofc of Land Warfare
	Staff Specialist for Close Combat Systems
	Staff Specialist for Ground Air Defense Sys
Ofc, Dir, Air Warfare	Director, Air Warfare
	Staff Spec for Interdiction/Naval Strike
	Staff Spec, Close Air Sup/Battlefield Int
Ofc of Director, Naval Warfare.	Director, Naval Warfare
	Staff Spec for Tos and Electromagnetic Techno
	Staff Spec for Antisub & Mine Systems
	Stf Spec for Naval Proj & Anti-Air Systems
Office of Mobility and Special Projects.	Director, Mobility and Special Projects
	Staff Specialist for Air Mobility
Ofc of Asst Dep Under Secy of Def (C3).	Asst Dep Under Sec of Def (Commun Comm & Cont)
	Staff Spec for Switched & Spec Purpose Comm S
	Spec Asst for Technical Plans and Research
	Staff Spec for WWMCCS & Other C3 Systems Arc
	Staff Spec for Satellite Communications Syste
	Staff Specialist for Tactical Command & Contr
	Dir,. Office of Communication Systems
	Dir, Electronic Warfare & C3 Countermeasures
	Director, Information Systems
	Stf Spec/Elec Warfare & C3 C/Meas Supt Actv
	Dir, Theater & Tactical Commun Command & Contr
	Dir, Strategic & Theater Nuclear Forces C3
Ofc of Asst Dep Under Secy of Defense (Intelligence).	Director, Tactical Intelligence Systems
	Director, National Intelligence Systems
	Sr Staff Spec for Reconn Surveil & Target Acq
	Sr Scientist for Natl Intelligence Systems

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Asst Dep Under Secy of Def (Systems Integration).	Dir, Long-Range Planning & Sys Evaluation
	Director, Systems Architecture and Analysis
	Staff Specialist for Combat Systems Analysis
Defense Advanced Research Projects Agency.	Deputy Director for Research
	Deputy Director for Technology
	Asst Deputy Dir for Technology
	Technical Advisor to the Director, DARPA
Regional Office-Europe	Dir, Darpa Reg'l Ofc—Europe
Tactical Technology Office.	Dir, Tactical Technology Office
	Dep Dir, Tactical Technology Office
	Asst Dir for Target Acq and Engagement
	Asst Dir for Ocean Monitoring & Control
	Asst Dir for Weapons Technology & Concepts
Information Processing Techniques Office.	Dir, Information Processing Techn Ofc
	Prin Res Manager (Info Process Tech Ofc)
Material Sciences Office.	Asst Dir for Cybernetics Technology
	Assistant Director for Materials Sciences
Defense Sciences Office.	Dir, Defense Sciences Ofc
	Dep Dir, Def Sciences Ofc
	Assistant Director for Geophysical Sciences
Strategic Technology Office.	Dir, Strategic Technology Office
	Asst Dir, Surveillance
	Dep Dir, Strategic Techn Ofc
Directed Energy Office	Dir, Directed Energy Ofc
	Dep Dir, Directed Energy Ofc
	Asst Dir for Technology, Directed Energy Off
	Assistant Dir for Space Defense Technology
Vehicles Technology Office.	Dir, Air Vehicles Technology Ofc
Office of the Joint Chiefs of Staff.	Scientific and Technical Advisor to the Chief
	Dep Function Proj Manager/Chief Sys Integ Ofc
Defense Contract Auldt Agency.	Director, DCAA
	Deputy Director, DCAA
	Asst Dir, Operations & Professional Dev
	Asst Dir, Policy & Plans
	Director Field Detachment
Regional Managers	Regional Director, Atlanta
	Regional Director, Boston
	Regional Director, Chicago
	Regional Director, Los Angeles
	Regional Director, Philadelphia
	Regional Director, San Francisco
Off of Exec Dir, Qual Assurance, Oddcas.	Dep Exec Dir, Quality Assurance
Ofc of the Staff Dir—Small & Disadvantaged Business Util.	Staff Dir, Small & Disadvantaged Business Util
Office of Staff Director, Personnel.	Staff Director, Personnel
Exec Dir, DLA Contracting.	Executive Director, Contracting
	Chief, Contracts Division
Exec Dir, DLA, Tech & Logistics Services.	Chf, Property Disposal Div
Defense Contract Admin Service Regions.	Deputy (DCASR, Los Angeles)
Office of the Director	Chief Scientist & Assoc Dir, Technology
National Communications System.	Asst Manager for Technology and Standards
	Deputy Manager, National Communications System
	Asst Mgr, NCS Plans and Operations
	Asst Deputy Dir, Plans and Programs

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
WWMCCS System Engr Organ.	WWMCCS System Engineer
	Dep, WWMCCS System Engineer/Europe
	Dep, WWMCCS System Engineer
	Chief, WWMCCS Information System Office
	Spec Asst to the Dep Dir, C3-(A & MA)
Defense Communications Engineering Center.	Dep Dir, Def Communications Engineering Cente
	Chf, Computer & Software Systems Division
	Senior Science Advisor for Technology
	Chf, Interoperability & Standards Div
	Chf, Switched Systems Engr Div
	Chf, Systems Engineering Div
	Associate Director for Integrated Sys Design
	Deputy Director, Switched Network Engineering
	Associate Deputy Director, Switched Systems
Ofc of Dep Dir, Commd & Control Techn Ctr.	Dep Dir, Command and Control Technical Center
	Tech Dir, WWMCCS ADP Technical Supt Direct
Command and Control Engineering Directorate.	Chief, Systems Plans and Programs Division
	Technical Dir, UAMHS Project Management Office
	Associate Deputy Director for Technology
	Chief, Strategic Connectivity Engineering Div
	Deputy Director for C2 Engineering
Nat'l Military Comd Syst ADP Directorate, CCTC.	Asst Deputy Dir, NMCS ADP
	Asst Dep Dir for Computed Service
	Asst Dep Dir, Def Communications Engr Ctr
Military Satellite Communications Office.	Dep Dir, Mil Satellite Communication Systems
Office of the Director	Scientific Advr to the Commander, FD Command
	Dir, Acquisition Management Directorate
Office of Deputy Director Science & Technology.	Dep Dir (Science & Technology)
	Scientific Asst to Dep Dir (Science and Tech
	Asst to Dep Dir (Sci & Tec) for Theoretical R
	Asst to the Dep Dir (Experimental Res)
	Asst to the Dep Dir (Sci & Tech) for Testing
	Chf, Strategic Structures Division
	Chf, Aerospace Sys Div
	Chief, Atmospheric Effects Division
	Scientific Advisor (AFFRI)
	Tech Pro Mngr for Nuclear Assessment Director
	Chf, Electromagnetic Pulse Eff Div
DMA Headquarters	Dep Dir for Systems & Techniques
	Dep Dir, Mngmt & Technology
	Dep Dir for Progs, Prod & Opers
	Asst Dep Dir for Plans and Requirements
	Chief, Advanced Technology Division
	Chf, Acq Sys Dev Div
	Staff Director of Personnel
	Asst Deputy Dir for Programming
	Asst Deputy Dir for Production and Distribution
	Dir, Spec Prog Ofc for Exploitation Modernization
DMA Field Activities	Tech Dir, DMA Aero Center
	Tech Dir, DMA Hydrographic/Topographic Center
	Dep Dir, Prog Prod Oper DMA Htc
	Dep Dir, for Progs, Production and Operations

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Defense Audit Service	Director, Defense Audit Service
	Deputy Director, Defense Audit Service
	Assoc Director—Special Program Audits
	Assoc Dir, Intelligence and Communications Audits
	Assoc Dir, Systems & Logistics Audits
	Assoc Dir, Resources & Overseas Audits
	Assoc Dir, Financial Mgmt and Manpower Audits
Defense Investigative Service.	Dir, Defense Investigative Service
	Director for Investigations
	Dep Dir (Industrial Security)
Department of the Air Force	
Office of the Secretary	Administrative Assistant to the Secy
	Dep Adm Asst
Office of the Under Secretary.	Dep Under Sec for Internl Affairs
OAS Manpower and Reserve Affairs and Installations.	Dep for Air Force Review Boards
OPDAS Installations	Deputy for Installations Management
	Asst Deputy for Base Utilization
OAS Research, Development and Logistics.	Principal Deputy Asst Secy (Research, Dev & Logist)
ODAS Research & Development.	Deputy for Systems Requirements
ODAS Acquisition Management.	Dep for Acquisition
	Dep for Programs & Production
ODAS Logistics	Dep for Supply & Maintenance
	Dep for Transportation & Civil Aviation
Office of Assistant Secretary, Financial Management.	Deputy for Accounting and Internal Audit
	Deputy for Productivity Management
The Air Force Audit Agency.	Dir, Acquisition & Logistics Systems
	The Auditor General of the Air Force
	Director of Field Activities
	Director of Operations
	Director of Forces and Support Management
Office, Chief of Staff	Chief, Office of Air Force History
Office, Vice Chief of Staff.	Chief, Publishing Div
Dir of Data Automation/Commander Data Automation Agency.	Associate Director (Technical)
Ofc of Dep Chief of Staff, Logistics and Engineering.	Assoc Dir for Logistics Plans & Programs
	Assoc Dir of Maintenance Engineering & Supply
	Assoc Dir for Engineering & Services
Off Dir of Procurement Policy.	Dir, Ofc of Small & Disadv Bus Utilization
Office of Dep Chf of Staff, Res & Dev and Acquisition.	Assoc Director of Procurement Policy
Special Advisory Group	Special Advisor
	Special Advisor
Director of Civilian Personnel.	DAS (Civ Personnel Pol) Dir Civilian Pers
	Deputy Director of Civilian Personnel
	Chf, Ofc of Civilian Personnel Opers
	Dep A/S (CPP & EEO) & Dir of Civilian Pers
Office of Deputy Chief of Staff, Comptroller.	Dep Comptroller
Director of Management Analysis.	Chief, Budget Management Division
	Assoc Dir of Mgmt Analysis
Director of Budget	Chf, Investment Appropriations Div
	Deputy Director of Budget
Directorate of Accounting & Finance.	Director, Plans & Systems
	Dep Dir, Acctng & Finance
Director of Programs	Associate Dir for Progs
National Guard Bureau	Dir of Personnel
	Spec Asst to the Chief, NGB

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
AF Engrg and Services Center (Field).	Technical Director
	Technical Director
Office of the Commander.	Assistant for Product Assurance
DCS Procurement & Manufacturing.	Prin Asst/Contracting & Manufacturing
	Chairperson, Contract Review Committee
	Dir of Manufacturing
Deputy Chief of Staff/Personnel.	Director of Civilian Personnel
Deputy Chief of Staff/Comptroller.	Asst to the DCS/Comptroller
DCS/Intelligence	Dep Chf of Staff for Intelligence
AF Human Resources Lab.	Chief Scientist
Space and Missile Systems Organization.	Asst Dep for Procurement & Manufacuring
Foreign Technology Div	Tech Dir (Electromagnetic Threat)
	Technical Director (Engineering)
	Technical Director (Technology and Threat)
Flight Test Center, Edwards AFB, Calif.	Technical Director, Test Engineering & Service
	Techn Dir (Engineering)
AF Weapons Lab	Techn Dir (Physical Optics, Lasers, Prototype)
	Sr Advisor (Radiation Effects)
	Technical Director (Nuclear Technology)
Materials Laboratory AFWAL.	Dir, Metals & Ceramics Div
	Senior Scientist (Environment Effects)
	Sr Sci, Organic Chemistry
Aero Propulsion Laboratory AFWAL.	Dir, Turbine Engine Div
AF Rocket Propulsion Laboratory.	Dir, Solid Rocket Div
USAF School of Aerospace Medicine.	Research Director (Crew Technology)
Aerospace Medical Research Lab.	Dir, Toxic Hazards Div
	Chf, Mathematics & Analysis Br
	Director Human Engineering
Aeronautical Syst Div	Deputy Comptroller
	Techn Dir, Flt Systems Engineering
Dep for Systems Mgmt, ASD.	Technical Director (Systems)
	Asst Dep (Dep for Tactical Systems)
Deputy for Tactical Warfare, ASD.	Tech Dir (Propulsion System)
Dep for Proc & Manufacturing ASD.	Asst Deputy for Procurement and Manufacturing
Deputy for Engineering	Tech Dir, Directorate of Equipment Engineering
	Techn Dir, Directorate of Avionics
	Technical Director, Deputy for Avionics
	Director of Engineering Tactical Systems
	Engineering Advisor, Product Assurance Div
Sys Engrg Office Dep for Engrg ASD.	Sys Eng Dir, F-15
	Systems Engineering Dir (Advanced Systems)
	Systems Engineering Director (F-16)
	Dir of Eng Reconnaissance & Elec Warfare Sys
	Director of Engineering (Airlift Trainer Sys)
Electronic Systems Division.	Deputy (Technical Operations & Prod Assurance)
	Asst Dep for Contracting & Manufacturing
	Assistant Deputy for Tactical Systems
	Asst Dep for Strategic Systems
	Techn Dir & Asst for Techn
Rome Air Development Center.	Director (Plans)
	Techn Dir (Intelligence & Reconnaissance)
	Technical Director (Communications)
	Tech Dir, Reliability & Compatibility
	Technical Dir (Surveillance)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Armament Division	Technical Advisor
	Techn Dir, Directorate of Range Engineering
	Asst Dep Commander for Test & Eval
Aeronomy Division	Director, Aeronomy Division
	Ch, Atmospheric Structure Br
Space Physics Division	Dir, Space Physics Div. AFGL
Aerospace Instrumentation Division.	Dir, Aerospace Instrumentation Div. AFGL
Meteorology Division	Chief, Climatology Dynamics Branch
	Sr Scientist, Heat Transfer
Optical Physics Division	Dir, Optical Physics Division
Air Force Logistics Command.	Asst Dep Chf of Staff, Maintenance
	Chairman AF Logistics Command Procur Committ
	Asst DCS/Logistics Operations
	Asst DCS/Plans & Operations
	Asst DCS/Procurement & Production
	Dir, Direc of MAT Requ & Financial Res Mgmt
	Deputy Asst to the Commdr-Internl Logistics
	Asst Dep Chief/Logistics Management Systems
Headquarters, Dayton, Ohio.	Director of Civilian Personnel
AF Acquisition Logistics Div.	Asst DCS-Comptroller
	Asst to the Commander AFALD
	Deputy for Contracting and Manufacturing
Air Logistics Center, San Antonio.	Dep Dir, Directorate of Maintenance
	Dep Dir, Directorate of Materiel Mgmt
Air Logistics Center, Oklahoma City.	Dep Dir, Directorate of Materiel Mgmt
	Dep Dir, Directorate of Maintenance
Air Logistics Center, Warner Robins.	Deputy Director, Directorate of Materiel Mgt
	Deputy Dir, Dir of Maintenance
Air Logistics Center, Ogden.	Dep Dir, Directorate of Maintenance
	Deputy Director, Directorate of Materiel Mgt
Air Logistics Center, Sacramento.	Dep Dir, Directorate of Materiel Management
	Dep Dir, Directorate of Maintenance
Air Force Security Service.	Asst to the Commander
Air Force Communications Command.	Tech Asst to Comdr Data Sys Design Center
	Tech Dir—Space Satellite Communications Ofc
Science & Research	Chf, Technology Assessment Division
	Chf, Systems Evaluation Division
Tactical Air Command	Chief, Scien Tactical Fighter Weapons Ctr
	Chief, Scientist Tactical Air Warfare Ctr
Headquarters, Pacific Air Force.	Chief, Operations Analysis
U.S. Air Forces in Europe.	Director of Civilian Personnel
Dep Chf of Staff, Plans & Programs.	Senior Scientific and Technical Advisor
AF Test and Eval. Center (AFTEC).	Scientific Advisor (Test & Evaluation)
Joint Electronic Warfare Center (JEWC).	Technical Director
Air Force Commissary Service.	Deputy to the Commander, A F Commissary Serv
Joint Program Management Office (JPMO).	Technical Director
Department of Army	
Office of the Under Secretary.	Operations Research Analyst
	Chf, Opers Res Grp for Forces & Readiness
	Operations Research Analyst for Systems
	Opers Research Analyst for Cmd, Cont,. C & I

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of the Administrative Assistant.	Adm Asst to the Secy of the Army
	Dep Administrative Assistant
OASA Research Development and Acquisition.	Director, Acquisition Management Review Agency
ODASA Acquisition	Dep for Materiel Acq Mgmt
	Dep for Procurement Policy
ODASA Management and Budget.	Deputy for Management & Budget
Ofc of Asst Secy—Installations Logistics and Finan Mgmt.	Asst Deputy for Installations & Housing
	Asst Dep for Logistics
Off of Asst Secretary, Manpower & Reserve Affairs.	Dep for Civ Personnel Pol & Eq Opportunity
	DASA (Da Review Bds and Personnel Security)
Office, Assistant Chief of Staff, Intelligence.	Spec Asst to the ACSI
Ofc of Asst Chief of Staff, Automation & Communications.	Dir, Army Mgmt Systems Support Agency
	Dep Asst of Chf of Staff, Automation and Comms
	Army Spectrum Manager
Ballistic Missile Def Sys Command.	Chief, Contracts Office
	Director, Prog & Sys Anal Dir
Ballistic Missile Def Adv Techn Ctr.	Dir, Technology Analysis Directorate
	Dir, Discrimination Directorate
	Dir, Missle Directorate
	Director, Radar Directorate
	Dir, Data Processing Directorate
	Director, Optics Directorate
Chf Scientist & Director of Army Research.	Asst Dir For Laboratory Activities
	Asst Director for Research Programs
	Asst Dir for Technology overview
	RDA Analysis Officer
Dir of Combat Support Systems.	Physical Scientist Admr (Chem & Engr SCI)
	Combat Spt Sys Techol Mgr
Dir of Weapons Systems.	Physical Scientist (Aerospace Engr)
	Weapons Systems Technol Mgr
Office, Dep Chief of Staff for Personnel.	U.S. Army Safety Director
Directorate of Civilian Personnel.	Director of Civilian Personnel
	Dep Director, Off Civ Personnel
	Chief, Position & Pay Management Division
	Chief, Staffing and Career Management Div
Civilian Personnel Center.	Chf, Civilian Personnel Ctr
Army Research Institute for Behavioral & Social Sciences.	Director, Systems Research Laboratory
	Dir, Training Res Lab & Assoc Dir Ari
	Dir, Manp & Pers Res Lab & Assoc Dir, Ari
Dir, Manpower plans and Budget.	Dep Dir, Manpower Plans and Budget
Office, Deputy Chief of Staff for Logistics.	Chief Security Assistance Policy Coord Ofc
	Asst Director for Supply Mgmt
	Asst Dir of Resources and Mgmt
	Asst Dir for Maintenance Mgmt
	Spec Asst to Dcslog & Chf Av Log Dfc
	Spec Asst to DCSLOG & Chf Av Log Ofc
Office of the Comptroller of the Army.	Dep Comptroller
	Director of Cost Analysis
	Deputy Director of Operations & Maintenance
Finance and Accounting Center.	Dep Cmdr, US Army Finance & Acctng Ctr
	Dep Dir of Finance & Accounting
Director of Army Budget.	Deputy Director
	Dep Dir of Army Budget for Budget Management
Army Audit Agency	Auditor General
	Deputy Auditor General
	Director, Logistical & Financial Audits
	Dir Acquisition and Force Management Audits

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Personnel and Force Management Audits
	Dir Audit Policy Plans and Resources
Ofc, Dep Chf of Staff for Operations & Plans.	Tech Adv to Dep Chf of Staff for Opers & Plan
US Army Nuclear Agency.	Technical Dirctor
Concepts Analysis Agency, DCSOPS.	Dir for Joint Forces & Strategy
	Dir of Methodology & Resources & Computation
Army Center of Military History.	Chief Historian
Army War College	Director of Academic Affairs
US Army Med Res Inst of Infectious Dis, Ft Detrick MD.	Program Director Hazardous Vi- ruses
	Deputy for Science
Training and Doctrine Command (TRADOC).	Dir, Combined Arms Studies & Analysis Activ
Combat Developments Experimentation Command.	Scientific Advisor
US Army TRADOC Systems Analysis Activity.	Div US Army TRADOC System Analysis Activity
TRADOC Combined Arms Test Facility.	Scientific Advisor
Military Traffic Mgmt Commd.	Spec Asst for Transportation Engr
US Army Forces Command.	Civilian Personnel Director
US Army Corps of Engineers.	Chief, Office of Personnel
	Spec Asst to the Chf of Engin for Internl Aff
Ofc, Asst Chf of Engineers.	Chief, Programming Div. Ace
Director of Civil Works	Chf, Ofc of Policy
	Chf, Eng Div, Civil Work
	Chief, Elect & Mech Br, Engineering Div
	Chf, Programs Div
	Chf, Planning Division
	Chf, Construction-Operations Division
	Chief, Dredging Division
MX Program Agency	Deputy Director for Cemxpa
	Chief, Engineering Directorate
Director of Military Programs.	Chief, Engineering Division
	Chf, Construction Division
	Chf, Operations & Maintenance Div
Board of Engineers for Rivers and Harbors.	Tech Dir, Bd Engr Rivers and Harbors
Institute for Water Resources.	Director, Institute for Water Resources
Planning Divisions, COE.	Chief, Planning Division
	Chf, Planning Div, Ohio River Div
	Chf, Planning Div. No Pacific Div
	Chf, Planning Div. South Atlantic Div,
	Chief, Planning Division Lower Mississippi Va
	Chf, Planning Div, Mo River Div
	Chf, Planning Div, South Pacific
	Chf, Planning Div, Southwestern Div
	Chf, Planning Div, North Central Div
Engineering Divisions, COE.	Chief, Engineering Div, Ohio River Div
	Chief, Engineering Div, Southeast Div
	Chf, Eng Div, N Central Div, Chicago
	Chief, Engr Div, S Pacific Div, San Francisco
	Chief, Engineering Div, N Atlantic Div, N Y
	Chief, Engineering Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chief, Engr Div, L Miss Val Div, Vicks, Miss
	Chief, Engineering Div, Middle East
	Chief, Engineering Div, Missouri River Div
	Chief, Engineering Div, North Pacific Div
	Chief, Eng Div, Pacific Ocean Div, Honolulu
	Chf, Engineering Div, European Div
	Chf, Engineering Div, Huntsville
Construction Divs—COE.	Chief, Construction—Operating Division
	Chf, Construction Div, Middle East
	Chf, Construction—Operating Div. S Atlantic
	Chief Construction—Operating Division
Direc for Mgmt Info Sys.	Dir of Mgmt Information Systems
Direc for Supply, Maint & Trans.	Dep Dir of Supply Maintenance & Transp
Direc for Quality Assurance Darcom Hq.	Director of Product Assurance and Test
	Director of Product Assurance
	Deputy Director of Product Assurance and Test
OFC Dep Cmdg Gen Material Dev Darcom.	Prin Asst Dep for Res, Develop and Acquisition
	Asst Dep For International Rsch, D&S
	Chief, Lab and Dev Command Management
Dir for Dev & Energ Darcom.	Assoc Dir for Systems Evaluation & Testing
	Assoc Dir for Systems Development
	Deputy for Systems Management
Office of Manufacturing Technology.	Dir of Manufacturing Technology
Ofc, Dep Cmdg Mat'l Readiness.	Asst Dep for Material Readiness
Direc for Internat'l Logistics.	Dep Dir of Security Assistance
Direc for Material Management.	Associate Director for Materiel Programs
	Dep Dir of Material Mgmt
	Deputy for Weapon Systems Management
Direc for Readiness	Dep Dir of Readiness
	Deputy Director of Readiness
Direc for Procurement & Production.	Assoc Dir for Procurement
	Dep Dir, Procurement and Production
Ofc, Dep Commanding General for Resource Management.	Assistant Deputy for Resources and Management
Direc for Personnel Tng & Force Dev.	Dep Dir, Personnel Training & Force Devel
	Chief, Civilian Personnel Div
Office of Comptroller, DARCOM HQ.	Deputy Comptroller
	Chf, Cost Analysis Div
Program Analysis & Evaluation Directorate.	Dir of Program Analysis & Evaluation
Armament Materiel Readiness Command (ARRCOM).	Deputy for Logistics Readiness
	Comptroller
	Deputy for Procurement and Production
Office of Commander ARRADCOM.	Assoc Tech Dir (Adv Process Technology)
	Assoc Tech Dir (Sys Dev & Engineering)
Large Caliber Weapon Systems Lab ARRADCOM.	Chf—Energetic Materials Div
	Chf—Non Nuclear Munitions Div
	Chief, Nuclear and Fuze Division
	Chief, Applied Sciences Divison
Fire Cont & Small Caliber Weapon Sys Lab ARRADCOM.	Chf, Fire Control Systems Division
	Chf, Armament Div
Chemcial Sys Lab ARRADCOM.	Chf, Munitions Division
	Chf—Reseach Division
Ballistics Research Lab ARRADCOM.	Chf, Ballistic Modeling Div
	Chief, Interior Ballistics Division
	Chf—Launch and Flight Division
	Chf, Terminal Ballistics Div
	Chf, Vulnerability Lethality Division
Directorate of Systems Engineering.	Director, Development and Qualification

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Research and Technology Labs—AVRADCOM.	Dir—Aromechanics Laboratory
	Dir—Structures Laboratory
	Director, Propulsion Laboratory
	Dir—Research and Technology Labs
Communications & Elect Materiel Read CMMD (CERCOM).	Comptroller, CERCOM
	Dir of Procurement and Production
Communications Res & Dev Command (CORADCOM).	Director, Communications Systems Center
	Dir, Systems Engineering and Integration
Program Mgr Army Tactical Data Systems (CORADCOM).	Assoc Techn Dir (Command, Control & Commun)
Depot Systems Command (DESCOM).	Deputy for Technical Operations
Electronics Research & Development Cmmd (ERADCOM).	Assoc Technical Dir for Res & Technology
	Assoc Tech Dir for Elec Warfare and Intel
	Assoc Techn Dir for Production & Acqui
Harry Diamond Labs (ERADCOM).	Chf, Dev & Eng Div
Night Vision & Electro-Optics Lab (ERADCOM).	Dep Dir, Night Vision and Electro-Optics Lab
Ofc of Commander—(MICOM).	Associate Director for Systems
	Dir, Missile Logistics Ctr
	Director for Procurement and Production
Project Mgmt Offices (MICOM).	Deputy Project Manager, US Roland
	Deputy Director for Directed Energy
Engineering Lab (MICOM).	Dir for Test and Evaluation
	Dep Dir, Systems Simulation & Development
	Dir for System Engineering
Technology Lab (MICOM).	Asst Dep for Readiness
	Director for Advanced Sensors
	Chief, Advanced Technology Function
Missile Intelligence Agency.	Dep Dir, Missile Intelligence Agency
Mobility Equip Rsch & Dev. Command (MERADCOM).	Assoc Tech Dir for Research & Dev
	Assoc Tech Dir for Engineering and Acqui
Natick Res and Dev Comd (NARADCOM).	Director, Individual Protection Laboratory
	Director, Science & Advanced Technology Lab
	Director, Food Engineering Laboratory
	Dep Techn Dir, Food Service Systems Program
Tank-Automotive Mat Readiness Comd (TARCOM).	Comptroller, TARCOM
	Dir for Procurement and Production
Aberdeen Proving Ground, Md. T&E Command.	Assoc Dir—Materiel Testing Directorhte
White Sands Missile Range, T&E Command.	Tech Dir & Chf Sci
Troop Spt & Aviation Mat Readiness CMD (TSARCOM).	Dir of Procurement and Production
Patriot Project Office	Dep Project Manager, Patriot
XM-1 Tank Project Office.	Chf Engineer/Chf, Systems Engineering Div
Fighting Vehicle Systems Project Ofc.	Dep Program Mgr—Fighting Vehicle Systems
Army Research Office Darcom (Durham NC).	Dir, Engr Sci Div
Foreign Science & Technol CTR Darcom.	Dep Director, Foreign Sci & Technology Center
	Dir of Intelligence Production
Army Material Systems Analysis Agency Darcom.	Chf, Combat Support Div Amsaa
	Chf, Air Warfare Div
	Chf, Reliability, Availability & Maintainabil
	Chf, Ground Warfare Division-Amsaa
Army Communications Command.	Comptroller

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982--Continued

Agency and organization	Career reserved positions
Headquarters, US Army, Europe.	Asst Dep Chf of Staff, Personnel (Civ Pers)
Joint Tactical Communications (TRITAC).	Dep Dir, Acquisition Management Directorate
	Dep Dir for Engineering
	Associate Director, Tri-Tac Office
	Chf, Systems Div
DOD Wage Fixing Authority.	Director, Technical Staff
Department of Navy	
Office of the Under Secretary.	Assistant for Administration
Office of the General Counsel.	Asst General Counsel (Acquisition)
	Asst Gen Counsel (Civilian Personnel Law)
OAS, Financial Management/ Comptroller of the Navy.	Director of Banking and Contract Financing
	Counsel
Asst Comptroller, Budget & Reports/ Fiscal Mgt Div.	Assoc Dir, Budget & Reports/ Fiscal Manag Div
	Dir, Investment & Dev Div
	Assoc Dir for Finance
	Dir, Budget & Mgmt. Policy and Procedures Div
	Dir, Budget Evaluation Group
Asst Comptroller Financial MGT Systems.	Dep Asst Comptroller (Financial Management)
	Deputy Assistant Comptroller (Accounting)
	Dir, Civilian Manpower Division
OFC of Auditor General	Auditor General of the Navy
	Dir, Naval Audit Service Capital Region
	Director, Plans Policy and Resources
	Director, Audit Operations
	Dir, Navy Comptroller Standard Sys Activity
Ofc of Principal Dep Asst Secy (Manpower & Reserve Affs).	Staff Dir/Director, Manpower Analysis
Office of Naval Research.	Technical Director
	Science Advisor
	Dir, of Planning and Assessment
	Assistant TD for Ocean Science
	Dep Dir For Technology Programs
	Councel, Office of Naval Research
Office of The Comptroller.	Dir, Fin Mgmt/Compt/Spec Asst(Fm) To Ans(R, E&S
	Deputy Comptroller
Office of Assistant Chief For Patents.	Dir, Navy Patents program
	Field Dir, Navy Patents
	Department Director, Navy Patents
Office of Procurement Services.	Director, Acquisition
Office of Assisant Chief for Research.	Dir of Research programs
	Dir, Biological Sci Div
	Dir, Physiology Program
	Dir, Physics Program
	Engineerings Sciences Advisor,Math Sciences Dl
	Dir, Engrg Psychology Progs
	Dir, Psychological Sci Div
	Director, Mathematical & Inf Sci Div
	Leader, Information Sciences Division
	Leader, Physicis Division
	Leader, Chemistry Division
	Dir, Metallurgy & Ceramics Program
	Leader, Goephysical Sciences Division
	Leader, Materials Division
Asst Chief for Technology.	Tactical Develop & Evaluation Sup Proj Mgr
	Director, Corporate Management
Ocean Science and Technology Division.	Dir, Ocean Sci & Technology Div
	Associate Director for Environmental Sciences
Navy Ocean Research and Development Activity.	Tech Dir
	Assoc Tech Dir & Dir Ocean Prog Mgmt Ofc
	Assoc Tech Dir & Dir O/S & Technology Lab
Anti-Sub Warfare Research Centre.	Director, NATO Saclant ASW Research Centre
Office of the Director of Research.	Dir of Research

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Technical Services Directorate.	Assoc Dir of Res & Dir of Tech Services
Systems Research and Technology Directorate.	Assoc Dir of Res & Dir of Sys Res and Tech
Acoustics Division	Supt, Acoustics Div
Underwater Sound Reference Detachment.	Supt, Underwater Sound Reference Detachment
Radar Division	Supt, Radar Div
Marine Technology Division.	Superintendent, Marine Technology Division
Tactical Electronic Warfare Division.	Supt, Tactical Electronic Warfare Div
Material Science and Component Technology Directorate.	Assoc Dir of Res & Dir of Mat Sci & Comp Tech
	Head, Magnetism Branch
	Chf Sci, Lab for Structure of Matter
Chemistry Division	Supt, Chemistry Div
	Head, Combustion and Fuels Branch
Material Science and Technology Division.	Supt, Materials Sci and Tech Division
	Head, Thermostructural Materials Branch
Electronics Technology Division.	Superintendent, Electronics Technology Div
Optical Sciences Division.	Superintendent, Optical Sciences Div
Radiation Technology Div.	Supt, Condensed Matter & Radiation Sci Div
Plasma Physics Div	Chief, Sci Lab for Computational Physics
Space and Communications Technology Directorate.	Assoc Dir of Res & Dir of Space & Comm Techn
	Head, Spacecraft Technology Center
	Manager, Advanced Projects Ofc
	Superintendent, Space Systems Div
	Dir, Navy Ctr for Appl Res in Art Intel
Space Systems Division	Superintendent, Space Systems Div
	Head, Space Technology Br
Communication Sciences Division.	Superintendent, Communications Sciences Div
	Chf, Sci for Telec & Hd, Transm Techn Br
General Science and Technology Dictorate.	Assoc Dir of Res & Dir of Gen Sci and Tech
Plasma Physics Division	Superintendent, Plasma Physics
	Cont Therm Res Coord/Hd, Exp Plas Physics Br
Environmental Sciences Division.	Superintendent, Environmental Sciences Div
	Assoc Superintendent for Ocean Sci Applicatio
Space Science Division	Superintendent, Space Science Div
U.S. Marine Corps	Fiscal Dir of the Marine Corps
	Asst Dcs for Installations and Logistics
	Dir, Contracts Division
	Counsel for Commandant
	Accounting Officer of Marine Corps
	Special Assistant to the Dir of Intelligence
	Deputy Director, Materiel Division
Off Dep Chf—R&D	Sci Adv
Dir, Command and Control and Communications (C3) Programs.	Dir, Electromagnetic Spectrum Management
Dir—Naval Intelligence	Spec Asst (estimates), Dir of Naval Intelligen
	Spec Asst to Dir of Naval Intel—Investgatns
	Tech Dir—Ofc of Naval Intelligence
	Advisor for Research & Development Programs
	Sr Adv to the Dir of Naval Intel for Sov Doc
	Technical Director

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Asst Dep Chf of Naval Operations (Civilian Personnel).	Asst Dep Chf of Naval Opers (Civilian Personnel)
	Dep Dir, Civilian Personnel Div
	Hd, Personnel Dev Branch
	Head, Staffing and Pay Systems Branch
	Hd, Labor & Employee Relations Branch
	Dir—Navy Civilian Personnel Command
	Director, Total Force Information Sys Mgt Div
	Dir, Pacific Field Div
	Head, Personnel Management & Evaluation Br
Director, Research, Development, Test & Evaluation.	Spec Asst for Financial Matters
Offc Dcno (Submarine Warfare).	Scientific & Techn Adv for SSBN Survivability
Dir—Navy Program Planning Office.	Asst for Readiness & Sustainability
Systems Analysis Div	Asst for Net Assessment & Mid-Range Objective
	Asst for Spec Analyses & Head, Proj Forces Br
	Asst for Advanced Res & Analytical Techniques
	HD Support Force Manpower & Logistics Branch
	Secnav/Cno Advisor for Resource Analysis
Ofc of the Asst for Advanced System.	Technical Advisor (095X)
US Naval Observatory	Dir, Time Service Div
Office of the Oceanographer.	Dep for International & Interagency Affairs
Ofc of the Chf of Naval Training.	Assistant Chief of Staff for Resources Mgmt
	Prin Adv Edu Tng/Deputy Cnet Edu Dev and R&D
Naval Training Equipment Center—Orlando Florida.	Technical Director
	Director of Engineering
Naval Aerospace Medical Institute.	Spec Asst, Scien Progs & Hd, Psychophysiology
Naval Medical Research Unit #3.	Hd, Medical Zoology Dept, Cairo, Egypt
Naval Medical Research and Development Command.	Dir of Prog & Scientific Advisor
Naval Security Group Command.	Technical Director
Naval Intelligence Support Center.	Director of Threat Assessments
Naval Data Automation Command.	Technical Director
	Comptroller
Military Sealift Command.	Dep Ex Dir
	Engineering Officer
	Comptroller
Naval Material Command.	Dir, Manpower/Personnel Mgmt
	Dir, CCPO, Crystal City
Executive Development Cadre.	Manager for Executive Development
	Corporate Management Consultant to the Cmdr
Director of Resources Management.	Dir of Resources Management
	Cnm Advisor for Cost Analysis/ Estimating
	Spec Asst to Dir, Res Mgmt/Dir Fin Mgmt Sys Di
Dep Chf of Naval Material (Logisitics).	Asst Dep Chf of Naval Material (Oper & Logist)
	Asst Dep Chf of Naval Matr for Acquisit Div
	Dir, Logistic Programs & Assessments Div
Dep Chf of Naval Material (Acquisition).	Executive Director, For Acquisition
Asst Dep Chf of Naval Material (Contracts & Bus Mgmt).	Exec Dir for Contracts and Business Managemen
	Dir, Procurement Control & Clearance Div
Asst Dep Chf of Naval Material (Technology & Labs).	Assoc Dir of Nv Labs
	Assoc Tech Dir for Weapons & Platform Tech
	Technical Director

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Asst Dep Chf of Naval Material (Reliability & Eng).	Asst Dep Chf, Nav Mat (Reliability and Eng)
Strategic Systems Project Office.	Chf Engr
Plans & Programs Division.	Director
	Dep Dir, Plans & Programs Div
Technical Division, Navigation Branch.	Hd, Navigation Equip Sect
	Hd, Navigation Systems Sect
Test & Operations Branch.	Test & Instrumentation Branch Engineer
Fire Control & Guidance Branch.	Hd, Guidance Section
	Head, Fire Control Section
	Br Engr, Fire Control & Guidance Br
SSBN Security Technology Program.	Chief Scientist, SSBN Security Technology Pro
Missile Branch	Head, Operations Engineering Section
	Sec Engr, Engrg Section
	Chf Engr, Missile Branch
	Sect Head, Reentry Systems Sect, Missile Br
	Asst for Systems Integration & Compatibility
Launcher & Handling Branch.	Branch Engr, Launcher & Handling Branch
Ship Installation & Design Branch.	Branch Engr, Ship Installation & Design Br
Antisubmarine Warfare Systems Project Office.	Director, Financial Management Division
	Chief Analyst, Systems Analysis Off
	Techn Dir
Trident System Project Office.	Dir, Plans & Programs
	Technical Dir, Trident Systems Project Office
	Dir, Logistics Support Div
Joint Cruise Missile Project Office.	Exec Dir, Acquisition Directorate
	Chief Engineer, Joint Cruise Missiles Project
Nuclear Warfare Project Office.	Tech Dir, Theater Nuclear Warfare Proj Office
David W Taylor Naval Ship R&D Center.	Dir for Long Range Plans & Programcard, Md
	Tech Dir, Consultant
Aviation & Surface Effects Dept.	Assoc Tech Dir for Systems Development
	Asst Tech Dir (Research Consultant)
	Assoc Tech Dir for Aviation
	Assoc Tech Dir, Computation & Mathematics
Ship Acoustics Department.	Assoc Tech Dir, Ship Acoust & Hd Ship Acoust De
Propulsion & Auxiliary Systems Dept.	Assoc Tech Dir, Prop & Auxiliary Systems
Ship Performance Department.	Assoc Tech Dir for Ship Performance Dept
Materials Dept	Assoc Techn Dir for Materials Sci & Technology
Structures Dept	Head Submarine Division
	Assoc Tech Dir
Naval Surface Weapons Center, Dahlgren.	Tech Dir, Consultant
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Techn Dir/Assoc Techn Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Combat Systems Integration Dept.	Dept Hd/Dep Tech Dir/Associated Tecl Director
Weapons Systems Department.	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Strategic Systems Dept	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Engineering Department	Dept Hd/Dep Tech Dir/Assoc Tech Dir
	Dept Hd/Dep Tech Dir/Assoc Tech Dir
Research & Technology Dept.	Dept Hd/Dep Tech Dir/Assoc Tech Dir

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Naval Ocean Sys Center, San Diego.	Dir Command Control and Communications
	Director, Ocean Surveillance
	Director, Weapon Systems
	Director, Engineering and Computer Sciences
	Chief, Res Sci Subm Artic Tech & Dir Artic Subm
	Dir, Independent Research and Development
	Technical Director/Consultant
	Assoc Technical Dir, San Diego, Cal
	Spec Asst for Command Cont & Commun Integrati
	Dir, Marine Science & Technology Div
	Dir for Administration
	Head, Electronics, Engineering & Sciences Dept
Naval Personnel Research & Development Ctr.	Technical Director, Nprdc
	Dep Techn Dir for Manpower & Personnel
Naval Weapons Center, China Lake, Calif.	Tech Dir/Consultant
	Test & Eval Dir/Asst Tech Dir for Test & Eval
	Head Aerothermochemistry Division
Laboratory Directorate-Nwc.	Laboratory Dir/Deputy Tech Dir
	Hd, earth & Planet Sci Div, Research Dept
	Asst Tech, Dir Dev (E/W)/Hd Elec Warfare Dept
	Asst Tech, Dir Deve (Ord Sys) & Dept Head
	Asst Tech, Dir for Weapons & Head Weapons Dept
	Asst Tech, Dir for Res & Head Res Dept
	Asst Tech, Dir for Sys & Hd Sys Dev Dept
	Asst Tech, Dir for Engnr & Head Engnr Dept
	Asst Tech, Dir for Plans & Hd Weapons Plan Grp
	Asst Tech, Dir for Fuzes/Hd Fuzes Dept
	Asst Tech, Dir for Weapons & Head Weapons Dept
Naval Air Development Center, Johnsonville, Pa.	Dir-Communication & Navigation Tech Directora
	Dir, Sensors & Avionics Technology Directorate
	Head—Computer Department
	Dir—Systems Directorate
	Dir Aircraft and Crew Systems Technology Dire
	Dir—Planning Assessment Resources Staff
	Technical Director/Consultant
	Assoc Techn Dir
	Dir, Software & Computer Tech Directorate
	Senior Sci, Airborne Asw Technol
	Dep Dir, Directorate Cmd Projects
	Weapons Systems Technology Manager
Naval Coastal Systems Center.	Tech Dir Naval Coastal Systems Center
	Hd, Coastal Technol Dept
	Head Systems Department
Naval Underwater System Center.	Deputy Technical Director
	Tech Dir, Consultant
Assoc Tech Dir Plans & Analysis.	Assoc Tech Dir for Plans & Analysis
	Head, Systems Analysis Dept
	Head, Warfare Analysis Dept
Systems Development Directorate.	Head, Submarine Sonar Department
	Hd, Weapons Sys Dept
	Head, Surface Ship Sonar Department
	Hd, Combat Sys Control Dept
	Head, Undersea Ranges Department
	Senior Advisor for Submarine Warfare Systems
Science & Technology Directorate.	Assoc Tech Dir for Technology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Off of Asst Commander for Res & Technology.	Director, Research Division
	Surveillance Technology Admr
	Command Control & Guidan Technology Admr
	Dir, Advanced Weapons Systen Division
	Dir Adv Aircraft Dev & Sys C Ofc
	Associate Technical Director
	Tech Dir, Advanced Systems Di sion
	Techn Dir, Res & Techn
Off of Asst Chf for Contracts.	Exec Dir, Procurement Manag ment
	Dir, Aircraft Weapons Systen Purchase Div
	Dir, Missile Weapons Systen Contract Div
Asst Commander for Logistics/Fleet Support.	Deputy Dir Logistics/Fleet Suppc & Group
	Asst Dir, Logistics Mgmt Div
Dep Commander for Plans & Programs.	Executive Director, Managemer Plans & Progr
	Asst Dep Commander for Anti-A Warfare R&EWP
	Deputy Project Mgr F18
	ADC/For Anti-Submarine Warfa & Support Proj
Dep Cmdr for ASW Warfare Projects.	Deputy Project Manager (Lamp
Organization & Manpower Management Office.	Asst Dir, Org & Manpwr Mgmt C
Deputy Comptroller	Deputy Comptroller
Asst Comdr for Systems and Engineering.	Exec Dir, For Acquisition Manag ment
	Tech Dir—Armament Div
	Asst Dir, Engr Div
	Techn Dir, Core Avionics Div
	Dir, Evaluation Div
	Dir, Design Management Div
	Dir, Systems Acquisition Directo ate
	Director, Cost Analysis Division
	Dir, Systems Alternatives Directo ate
	Dir, Design Analysis Div
	Dir, Mission and Effectivenes Analysis Div
	Asst Dir, Propulsion & Power Div sion
	Assoc Dir, Systems Engineerin Mgmt
Asst Cmdr for Test & Evaluation, Navair.	Tech Dir, Test & Evaluation Grou (Air-06)
	Director, Resources Division
Naval Air Engineering Center.	Technical Director
Naval Air Test Center, Patuxent River, Md.	Technical Director, NATC, Patu ent Riv, Md
Naval Avionics Facility	Dir of Applied Research, Researc & Engr Div
	Tech Dir, Naval Avionics Faolit Ind
	Director of Engineering
Naval Aviation Logistics Center.	Exec Dir
Pacific Missile Test Center.	Technical Director
Systems Evaluation Directorate.	Assoc Dir—Sys Evaluation Direc torate
	Head Systems Technology Depar ment
Range Directorate	Assoc Dir and Assoc Td (Range and Tests)
	Head, Capabilities Developmer Dept
Naval Electronic Systems Command.	Techn Dir
	Deputy Comptroller
	Counsel
Director, Logistics Directorate.	Exec Dir, Logistics Directorate
	Executive Director, Life Cycle Su port Group
Contracts Directorate	Exec Dir, Contracts

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Navelex Project Offices	Asst Proj Mgr, Ship & Shore Communications Dv
	Tech Dir, Navy Space Project Ofc
	Dep Proj Mgr & Tech Dir Revison Systems Proj
	Asst Project Mgr for ELF Communications
	Asst Proj Manager for Submarine Commun Syst
	Tech Dir—Spec Communications Project Office
	Tech Dir, Underseas Surveillance Proj Off
	Project Manager for Communications Systems
	Deputy Director Research and Technology Group
Research & Tech Directorate.	Exec Dir, C3I Requirements Analysis Group
Acquisition Engrg Directorate.	Techn Dir, Material Acquisition Directorate
	Techn Dir, Air Traffic Cont Surv & Nag Sys Di
	Techn Dir, Marine Corps Systems Project Ofc
	Adc-Lite Cycle (Engring & Pld)
	Deputy Project Mgr/Tech Dir Com Sys Proj Ofc
Command Support Sys Ofc.	Exec Director for Systems Engineering
Ofc of Commander & Staff Offices, Navsea (00).	Director, Reliability and Maintainability
Research Tech and Assessment Ofc, Navsea.	Dir, Research Techn & Assessment Ofc
Designated Project Offices, Navsea.	Dep Proj Mgr, Guided Miss Frig Ship Acq Proj
	Dep, Proj Mgr for Anti Ship Misle Defense Proj
	Exec Dir-Aegis Shipbuilding Project
	Dep, Proj Mgr/Tech Dir Nucl Power Aircraft Lab
	Dep, Proj Mgr/Tech Dir Attack Sub Project Ofc
	Dep Project Mgr-High Energy Laser Project Ofc
	Director-S5W Submarine Systems Division
	Dep, Proj Mgr/Tech Dir Aux & Spec Mission Ship
	Dep & Techn Dir Adv Ltwt Torpedo Project
	Deputy project manager
	Proj Mgr Destroyer Ship Acquisition Project
	Dep Techn Dir Aegis Shipbuildg Proj
	Techn Dir, Asst Proj Mgr for Deep Ocean Eng
	Torp Mk 48 Adv Cap Weap Sys Prog Manager
	Project Manager, Deep Submergence Sys Project
Acquisition Directorate, Navsea (90).	Executive Director Acquisition Directorate
Management Support Directorate, Navsea (99).	Dep Commander Management & Adm Directorate
	Asst Dep Comd for Acquisition & Admin
Compt Directorate Navsea (01).	Asst Dep Commdr, Plans, Prog Finance Mgt/Dep Com
	Dir, Cost Estimating & Analysis Div
Contracts Directorate, Navsea (02).	Asst Dep Commander for Contracts
	Dir, Shipbldg & Overhaul Contracts Div
Industrial and Facilities Mgmt, Directorate Navsea (07).	Asst Dep Cmdr for Ind & Facility Mgmt
Surface Combatant Ships Directorate, Navsea (93).	Exec Dir, Surface Combatant Ships Directorate
	Dep Dir, Surface Combatant Ship Logistics Div
Submarine Directorate, Navsea (92).	Dep Dir, Submarine Logistics Div
	Exec Dir Submarine Directorate
Logistics Directorate, Navsea (04).	Executive Director, Logistics Directorate

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
A/Craft Carriers, Amphib & Aux Ships Direct Navsea (94).	Exec Dir Aircraft Carriers Amph & Aux Ships
Undersea Warfare Sys Group WS&E Navsea.	Dep Asst (Techn) for ASW & Undersea WF Sys
Surface Warfare Systems Group WS&E Navsea.	Exec Dir, Surface Warfare Sys Grp
Nuclear Propulsion Directorate, Navsea (08).	Director-Reactor Materials Division
	Head, Advanced Design Branch
	Head, Improved Reactor Design Branch
	Dir-Secondary Plant Components Division
	Asst Dir React Engr Div, Hd Adv Reactor Br
	Deputy Director for Submarines
	Dir, Surface Ship Systems Division
	Technical Assistant for Surface Ship Systems
Naval Undersea W/ Fare Engr Stn, K. Wa. N/Sea Fld Act.	Technical Director
Naval Weapons Stn, Seal Bch, Ca-Navsea Field Activity.	Technical Director
Naval Ordance Stn, Indian Hd, Md-Navsea Field Activity.	Technical Director
Ship Design and Integration Directorate, Navsea (03).	Dir, Shp Des Res & Tech Ofc (Sea-03R)
	Dir, Adv Des Div/At Dep Dir, Ship Conc Dev Gp
	Dir, Structural Integrity Div
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
	Exec Dir/Dep Ofc Dir/Dep Grp Dir/Div Dir
Ship Systems Directorate, NAVSEA (05).	Dir, Ship Systems Res & Technology Office
	Deputy Director, Propulsion Systems Subgroup
	Deputy Director, Hull Systems Group
	Dep Dir, Auxiliary Systems Group
	Deputy Director, Electrical Systems Group
	Director, Materials Engineering Office
Combat Systems Directorate, NAVSEA (06).	Asst Div Dir/Tech Dir Combat Sys Des & Int Di
	HD, Ship Design & Fleet Engineering Branch
	Deputy Dir, Ammunition Systems Group
	Exec Director, Combat Systems Directorate
Naval Shp Weapons Sys Engr St, Pt Hueneme, CA—NFA.	Technical Director
Headquarters	Counsel
	Asst Dep Commander for Plans, Policy & Syst D
	Asst Dep Cmdr for Fin Mgmt/Comp
	Asst Dep Commander, Fleet Support & Oper
Aviation Supply Office	Executive Dir Logistics Planning & Support
Navy Ship Parts Control Center.	Exec Dir Acquisition & Logistics Plng & Suppt
Office of Commander	Counsel
	Dep Dir of Programs & Comptroller
	Techn Advisor-Real Property Management
Asst Comdr, Design & Engineering.	Chf Design Engineer/Dep Asst Comm for Eng Des
Dep Comdr for Acquisition.	Assistant Commander for Contracts
	Chief Engineer
Naval Construction Bn Ctr.	Terchnical Director

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Department of Education	
Office of Planning, Budget and Evaluation.	Dir, Div of Postsecondary Analysis
Management	The Comptroller
	Dir, Admin Resource Management Service
	Director, Personnel Management Service
	Dir, Assistance Management & Procurement Serv
Inspector General	Assistant Inspector General for Audits
	Asst Insp Gen for Policy Plng & Mgmt Serv
	Asst Inspector General for Investigation
	Deputy Asst Inspector Gen for Investigation
	Dep Asst Insp General for Tech Serv & Fld Ope
	Dep Asst Inspector General (HQ Audit Div)
General Counsel	Deputy General Counsel for Programs
National Center for Education Statistics.	Admr, Natl Cntr for Educ Statistics
	Dep Admr, Natl Center for Education Statistic
	Asst Admr for Elem & Secondary Edu Stats
Department of Energy	
Office of Hearings and Appeals.	Dep Dir for Legal Analysis
	Dep Dir for Financial Analysis
	Dep Dir for Econ Analysis
Chicago Operations Office.	Asst Manager for Administration
	Area Manager, Batavia Area Office
	Asst Mgr for Acquisition and Assistance
Idaho Operations Office	Asst Mgr for Plns Budget & Engr
	Asst Mgr for Admin
	Dir, Reactor Ops & Prgms
	Dir, Nuclear fuel Cycle and Waste Mgmt Div
Oak Ridge Operations Office.	Dir Enriching Op Div
	Asst Mgr for Admin
Richland Operations Office.	Asst Mgr for Admin
	Asst Mgr for Tech Op
	Dep Asst Manager for Technical Operations
San Francisco Operations Office.	Asst Mgr Admin
	Director, Livermore Site Office
Albuqueque Operations Office.	Asst Mgr for Plns and Bud
	Dir, Res Mgmt Div
	Dir, Weapons Dvlmp Div
	Dir, Weapons Prod Div
	Director, Quality Assurance Division
	Dir, Operatinal Safety
	Asst Mgr for Logistics
	Dir, Fac Const Mgmt Div
	Dir, Transportation & Safeguards Div
	Asst Mgr for Administration
Nevada Operations Office.	Asst Mgr for Admin
Savannah River Operations Office.	Asst Mgr for Plns Engr & Bud
	Asst Mgr for Admin
Ofc of Asst Insp Gen for Audits.	Asst Inspector General for Audits
	Dir, Financial and Procure Audits
	Director, Division of Program Audits
Ofc of Asst Insp Gen for Inspections.	Asst Insp Gen for Inspec
	Dep Inspector General for Inspections
Ofc of Asst Insp Gen for Investigations.	Asst Ins/Gen for Investigations
	Dep Asst I/G for Investigations
Ofc of Chief Accountant	Deputy Chief Accountant
	Dir, Division of Audits
Ofc of Pipeline and Producer Regulation.	Dep Dir, Div of Audits
Economic Regulatory Administration.	Dir Reg Asst Div
Office of the Administrator.	Dir Reg Intervention Div
	Dir, Ofc of Mgmt and Program Coordination
Ofc of Special Counsel	Director National Cases Division
Energy Information Administration.	Dir, El ADP Services Staff
	Director, Nuclear & Alternate Fuels Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Oil and Gas	Dir, Ofc of Oil and Gas
	Dep Dir, Ofc of Oil and Gas
	Director, Petroleum Supply Division
	Chf, Develop Collection Proc & Maltenance Br
	Chief, Data Analysis & Forecasting Branch
	Director, Petroleum Marketing Division
	Director Natural Gas Division
	Dir, Reserves & Data Consolidation Division
	Director, Electric Power Division
Ofc of Coal, Nuclear, Electric and Alternate Fuels.	Dir, Coal, Nucl, Elec & Altern Fuels Div
	Director, Coal Division
	Chf, Develop Collection Proc & Maintenance Br
Ofc of Energy Markets and End Use.	Dir Ofc of Energy Markets & End Use
	Director, Energy End Use Division
	Director, Short-Term Information Division
	Director, Longer-Term Information Division
	Director, Economics & Statistics Division
Ofc of Statistical Standards.	Dir, Ofc of Statistical Standards
	Director, Quality Assurance Division
Organization Abolished	Director Natl Energy Information Center
Asst Secy for Conservation and Renewable Energy.	Project Advisor
	Dep Dir Geo En/Chf Hydro Spt Br
	Chf Thermal and Mechanical Sys Br
	Dir, Wind Energy Systems Div
	Dep Dir, Central Solar Tech Div
	Dir, Power Supply & Integration Branch
	Dir, Ofc of International & Sci Prgms
	Dir, Market Development Divison
	Dir, Conservation Techn Dev Div
	Director, Consumer Products Division
	Director, Automotive Tech Development Division
	Dir, Resource Managment Division
	Director, Buildings Division
Ofc of Policy and Management.	Dir, Policy Plng and Eval Div
Office of State and Local Assistance Programs.	Dir, Ofc of Budg and Adm Spt
	Dir, Weatherization Assistance Programs Div
Bonnoville Power Administration.	Asst Admr for Mgmt Serv
Western Area Power Administration.	Asst Admr for Mgmt Svcs
Office of Energy Systems Research.	Director, Energy Storage Division
	Director, Electric Energy Systems Divison
Office of Vehicle and Engine—R&D.	Dir, Transportation Systems Utilization Div
Office of Solar Heat Technologies.	Dir, Active Heating and Cooling Division
	Dep Dir, Ofc of Solar Applications for Buildg
Office of Renewable Technology.	Dir, Biomass Energy Systems Division
	Dir, Geothermal & Hydropower Technologies Div
	Dir, Biomass Energy Technical Division
	Dir, Solar Thermal Technology Div
A/S for Environmental Protection, Safety & Emerg Prepar.	Dir, Ofc of Resource Mgmt
	Dir, Pwr Supply and Reliability Div
	Chief, Envir Control Technology Branch
Dep Asst Secy for Environment, Safety and Health.	Dep Dir, Tech Ass Div and Chf N T Br
	Chf, Safety Analysis Branch
	Chf, Policy Measurements & Instit Stnds
	Medical Director
	Chf, Occupational Safety Branch
	Dep Dir, Ofc of Management Support

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Operational Safety.	Dep Dir, Op and Env Safety
Office of Nuclear Safety	Chf, Environmental Protection & Pub Safe Br
	Dir, Mgmt Div
Dep Asst Secy for Strategic Petroleum Reserve.	Asst Proj Mgr for Management & Admin
Asst Secy for Defense Programs.	Dir, Off of Prgms Coord
	Dir for Assessments & Liaison
Deputy Assistant Secretary for Military Application.	Dir, Prog Analysis & Resource Managment Div
	Special Asst
Dep Asst Sec for Nuclear Materials.	Dir, Division of R&D & By Products Management
Office of Safeguards and Security.	Dir Incident Mgmt Div
	Dir, Div of Safeguards
	Dir, Div of Pol and Prog Support
Asst Secy for International Affairs.	Dir Ofc of Intl Prgm Spt
Office of Energy Research.	Dir Div of Acquisition & Coordination
Ofc of Program Administration and Operation.	Dir Budg and Prm Coord Div
	Deputy Dir for Management
Ofc of Management	Director, Fiscal Management Division
Ofc of Health and Environ Research.	Director, Human Health & Assessment Div
	Dir, Health Effects Research Division
Ofc of Fusion Energy	Director for Management
Office of Basic Energy Sciences.	Dir, Engr Math and Geo Sci Div
	Dir, Chem Sci Div
	Dir, Adv Egy Proj Div
	Dir, Mat Sci Div
	Chf, Metallurgy and Ceramics Br
	Chf Fund Interactions Br
	Chf, Processes and Tech Br
	Chf, Solid St Phy and Mat Chemistry Branch
Office of High Energy & Nuclear Physics.	Chf Physics Research Branch
	Dir, High En Physics Div
Assistant Secretary for Fossil Energy.	Dir Ofc of Res Mgmt and Acquis
	Deputy Director for Management
	Director, Office of Resource Mgmt
	Dir, Ofc & Major Proj Management
Dep Asst Sec for Mgmt, Planning & Tech Cooperation.	Chf Plans and Policy Br
	Dep, Asst Secy for Management
Assistant Secretary for Nuclear Energy.	Director, Fiscal Division
	Dir, Ofc of Plans & Resource Mgmt
Deputy Assistant Secretary for Naval Reactors.	Assoc Dir for Commiss Subs
	Asst Dir for Reactor Saf & Comp
	Hd, Op Reactors Sec
	Sr, Nav Reactors Rep (MAD)
	Chf Submarine Sys Br
	Chf, Instrumentation & Control Br
	Assoc Dir for Fiscal Mtrs
	Hd Submarine Section
	Assoc Dir for Trid & Adv Sub Projs
	Chf, Reactor Refueling Br
	Dep Reactors Refueling Br
	Assoc Dir for Surf Ship & WCB
	Hd Surface Ship Section
	Asst to the Assoc, Dir, for SS & WCB
	Dep Dir, Nav Reactors Div
	Prog Mgr for Prototypes & Sapso
	Asst Chf Scientist
	Director, Nuclear Technology Div
	Assoc Dir for Security, Public & Foreign Mat
	Dir, Reactor Engineering Division
	Chief, Advanced Core Manufacturing Branch
	Head Core Manufacturing Branch
	Dep Dir, Nuclear Techn Div
	Dep Director Reactor Materials Division
Schnectady Naval Reactors Office.	Sr Nav Reactors Rep (W Milton)
	Asst Manager for Operations

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Pittsburgh Naval Reactors Office.	Sr, Naval Reactors Rep (Portsmith)
	Sr, Naval Reactors Rep (Nwpt News)
	Senior Naval Reactors Rep (Pearl Harbor)
	Sr, Naval Reactors Representative (Pasca, Ms)
	Senior Naval Reactors Representative
Dep Asst Sec for Tech Waste Mgmt and Remedial Action.	Director, Ofc of Resource Management
Dep Asst Secy for Uranium Enrichment and Assessment.	Chf, Facilities Construction Branch
	Chf, Tech Spt Br
	Chf, Contracting & Marketing Br
Dep Asst Secy for Breeder Reactor Programs.	Deputy Director for Nuclear Reactor Programs
	Chf, Adv Isotope Separation Br
	Chf, Nucl Reactor Eval Br
	Chf Safety & Physics Br
	Chf, Nuclear Fuel Cycle Program Branch
	Chf, Space & Terres Sys Br
	Asst Mgr for Projects
	Chf, Gas Cooled Fast Reactor Br
Assistant Secretary Management and Administration.	Director Personnel Management Evaluation
Ofc of Personnel	Dir Ofc of Personnel
	Dep Dir of Personnel
	Dir-Exec Resources Management Division
	Dir, Policies and Prgm Div
	Dir, Empl Dvlmt & Trng Div
	Dir, Hq Personnel Operations Div
Ofc of Orgn and Mgmt Systems.	Dir Ofc of Org and Mgmt Sys
	Dir, Management Sys Analysis Div
	Dir, Manpwr Res Mgmt Div
	Dep Dir, Ofc of Org and Mgmt
	Dir Org Plng and Mgmt Div
	Dir Office of Facility Planning & Support
Office of Project and Facilities Management.	Dir Construction & Facilities Mgmt Div
	Dir, Div of Real Estate and Fac Mgmt
	Dir, Program-Project Operations Mgmt Division
	Director, Real Estate Management Division
Ofc of Admin Services	Dir Ofc of Admin Svcs
	Dep Dir, Ofc of Admin Serv
Ofc of Adp Management.	Dir Ofc of Adp Mgmt
	Dep Dir, Ofc of Adp Mgmt
Ofc of Comp Serv & Telecommun Management.	Dir Ofc of Comp Serv and Tel Mgmt
	Dep Dir, Ofc of Comp Serv and Tele Mgmt
	Dir, Div of Telecommunications
	Director, Operations Division
	Dir, Information Systems Division
	Director Division of Technical Support
Office of Industrial Relations.	Dir Ofc of Industrial Relations
	Dep, Ofc of Industrial Relations
	Dep Dir, Ofc of Industrial Relations
	Dir Cont Psnl Mgmt Div
	Dir, Prgm and Asmt Div
Procurement and Asst Management Directorate.	Dir Tech & Resource Applications Support Div
	Director, Procurement Management Rev Div
Of Small and Disadvantaged Business Utilization.	Dir of Sm and Disadv Bus Utilz
Office of Policy	Dir Ofc of Policy
	Dir, Policy and Procedures Div
	Dir Contr and Prop Mgmt Div
Office of Procurement Support.	Dir Ofc of Procurement Support
	Dir, Ofc of Prgm Support
	Dep Dir, Pso and Dir Cs and Is Div
Office of Procurement Review.	Director Office of Procurement Review
	Dir, Ofc of Procur Mgmt
	Dir, Cont Bus Clmce Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Procurement Operations.	Dir Ofc of Procurement Operations
	Dep Dir, Ofc of Procur Op
	Director, Operations Review Staff
Controller	Dep Dir, Ofc of Management Info Systems
	Dir, Ofc of Management Inf Systems
Office of Budget	Dir Ofc of Budget
	Dep Dir, Ofc of Budget
	Dir, Budget Anal Div
	Dir, Budget Oper Div
	Dir, External Coord & Spec Projects Staff
Office of Financial Policy and Accounting.	Dir Ofc of Financial Pol Analysis & Gao Liaso
	Dep Dir, Ofc of Fin and Acctg
	Dir, Financial Analysis Div
	Dir, Financial Policy Div
	Dir, Financial Policy & Acctg
	Dep Dir Ofc of Financial Policy & Accounting
	Dir, Dept Accounting & Analysis Div
	Director, Financial Pol & Rev Div
Washington Financial Services.	Dir Wash Finan Serv Div
Asst Secy Congressional, Intergovernmental & Pub/Affs.	Dir Exec Office
Environmental Protection Agency	
Ofc of the Administrator	Principal Radiation Science Advisor
Office of the Inspector General.	Assist Inspector Gen for Investigations
	Dep I/G-Asst I/G for Auditing
	Asst Inspector General for Audits
	Dep Asst Inspector General for Audits
	Dep Inspector General
	Dep Asst Inspector General for Investigations
	Asst Insp General for Mgnt & Technical Assess
Office of International Activities.	Dep Dir, Programs & Operations
Region I—Boston	Dir, En Div Reg I
	Dir, Water Div Reg I
	Dir—Air and Hazardous Materials Div Reg I
	Reg'l Coun & Assoc G/C for Reg'l Coord, Reg 1
Region II—New York	Dir—Surveillance & Analysis Div, Reg II
	Dir—Enforcement Div—Reg II
	Dir—Water Div Reg II
	Asst Regl Admr for Planning & Mgmt
	Dir, Air & Waste Management Division
	Regional Counsel, Region II, New York
Region III—Philadelphia	Dir, Enforcement Div Reg III
	Dir, Water Div Reg III
	Dir, Air and Hazardous Materials Division
	Regional Counsel
Region IV—Atlanta	Dir, Water Div Reg IV
	Dir, Enf Div Reg IV
	Dir, Air & Hazardous Materials Div Reg IV
	Dir, Surveillance & Analysis Division
	Asst Regional Admin for Policy and Mgmt
	Regional Counsel, Reg IV, Atlanta, Georgia
Region V—Chicago	Dir, Enforcement Div Reg V
	Dir, Air & Hazardous Materials Div Reg V
	Dir, Surveillance and Analysis Region V
	Director—Water Div Reg V
	Asst Regl Admr for Planning and Management
	Regional Counsel

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Region VI—Dallas	Dir, Enf Div Reg VI
	Dir—Air & Hazardous Materials Div Reg VI
	Director—Water Div Reg VI
	Dir—Surveillance & Analysis Div Asst Regional Admr for Planning and Mgmt
	Regional Counsel
Region VII—Kansas City.	Dir Water Div Reg VII
	Dir—Enforcement Div—Reg VII
	Dir—Air & Hazardous Materials Div Region VII
	Regional Counsel
Region VIII—Denver	Dir water Div Reg VIII
	Dir, Air & Hazardous Materials Div Reg VIII
	Director Enforcement Division Region VIII
	Dir, Surveillance & Analysis Div
	Regional Counsel, Region VIII
Region IX—Region San Francisco.	
Dir—Water Div Reg IX	
	Dir, Air & Hazardous Material Div
	Dir—Enforcement Div—Reg IX
	Director, Air Management Division
	Director, Surveillance and Analysis Division
	Regional Counsel, Reg IX, San Fran, Cal
	Asst Regl Admr for Pol, Techn & Res Mgmt
	Dir, Toxics & Waste Management Div
Region X—Seattle	Dir, Air & Hazardous Materials Div Reg X
	Dir—Water Div—Reg X
	Dir—Enforcement Div—Reg X
	Dir—Surv and Analysis Division—Reg 10
	Regional Counsel
Ofc of Assoc Admr for Pol & Resources Management.	Dep Assoc Admr for Policy & Resources Mgmt
Office of Comptroller	Dir, Ofc of the Comptroller
	Dir, Program Analysis Division
	Deputy Director, Office of Comptroller
Office of Policy Analysis	Dir, Econ Analysis Div
	Director, Energy Policy Division
Office of Standards and Regulations.	Dir, Standards and Regulations Div
Office of Management Systems and Evaluation.	Dir, Ofc of Management Systems & Evaluation
	Dir, Program Reporting Div
	Director, Program Evaluation Division
	Dir, Management Systems Div
Ofc of the Assoc Admr for Legal and Enforcement Counsel.	Dir Ofc of Progs and Mgmt Opers
	Dir Ofc of Management Operations
National Enforcement Investigations Ctr—Denver.	Dir, Nat: L Enforcement Investigations Center—D
Office of the Asst Admr for Administration.	Assoc to Asst Adm for Prog Mgmt and Policy
	Dir, Ofc Admin, Cincinnati
	Dir, Ofc Admin, Research Triangle Park
	Spec Asst to the Asst Admin for Administration
Office of Personnel and Organizations.	Dir, Ofc of Occupational Health and Safety
	Director, Personnel Management Div
	Dir, Management and Organization Division
Office of Fiscal and Contracts Management.	
Dir, Contracts Mgmt Div	
	Dir, Grants Admin Div
	Dir, Financial Mgmt Div
	Dir, Procurement & Contracts Mgmt Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Management Information & Support Services.	Dir, Ofc of Mgmt Info and Support Services
	Dir, Mgmt Info and Data Sys
	Dep Dir, Ofc of Mgmt Info & Support Services
	Dir, Facilities and Support Services Division
Office of the Assistant Administrator.	Policy Advisor for Water.
Office of Water Enforcement.	Director Enforcement Division
	Director, Permits Division
Office of Water Regulations and Standards.	Director, Effluent Guidelines Division
	Director, Monitoring & Data Support Div
	Dir, Criteria and Stds Div
Office of Water Program Operations.	Director, Municipal Construction Division
	Dir, Facility Requirements Division
	Dir, Water Planning Division
Office of Drinking Water	Dir, Criteria and Standards Division
	Dir, Ofc of Prog Dev & Evaluation
	Dir, State Programs Div
Office of Solid Waste	Dir, Hazardous & Industrial Waste Div
	Dir, State Prog & Resource Recovery Div
Office of Emergency and Remedial Response.	Dir, Hazardous Response Support Div
Ofc of the Asst Admr for Air, Noise and Radiation.	Director, Ofc of Program Mgmt Operations
Office of Air Quality Planning and Standards.	Dir-Stationary Source Enforcement Div
	Director, Control Programs Development Division
	Director, Monitoring & Data Analysis Division
	Dir, Strategies & Air Stds Div—Durham, NC
	Dir, Emissions Stds & Engr Div
Office of Mobile Sources.	Director, Emission Control Technology Div
	Dir, Certification Division
	Dir, Manufacturers Operations Division
	Dir, Field Operations & Support Division
Office of Noise Abatement and Control.	Dir, Tech & Federal Programs Division
	Director, State & Local Programs Div
	Director, Standards & Regulation Div
	Director, Health Effects Scientific Staff
Office of Radiation Programs.	Director, Technology Assessment Div
	Dir, Criteria & Standards Div
	Dir, Surveillance & Emergency Prepared Div
	Dir, Statistics & Applied Mathematics Div
Ofc of Asst Admr for Pesticides & Toxic Substances.	Dir, International Chemical Affairs Staff
	Dir, Integration Staf
Office of Pesticides and Toxic Substances Enforcement.	Dir, Pesticides Enforcement Div
Office of Pesticide Programs.	Dir, Ofc of Pesticides Programs
	Senior Science Advisor (Minor Use Pesticides)
	Dir, Spec Pesticide Review Division
	Dir-Registration Division
	Director-Program Support Division
	Dir-Hazard Evaluation Division
	Dir, Benefits and Field Studies Div
	Sr Science Advr (Hazard Evaluation)
Office of Toxic Substances.	Dir-Environmental Review Division
	Director, Exposure Evaluation Division
	Director, Assessment Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Health & Environmental Rev Div
	Director, Chemical Control Division
	Dir, Industry Assistance Ofc
	Sr Scientific Adviso for Chemical Info
	Director, Economics & Technology Division
Ofc of the Asst Admr for Research and Development.	Principal Physical Science Advisor
	Dir, Ofc of Exploratory Research
	Principal Science Advisor for Ecology
Ofc of Research Program Management.	Dep Dir for Technical Information
	Dep Dir for Operations
Center for Environmental Research Info—Cincinnati.	Dir, Environmental Research Information Center
	Director, Environ Rsch Info Center, Cincinnati
Office of Health and Environmental Assessment.	Exec Dir, Carcinogen Assessment Group
	Exec Dir, Reproductive Effects Assess Group
	Executive Director, Exposure Assessment Group
Ofc of Monitoring Systems and Quality Assurance.	Dir, Air Toxics & Radiation Monitoring Res Div
	Dir, Water & Waste Mgmt Monitoring Res Div
Ofc of Environmental Engineering and Technology.	Dir, Industrial & Extractive Processes Div
	Dir, Waste Management Division
	Dir, Energy Processes Division
Industrial Environmental Research Lab—Cincinnati.	Dep Dir-Industrial Env Res Lab Cincinnati
Municipal Environmental Research Lab—Cincinnati.	Dir, Water Supply Research Div
Office of Environmental Process and Effects Res.	Dir, Integrated Pest Management Program
	Director, Toxics and Pesticides Division
	Director, Water and Land Division
Environmental Sciences Research Laboratory—Rtp.	Dep Dir-Environmental Sciences Rsch Lab—Rtp
Office of Health Research.	Dir, Air, Noise & Radiation Health Res Div
	Dir, Water & Toxic Substance Health Res Div
Health Effects Laboratory—Rtp.	Dir, Res Adv & Spec Studies Ofc
Equal Employment Opportunity Commission	
Regional Directors	Dist Dir (Baltimore)
	Dist Dir (New York)
	Dist Dir (Atlanta)
	Dist Dir (Houston)
	District Director (Detroit)
	Dist Dir (San Francisco)
	Dist Dir (Dallas)
	Dist Dir (Chicago)
	Dist Dir-(St Louis)
	Dist Dir (Miami)
	Dist Dir-(Indianapolis)
	Dist Dir (Memphis)
	Program Manager
	Dist Dir-(Denver)
	Dist Dir-(Birmingham)
	Dist Dir-(New Orleans)
	Dist Dir-(Phoenix)
	Dist Dir-(Milwaukee)
	Dist Dir-(Charlotte)
	Dist Dir-(Seattle)
	Dist Dir-(Cleveland)
	Dist Dir-(Philadelphia)
Farm Credit Administration	
Ofc of Supervision	Asst Deputy Governor
	Assoc Dep Governor, Supervision
Office of Examination	Assoc Dep Governor and Chf Examiner
Ofc of Administration	Director, Administrative Division
Federal Communications Commission	
Broadcast Bureau	Chf, Complaints & Compliance Div
	Chief, Broadcast Facilities Div
	Chf, Hearing Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chief, Audio Services Division
	Chief, Video Services Division
	Chf, Enforcement Div
Field Operations Bureau.	Chief, Enforcement Division
Common Carrier Bureau.	Chief, Tariff Division
	Chf, Enforcement Division
	Chf, Mobil Services Div
	Asst Bureau Chief (International)
	Chief, Domestic Facilities Division
Ofc of Science & Technology.	Chief, Spectrum Management Division
	Chief, Technical Analysis Division
	Chief, Authorization & Standards Div
Federal Emergency Management Agency	
Office of the Director	Inspector General
National Preparedness Programs Directorate.	Chief, Scientific Advisor.
	Asst Associate Director
Office of Resource Preparedness.	Asst Assoc Dir, Off Resource Prep
	Chief, Economic Resources Division
Office of Government Preparedness.	Asst Assoc Dir, Off of Govt Prep
	Chief, Government Continuity Div
	Chief, President Continuity Div
Office of Research	Asst Assoc Dir, Off of Research
Resource Management and Administration Directorate.	Deputy Director, Finance and Administration
	Comptroller
	Dir, Computer Mgmt Div
	Dir, Spec Facility
	Asst Assoc Dir, Ofc of Res Planning & Util
Federal Home Loan Bank Board	
Office of Administration	Director, Administration
Office of Examinations & Supervision.	Dep Dir, Examinations/Field Operations
	Deputy Director—Examinations/Policy
Ofc of Internal Eval and Compliance.	Dir, Internal Evaluation and Compliance Ofc
Federal Labor Relations Authority	
Federal Service Impasses Panel.	Exec Director, FSIP
Ofc of the Executive Director.	Executive Director
	Deputy Executive Director
	Solicitor
Office of the Chief Counsel.	Chief Counsel
	Asst Chf, Coun for Oper & Tech Asst
	Asst Chf, Counsel for Arbitration
	Asst Chief, Counsel for Negotiability
	Asst Chf, Coun for Rep & Unfair Labor Practice
Ofc of the General Counsel.	Deputy, General Counsel
	Asst General Counsel (Field Management)
	Asst General Counsel (Field Management)
	Asst General Counsel (Appeals)
Regional Offices	Regional Director—Washington, D.C.
	Regional Director—Boston
	Regional Director—New York
	Regional Director—Atlanta
	Regional Director—Kansas City
	Regional Director—Dallas
	Regional Director—Chicago Illinois
	Regional Director—Los Angeles
	Regional Director, San Francisco
	Regional Director, Denver
Federal Maritime Commission	
Office of the Members	Secretary
Office of the General Counsel.	Dep Gen, Coun for Legis and Ord and LRA
	Dep Gen, Coun for Reports Opinions and recision
Bureau of Hearings & Field Operations.	Dep Managing Dir

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Bureau of Agreements
	Director, Bureau of Certification & Licensing
	Dir, Bureau of Investigation & Enforcement
	Dir, Bureau of Tariffs
Federal Mediation and Conciliation Service	
Office of Policy and Resource Management.	Director, Ofc of Policy & Resource Mgmt
Organization Abolished	Dir, Office of Administration
Federal Trade Commission	
Ofc of Executive Director.	Deputy Exec Dir for Management
General Services Administration	
Office of the Administrator.	Special Council to the Admr for Ethics
	Dir, Ofc of Small & Disadvantaged Bus Utiliz
Office of Policy and Management Systems.	Dir of Management Improvement
Office of Oversight	Director, Office of Oversight
	Dir of Administrative SVCS/OFC of Oversight
Office of the Inspector General.	Asst Inspector Gen for Auditing
	Deputy Asst Inspector General for Auditing
	Asst I/G for Investigations
	Asst Insp General for Inspections
	Assistant Inspector Gen for Pol Plans & Eval
Office of Acquisition Policy.	Asst Admr for Acquisition Policy
	Deputy Assistant Admr for Acquisition Policy
	Dir, Acquisition Policy
	Director, Federal Procurement Regulation
Office of Organization and Personnel.	Director of Personnel
	Director, Ofc of Employee Dev & Training
	Dir of Organization & Staff Utilization
Office of Plans, Programs and Financial Management.	Dir of Finance
	Director of Budget
	Director of Data Systems
	Deputy Director of Data Systems
	Director, of Transportation Audits
Federal Property Resources Service.	Asst Commr for Personal Property
	Dep Asst Commr for Personal Property
	Asst Comm, R for Real Property
	Asst Commissioner for Stockpile Management
	Asst Commissioner for Stockpile Transactions
Transportation and Public Utilities Service.	Dir of Transportation
	Asst Comm for Transportation Audits
	Asst Commr for Transportation & Travel Mgmt
	Asst Commr for Public Utilities
	Asst Commr for Motor Equipment
Public Building Service	Asst Commissioner for Buildings Management
	Dep Asst Commr for Buildings Management
	Asst Commr for Space Planning & Management
	Asst Commr for Design and Construction
	Asst Commr for Contracts
	Asst Commissioner for Fed Protective Ser Mgmt
	Assistant Commissioner for Public Utilities
Automated Data and Telecommunications Service.	Director of Information Resources Procurement
	Director of Network Services
	Asst Commr for Policy & Planning
	Dir, Data Communications Systems Div
	Director of Advanced Planning

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Dir, Network Engineering MGMT Division
	Dir, Software Development Office
	Director of Office Information Systems
	Director of Regional Information Services
National Archives and Records Service.	Asst Archivist, Pres Libraries
	Dir, L B Johnson Library
	Asst Archivist for Fed Records Ctr
	Asst Archivist for Records and Info Mgmt
	Dir, Harry S Truman Library
	Dir, Dwight D Eisenhower Library
	Asst Archivist, Natl Archives
	Asst Archivist for Educational Programs
	Assistant Archivist for Program Development
Federal Supply Service	Asst Commissioner for Supply
	Director, of Procurement
	Asst Commissioner for Programs & Requirements
	Dir of Policy & Agency Assistance
	Assistant Commissioner for Procurement
	Director of Property Management
	Dep Asst Admr
Region 1—Boston	Dep Regional Administrator, Region 1
	Asst Regional Administrator for PBS Region 1
Region 2—New York	Asst Regl Admr for PBS
Region 3—Philadelphia	Asst Regional Admr for Contracting
National Capital Region	Deputy Regional Admr, National Capital Region
	Regional Controller
	Asst Regl Admr for Pub Bldgs & Real Property
Region 4—Atlanta	Asst Reg Admr for Public Blds & Real Pro R-4
	Assistant Regl Admin for Inform Res Mgmt-R-4
Region 5—Chicago	Deputy Regional Admr R-5 (Chicago)
	Asst Regional Administrator for Admin
	Asst Regl Admr for Pub Bldgs & Real Prop R-5
	Asst Regl Admr for Personal Property Reg-5
Region 6—Kansas City	Deputy Regional Administrator
	Regional Controller—Region 6
	Asst Regl Admr for Public Buildings & R E
Region 7—Fort Worth	Asst Regl Admr for Public Buildings Service
	Asst Regl Admr for Info Resources Mgmt R-7
	Asst Regional Administrator for Personal Pro
Region 8—Denver	Asst Regional Adm for Public Buildings Serv
Region 9—San Francisco.	Asst Regl Administrator for Administration
	Asst Regl Admr for Pub Bldgs & Real Property
	Asst Regl Admr for Personal Property R-9
Region 10—Auburn, Washington.	Asst Regl Admr Public Build & Real Prop
Department of Health and Human Services	
Office of the Inspector General.	Dep Asst Inspector General for Auditing
	Assoc Dir—Division of Audit Coordination
	Assoc Dir Div of Social Security Audits
	Asst I/G for Health Care and Systems Review
	Asst Inspector General for Investigations
	Dep Asst Inspector Gen for Investigations
	Assoc Dir, Div of Univ & Nonprofit Audits

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Sr Asst Insp Gen for Audit & Systems
	Executive Assistant Inspector General
Oas-for Management and Budget.	Asst Sec For Mgmt and Budget
	Dep Asst Sec, Finance
	Dir, Div of Accounting Systems & Procedures
	Dir, Div of Grants Policy & Regulations Devel
	Dir Ofc of Grant & Contract Financial Mgmt
	Dep Asst Secy for Procurement, Asst and Log
	Dir Ofc of Procurement & Asst Policy
Ofc of Asst Secy for Personnel Administration.	Asst Sec for Personnel Administration
	Dir Ofc of Personnel Systems Integrity
Office of the General Counsel.	Asst Gen Counsel (Business & Admin Law Div)
Health Care Financing Administration.	Dep. Dir., Bureau of Support Services
	Dir, Ofc of Prog Adm, Bur of Prog Operations
	Dir, Bur of Support Services
	Dir, Ofc of Program Validation
	Dir, Ofc of Financial Management
	Deputy Director, Bureau of Quality Control
	Director, Ofc of Research
	Dir Office of Quality Control Programs
	Dir Office of Human Resources & Admin Service
	Chairman Provider—Reimbursement Review Board
	Dir, Ofc of Financial & Actuarial Analysis
	Dir, Ofc of Professional Stds Review Org
	Dir, Bureau of Data Management and Strategy
	Dep Dir, Bureau of Data Management & Strategy
Ofc of Policy	Dir, Div of Supplemental Security Studies
Ofc of Mgmt, Budget, and Pers.	Dir, Ofc of Material Resources
	Dir, Ofc of Financial Resources
Ofc of Assessment	Assoc. Commr. for Assessment
	Dir, Ofc of Security and Program Integrity
	Deputy Associate Commissioner Assessment
Ofc of Hearings and Appeals.	Dep Assoc Commr Oha
Actuary	Chf Actuary
	Dep Chief Actuary (Long-Range)
	Dep, Chief Actuary Short Range SSA
Assistant Secretary for Health.	Dep. Dir, Office of Administrative Management
	Director, Office of Resource Management
	Associ Dir for Data Systems
	Economist
	Dir, Div of Intramural Research
	Associate Director for Research
	Assoc Dir for Coop Health Statistics System
	Assoc Dir for Analysis & Epidemiology
	Assoc Dir for Research & Methodology
Immediate Office of the Director.	Deputy Director, Fogarty International Crt
	Associate Dir for Med Applications of Resch
Division of Research Resources.	Dir, Div of Research Resources
	Dep Dir, Div of Res Resources
Division of Research Services.	Chf, Biomedical Engineering & Instrumentation
Associate Director for Administration.	Director, Div of Financial Management
	Director, Division of Contracts & Grants
Division of Computer Research & Tech.	Chief, Computer Center Branch
	Chief, Lab of Applied Studies
	Chief, Physical Sciences Lab

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
National Library of Medicine.	Dep Dir, Natl Lib of Medicine
	Depn Dir for Res and Education
	Assoc Dir for Library Operations
	Associate Director, Div of Extramural Programs
	Dir, LHNC for BC Bethesda Maryland
	Assoc Dir, Specialized Info Services
	Asst Dir for International Progams
	Dep Dir, Lister Hill Nat'l Ctr for Biomedical
	Associate Director for Planning
	Director, Natl Medical Audiovisual Ctr
National Institue of Health Clinical Center.	Assoc Dir for Clin Care NIH & Dir Clinical Cen
	Health Systems Administrator
Natl Institute of Environmental Health Sciences.	Assoc Dir for Health Hazard Assessment
	Chf, Lab of Pharmacology
	Chf, Laboratory of Biomedical Gentics
	Chf, Laboratory of Moleculor Genetics
	Chf, Lab of Animal Genetics
	Chf, Lab of Pulmonary Function and Toxicology
	Chief, Biometry Branch
	Hd, Cell Pharmacology Section
National Inst of Allergy and Infectious Diseases.	Dir—Immunology—Allergic & Immunologic Disease
	Assoc Dir—Intramural Research Prog
	Chf, Lab of Parasitic Diseases
	Chf, Lab of Biology of Viruses
	Chf, Laboratory of Microbial Immunity
	Spec Asst for Biometry, Off Sci Dir
	Hd, Molecular Viral Disease
	Director, Microbiology & Infectious Dis Progs
	Chief, Lab of Immunogenetics
	Director, Extramural Activities Program
Nat'l Institute of Neurological & Comm Disorders & Stroke.	Chf, Ofc of Biometry and Epidemiology
	Chf, Lab of Neurochemistry
	Chf, Surgical Neurology Branch
	Chf, Lab of Neuro-Otolaryngology
	Clinical Dir, NINCDS
	Director, Communicative Disorders Program
	Director, Stroke and Trauma Program
Intramural Research	Chf, Devel & Metab Neurology Branch
	Chf, Lab of Molecular Biology
	Hd, Cellular Neuropathology Section
	Chief, Section on Neuroradiology
	Chief, Lab or Biophysics
	Chf, Lab of Neuropathology & Neuroanatomical
	Hd, Section on Neuronal Intreractions
	Dir, Fundamental Neurosciences Program
	Chief, Laboratory of Molecular Gentics
Collaborative and Field Research.	Chief, Lab of Central Nervous System Studies
	Deputy Chief, Lab of Central Nervous Sys Stud
Nat'l Heart, Lungs, and Blood Institute.	Assoc Director for Review
	Dir, Div of Lung Diseases
	Dep Dir, Div of Lung Diseases
	Dir, A/Sclerosis, Hypertension & Lip Met Prog
Div of Blood Diseases and Resources.	Chf, Sickle Cell Disease Branch
	Dir, Div of Blood Diseases & Resources
Associate Director for Intramural Research.	Chf, Surgery Br
	Chf, Lab of Biochemical Genetics
	Chf, Lab of Biochemistry
	Chief, Lab of Molecular Hematology
	Chief, Macromolecules Section
Laboratory of Biochemistry.	Sr Rsch Chemist, Sect on Cell Biology

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Laboratory of Chemical Pharmacology.	Hd, Sect on Enzyme Drug Interaction
Molecular Disease Branch.	Hd, Section on Chemistry
Division of Heart & Vascular Diseases.	Dir, Div of Heart & Vascular Diseases
	Assoc Dir for Epidemiology and Biometry
Associate Director, for Extramural Research and Training.	Dep Director, Div of Extramural Affairs
National Cancer Institute.	Chf—Drug Evaluation Branch
	Chf—Lab of Medical Chemistry and Biology
	Chief, Clinical Epidemiology Branch
	Chief, Laboratory of Biochemistry
	Assoc Dir for Medical Appl of Cancer Research
	Director, Extramural Research Program
	Dir, Div of Extramural Activities
	Assoc Dir, Cancer Therapy Evaluation Program
Div of Resources Centers & Community Activity.	Special Asst for Liaison Activity
	Dir, Div of Resources, Centers Comm Activity
Div of Cancer Cause & Prevention.	Chf—Lab of Experimental Pathology
	Sci Coord for Environmental Carcinogenisis
	Deputy Director, Div of Cancer Cause & Preven
	Chief, Lab of Viral Carcinogenesis
	Dir, Div of Cancer Cause and Prevention
General Laboratories and Clinics.	Head, Mathematical Biology Section
	Chief, Laboratory of Cell Biology
	Hd, Protein Chemistry Section
Division of Cancer Biology and Diagnosis.	Chf—Laboratory of Pathophysiology
	Chf, Lab of Immunobiology
	Hd, Biochemical Genetics Section
	Head, Comparative Oncology Section
	Assoc Chf—Lab/Immunobiology/Hd Humoral Immunit
	Head, Cell Organization Sect, Lab Molecular
	Head, Invitro Carcinogenisis Section
	Head, Developmental Biochemistry Section
Radiation Branch	Chf—Radiation Oncology Br
Associate Scientific Director for Demography.	Chf, Biometry Branch
	Head, Math Statistics & Applied Mathematics
Associate Scientific Director for Carcinogenesis.	Chief, Lab of Biology
	Chief, Laboratory of Molecular Carcinogenesis
Chemotherapy	Dep Dir—Div of Cancer Treatment
	Assoc Dir, Developmental Theraputics Prog
	Chf, Laboratory of Chemical Pharmacology
	Director, Division of Cancer Treatment
Nat'l Inst of Arthritis, Diabetes & Digest & Kidney Dis.	Assoc Dir, Prog Anal & Scientific Communicatio
	Assoc Dir for Digestive Sideases & Nutrition
	Assoc Dir for Kidney, Urologic, & Blood Disea
	Ad for Diabetes, Endoctrine & Metabolic Dis
	Assoc Dir for Arthritis, Bone, Skin Diseases
	Chief, Laboratory of Bio-Oranic Chemistry
Extramural Programs	Assoc Dir for Extramural Prog Activities

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Intramural Research	Chf, Sect on Enzymes & Cellular Biochemistry
	Chf, Sect on Intermediary Metabolism
	Chief, Section on Biochemical Mechanisms
	Chf, Section on Spectroscopy & Structure
	Chf, Sect on Human Biochemical Genetics
	Sr Res Physicist, Mathematical Research Br
	Sr Chemist, Clinical Endocrionology Br
	Senior Research Chemist
	Chief, Section on Physical Biochemistry
	Chf, Arthritis & Rheumatism Br
	Chf, Pediatric Metabolism Br
	Chief, Genetics and Biochemistry Branch
Laboratory of Physical Biology.	Chf, Lab of Physical Biology
	Chf, Section on Comparative Physiology
Laboratory of Biochemical PharmacologyDChf, Sect on Biochemistry.	
Chf, Sect Biochemistry of Amino Acids.	
Laboratory of Chemistry	Chief, Lab of Chemistry
Laboratory of Nutrition and Endocrinology.	Chf, Laboratory of Nutrition & Endocrinology
Laboratory of Molecular Biology.	Chf, Sect on Metabolic Enzymes
	Chf, Sect on Physical Chemistry
	Head, Section on Molecular Structure
	Senior Research Chemist
Laboratory of Chemical Biology.	Chf, Lab of Chemical Biology
Nat'l Institute of General Medical Sciences.	Dir, Pharmacology/Toxicology Program
	Dir, Cell & Molec Basis of Disease Prog
	Dir, Genetics Program
	Assoc Dir for Program Activities
	Dir, Pharmacological Sciences Program Branch
National Institute of Child Health and Human Development.	Director, Ctr For Res for Mothers & Children
	Clin Dir Nat'l Inst for Child Hlt & Human Dev
	Dir, Epidemiology & Biometry Res Program
Center for Population Research.	Dep Dir, Center for Population Res
Intramural Research	Chief, Laboratory of Molecular Genetics
	Chf, Endocrinology & Reproduction Research Br
National Institute on Aging.	Scientific Dir NIA
	Clinical Dir and Chf, Clin Physiology Branch
	Chief, Lab of Molecular Aging
	Chief, Lab of Cellular & Molecular Biology
	Associate Dir for Behavioral Sciences Res
National Eye Institute	Clinical Director, NEI
	Chf, Lab of Vision Research
	Chf, Ofc of Biometry & Epidemiology
	Dep Chief Ofc of Biometry and Epidemiology
	Head, Sec on Exp Embryology
	Head Experimental Pathology Section
	Dir, Intramural Research Program, NEI
National Institute for Dental Health.	Chief, Lab of Biochemistry
	Chief, Lab of Microbiology & Immunology
	Chf, Laboratory of Dev Biology & Anomalies
	Chf, Oral Pharyngeal Dev & Function Sec
	Chf, Enzyme Chemistry Section
	Chf, Caries Prevention and Research Branch
	Dir Natl Institute of Dental Res

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Food and Drug Administration.	Dep Assoc Commissioner for Regulatory Affairs
	Regional Director, FDA, Reg II, New York Reg: L Dir, Food & Drug Adm, Reg IX (San Francisco
	Reg: L Dir, Food & Drug Adm, Reg IV, Atlanta
	Regl Food and Drug Director, Reg V, Chicago
	Regl Food & Drug Dir. Reg X, Seattle
	Regl Food & Drug Dir, Reg III, Philadelphia
	Regl Food & Drug Dir Reg VII, Kansas City
	Regl Food & Drug Dir. Reg I, Boston
	Regional Food & Drug Dir, Reg VI, Dallas
	Regl Food and Drug, Reg VIII, Denver
	Director, Enforcement Policy Staff
	Director, Parklawn Computer Center
	Director, Orphan Products Development
National Center for Toxicological Research.	Assoc Dir for Biometry & Experimental Design
	Assoc Dir for Research
	Assoc Dir for Chemical Evaluations
Bureau of Foods	Dep Dir, Office of Sciences
	Dir Division of Toxicology
	Dir, Div of Chemistry & Physics
	Assoc Dir for Regulatory Evaluation
	Associate Director for Physical Sciences
	Dir, Div of Food Technology
	Deputy Associate Dir for Physical Sciences
	Assoc Dir for Nutrition & Food Sciences
	Dir, Div of Nutrition
	Assoc Dir for Compliance
	Dep Dir, Bureau of Foods
	Dir, Div of Microbiology
	Director, Division of Regulatory Guidance
	Dep Associate Dir for Nutrition & Food Sci
	Dir, Div of Chemical Technology
	Assoc Dir for Toxicological Sciences
National Center for Drugs and Biologics.	Assoc Director for New Drug Evaluation
	Dir, Div of Anti-Ineffective Drug Products
	Dir Div Oncology & Radiopharmaceutical Drug P
	Dir Div of Scientific Investigations
	Dir, Div of Cardio-Renal Drug Products
	Assoc Dir for Compliance
	Dep Assoc Dir for Drug Monographs
	Assoc Dir for Pharmaceutical Research & Testi
	Dir, Div of Drug Biology
	Director-Division of Drug Chemistry
	Assoc Dir for Information Systems
	Dep Assoc Dir for Biometrics & Epidemiology
	Dir, Div of Biometrics
	Asst to the Dir for Medical Programs
	Dir, Div of Pathology
	Dir, Div of Drug Experience
	Director Div of Biopharmaceutics
	Dir, Div of Blood & Blood Products
	Dir, Div of Surgical Dental Drug Products
	Dir, Div of Metabolism & Endocrine Drug Prod
	Assoc Dir, Biometrics and Epidemiology
	Dir, Div of Biologics Evaluation
	Dep Dir for Prog Management

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Bureau of Veterinary Medicine.	Dir, Div of Veterinary Medical Research
	Dir, Div of Drugs for Ruminant Species
	Dir—Div of Thera Drugs for Non-Food Animals
	Dir, Div of Drugs for Avian Species
	Dir, Div of Drugs for Swine & Minor Species
	A/D for Surveillance & Compliance
	Assoc Dir for Science Evaluation
	Assoc Dir for Research
	Assoc Dir for Human Food Safety
Bureau of Radiological Health.	Dir, Div of Biological Effects
Bureau of Medical Devices.	Assoc Dir for Device Evaluation
	Associate Director for Compliance
Centers for Disease Control.	Dir, Bacteriology Div
	Chf, Licensure & Proficiency Testing Division
	Dir, Parasitology Div
	Dir, Clinical Chemistry Div
	Assistant to the Director
Alcohol, Drug Abuse & Mental Health Administration.	Assoc Admr for Extramural Programs
	Associate Director for Research
National Institute of Mental Health.	Dir, Div of Extramural Res Progs
	Dir, Div of Scientific & Techn Info
	Chf, Theoretical Statistics & Mathmatics Bran
	Dir, Intramural Research Programs
	Dir, Division of Special Mental Health Research
	Chief, Lab of Preclinical Pharmacology
	Chf, Lab of Cerebral Metabolism
	Chief, Section on Myelin Chemistry
	Chf, Lab of Neurochemistry
	Chf, Lab of Gen & Comparative Biochemistry
	Chief, Lab of Brain Evolution & Behavior
	Chief, Lab of Neurobiology
	Chf, Lab of Neurophysiology
	Dir, Div of Clinical & Behavorial Research
	Chf, Lab of Socio-Environmental Studies
	Chf, Lab of Developmental Psychology
	Chf, Sect on Neuropsychology
	Chf, Sect on Pharmacology
	Chf-Clinical Neuropharmacology Branch
	Chf, Clinical Psychobiology Branch
	Dir, Div of Mental Health SVC Programs
	Assoc Dir, Extramural Programs
	Chief, Lab of Psychology and Psychopathology
	Associate Director, Minority Concern
	Chf, Pharmacologic & Somatic T/Ments Res Br
Saint Elizabeths Hospital.	Asst Superintendent, St Elizabeths Hospital
	Director, John F Marr Division
	Dir, Gooding Div
	Director, Richardson Division
	Dir, Overholster Division of Training
Dir, Div of Medical Surgical Support Programs	
Chief, Blackburn Laboratory	
Dir, Medicine & Surgery Branch	
	Chief, Department of Medicine
	Chf, Dept of Surgery
Nat'l Inst of Alcohol Abuse and Alcoholism.	Director, Div of Alcohol SVCS Development

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Department of Housing and Urban Development	
Office of the Inspector General.	Deputy, Inspector General
	Deputy, Asst Inspector General for Audit Oper
	Asst Inspector General for Investigations
	Asst Inspector General for Audit
	Asst I G for Fraud Control & Mgmt Operations
Assistant Secretary for Administration.	Deputy, Director of Personnel
	Director, Office of Finance & Accounting
	Dir, Mortgage Insurance Accounting Group
	Director, Ofc of Procurements & Contracts
	Director, General & Program Accounting Group
	Deputy Director, Office of Finance & Accounts
Asst Secy for Policy Development and Research.	Dir, Construction Technology Division
	Dir, Government Capacity Sharing Division
Assistant Secretary for Housing.	Dir, Ofc of Interstate Land Sales Regis
Asst Secy for FAair Housing and Equal Opportunity.	Dir, Ofc of HUD Program compliance
	Dir, Ofc of Fair Housing Enforce and Sec 3
Asst Secy for Community Planning and Development.	Dir, Office of Environment and Energy
Region I Boston	Area Manager, Reg I Boston
Region II New York	Area Manager, Newark Region II
	Area Manageer, NY Region II
Region III Philadelphia	Area Manager, Philadelphia Region III
	Area Manager, Pittsburgh Reg III
Region IV Atlanta	Area Manager, Region IV Atlanta
	Area Mgr—Reg IV Jacksonville, Fla
	Area Mgr, Reg. IV Greenwood, NC
Region V Chicago	Area Mgr, Columbus Area Office
	Area Manager, Chicago Area
	Area Mgr, Detroit Area
	Area Manager, Indianapolis Area
	Area Manager, Minn/St Paul Area
Region VI Dallas	Area Manager, Dallas, Reg VI
	Area Mgr, Okla City Area, Dallas
	Area Mgr, New Orleans Area
Region IX San Francisco.	Area Manager (Los Angeles, California)
	Area Mgr
Department of Interior	
Ofc of the Inspector General.	Assistant Inspector General for Auditing
	Asst Inspector General for Investigations
	Deputy Inspector General
Board of Surface Mining and Reclamation Appeals.	Chrman—Bd of Surface Mining and Reclamation A
	Mem-Bd of Surface Mining and Reclamation Appe
	Mem-Bd of Surface Mining & Reclamation Appeal
Ofc of the Solicitor	Deputy Assoc Solicitor, General Law
	Deputy Assoc Solicitor, Indian Affairs
	Asst Solicitor, Bureau of Parks and Recreation
	Asst Solicitor, Offshore Minerals & Int Law
	Special Asst to the Assoc Solicitor-Gen Law
Asst Sec'y-Policy & Budget & Administration.	Chief, Division of Acquisition and Grants
	Asst Dir for Economics
	Asst Dir for Studies
	Asst Dir for Programs
	Chf, Div of Budget Operations
	Chief Division of Prgram Review
Nat'l Park Service	Ch Off of Pk Plan & En Qual
	Asst Dir, Park Operations
	Asst Dir, Cultural Resources
	Senior Scientist

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
US Fish & Wildlife Service.	Deputy Assoc Dir-Federal Assistance
	Chief, Office of Biological Services
	Dep Assoc Dir—Natl Wildlife Refuge Sys
	Deputy Associate Director-Research
	Senior Scientist
	Dir, Natl Fisheries Center
	Dir, Denver Wildlife Research Center
	Assoc Dir, Planning and Budget
	Deputy Associate Director-Fishery Resources
	Deputy Assoc Dir—Wildlife Resources
	Deputy Associate Director—Environment
Bureau of Mines	Chief Scientist
	Dir Div of Minerals Resource Technology
	Research Director Denver Mining Res Con
	Dir, Div of Minerals Health and Safety Technol
	Dir, Div of Analytic Studies
	Dir Div, of Minerals and Land Assessment
	Chief Branch of Foreign Data
	Dir, Div of Prod/Consump/Data Collec & Interp
	Resch Dir, Pittsburgh Research Center
	Research Director, Albany Research Ctr
	Chf, Div of Minerals Informations Systems
	Chief Div of Materials & Recycling Technology
	Chief, Mineral Economist
	Dir, Div of Research Ctr Operations
	Research Program Coordinator-Mining Research
	Chief, Division of Minerals Availability
	Staff Asst to Asst Dir Mineral Data Analysis
	Staff Asst to Asst Dir Minerals Information
	Dir, Div of Minerals Environmental Technology
	Chief Div of Extractive Metallurgy Technology
	Dir, Div of Minerals Availability
	Chf, Branch of Domestic Data
	Research Director, Twin Cities Research CtR
	Dir, Div of Field Operations
	Deputy Management Services Officer
	Staff Asst to Asst Dir Minng Research
	Chief, Div of Health & Safety Technology
	Chief, Div of Conservation & Development
	Chief, State Liaison Office
US Geological Survey	Chief, Earth Resources Observation Sys Prog
	Chief, Computer Center Div
	Chief of Natl Petroleum Reserve in Alaska
	Chief, Eros Data Center
	Deputy Asst Dir for Information Systems
	Assoc Chf, Ofc of Earth Sciences Applications
	Staff Geologist for NPRA/Alaska Activities
National Mapping Div	Chief, National Mapping Division
	Associate Chief, National Mapping Division
	Asst Division Chief for Plans Operations
	Chief, Western Mapping Center

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chief, Mid-Continent Mapping Center
	Chief, Rocky Mountain Mapping Center
	Asst Div Chief for Information & Data SVC
	Chief, Eastern Mapping Center
	Asst Div Chf for Research
Water Resources Div	Chief, Hydrologist
	Assoc Chief, Hydrologist
	Regl Hydrologist Central Reg Lakewood
	Chief, Branch of Surface Water
	Chief, Branch of Ground Water
	Regl Hydrologist Southeastern Region
	Asst Chief Hydrologist, Res & Tech Coordination
	Regional Hydrologist, Western Region
	Regional Hydrologist, Northeastern Region
	Chief, Branch of Water Quality
	Chf, Water Data Coordn
	Asst Chf, Hydrologist for Operations
	Asst Chf, Hydrologist, Scien Public & Data MG
	Dep Asst Chf, Hydrologist for Res & Tech Coord
	Stf Asst to the Chf Hydrologist for Spec Proj
	Chf Water Res Scie Infm Ctr (WRSIC) Oper Ofc
Geologic Div	Chief, Geologist
	Chf, Ofc Earthquake Studies
	Chief, Ofc of Scientific Publications
	Assoc Chf, Geologist
	Chf, Ofc of Mineral Resources
	Chf, Ofc of Energy Resources
	Chief, Office of International Geology
	Chief, Office of Regional Geology
	Chief, Ofc of Marine Geology
	Chief, Ofc of Geochemistry & Geophysics
	Assistant Chief, Geologist for Programs
	Staff Assistant to Chief Geologist
Conservation Div	Chf, Conservation Division
	Assoc Chief, Conservation Div
	Regional Conservation Mgr—Eastern Region
	Dpy Div Chief for Offshore Minerals Regula
	Regl Conservation Manager, Central Region
	Regl Conservation Mgr, Gulf of Mex OCS Operat
	Reg'l Conservation Mgr, No. Central Region
	Dep Div Chf for Onshore Minerals Regulation
	Dep Div Chf, Royalty Management
	Regional Conservation Mgr, Pacific (OCS)
	Special Assistant to Chief, Conservation Div
Ofc of Surface Mining Reclam and Enforcement.	Dep Asst Dir for Prog Opers & Insp (East)
	Tech Admr Service Ctr (East)
	Administrator, Technical Service Ctr (West)
	Spec Asst to the Asst Dir Prog Opers & Inspec
Minerals Management Service.	Minerals Manager, South Central Region
	Minerals Manager, Central Region
	Regional Manager, Gulf of Mexico OCS Region
	Dep Associate Directr for Offshore Leasing

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Regional Manager, Atlantic Ocs Region
	Regional Manager, Alaska OCS Region
	Minerals Manager, North Central Region
	Regional Manager, Pacific Ocs Region
	Dep Associate Dir for Royalty Management
	Chief, Offshore Leasing Management Division
	Dep Associate Dir for Offshore Operations
Bureau of Reclamation	Spec Asst for Emergency Water Planning
	Chief, Div of Design
	Chief, Div of Atmospheric Water Resources Mgm
	Chief, Div of Research
	Asst Dir—Technology and Information Transfer
	Asst Dir, Research
	Chief, Division of Planning
	Spec Asst for Research Programs
	Chief, Div of Opeation & Maintenance
Bureau of Land Management	Asst Dir—Technical Services
	Asst Dir—Renewable Resources
	Assistant Director, Administation
	Asst Dir, Land Resources
	Asst Dir for Onshore Energy & Mineral Res
	Asst Dir, Offshore Energy & Mineral Resources
Office of Water Policy	Senior Water Research Coordinator
Bureau of Indian Affairs	Deputy Dir—Indian Education Programs
	Director, Technical Assistance & Training
	Assistant Dir of Admin (Financial Manager)
International Development Cooperation Agency	
Ofc of the General Counsel.	Leg Counselor to the Admin & Dep Gen Counsel
Office of the Inspector General.	Deputy Auditor General
	Asst Inspector General for Security
	Asst Inspector General for Investigations
	Asst Inspector General for Audit
Office of Equal Opportunity Programs.	Dir—Ofc of Equal Opportunity Programs
Bureau for Management	Controller and Senior Financial Officer
	Assistant to the Administrator for Management
Office of Financial Management.	Deputy Controller
Office of Personnel Management.	Dep Dir Ofc of Personnel Management
Directorate for Program and Management Services.	Associate Director for Management
	Dir Ofc of Contract Management
	Dep Dir Ofc of Contract Management
	Dir, Commodity Management
	Director, Ofc of Data Management
	Dir, Ofc of Management Operations
Interstate Commerce Commission	
Office of the General Counsel.	Associate General Counsel, Litigation
	Assoc Gen Counsel for Legal Counsel
	Asscolate General Counsel for Legal Counsel
Ofc of the Managing Director.	Dir of Personnel
Bureau of Accounts	Dir, Bur of Accounts
	Dep Dir, Accounting Policy & Fin Data Report
Bureau of Traffic	Director, Bu of Traffic
	Asst Dir, Bu of Traffic

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Transportation Analysis.	Assoc Dir, Ofc of Transportation Analysis
	Dep Dir, Section of Rail Services Planning
	Dep Dir and Chf, Sect of Motor Policy
Office of Compliance & Consumer Assistance.	Dir Ofc of Compliance & Consumer Assistance
	Deputy Director for Enforcement
	Associate Director
	Dep Dir for Policy Dev & Coordination
Regional Offices	Regional Director (Boston)
	Regional Director (Philadelphia)
	Regional Director (Atlanta)
	Regional Director (Chicago)
	Regional Director (Fort Worth)
	Regional Director (San Francisco)
Ofc of Proceedings	Associate Dir
	Assistant to Director
Section of Finance	Dep Dir & Chf, Section of Finance
	Asst Dep Dir & Asst Chief, Section of Finance
Section of Rates	Dep Dir & Chf Section of Rates
	Asst Dep Dir & Ast Chf, Section of Rates
Section of Operating Rights.	Deputy Director Section of Operating Rights
	Asst Dep Dir & Asst Chf, Sect of Operating Ri
Department of Justice	
Office of the Attorney General.	Counsel on Professional Responsibility
	Dep Counsel on Professional Responsibility
Justice Management Division.	Dir Audit Staff
	Deputy Director Audit Staff
	Asst Attorney General for Administration
	Prin Dep Asst Atty General for Administration
	Director, Security Staff
	Special Asst to the Asst Attorney Gen for Adm
	Senior Management Counsel
Office of the Controller	Deputy Assistant Attorney General
	Director, Budget Staff
	Dir, Finance Staff
	Director, Evaluation Staff
Office of Personnel and Administration.	Director, Personnel Staff
	Deputy Assistant Attorney General
	Director, Procurement and Contracts Staff
Office of Information Technology.	Deputy Assistant Attorney General
	Dir, Computer Techn & Telecommunications Staff
	Director, Systems Policy Staff
Ofc of Juvenile Justice & Delinquency Prevention.	Dep Admin Ofc of Juvenile Justice/Delin Prev
	Asst Administrator Ofc of Criminal Justice Pr
National Institute of Justice.	Asst Dir, Ofc of Research Programs
	Asst Dir, Ofc of Dev Testing & Dissemination
Bureau of Justice Statistics.	Deputy Dir, Bureau of Justice Statistics
Office of Justice Research Statistics.	Asst Dir, Ofc of Planning and Management
	Gen Counsel
	Comptroller, Ofc of the Comptroller
Community Relations Service.	Regl Director, Region V, Chicago
	Regl Director, Region IX, San Francisco
	Regl Director, Region III, Philadelphia
Executive Ofc for U.S. Attorneys.	Dep Dir, Exec Ofc for U.S. Attorneys
	Dir, Ofc of Mgmt Information Systems Support
U.S. Parole Commission	Executive Director
Federal Prison System	Asst Dir for Planning and Development
	General Counsel
	Assoc Commr, Fed Prisons Industries, Unicor
	Dep Assoc Commr—Sec, Fed Prison Industries, I
	Deputy Associate Commissioner

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Correctional Programs.	Dep, Asst Dir for Correctional Programs
	Asst Dir, Correctional Programs Div
Northeast Region	Regional Director
	Assistant Regional Director
	Warden, Lewisburg, PA
	Warden, Otisville, New York
	Warden, Petersburg, VA
Southeast Region	Regional Director
	Warden, Atlanta
	Warden, Lexington, Kentucky
	Warden, Butner, North Carolina
North Central Region	Regional Director
	Warden, Leavenworth, Kansas
	Warden, Springfield, Missouri
	Warden, Marion, Illinois
	Warden, Terre Haute, IN
South Central Region	Regional Director
	Warden, El Reno, Okla
Western Region	Regional Director
	Warden, Terminal Island, Ca
	Warden, Lompoc, CA
Immigration & Naturalization Service.	Exec Asst to the Commissioner
	Comptroller
	Asst Commr for Naturalization
	Chf, Spec Inquiry Officer
	Asst Commissioner for Detention & Deportation
	Asst Comm for Administration
	Assistant Commissioner for Adjudication
	Asst Comm for Inspection
	Asst Commissioner for Information Services
	Asst Commissioner for Investigation
	Asst Commr for Border Patrol
	Asst Commissioner for Personnel & Training
Regional Offices—INS	Dep Regional Commissioner, Burlington, VT
	Dep Regl Commr, Twin Cities, Min
District Offices—INS	Dist Director, SW Region, San Francisco Dis
	District Director—San Diego
U.S. Marshals Service	Asst Dir for Administration
	Asst Dir for Operations
Department of Labor	
Ofc of the Inspector General.	Deputy Inspector General
	Asst Inspector Gen for Investigations
	Asst Inspector Gen for Audit
	Dir, Ofc of Loss Prevention and Analysis
	Deputy Asst Inspector General for Audit
	Asst Inspector General for Audit
Office of the Solicitor	Associate Solicitor for Labor—Management Laws
	Assoc Solicitor for Plan Benefits Security
	Assoc Solicitor for Labor Relations & Civil R
	Assoc Solicitor for Occupational Safety & Hlt
	Assoc Solicitor for Mine Safety & Health
	Assoc Solicitor for Fair Labor Standards
	Assoc Solicitor for Employee Benefits
	Associate Solicitor for Spec Litigation
	Deputy Solicitor (Regional Operations)
	Assoc Sol for Spec Appel & Sup Court Lit
Regional Solicitors	Regional Solicitor, Chicago
	Regional Solicitor Region IV—Atlanta
	Regl Solicitor Boston
	Regl Solicitor New York
	Regional Solicitor Philadelphia
	Regl Solicitor Dallas
	Regl Solicitor Kansas City
	Regl Solicitor San Francisco

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
OAS for Administration and Management.	Asst Sec'y for Admin & Mgmt
	Dep Asst Sec for Adm and Mgmt
	Director, Administrative Programs & Service
	Dir, Ofc of Budget
	Dir, Ofc Labor Mgmt Relations
	Dir of Management Policy
	Comptroller for the Department
	Dir., Office of Equal Employment Opportunity
	Dir of Personnel Management
	Dep Dir of Personnel Management
	Deputy Comptroller
	Dir Ofc of Information Technology
	Dir Ofc of Executive Personnel Management
	Deputy Director Office of Civil Rights
	Dir. Ofc of Civil Rights
Office of Management Administration and Planning.	Dir. Ofc of Prog Development & Accountability
	Dir Ofc of Mgmt. Administration and Planning
Ofc of Federal Contract Compliance Programs.	Dir—Div of Enforcement Coordination
Wage and Hour Division.	Asst Adm'r for Fair Labor Standards
	Asst Admr for Govt contract Wage Standards
Ofc of Workers Compensation Programs.	Dir Federal Employees Compensation
	Dir Coal Mine Workers Compensation
Pension & Welfare Benefit Programs.	Dep Admr for Pension & Welfare Benefit Prog
	Asst Admr. Enforcement
	Asst Admr for Pension & Welfare Benefit Prog
	Asst Admr for Fiduciary Standards
	Asst Admr. Reporting & Plan Standards
Planning Evaluations & Systems.	Director, Office of Management
Labor-Management Standards Enforcement.	Dir Ofc of Labor-Management Stds Enforcement
	Asst Director for Compliance & Enforcement
	Asst Dir for Standards Tech Asst & Disclosure
Bureau of Labor Statistics.	Asst Commr for Field Operations
Data Analysis	Asst Commr. Occupational Safety & Health Stat
	Asst Commr. Economic Growth
	Assoc Commr for Prices and Living Conditions
	Asst Commr Productivity & Technology
	Asst Commissioner for Current Employment Anal
	Asst Commr for Wages & Industrial Relations
	Asst Commr for Research Methods & Standards
	Asst Commr for Employment Structure & Trends
	Dep Assoc Commr for Prices & Liv Conditions
	Asst Commr for Consumer Prices & Price Indexes
	Asst Commr for Indust Prices & Price Indexes
	Deputy Asst Commr for Employment Str & Trends
Statistical Operations & Processing.	Asst Commissioner for Survey Design
	Assoc Commr for Statistical Operations
	Asst Commissioner for Systems & Standards
	Dep Assoc Commr for Statistical Operations
	Asst Commissioner for Mathematical Statistics
Administrative Management.	Assoc Commr for Administrative Management
Regional Commissioners.	Reg Commr—Bls (Chicago)

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Comprehensive Employment and Training.	Director Office of Management and Training
Office of Employment Security.	Director, Ofc of Trade Adjustment Assistance
	Director, Office of Technical Support
Office of Administration and Regional Management.	Adm'r Administration and Mgt
	Admin Ofc of Admin and Regional Management
	Dep Adm Ofc Adm & Regional Mgmt
Office of Financial Control and Management Systems.	Dir, Ofc of Management Information Systems
	Comptroller
	Admin, Ofc of Financial Control & Mgmt Syst
Organization Abloshed	Chf, Div of Indian & Native American Programs
Ofc of Strategic Planning and Policy Development.	Director, Ofc of Program Evaluation
Administrative Programs	Dir, Adm Progs
Health Standards Programs.	Dir, Health Standards Programs
Safety Standards Programs.	Director, Safety Standards Programs
Federal Compliance & State Programs.	Dir, Federal Compliance & State Programs
Technical Support	Dir, Tech Support
Mine Safety and Health Administration.	Chf of Standards, Regulations & Variances
	Director of Administration and Management
	Director of Assessments
	Director of Technical Support
Merit Systems Protection Board	
Ofc of Managing Director.	Managing Dir
	Assistant Managing Director for Management
	Asst Managing Dir for Regional Operations
Ofc of General Counsel	General Counsel
	Deputy General Counsel
Office of Legislative Counsel.	Legislative Counsel
Ofc of Merit Systems Review and Studies.	Assoc Dir for Special Studies, MsrsPAssociate Director for Operations, Msrs
Ofc of Appeals	Dir, Ofc of Appeals
Ofc of Administration	Director of Administration
Field Offices	Regional Director, New YorkPRegional Director, San Francisco
	Regional Director, Chicago
	Regional Director, Atlanta
	Regional Director, Philadelphia
	Regional Director, Dallas
	Regional Director, Washington, D.C.
Ofc of Special Counsel	Assoc Spec Counsel (Investigation)
	Assoc Spec Counsel (Investigation)
	Dep Assoc Spec Counsel (Investigation)
	Assoc Special Counsel (Prosecution)
National Aeronautics and Space Administration	
Office of the Comptroller.	Asst Compt for Prog Status Rev & Cost Assess
	Spec Asst to the Comptroller
Institutional Analysis Division.	Director, Institutional Analysis Division
Financial Management Division.	Dir, Financial Mgmt Div
	Dep Dir, Financial Management Div
Resources Analysis Division.	Deputy Dir, Resources Analysis Div
Budget Operations Division.	Dir, Budget Operations Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Ofc of Chief Engineer, NASA.	Director, Program Assurance Division
	Director, Safety Division
	Dir, Reliability & Quality Assurance Division
	Dep Chief Engr for Safety Reliability & Q/A
	Dir, Safety Reliability & Quality Assur Progs
Ofc of the Assoc Admr, Space Science and Applications.	Spec Asst to Assoc Admr for Sp & Terres Apps
	Asst Assoc Admr for Advanced Planning
	Director, Space Station Concept Development
Materials Processing in Space Office.	Asst Dir for Materials Science
Environmental Observations Division.	Dep Director, Environmental Observations Div
	Chief, Atmospheric Processes Branch
	Chief, Oceanic Processes Branch.
	Discipline Scientist, Space Plasma Physics
Communications Division.	Chief, Data Systems Branch
	Chf, Communications Systems Branch
	Deputy Director Communications Division
Life Sciences Division	Dep Dir Life Sciences Division
	Chf, Res & Tech Development Branch
	Manager Operational Medicine
	Chief, Flight Programs Branch
	Dep Div, Earth Planetary Exploration Division
	Chief, Non-Renewable Resources Branch
	Chief, Renewable Resources Branch
	Chief Scientist, Earth & Ocean Dynamics
	Chief, Geodynamics Branch
	Chf, Solar Sys Mission Operations Br
Earth and Planetary Exploration Division.	
	Dep Dir, Earth and Planetary Exp Div (Tech)
	Dep Dir, Earth & Planetary Exploration Div
	Chf, Planetary Astronomy and Atmosphere Br
Spacelab Flight Division	Dep Dir, Spacelab Flight Div
	Mgr, Advanced Instrumentation & Sensor Engineer
	Chief, Terrestrial Applications Branch
	Chf, Space Science Missions Branch
	Chief, Instrument Development Branch
Astrophysics Division	Deputy Director, Astrophysics Division
	Manager, Advanced Programs & Technology
	Chf, High Energy Astrophysics Br
	Chief, Astronomy/Relativity Branch
	Chf, Research Flight Progs Dev Br
	Chf, Astrophysical Observ Dev Br
	Chf, Solar Terrestrial Observ Dev Br
	Chf, Solar & Heliospheric Physics Br
	Asst Director, Astrophysics Div (Technical)
Office of Procurement	Asst Admr for Procurement
	Deputy Asst Admr for Procurement
	Assoc Dir. of Procurement (Policy & Management)
Advanced Planning Division.	Dep Dir, Adv Progs.
Organization Abolished	Director, Reliability/Quality & Safety Office
Resource Management/Division (Development).	Dep Dir, Resource Management Administration
	Chief, Sts Program Budget and Control

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Resources Management Division (Operations).	Director, Resources Management & Admin
	Deputy Director, Resources Management & Admin
	Chf, Sts Operations Program Budget Control
Upper Stages Branch	Deputy Director, Upper Stage Division
	Chief, Inertial Upper Stage Branch
Spacelab Division	Deputy Director, Spacelab Program Division
	Chief, Engineering Branch
	Chf, Integration and Test Branch
Sts Utilization Brach	Chief, Pricing Launch Agreements & Customer
	Chief, Mission Analysis & Integration Branch
System Planning and Effectiveness Branch.	Dir, Systems Planning & Effectiveness Div
Orbiter Programs Division.	Director, Space Shuttle Orbiter Division
	Chief, Avionics and Electrical Systems Branch
	Chief, Mechanical/Structural Systems Br
Engine Program Division.	Dir, Space Shuttle Main Engine Program
Solid Rocket Booster and External Tank Division.	Dir, Solid Rocket Booster & External Tank Div
	Chief, External Tank Branch
Ground Systems and Flight Tests Division.	Dir, Sts Ground Sys & Flight Tests Div
	Dep, Sts Ground Sys & Flight Tests Div
	Chf, Flight Test Branch
Systems Engineering and Integration Division.	Dir, Sts Systems Eng & Integration Div
	Chief, Systems Engineering Branch
	Chief, Sts Integration Branch
Space Shuttle Operations Division.	Director, Space Shuttle Operations Division
	Chf, Production & Logistics Branch
Office of the Associate Administrator, Management.	Chief, NASA Safety Office
	Director, Management Support Office
Headquarters Administration Division.	Dep Dir, Headquarters Administration Division
Facilities & Engineering and Computer Management Div.	Dir, Facilities Engineering & Comp Mgmt Div
	Director of Facilities
	Deputy Director, Facilities Division
	Asst Dir, Inst Opers Div
	Deputy for ADP Management & Ofc Automation
	Deputy for Facilities Management
Logistics Management and Information Programs Division.	Dir, Logistics Mgmt & Info Programs Division
	Chf, Mgmt Processes and Directives Br
	Dir, Supply & Equipment Management
	Chf, Scientific and Tech Info Br
Personnel Programs Div.	Dir, Personnel Programs Div
	Dep Dir, Personnel Progs Div
Ofc of the Assoc Admr, Aeronautics and Space Tech.	Deputy Chief Engineer for Facilities
	Asst Assoc Administrator for Mgmt Support
Energy Systems Division.	Space Utilization Sys Offc
	Manager, Solar Terrestrial Systems Office
	Conservation and Fossil Energy Systems
	Manager, Alternate Energy Sources
Aeronautical Systems Division.	Deputy Director, Aeronautical Systems Div
	General Aviation Ofc, Manager of the
	Manager, Rotocraft
	Manager, High Performance Aircraft
	Manager, Subsonic Aircraft
	Assistant Director for Program Development

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Space Systems Division	Dep Dir, Space Sys Div
	Information Systems Ofc, Manager
	Manager, Spacecraft Systems Office
	Manager, Transportation Systems Office
	Manager, Space Station Systems
Research and Technology Division.	Deputy Director, Aerospace Research Division
	Elec and Human Factors Office
	Manager, Space Energy Conversion
	Manager for Propulsion
	Manager, Fluid and Thermal Physics
	Materials and Structures, Manager of the
	Manager, Computer Science and Electronics
Ofc of the Assoc Admr, Space Tracking and Data Systems.	Asst Assoc Admr (Technical)
	Spec Asst (Operations)
Communications and Data Systems Division.	Dir, Communications & Data Systems Div
	Assoc Dir, Communications & Data Systems Div
Deep Space Network Operations Programs.	Manager, Deep Space Network Operations Programs
	Mgr, Space Tracking and Data Network Programs
TDRSS Division	Assoc Dir, Tracking & Data Relay/SSPD
	Chief, TDRSS Operations
Discrimination Complaints Division.	Director, Discrimination Complaints Division
Office of the Inspector General.	Asst Insp General for Mgmt & Evaluation
	Assist Inspector General for Investigation
	Assistant Inspector General for Auditing
Ames Research Center	Assoc Dir, NASA Ames Res Ctr
	Chief Engineer
Aeronautics and Flight Systems Directorate.	Chief, Helicopter Technology Division
	Dep Dir of Aeronautics and Flight Systems
	Chief, Aerodynamics Division
	Chief, Aircraft Operations Division
	Chf, Flight Systems & Simulation Rsch Div
	Chief, Simulation Sciences Division
	Chf, Helicopter & Powered Lift, Technology Div
	Deputy Chief, Flight Support Division
Life Sciences Directorate.	Deputy Director of Life Sciences
	Chief, Biomedical Research Division
	Chief, Extraterrestrial Research Division
	Chief, Biosystems Division
	Chief, Man-Vehicle Systems Research Division
Research Support Directorate.	Chief, Research Facilities & Instrumentation
Astronautics Directorate	Deputy Director of Astronautics
	Chief, Airborne Mission & Applications Div
	Chief, Space Science Division
	Chief, Thermo- and Gas-Dynamics Division
	Chief Computational Fluid Dynamics Branch
	Chief, Space Projects Division
Flight Operations Directorate.	Chf Engineer
	Chief Dryden Aircraft Operations Division
	Chief Flight Support Division
	Deputy Chief Dryden Aircraft Operations Div
	Chief Shuttle Project Office
Goddard Space Flight Center.	Comptroller
	Dir. Prog and Institutional Planning Ofc
	Assistant Director for Program Planning
	Chief Counsel
	Deputy Comptroller

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Management Opers Directorate.	Dep Dir of Management Operations
	Procurement Officer
Flight Assurance Directorate.	Director of Flight Assurance
Flight Projects Directorate.	Deputy Director of Flight Projects
	Deputy Director of Flight Projects
	Assoc Dir of Flight Proj for User Systems
	Assoc Dir of Flight Proj for Sys Mgmt
	Assoc Dir of Flight Projects for New Projects
	Project Manager, Landsat-D
	Project Mgr. Tracking & Data Relay Satellite Sy
	Delta Project Manager
	Proj Mgr. Shuttle Payloads Interg & Rocket Ex
	Assoc Dir of Flight Proj for Mission Systems
	Manager Adv Land Obser Sys Studies Ofc
	Proj Mgr Attached Sci & Appl Payloads Proj
Mission and Date Operations Directorate.	Dep Dir of Mission & Data Operations
	Asst Dir of Mission & Data Ops (Rsch & Tech)
Sciences Directorat	Assoc Dir of Sciences
	Head, Electrodynamics Branch
	Chief, Lab for High Energy Astrophysics
	Chief, Lab for Astronomy and Solar Physics
	Chief, Lab for Extraterrestrial Physics
Enginering Directorate	Dep Dir of Engineering
	Chief, Instrument Division
	Chf, Applied Engineering Div
Networks Directorate	Deputy Director of Networks
	Deputy Dir of Networks (For Networks)
	Dep Dir of N/Works for the Tdrs
Applications Directorate	Deputy Director of Applications
	Asst Fir of Aps for Earth & Ocean Phys Aps Proj
	Chief, Lab for Atmospheric Sciences
	Chief, Information Extraction Div
	Chief, Lab for Planetary Atmospheres
	Chief Earth Survey Applications Division
	Chief, Applications System Analysis Ofc
	Chief, Applications Systems Analysis Ofc
Johnson Space Center	Tech Asst to the Dir
	Dir of Public Affairs
Technical Planning Office.	Chief, Tech Planning Office
Administration and Program Support.	Dep Dir of Administration & Program Support
	Asst Dir of Administration & Program Support
	Dir of Procurement
	Manager Space Shuttle Program Control Office
Flight Operations	Deputy Dir of Flight Operations
	Chf, Flight Control Div, Flight Operations
	Chief, Astronaut Office
	Chief, Aircraft Operations Division
	Chief, Training Division
	Chief, Flight Operations Integration Office
	Chief, Operations Division
	Chief, Systems Div
	Dep Chief, Flight Operations Integration Ofc
Engineering and Development.	Deputy Director of Engineering and Dev
	Chief, Tracking & Communications Dev Div
	Chief, Avionics Systems Div
	Chief, Propulsion & Power Division
	Chief, Structures & Mechanics Division
	Chf, Engineering Analysis Div
	Chf, Shuttle Avionics Integ Div Engineeri
	Chf, Crew Systems Div, Engineering & Dev
	Chf, Space Environ Test Div, Engineering &
	Asst Director for Systems Engineering
	Assistant Director for Research and Dev
	Assistant to the Director for Future Programs
	Asst Director for Integration and Products
	Special Asst to the Dir Engineering & Develop
Data Systems and Analysis.	Dep Dir of Data Systems & Analysis
	Chf, Flight Simulation Div
	Chief, Mission Planning & Analysis Division
	Chf, Ground Data Systems Div, Data Systems
	Chf, Spacecraft Software Div, Data Systems
	Asst Dir of Data Systems & Analysis
Center Operations	Dep Dir of Center Operations
Space Shuttle Program Office.	Deputy Manager, Space Shuttle Program Office
	Manager for Orbital Flight Test
	Manager, Systems Integration
	Manager, Systems Engineering Office
Space Shuttle Orbiter Program Office.	Dep Mgr, Space Shuttle Orbiter Project Ofc
	Asst Manager, Space Shuttle Orbiter Project
	Dep Manager, Space Shuttle Program Ofc
Safety, Reliability and Quality Assurance.	Dir, Safety, Reliability, & Quality Assurance
	Dep Dir, Safety, Reliability & Qual Assurance
Sts Operations Program Office.	Deputy Manager, Sts Operations Program Ofc
NASA White Sands Test Facility.	Manager, NASA White Sands Test Facility
Space and Life Sciences.	Asst Dir of Space and Life Sciences
	Chief, Planetary & Earth Sciences Div
	Chief, Medical Sciences Division
	Dep Dir of Space and Life Sciences
Program Operations Office.	Manager, Programs Operations Ofc
Kennedy Space Center	Dir. Exec Management Ofc
	Dir Public Affairs
Biomedical Office	Chf., Biomedical Office
Safety, Reliability and Quality Assurance.	Dir., Safety, Reliability & Quality Assurance
Sts Development	Associate Director for Sts Development
Shuttle engineering	Director, Shuttle Engineering
Cargo Operations	Deputy Director, Cargo Operations
	Director, Deployable Payloads
Design Engineering	Deputy Director of Design Engineering
	Director, Project Management
	Dir., Mechanical & Facilities Engineering
	Director, Electronic Engineering
Information systems	Director of Information systems
Ground Systems	Director, Ground Systems
Cargo Projects	Deputy Manager, Cargo Projects Office
Operations Management.	Director of Center Support Operations
	Deputy Director of Center Support Operations
Shuttle Processing	Director, Shuttle Processing
	Dir Sts Cargo Operations
Shuttle Projects Office	Deputy Manager, Shuttle Projects Office
	Manager, KSC Off-Site Operations Shuttle Proj
Projects Directorate	Mgr Aircraft Energy Efficiency Project Ofc
	Manager, Aeronautical Systems Office
Electronics Directorate	Chf., Terminal Configured Vechiles Pro. Ofce.
	Chf., Analysis & Computation Division
	Chief, Flight Dynamics and Control Division
	Chf., Flight Electronics Division
	Chf. Instrument Research Division
Structures Directorate	Chf., Acoustics & Noise Reduction Div
	Asst chief, Acoustics & Noise Reduction Div
	Chief, Structural Mechanics Division
	Chf., Materials Division
	Chief, Loads and Aeroelasticity Division
Aeronautics Directorate	Chief Transonic Aerodynamics Div
	Chief, High-Speed Aerodynamics Div
	Chief, Flight Mechanics Div
Space Directorate	Chief, Space Systems Division
	Chief, Marine & Applications Technology Div
	Chief Atmospheric Sciences Division
	Special Assistant to the Director for Space
Systems engineering and Operations Directorate.	Assistant Dir for Systems Engineering Oper
	Chief, Facilities Engineering Division
	Chief, Systems Engineering Div
Administration Directorate.	Chief, Computer Services Division
	Asst for Computer Systems
Aeronautics Directorate	Chief, Propulsion Aerodynamics Division
	Chief, Engine Systems Division
	Chief, Transport Propulsion Office
Energy Directorate	Dep Dir of Energy
	Chief, Transportation Propulsion Division
	Chief, Solar & Electrochemistry Div
	Chief, Wind and Stationary Power Division
Science and Technology Directorate.	Director of Science & Technology
	Deputy Director of Science and Technology
	Chf, Aerothermodynamics and Fuels Division
	Chief, Fluid Mechanics and Acoustics Div
	Chf, Physics and Electronics Division
	Chief Structures & Mechanical Technol Div
Space Directorate	Deputy Director of Space
	Chf, Communications & Applications Div
	Chief, Space Propulsion & Power Division
	Chf, Launch Vehicles Div
Marshall Space Flight Center.	Center Comptroller, NASA MSFC
	Assistant Director for Policy and Review
Science and Engineering.	Dep Dir, Science & Engineering
	Director, Electronics & Control Laboratory
	Assoc Dir for Engineering
	Chf Engineer, Solid Rocket Boostar Integratio

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Chf, Engineer, Space Shuttle Main Engineer
	Chf Engineer, Space Telescope
	Chf Engineer, Inertial Upper State
	Dir, Reliability & Quality Assurance Ofc
	Dir, Data Systems Laboratory
	Dep Dir, Data Systems Lab
	Dep Dir, Electronics & Control Laboratory
	Chf, Guidance Cont and Instrumentation Div
	Dir, Materials & Processes Laboratory
	Director, Space Sciences Lab
	Chf, Atmospheric Sciences
	Director, Structures & Propulsion Laboratory
	Dep Dir, Structures and Propulsion Lab
	Director, Syst Anal & Intergation Laboratory
	Dep Dir, Sys Analysis and Integration Lab
	Chf, Mission Analysis Division
	Director, Systems Dynamics Laboratory
	Chf, Aerophysics Div
	Dir-Test Laboratory
	Deputy Director, Materials and Processes Lab
	Chf Engineer, External Tank Project
	Chf Engineer, Space Shuttle Main Propul Sys
	Director, Information & Electronic Sys Lab
	Dep Dir Information & Electronic Systems Lab
Special Projects Office	Manager, Solar Energy Applications Project
	Manager, Inertial Upper Stage Project
Spacelab Payload Project.	Dep Mgr, Spacelab Payload Proj Ofc
	Manager, Office of Space Science Missions
	Manager, Applications & Technology Missions
	Manager, Science Payload Projects
Spacelab Program Office.	Deputy Manager, Spacelab Program Office
Program Development	Deputy Director, Program Development
	Director, Program Planning Office
	Director, Preliminary Design Office
	Manager, Space Platform Project Office
Shuttle Projects Office	Deputy Manager, Shuttle Projects Office
	Manager, External Tank Project Office
	Manager, Solid Rocket Booster Project Office
	Manager, Main Engine Project
	Deputy Manager, for Development
	Deputy Manager, for Production & Logistics
	Manager, Engineering and Major Test Mgmt Ofc
Space Telescope Project Office.	Deputy Manager, Space Telescope Project
Administration and Program Support.	Dep Dir, Administration & Program Support
National Space Technology Laboratories.	Deputy Manager
	Deputy Manager—Programs
National Capital Planning Commission	
National Capital Planning Commission Staff.	Assoc Exec Dir Regional Affairs
	Executive Director
	Assoc Exec Dir D.C. Affairs
	Asst Executive Dir (Admin)
	General Counsel
	Assistance Executive Director for Operations

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
National Credit Union Administration	
Central Office	Director, Off of Internal Audit & Invest
	Dir Ofc of Administration
	Deputy Director of Administration
	Executive Vice President/Dep Dir
National Endowment for the Arts	
National Endowment for the Arts.	Director of Adm
	Director of Program Coordination
	Deputy Chairman for Management
National Endowment for the Humanities.	Deputy Chairman for Management
National Labor Relations Board	
Ofc of the Board Members.	Executive Secy
	Deputy Executive Secretary
Div of Enforcement Litigation.	Deputy Assoc. Gen. Counsel Appellate Court Br
	Director, Office of Appeals
Div of Advice	Associate Gen Counsel, Div of Advice
	Deputy Assoc Gen Counsel
Div of Administration	Director of Administration
	Deputy Director of Administration
Div of Operations Management.	Assoc General Counsel, Div of Operation-Mgmt
	Dep Asso Gen Counsel, Div of Operations-Mgmt
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
	Assistant General Counsel
Regional Offices	Regl Dir, Reg 1 Boston
	Regional Director, Reg. 2, New York
	Regional Director, Reg. 3, Buffalo
	Regl Dir, Reg. 4 Philadelphia
	Regional Director, Reg. 5, Baltimore
	Regional Director, Reg. 6, Pittsburgh
	Regl Dir, Region 7, Detroit, Mich
	Regional Director, Reg. 8, Cleveland
	Regional Director, Reg. 9, Cincinnati
	Regl Dir, Reg 10, Atlanta
	Regl Dir, Reg 11, Winston Salem
	Regional Director, Reg 12, Tampa
	Regional Director, Reg 13, Chicago
	Regl Dir, Reg 14, St Louis
	Regl Dir, Reg 15, New Orleans
	Regl Dir, Reg 16, Ft Worth
	Regl Dir, Reg 17, Kansas City
	Regl Dir, Reg 18, Minneapolis
	Regl Dir, Reg 19, Seattle
	Regional Dir, Reg 20, San Francisco
	Regional Director, Reg 21, Los Angeles
	Regional Director, Reg 22, Newark
	Regional Director, Reg 23, Houston Texas
	Regional Director, Reg 24, Hato Rey, Puerto Rico
	Regl Dir, Reg 25, Indianapolis
	Regl Dir, Reg 26, Memphis
	Regl Dir, Reg 27, Denver
	Regl Dir, Reg 28, Phoenix
	Regl Dir, Reg 29, Brooklyn
	Regl Dir, Reg 30, Milwaukee
	Regl Dir, Reg 32, Oakland
	Regional Director, Reg 33, Peoria, Ill.
	Regl Dir, Reg 31, Los Angeles
National Science Foundation	
Office of the Director	Special Assistant
Office of Scientific Ocean Drilling.	Field Operations Officer*
Ofc of Scientific & Engineering Personnel & Education.	Head, Fellowship section
	Senior Staff Associate
	Senior Staff Associate

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of the General Counsel.	Associate Gen Counsel
Office of Audit and Oversight.	Director
	Deputy Director
	Head, Evaluation Staff
Ofc of Planning and Resources Management.	Prog Dir, Exp Prog to Stim Comp Res
	Executive Assistant for Budget Policy
	Exec Asst for Inter-Agency Affs
Division of Budget and Program Analysis.	Division Director
Division of Planning and Policy Analysis.	Division Director
Organization Abolished	Division Director
Office of Government and Public Programs.	Assoc Dir for Public Programs
	Head, Congressional Liaison Branch
Direct for Astro, Atmoshpheric, Earth and Oc Sci.	Senior Staff Associate
Div of Astronomical Sciences.	Section Head, Ast Center Section
	Section Head, Ast Research Section
Div of Atmospheric Sciences.	Section Head—Ctrs and Facilities Program Sec
	Section Head, Grant Programs Section
Div of Ocean Sciences	Sec Hd, Oceanographic Facilities Support Sec
	Section Head, Ocean Sciences Research Section
Div of Polar Programs	Deputy Division Director
	Manager, Polar Ops Section
Directorate for Engineering.	Special Assistant to Assistant Director
Dir of Electrical Computer and Systems Eng.	Deputy Division Director
Division of Chemical and Process Engineering.	Deputy Division Director
Direct for Biological, Behavioral and Soc Sciences.	Executive Asst/Planning
Division of Biotic Systems and Resources.	Deputy Division Director
Div of Physiology, Cellular, and Molecular Biology.	Senior Scientist
Div of Behavioral and Neural Sciences.	Deputy Division Director
Division of Social and Economic Sciences.	Sect Head Political & Policy Sciences Sect
	Section Head Economics Section
	Sect Hd, Social Meas and Anal
Direct for Mathematical and Physical Sciences.	Senior Staff Associate for Planning
	Senior Staff Associate for Operations
	Dep Asst Dir
Div of Physics	Deputy Division Dir
	Section Head, Nuclear Science Section
Div of Mathematical and Computer Sciences.	Section Hd, Computer Sciences
	Sect Hd, Math Sciences
Div of Materials Research.	Section Head Material, Research Lab
	Sect Hd, Metalurgy & Metals
	Sect Hd, Cond Matter Science
Div of Chemistry	Sect Hd, Chem Syn and Analy
	Sect Hd, Phy Chem and Dynam
	Senior Staff Associate
Organization Abolished	Deputy Division Director
	Deputy Division Director
Directorate for Sci, Tech and Internat'l Affs.	Dir of Strategic Planning and Assessment
Div of Policy Research and Analysis.	Deputy Division Director
	Group Leader, Socio Econ
	Group Leader, Tech Assessment
	Group Leader, Envir Energy & Resources
Div of Science Resources Studies.	Dep Division Director
	Section Head, Sci & Tech Pers
Div of International Programs.	Deputy Division Director
	Sect Hd, Africa and Asisa
	Sect Hd, Latin Amer & Pacific

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Section Head, Western Europe Section
	Section Head, Special Program Section
Division of Industrial Science & Technical Innovation.	Section Head, Industrial Support Section
	Head Innovation, Processes Research Section
	Senior Staff Associate
Div Research Initiation & Improvement.	Dep Dir for Intergovernmental Progs
Div of Grants and Contracts.	Division Director
	Deputy Division Director
Division of Financial Management.	Division Director
Div of Information Systems.	Division Director
Div of Personnel and Management.	Division Director
National Transportation Safety Board	
Office of the Managing Director.	Project Manager
	Deputy Managing Director
Bureau of Administration.	Dir, Bureau of Administration
Bureau of Accident Investigation.	Director, Bureau of Accident Investigation
	Dep Dir for Operations
	Dep Dir for Management
Bureau of Technology	Dir Bureau of Technology
	Deputy Director of Technology
Bureau of Safety Programs.	Director, Bureau of Safety Programs
Nuclear Regulatory Commission	
Atomic Safety and Licensing Brd. Panel.	Chairman Asltp
	Deputy Chief Administrative Judge Executive
Atomic Safety and Licensing Appeal Panel.	Chairman Aslap
	Vice Chairman Aslap
Office of Inspector and Auditor.	Dir OIA
	Asst Dir for Investigatins
	Dep Dir and Asst Dir for Audits
Office of Investigations	Dir Policy & Program Support Staff
Office of Public Affairs	Dep Dir OPA
Ofc of Ana and Eval of Opn Data.	Chief Reactor Operations Analysis Branch
Contracts	Director Division of Contracts
Hearing Division	Assistant Chief Hearing Counsel
	Assistant Chief Hearing Counsel
	Assistant Chief Hearing Counsel
Division of Accounting and Finance.	Dir Division of Accounting and Finance
Operating Reactors	Chf Operating Reactors Branch #1
	Chief Operating Reactors Br #2
	Chief Operating Reactors Br #3
	Chief Operating Reactors Br #4
Licensing	Chief Licensing Branch #1
	Chief Licensing Branch #2
	Chf Standardization & Spec Projects Branch
	Chief Licensing Branch #3
	Chief Licensing Branch #4
Safety Assessment	Chief Operating Reactors Branch #5
	Chf, Systematic Evaluatoin Program Branch
	Chief Operating Reactors Assessment Branch
Components and Structure Engineering.	Chief Structural Engineering Branch
	Chief Mechanical Engineering Branch
	Chief Hydrologic and Glotech Eng Branch
	Chief Geoscience Branch
Materials and Qualifications Engineering.	Chief Materials Engineering Branch
	Chief Equipment Quals Branch
	Chief Quality Assurance Branch
	Chief Chemical Engineering Branch
Environmental Technology.	Chief, Environmental Engineering Branch
	Chief Sting Analysis Branch

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Plant Systems	Chief Instrum & Control Systems Branch
	Chief Power Systems Branch
	Chief Containment Systems Branch
	Chief Auxiliary Systems Branch
Radiation Protection	Chief Radiological Assessment Branch
	Chief Accident Evaluation Branch
	Chief, Meterology & Effluent Treatment Branch
Reactor Safety	Chief Reactor Systems Branch
	Chief Systems Interaction Branch
	Chief Core Performance Branch
Human Factors Engineering Branch.	Chief Human Factors Engr Branch
	Chief Procedures and Test Review Branch
	Chief Licensee Qualification Branch
	Chief Operator Licensing Branch
Asst Dir for Generic Projects.	Chief Generic Issues Branch
	Chief Licensing Guidance Branch
	Chief Research and Stds Coordination Branch
Asst Director for Technology.	Chief, Safety Program Evaluation Branch
	Chief Reliability & Risk Assessment Branch
Office of Nuclear Material Safety and Safeguards.	Dir Nmss
Safeguards	Chief Physical Security Development Br
	Chief Regulatory Improvements Branch
	Chief Physical Security Licensing Br
	Chief Mtl Control & Accountability Lic Br
	Chf, Technical Planning and Integration Br
	Chief Technology Assessment Branch
	Chief Material Transfer Sg Lincensing Branch
	Chief Fuel Facility Sg Licensing Branch
	Chief Power Reactor Sg Licensing Branch
	Chf, Licensing Policy and Programs Br
Licensing	Chief Transportation Branch
	Chf Uranium Fuel Licensing Br
	Chief Procedures and Certification Br
	Chf Advanced Fuel & Spent Fuel Licensing Br
Waste Management	Chf Hi-Level Waste Tech Dev Br
	Chf Hi-Level Waste Licens Mgmt Br
	Chief Low-Level Waste License Br
	Chf Licensing Proc and Integration Br
	Chf Uranium Recovery License Br
Ofc of Nuc Regulatory Research.	Chief Systems Analysis Branch (Reactor Risk)
Division of Engineering Technology.	Chief Mechanical Structural Branch
	Chief Materials Engineering Br
	Chief Chemical Engineering Branch
	Chief Electrical Engineering Branch
Division of Accident Evaluation.	Chf Site Safety Res Br
	Chief, Severe Accident Assessment Branch
	Chief Fuel Behavior Branch
	Chief Experimental Programs Branch
	Chief, Analytical Models Branch
Division of Risk Analysis.	Chief, Transportation & Materials Risk Br
	Chief, Reg Analysis Br
	Chief Risk Methodolgy Data Branch
Safeguards Research	Chief, Safeguards Br

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Division of Facility Operations.	Chief, Human Factors Br
	Chief, Instrumentation & Control Staff
	Chief Occupational Protection Branch
Division of Health Siting and Waste Management.	Chief Earth Sciences Branch
	Chief Waste Management Branch
	Chief Health Effects Branch
Office of Inspection and Enforcement.	Director Enforcement Staff
Division of Fuel Facility Materials and Safeguards.	Asst Dir Div of Reac Cons Insp
	Chf, Performance Appraisal Br
	Chf, Safeguards Branch
	Chief, Fuel Facility & Materials Branch
Division of Reactor Programs.	Asst Dir for Field Coordination
	Asst Dir for Tech Prog
	Chief, Reactor Construction Programs Branch
	Chief, Operating Reactor Programs Branch
Division of Engineering and Quality Assurance.	Asst Dir, Div of Fuel Fac & Mtl Sfty Insp
	Chief, Reactor Engineering Branch
	Chief, Reactor Projects & Resident Insp Brch
	Chief, Events Analyis Branch
	Chf, Engr and Technical Support Branch
	Chief, Quality Assurance Branch
Division of Emergency Preparedness.	Chf, Emergency Preparedness Licensing Branch
	Chief, Incident Response & Development Branch
Region I	Deputy Regional Administrator, Region I
	Dir, Div of Resident and Reactor Project Insp
	Dir, Div of Eng & Tech Inspection, Region I
Region II	Deputy Regional Administrator, Region II
	Dir, Div of Engineering & Technical Inspection
	Dir, Div of Res and Reactor Project Inspection
Region III	Dep Regional Administrator, Region III
	Dir, Div of Eng & Tec Inspection
	Dir, Div of Res & Reactor Project Inspection
Region IV	Deputy Regional Administrator, Region IV
	Dir, Div of Vendor & Technical Programs
	Dir, Div of Regional Project & Vendor Inspec
	Director, Uranium Recovery Field Office
Region V	Deputy Regional Administrator, Region V
	Dir, Div of Res Reactor Project & Eng Inspec
	Dir, Div of Radiological Safety & Safeguards
Office of Management and Budget	
Ofc of Administration	Asst to the Director for Administration
Legislative Reference Division.	Asst Dir, Legislative Reference
	Dep Asst Dir, Legislative Reference Division
	Chief, Economics, Science & Govt Branch
	Chf, Resources, Defense, Intern'l Br
Budget Review Division	Deputy Chief, Budget Preparation Branch
Office of Federal Procurement Policy.	Principal Assoc Admr for Procurement
	Asst Admr for Regulations
	Asst Admr for Commercial Products
	Dir, Federal Acquisition Institute

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Office of Information and Regulatory Affairs.	Chief, Information Policy Branch
	Chief, Reports Management Branch
	Senior Mgmt Policy Analyst
	Chief, Reguatory Policy Branch
	Senior Regulatory Policy Analyst
	Chief, Statistical Policy Branch
Associate Director for Management.	Asst Dir, Fed Pers Policy
Management Improvement and Evaluation Division.	Asst Dir, Mgt Improvement & Eval
	Dep Asst Dir for Evaluation
	Sr Mgmt Assoc, Mgmt Improvement & Eval
	Sr Mgmt Assoc
	Senior Management Associate
Org Deleted	Asst to the Asst Dir for Fed Pers Policy
Intergovernmental Affairs Division.	Dep Assoc Dir for Intergovernmental Affairs
	Chief, Field Operations Branch
	Chief, Assistance Policy Branch
	Chf, Fed Assistance Information Branch
Financial Management Division.	Deputy Assoc Dir for Financial Management
Budget Review Division	Asst Dir for Budget Review
	Dep Assistant Director for Budget Review
	Chief, Fiscal Analysis Branch
	Dep Chief, Fiscal Analysis Branch
	Chf, Budget Preparation Branch
	Chief, Resources Systems Branch
	Chief, Fed Prog Info Branch
Assoc Dir for National Security and International Affs.	Dep Assoc Dir for Management
International Affairs Division.	Dep Assoc Dir for Internatl Affairs
	Dep Chief, International Affairs Division
	Chief, State—ICA Branch
	Chief, Economic Affairs Branch
	Chief, International Security Affairs Branch
National Security Division.	Dep Asso Dir for National Security
	Dep Chief
	Chf, Intelligence Community Branch
	Chief, Navy Branch
	Chief, Air Force Branch
	Chief, Army Branch
	Chief, Manpower, Pay & Policy Branch
Assoc Dir for Human Resources, Veterans and Labor.	Dep Assoc Dir for Management
Health and Income Maintenance Division.	Dep Assoc Dir for Health & Income Maintenance
	Chief, Health Branch
	Chf, Income Maintenance Branch
Labor, Veterans, and Education Division.	Deputy Associate Director for Labor, Vet & Ed
	Dep Div Chf—Labor
	Chief, Education Branch
	Chf, Veteran Affairs Branch
Associate Director for Economics and Government.	Dep Assoc Dir for Special Studies
Transportation, Commerce, and Housing Division.	Dep Asoc Dir for Transportation—Comm & Housing
	Chief, Transportation Branch
	Chief, Commerce Branch
	Chf, Housing & Urban Dev Branch
Justice, Treasury, and General Management Division.	Dad for Justice, Treas & Gen Mgmt
	Chf, General Management Branch
	Chief, Justice, Treasury Branch
	Senior Management Analyst
Assoc Dir for Natural Resources, Energy, and Science.	Dep Assoc Dir for Spec Studies
Natural Resources Division.	Dep Associate Dir for Natural Resources
	Deputy Div Chief
	Chief, Water Resources Branch
	Chief, Agricultural Branch
	Chief, Environment Branch
	Chief, Interior Branch

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Energy and Science Division.	Dep Assoc Dir for Energy & Science
	Dep Div Chf for Programming
	Chief, Energy Technology Branch
	Chief, Science and Space Programs Branch
	Chief, Energy Conservation & Regulation Branch
Office of Personnel Management	
Office of the Inspector General.	Assistant Dir for Internal Evaluation
	Inspector General
Chief Actuary	Chief Actuary
Assistant Director for Retirement Programs.	Asst Dir for Retirement Programs
	Chief, Medical Division
Assistant Director for Insurance Programs.	Asst Dir for Insurance Programs
Assistant Director for Staffing.	Chief, Medical Policy and Programs Division
Assistant Director for Standards Development.	Assistant Dir for Standards Development
Asst Dir for Personnel Research and Development.	Asst Dir for Personnel Research & Development
Assistant Director for Agency Compliance & Eval.	Asst Dir for Agency Compliance & Evaluation
	Dep Asst Dir for Agency Compliance & Evaluati
Assistant Director for Personnel Investigations.	Asst Dir for Personnel Investigations
Railroad Retirement Board	
Board Staff	Dir of Research
	Dir, Unemployment & Sickness Ins
	Dir of Retirement Claims
	Chief Executive Officer
	Chf Actuary
	Dep Executive Officer
	Dir, Budget & Fiscal Opers
	Dir, Bureau Processing and Accounts
	Gen Counsel
	Dir, Bureau of Accounts & Certification
	Dir, Bureau of Data Processing
Securities and Exchange Commission	
Office of the Chairman	Dep Chf Accountant
Office of the Executive Director.	Dep Exec Director
Div of Corporation Finance.	Assoc Dir (Operations)
Selective Service System	
Selective Service System.	Assoc Dir, Administration
	Assoc Director, Planning
	Assoc Dir, Management Information Systems
	Assoc Dir, Policy Development
Small Business Administration	
Ofc of the Inspector General.	Assistant Inspector General for adults
	Asst Inspector General for Investigations
Office of EEO and Compliance.	Dir, Ofc of Equal Employment Opport & Complain
Office of Hearings and Appeals.	Asst Administrator for Hearings and Appeals
Office of Procurement & Technology Assistance.	Director of Procurement Assistance
Ofc of Minority Small Business & Capital Ownership Dev.	Dir of Business Development
	Deputy Dir of Business Development
Office of Administration	Director of Computer Sciences
Office of Personnel	Director of Personnel
District Directors	District Dir, Phila
	District Director, Region IX, San Francisco
	District Director, Region V, Chicago
	District Director, New York
Department of State	
Policy Planning Staff	Member, Planning & Coordination Staff

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Bureau of Economic Affairs.	Dir, Office of East-West Trade
	Spec Asst, Asst Sec State, Economic Affs
Bureau of Intelligence and Research.	Deputy Director for Coordination
	Dir, Ofc of Resources Policy
	Dir, Ofc of Research & Analysis Soviet Affrs
International Boundary & Water Commission. Department of Transportation	Supervisory Civil Engineer
Office of Inspector General.	Assistant Inspector General for Audits
	Asst I/G for Policy, Planning and Resources
	Dir, DOT—Wide Programs
	Director, Regional Programs
	Asst I/G for Investigations
	Dir, Ofc of Surface Transportation Programs
	Dir, Ofc of Aviation Marine & Research Progs
Asst Sec for Administration.	Asst Secy for Administration
Ofc of Installations and Logistics.	Dir, Ofc of Installations & Logistics
	Dep Dir, Ofc of Installations & Logistics
Assoc Adm'r for Safety	Assoc Admr for Safety
Ofc of Pipeline Safety Regulation.	Assoc Dir, Ofc of Pipeline Safety Regulation
Ofc of Operations and Enforcement.	Assoc Dir, Ofc of Opers & Enforcement—M.T.B.
Maritime Administration	Deputy Administrator
	International Activities Officer
	Assoc Admr for Marketing & Domestic Enterpris
Office of Associate Administrator for Research and Dev.	Dir, National Maritime Research Center, K P,
	Director, Office of Advanced Ship Development
	Dir, Office of Advanced Ship Operations
	Director, Office of Maritime Technology
Office of Assoc Admr for Shipbuilding and Ship Opers.	Dir, Ofc of Ship Construction
	Dir, Ofc of Shipbuilding Costs
Office of Associate Administration for Maritime Aids.	Associate Administrator for Maritime Aids
	Dep Assoc Admin for Maritime Aids (Trade)—
	Dep Assoc Admr for Maritime Aids (Finance)
	Director, Ofc of Ship Financing Guarantees
Office of Accounting and Audit.	Director, Office of Accounting and Audit
Logistics Service	Director, Logistics Service
	Dep Dir, Logistics Service
	Chf, Contracts Div
Air Traffic Service	Dir, Air Traffic Svc
	Deputy Director, Air Traffic Service
	Chief, Procedures Division
	Chf, Atc Automation Division
	Chief, System Programs Division
	Chief, Airspace & Air Traffic Rules Division
	Chief, Operations Division
Office of Airport Planning & Programming.	Dir, Office of Airport Planning & Program
	Chief, Grants-in-Aid Division
Assoc Admr for Aviation Standards.	Assoc Adm, R for Aviation Standards
	Deputy Assoc Admr for Aviation Standards
Office of Airworthiness	Director, Office of Airworthiness
	Chief, Aircraft Engineering Division
	Chief, Aircraft Maintenance Division
Office of Aviation Safety.	Director, Office of Aviation Saftey
	Dep Dir, Ofc of Aviation Safety
	Chief, Safety Regulations Division
Office of Civil Aviation Security.	Director, Office of Civil Aviation Security
	Dep Dir of Civil Aviation Security
Office of Flight Operations.	Dir Ofc of Flight Operations
	Chf Aircraft Programs Division
	Chief General Aviation and Commercial Div
	Chief, Air Transportation Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Aviation Standards—National Field Office.	Dir. Aviation Standards Natl Field Ofc
Office of Aviation Medicine.	Fed Air Surgeon
	Deputy Federal Air Surgeon
	Chief, Aeromedical Stds Div
Mike Moroney Aeronautical Center.	Chief Civil Aeromed Institute
Great Lakes Region—Chicago.	Chief, Air Traffic Division
	Chf—Flight Standards Division
New England Region—Burlington, Ma.	Chief, Flight Standards Division
	Chief, Aircraft Certification Division
Northwest Mountain Region—Seattle.	Chief Aircraft Certification Division
	Chf, Los Angeles Area Aircraft Cert Ofc
	Chief, Seattle Area Aircraft Cert Office
	Chief, Flight Standards Div
	Chief, Air Traffic Division
Central Region—Kansas City.	Chief, Flight Standards Div
	Chief, Aircraft Certification Division
	Chief Air Traffic Division
Eastern Region—New York.	Chief, Air Traffic Division
	Chf Flight Standards Div
Southern Region—Atlanta.	Chief Flight Standards Division
	Chief, Air Traffic Division
Southwest Region—Fort Worth.	Chf Air Traffic Div
	Chf, Flight Standards Div
	Chief Aircraft Certification Division
Western Pacific Region—Los Angeles.	Chief Flight Standards Division
	Chief Air Traffic Division
Federal Highway Administration.	Executive Director
Assoc Adm'r for Safety	Assoc Adm'r for Safety
Bu of Motor Carr Safety	Director
	Dep Dir
Office of Highway Safety.	Dir Ofc of Highway Safety
Assoc Admr for Right of Way and Environment.	Assoc Admr for Right-of-Way & Environment
Off of Environmental Policy.	Dir Ofc of Environmental Policy
	Chf Environmental Programs Div
Off of Right of Way	Dir, Office of Right-of-Way
	Chief, Real Estate Division
	Chief Relocation Division
Natl Center for Statistics and Analyses.	Chf, Mathematical Analysis Div
	Chf, Accident Investigation Div
Vehicle Research and Test Ctr.	Chf Safety Research Lab
Ofc of Vehicle Safety Comp.	Chief, Validation Division
Ofc of Vehicle Safety Standards.	Chf Crash Avoidance Division
	Chf Crashworthiness Division
Ofc of Automotive Fuel Economy Standards.	Chf Light Truck Standards Division
	Chf, Passenger Automobile Standards Branch
US Coast Guard	Technical Director
Department of Treasury	
Office of the Secretary	Senior National Intelligence Adviser
Ofc of the Inspector General.	Deputy Inspector General (Audit)
Ofc of Tax Analysis	Deputy Director (Revenue Estimating)
	Assistant Director (Revenue Forecasting)
Federal Finance	Dir, Ofc of Finance and Market Analysis
Ofc of Asst Secy (Economic Policy).	Asst Dir, for Economic forecasting
	Dir. Ofc of Pol Research
	Senior Adv for Bal of Payments Anal & Proj
	Dir, Energy Leg & Regulatory Anal Staff
	Sr Economist
Ofc of Developing Nations Finance.	Dep Dir, Ofc of Dev Nations Finance
Ofc of Multilateral Development Banks.	Alternate Dir, Asian Dev Bank
	Dep Dir Ofc of Internat'l Development Banks
Ofc of Foreign Exchange Operations.	Dir Ofc of Foreign Exchange Operations
Ofc of International Monetary Affairs.	Dep Dir, Ofc of International Monetary Affs
	Assoc Dir, Ofc of Internl Monetary Affs
Ofc of the Comptroller of the Currency.	Dir for Inspections and Audit
	Dep Comptroller for Sys and Financial Mgmt
Ofc of the Chief Counsel.	Dir, Enforcement & Compliance
	Dir, Litigation Div
Comptroller of the Currency.	Senior Deputy Comptroller for Policy
	Dep Compt for Research & Economic Progs
	Dir Bank Org and Structure
	Dep Comp Customer and Comm Progs
	Dep Comp for Interagency Coordination
	Asst Dep Comptroller for Customer & Comm Prog
	Dir, Strategic Analysis Division
	Dep Comp for Bank Organization and Structure
	Deputy Comptroller for Industry & Pub Affs
	Deputy Comptroller for Operations
	Sr. Deputy Comptroller (Resources Management)
Sr Dep Comptroller (Bank Supervision).	Sr. Dep Comptroller for Bank Supervision
Multinational Banking	Dep Comp for Multinational Banking
	Dep Comptroller for Multinational Banking
Specialized Examinations.	Dep Compt for Specialized Exams
	Deputy Comptroller for Trust and Securities
Special Surveillance	Dep Comptroller for Spec Surveillance
	Dir for Spec Projects
Chief National Bank Examiner.	Chf National Bank Examiner
	Asst Chf National Bank Examiner
	Asst Chf Natl Bank Exam (Multinatl Banking)
	Chf National Bank Examiner
	Deputy Comptroller for Examinations
	Deputy Comptroller for International Banking
Senior Dep Comptroller (Operations).	Senior Dep Comptroller for Operations
	Sr. Deputy Comptroller (Nat'l Operations)
	Senior Dep Comptroller (National Operations)
Regional Offices	Reg'l Adm'r of National Banks (Region 2)
	Reg'l Adm'r of National Banks (Reg 7)
	Reg'l Adm'r of Nat'l Banks (Reg 12)
	Reg'l Admr of Nat'l Banks (Reg 8)
	Regl Admr of Natl Banks (Reg 3)
	Regional Admr of National Banks (Reg 6)
	Regl Admr of Natl Banks (Reg 10)
	Regl Admr of Natl Banks (Reg 11)
	Regl Admr of Natl Banks (Reg 9)
	Regl Admr of National Banks (Reg 13)
	Regl Admr of Natl Banks (Reg 5)
	Regl Admr of Natl Banks (Reg 13)
	Regl Admr of Natl Banks (Reg 1)
	Regl Admr of Natl Banks (Reg 4)
Ofc of the Fiscal Asst Sec'y.	Fiscal Assistant Secretary
	Deputy Fiscal Asst Secy
	Asst Fiscal Asst Secy (Financing)
	Asst Fiscal Assistant Secretary (Banking)
Bureau of Government Financial Operations.	Comm'r of Government Financing Operations
	Dep Commr, Bur of Gov Financial Operations
	Asst Commissioner, Banking & Cash Management
	Asst Commissioner, Comptroller
	Asst Commr, Govt-Wide Accounting
	Asst Commr, Disbursement & Claims
	Asst Commr, Adm
	Dir, Div of Check Claims
	Disbursing Officer
	Dir, Govt Accounting Sys Staff
	Dir, Div of Govt Accounts and Reports
	Dir, Div of ADP
	Assoc Commr, Bur of Gov Financial Operations
Bureau of Public Debt	Commissioner
	Dep Commr of the Public Debt
	Asst Commr (Field)
	Assistant Commissioner (Washington)
	Asst Commr (Financing)
Ofc of Personnel	Dep Dir of Personnel
	Asst Dir (Exec Manpower and Emp)
Ofc of Budget & Prog Ana.	Dep Dir (Prog Analysis) Chf Prog Analysis Div
Bur of Alcohol, Tobacco, Firearms.	Asst Dir (Regulatory Enforcement)
	Asst Dir (Criminal Enforcement)
	Asst Dir (Tech and Scientific Ser)
	Dep Asst Dir (Reg Enforcement)
	Dep Asst Dir (Criminal Enforcement)
	Regional Director for Investigations
	Regional Director for Investigations
	Regional Director for Investigations
	Midwest Regl Counsel
	Central Regl Counsel
	Southeast Regl Counsel
	Deputy Asst Dir (Criminal Enforcement)
	Assistant Director (Internal Affairs)
	Regional Dir of Investigations, Chicago Ofc
	Regl Dir of Investigations, Atlanta, Georgia
US Customs Service	Ast Commr (Mgmt Integrity)
	Director Office of Management Inspection
	Deputy Assistant Commissioner
Ofc of the Chief Counsel.	Asst Chief Counsel (Customs Court Litigate)
	Miami Regl Counsel
	Chicago Regl Counsel
	New York Regl Counsel
	San Francisco Regl Counsel
Office of the Comptroller.	Director, Planning and Budget Division
	Dir. Ofc of Financial Management & Prog Eval
	Asst to the Comr
	Director, Ofc of Date Systems
Ofc of Asst Commr for Border Operations.	Director, Ofc of Inspection
	Dep Asst (Border Operations)
	Dir Ofc of Patrol
	Dir Ofc of Investigations
	Assistant Commissioner (Inspection)
	Dir Ofc of Enforcement Support
	Deputy Assistant Commissioner (Enforcement)
Ofc of Asst Commr for Commercial Operations.	Asst Commr for the Ofc of Regulations & Ruli
	Director, Technical Services Div
	Director, Classification and Value Division
	Dir Ofc of Regulations and Rulings
	Director, Entry Procedures & Penalties Div
	Dir Duty Assessment Div
	Dir Ofc of Trade Operations
Regional Offices	Regl Commr Reg 2 NY
	Reg Commr, Reg 1, Boston
	Regal Commr of Customs, Reg 7, Los Angeles
	Asst Regn Commr Operations Reg II New York
	Dir Inspection and Control Div-Reg II New York
	Regl Commr Reg 3 Baltimore
	Regl Commr, Reg 4, Miami
	Regl Commr of Customs, Reg 8, San Francisco
	Regl Commr, Reg V. New Orleans
	Reg Commr of Customs Reg VI
	Regional Commissioner of Customs
	Asst Regional Commr (Operations)
	Asst Regl Commr (Operations)
	Asst Regl Commr

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Asst Regl (Operations)
	Asst Regional Comr (Operations)
	District Director, Los Angeles Region
	Area Dir JFK Airport New York Region
	Asst Regional Commissioner L.A. (Enforcement)
	District Director Miami Region
	Asst Regl Commr-Houston (Enforcement)
	Asst Regl Commr-Miami (enforcement)
	Asst Regl Commr (enforcement)
US Secret Service	Director of the Secret Service
	Deputy Director, U.S. Secret Service
	Asst to the Dir, Training
	Asst to the Dir, Pub Affs
	Spec Asst to Dep Secy/Dir, Border Mgmt Study.
Ofc of Administration	Assistant Director, Administration
Ofc of Inspection	Assistant Director, Inspection
Ofc of Protective Research.	Asst Dir (Protective Research)
	Dep Asst Dir, Protective Res
	Spec Agent in Charge—Tech Sec Div
	Spec Agent in Charge—Intelligence Div
Ofc of Protective Operations.	Asst Dir (Protective Operations)
	Dep Asst Dir (Protective Operations)
	Spec Agent in Charge—Presidential Protective
	Dad Protective Opers (Uniformed Div)
	Spec Agent in Charge—VP Protect Div
Office of Investigations	Asst Director, Investigations
	Dep Asst Dir, Investigations
	Special Agent in Charge, New York Office
	Dep Spec Agent in Charge—NY Field Office
	Special Agent in Charge, Chicago
	Special Agent in Charge, Los Angeles Office
	Spec Agent in Charge—Washington Field Office
	Spec Agent in Charge—Philadelphia Field Office
Bureau of Engraving and Printing.	Associate Director of Operations
Bureau of the Mint	Assoc Dir of Pol & Management
Offc of the Commissioner.	Deputy Commissioner
	Taxpayer Ombudsman
	Asst to the Deputy Commissioner
	Asst to the Commissioner (Public Affairs)
	Dir—Legislative Analysis Div
	Asst Dir, Examination Div
	Asst to the Commissioner (Equal Opportunity)
	Deputy Assistant Commissioner (Examination)
Organization Abolished	Assistant Commissioner (Compliance)
	Deputy Assistant Commissioner (Compliance)
	Dir, Examination Div
	Dir, Criminal Div
	Asst Dir, Criminal Investigation Div
	Assistant Commissioner (Planning & Research)
	Director, Statistics Division
	Dir, Research & Operations Analysis Div
	Asst Dir, Statistics Division
	Asst Dir, Research
Appeals Division	Asst Commissioner (Taxpayer Service & Returns)
	Deputy Asst Commissioner
	Director, Appeals Division

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Regl Dir of Appeals—Central Region
	Reg Dir of Appeals, Mid-Atlantic Region
	Regl Dir of Appeals—Southwest Reg
	Regl Dir of Appeals—Southeast Reg
	Regional Dir of Appeals, North Atlantic Region
	Regl Dir of Appeals, Midwest Reg
	Regional Director of Appeals—Western Region
	Dir, Disclosure Operations Div
	Asst Dir, Collection Div
Data Processing	Assoc Commissioner (Data Processing)
	Deputy Asst Commissioner (Data Services)
	Director, Taxpayer Service Division
	Director, National Computer Center
	Dir, Returns Processing and Accounting Div
	Assistant Dir, Taxpayer Service Division
	Director, Planning and Control Staff
	Director, Systems Development Division
	Dir, Program Planning & Review Staff
	Asst Dir, Returns Processing & Accounting Div
	Dep Asst Commissioner (Computer Services)
	Deputy Asst Commr (Returns & Info Processing)
	Director, Statistics of Income Division
	Dirctor, Collection Division
	Assistant Commissioner (Computer Services)
	Dir, Systems Support Div
	Asst Dir, Statistics of Income Division
	Director, Management Systems Div
	Asst Dir, Tax Systems Division
	Director, Tax Systems Division
	Asst Commr (Returns & Information Processing)
Ofc of Asst Commr, Inspection.	Assistant Commissioner (Inspection)
	Dep Asst Commr (Inspection)
	Director, Internal Audit Div
	Director, Internal Security Division
	Asst Dir, Internal Security Division
	Regional Inspector, Midwest Reg
	Regional Inspector, North Atlantic
	Regional Inspector, Western Region
	Regional Inspector, Southwest Reg
	Regional Inspector, Mid-Atlantic Reg
	Regional Inspector, Central
	Regional Inspector, Southeast
	Asst Dir, Internal Audit Division
Policy and Management	Associate Commissioner (Policy and Mgmt)
	Asst Commr (Resources Management)
	Dep Asst Commr (Resources Management)
	Dir, Tax Forms & Publications Div
	Dir, IRS Data Center Detroit
	Fiscal Management Officer
	Director, Security Standards & Evaluation Div
	Dir, Training Div
	Dir, Facilities Mgt Div
	Director, Personnel Division
	Asst Dir, Personnel Div
	Asst Dir, Fiscal Management Div
	Dir, Resources Management Div

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Director, Tax Administration Adv Serv Div
	Assistant Director, Tax Forms & Publications
	Asst Commr (Planning, Finance & Research)
	Dep Asst Commissioner (Support and Services)
	Dep Asst Commr (Planning, Finance, & Resch)
	Asst Dir, Disclosure & Security Division
	Director, Centralized Service Division
	Assistant Commissioner (Support & Services)
	Director, Planning and Analysis Division
	Director, Disclosure and Security Division
	Dep Asst Commr (Human Resources)
	Exec Asst to AC (Compliance)
	Director, Training and Dev Div
	Director, Research Division
	Asst Fiscal Management Officer
	Assistant Commissioner (Human Rsources)
Central Region	Regional Commr
	Arc (Tax Payer Service & Returns Processing
	Arc (Examination) Central Region
	Asst Regional Commissioner (Criminal Investi)
	Asst Reg'l Comm (Resource Management)
	Assistant Regional Commissioner (collection)
	Distict Dir (Cleveland)
	District Director, Detroit
	Dir, Service Ctr, Cincinnati
	Program Manager, District Director, Parkersburg
	District Director, Indianapolis
	District Director, Louisville
	District Dir, Cincinnati
	Asst District Director, Cleveland
	Assistant District Director, Detroit
Mid-Atlantic Region	Reg'l Commissioner
	ARC (TS.RP) Mid-Atlantic Region
	ARC (Examination) Mid-Atlantic
	ARC (Criminal Investigation) Mid-Atlantic Reg
	ARC (Resources Mgmt)
	Asst Reg'l Commr (collection)
	District Dir, Newark
	District Dir, Philadelphia
	Service Center Dir, Philadelphia
	District Dir, Pittsburth
	District Director, Richmond District
	Asst District Dir, Philadelphia
	Program Manager, Asst District Dir, Newark Dist
	Assistant District Director—Baltimore, Md
	District Director, Wilmington
	District Dir, Baltimore
	Director, Foreign Operations District
Midwest Region	Regional Commr, Midwest Region
	ARC (Taxpayer Serv & Return Processing)
	Asst Reg'l Comm'r (Resources Mgmt)
	Arc (Examination). Midwest Region
	Arc (Collection) Midwest Region
	District Dir, Chicago
	District Director, St Louis
	Srvc Ctr Dir, Kansas City
	District Dir, Des Moines
	District Dir, St Paul
	District Dir, Omaha
	District Dir, Springfield
	District Dir, Milwaukee
	Asst District Dir, Chicago
	Asst District Dir, St Louis
	District Director, Fargo

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	District Director, Aberdeen
	Program Manager Chief, Examination Division
	ARC (Criminal Investigation) Midwest Region
North Atlantic Region	Reg'l Comm'r
	Asst Regl Comm (Taxpayer Svc & Returns Proc
	Asst Regl Commr (Exam) North Atlantic Reg
	ARC (Criminal Investigating)
	ARC (Resources Mgmt)
	ARC (Collection) North Atlantic Region
	District Dir, Manhattan
	District Dir, Brooklyn
	District Dir, Boston
	Service Center Director, Andover, Mass
	Srvc Ctr Dir, Brookhaven
	Chief, Examination Div Manhattan
	District Dir, Albany
	District Dir, Hartford
	District Dir, Buffalo
	Asst Dist Dir, Brooklyn
	Assistant District Director, Manhattan
	Asst District Dir, Boston
	District Director, Providence
	Dist Dir, Augusta
	District Director, Portsmouth
	District Director, Burlington
	Chief, Appeals Office, New York City
Southeast Region	Reg'l Comm'r
	ARC (TS/RP) Southeast Region
	ARC (Examination) Southeast Region
	Asst Reg'l Commissioner—Criminal Investigation
	Asst Reg'l Commr (Resources Management)
	Asst Reg'l Commr (Collection)—SE Reg, Atlanta
	District Dir, Jacksonville
	District Dir, Atlanta
	Service Center Director, Memphis
	Srvc Ctr Dir, Atlanta
	District Director, Greensboro
	District Dir, Nashville
	District Director, Birmingham
	District Director, Columbia
	District Director, Jackson, Miss
	Asst District Director, Jacksonville
	Assistant District Director, Atlanta
Southwest Region	Regional Commissioner
	Asst Reg Comm'ssioner (Taxpayer serv & Returns Proc)
	Asst Regl Commr (Examination)
	ARC (Criminal Investigation) SW Region
	ARC (Resources Mgmt)
	Assistant Regional Commissioner (Collection)
	District Dir, Austin
	District Director, Dallas
	Service Center Dir (Austin)
	District Director, Wichita
	District Director, Oklahoma City
	District Dir, New Orleans
	District Director, Little Rock District
	District Dir, Denver
	Asst Dist Dir, Austin
	Assistant District Director, Dallas
	District Director, Albuquerque
	District Director, Cheyenne
	Assistant District Director
	District Director, Houston
Western Region	Regional Commissioner
	ARC (Taxpayer Service and Returns Proc) W Fl
	Asst Reg'l Comm'r (Examination)
	ARC (Criminal Investigation)
	ARC (Resources Management)
	Asst Reg'l Comm'r (Collection)—Western Region
	District Dir, Los Angeles
	District Dir, San Francisco
	Service Center Director, Fresno

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Service Center Dir, Ogden
	District Dir, Reno
	District Director, Portland District
	District Dir, Seattle
	District Dir, Phoenix
	Asst District Dir, Los Angeles
	Asst Dist Dir, San Francisco
	District Director, Salt Lake City
	District Director, Honolulu
	District Director, Anchorage
	District Director, Boise
	District Director, Helena
	Chf, Examination Div, Los Angeles
	Special Assistant to the Director
Operations	Assoc Commr (Operations)
	Asst Comm'r (Employee Plans & Exemp & Organiz)
	Deputy Asst Comm'r
	Director, Exempt Organizations Division
	Dir, Employee Plans Division
	Director, Actuarial Division
	Special Asst for Exempt Organization Matters
	Asst Dir, Exempt Organizations Div
	Assistant Director, Employee Plans Division
	Chf, Technical Branch
	Chf, Technical Branch
	Spec Asst for Employee Plans
	Assistant Commissioner (Examination)
	Asst Commr (Criminal Investigation)
	Dep Asst Commr (Criminal Investigation)
	Tech Adv/Asst to Dir, Employee Plans Div
	Dep Asst Commr (Collection)
	Assistant Commissioner (Collection)
Ofc of Chf Counsel	Dep Chf Counsel (Technical)
	Dep Chief Counsel (Litigation)
	Dep Chf Counsel (General)
	Associate Chief Counsel (Technical)
	Associate Chief Counsel (Litigation)
	Prin Tech Advr to Assoc Chief Counsel
	Assistant Commissioner
	Dep Asst Commr (Technical)
	Director Individual Income Tax Div
	Director, Corporation Tax Division
	Tech Adv to Dir-Corp Tax Div
	Chf, Corporation Tax Branch
	Chf Individual Income Tax Branch
	Chf, Excise Tax Branch
	Chief, Engineering & Valuation Branch Corp Ta
	Asst Dir, Individual Tax Division
	Asst Dir, Corporation Tax Div
	Dir, General Litigation Div
	Dir, Tax Litigation Div
	Dir, Interpretive Div
	Dir, Legislation & Regulations Div
	Dir, Administrative Services Div
	Dir, Criminal Tax Div
	Dir, Gen Legal Services Div
	Technical Advisor to the Chf Counsel
	Director, Disclosure Litigation Division
	Dir, Employee Plans & Exempt Org Div
	Asst Dir, Tax Court Litigation Div
	Technical Advisor to the Chief Counsel
	Asst Dir, Interparative Div
	Asst Dir, Legislation & Regulations Div
	Chf, Estate & Gift, Wage Excise & Prov Br
	Techn Adv to the Assoc Chf Counsel (Techn)
	Deputy Associate Chief Counsel (Technical)
	Deputy Chief Counsel
	Special Appellate Counsel

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
	Sen Tech Adv to the Assoc Chf Counsel (Tech)
	Assistant Deputy Chief Counsel (Litigation)
	Special Assistant to the Chief Counsel
	Branch Chf, Reorg Br Corp Tax Div
	Special Litigation Counsel
Reg'l Counsels	Regl Counsel, Central Reg
	Dep Regl Counsel (Criminal tax)
	Regional Counsel, Mid-Atlantic Region
	Dep Regl Counsel (Criminal Tax)
	Regl Counsel, Midwest Region
	Dep Regl Counsel (Criminal Tax)
	Dep Regl Counsel (General Litigat)
	Dep Regl Counsel (Tax Litigation)
	Regl Counsel, North Atlantic Region
	Dep Regl Coun (Tax Litigat) No-Atlantic Reg
	Deputy Regional Counsel (General Litigation)
	Regional Counsel, SE Region
	Regl Counsel, Southwest Region
	Regl Counsel, Western Region
	Dep Regl Counsel (Gen Litigation)
	District Counsel—Boston
	District Counsel—Los Angeles
	District Counsel—Cincinnati
	District Counsel—Philadelphia
	District Counsel—Newark
	District Counsel—Chicago
	District Counsel—Manhattan
	District Counsel—Atlanta
	District Counsel—Dallas
	District Counsel—San Francisco
U.S. Arms Control and Disarmament Agency	
Ofc of Administration	Administrative Director
Office of Operations Analysis.	Chf, Ofc of Operations Analysis
	Dep Chf, Ofc of Operations Analysis
Office of the General Counsel.	Assistant General Counsel
Theatre Affairs Division	Chief, Regional Div
	Chief, Theatre Affairs Division
Strategic Affairs Division.	Chf, Strategic Affs Div
Nuclear and Weapons Control Bureau.	Chief, Def Prog & Analysis Div
	Chief, Technology Transfer Group
	Chf, Nuclear Safeguards & Technology Div
	Chief, International Nuclear Affairs Division
Multilateral Affairs Bureau.	Chief, Advanced Technology Div
United States Information Agency	
Bureau of Management	Director, Office of Personnel
	Director, Office of Comptroller
	Dir, Off Security
	Dep Dir of Admin for Technology
Ofc of the Gen Counsel & Cong Liaison.	Dep General Counsel
U.S. International Trade Commission	
Office of Industries	Dir, Ofc of Industries
Office of Investigations	Dir, Ofc of Investigations
Veterans Administration	
Inspector General	Dep Inspector General
	Assistant Inspector General for Auditing
	Asst Inspector General for Investigation
	Asst Insp Gen for Policy, Plan & Resources
	Executive Asst to Inspector General
	Deputy Asst Inspec General for Investigation
	Dep Asst for Inspec General for Hdqtrs Audits
	Dep Asst Inspec General for Regional Audits

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1982—Continued

Agency and organization	Career reserved positions
Board of Veterans Appeals.	Chairman
	Vice Chairman
	Deputy Vice Chairman
	Deputy Vice Chairman
Office of Construction.....	Project Director, Northeastern Region
	Project Dir Southern Region
	Project Director—Central Region
	Project Director, Western Region
	Dir Program Control and Analysis
Office of Procurement and Supply.	Asst Dep Admr for Procurement Supply
	Deputy Asst Deputy Admin for Procurement Supl
Office of Reports and Statistics.	Asst Deputy Admin for Reports & Statistics
Office of Data Management and Telecommunications.	Dir, Benefits Delivery Support Svc
	Dir Health Care Delivery Systems Support Svc
	Dir Memorial Affairs and Genl Sys Support Svc
Data Processing Center (DPC) Directors.	Director DOC Austin
Office of Personnel and Labor Relations.	Assoc Asst Admin for Personnel Policy
	Assoc Asst Admin for Personnel Operations
Department of Veterans Benefits.	Director Budget Staff
	Dep Dir Compensation & Pension Service
	Dep Dir Loan Guaranty Svc
Department of Medicine & Surgery.	Dep Dir Adp Sys Management Ofc VA Central Ofc
	Dir Facility Eng Plann & Construction Office
	Director Health Systems Information Svc
	Dep Dir, Mental Health & Behavioral Sciences
	Dir Canteen Service
	Dep Dir, Facility Eng, Plan & Const Ofc
	Dep to Asst Chf Med Dir for Academic Affairs
	Dir, Resources Management Ofc
	Deputy Director, Resource Management Office
Research Positions.....	Chf Calcium Research Lab
Water Resources Council (Termiated 10/1/82)	
Water Resources Council Staff.	Assistant Director—Policy

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federal register

Friday,
March 11, 1983

Part III

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.

Iowa:	
IA82-4049	Oct. 8, 1982.
IA82-4030	June 18, 1982.
IA82-4032	June 18, 1982.
Illinois: IL83-2011	Feb. 18, 1983.
Kansas: KS83-4009	Feb. 4, 1983.
Maryland:	
MD80-3047	Aug. 29, 1980.
MD81-3031	May 15, 1981.
Arkansas: AR82-4006	Feb. 12, 1982.
Massachusetts: MA81-3054	Sept. 4, 1981.
Minnesota:	
MN82-2067	Dec. 10, 1982.
MN82-2064	Nov. 26, 1982.
New Mexico: NM83-4016	Jan. 28, 1982.
New hampshire: NH81-3013	Jan. 30, 1981.
Ohio: OH83-2010	Feb. 11, 1983.
South Dakota:	
SD81-5155	Oct. 2, 1981.
SD81-5151	Sept. 4, 1981.
Rhode Island: RI81-3042	Aug. 15, 1981.
Texas:	
TX82-4024	Aug. 20, 1982.
TX82-4052	Oct. 29, 1982.
West Virginia: WV82-3002	Oct. 29, 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.

Florida: FL81-1246 (FL83-1012)	June 12, 1981.
Illinois: IL82-2033 (IL83-2017)	May 14, 1982.
Indiana:	
IN79-2059 (IN83-2016)	June 22, 1979.
IN79-2084 (IN83-2019)	Nov. 2, 1979.
Iowa: IA82-4032 (IA83-4022)	June 18, 1982.
Michigan:	
MI82-2012 (MI83-2015)	Feb. 26, 1982.
MI82-2013 (MI83-2018)	March 5, 1982.
North Carolina: NC79-1161 (NC83-1013)	Dec. 14, 1979.
West Virginia: WV82-3003 (WV83-3000)	May 14, 1982.

Signed at Washington, D.C., this 4th Day of March 1983.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

Decision #IA82-4049-Mod.#6 (47 FR 44667-10/8/82) Scott Co., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet metal workers	$16.08	2.98

Decision #IA82-4030-Mod.14 (47 FR 26537-6/18/82) Black Hawk, Cerro Gordo, Clinton, DesMoines, Dubuque, Johnson, Linn & Polk Cos., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Laborers:		
Zone 6-Group 1	12.35	1.50
Group 2	12.70	1.50
Zone 8-Group 2	11.975	1.64
Painters:		
Zone 5:		
Brush or roller; paperhanging; tapers	11.50	1.60
High work & steel	12.05	1.60
Sheet metal workers:		
Zones 3 & 4	16.08	2.98
Zone 5	14.33	2.98

DECISION NO. IA82-4032 - MOD. #1 (47 FR 26536 - 6/18/82) Statewide (except Cerro Gordo, Scott & Webster Cos)	Basic Hourly Rates	Fringe Benefits
Change Description of Work to Read: Highway Projects (does not include building structures in rest area projects.)		

DECISION NO. IL83-2011 - MOD. #1 (48 FR 7368 - February 18, 1983) Cook County, Illinois	Basic Hourly Rates	Fringe Benefits
Omit:		
Ironworkers:		
Metal Fence Erectors:		
Black Book	$16.20	$2.69+c
Red Book	11.59	3.335+c
Footnote:		
c. $.065 per employee per week		
Add:		
Ironworkers:		
Metal Fence Erectors:		
Black Book	17.10	3.335
Red Book	11.84	3.335

DECISION NO. KS83-4009 MOD. #2 (48 FR 5438 Feb. 4, 1983 Leavenworth Co., Kansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters	$15.05	$2.07
Elevator Constructors' Helpers	70%JR	a+2.18
Truck Drivers:		
Group 1	14.085	2.75
Group 2	14.135	2.75
Group 3	14.21	2.75
Group 4	14.335	2.75
Group 5	14.235	2.75
Group 6	14.435	2.75
Group 7	14.285	2.75
Group 8	14.185	2.75

DECISION NO. MD80-3047-Mod. #9 (45 FR 57922-August 29,1980) Allegany & Garrett Counties, MD	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	$13.57	2.38
PILEDRIVERMEN	13.94	2.38
CEMENT MASONS	15.32	.85

DECISION NO. MD81-3031-Mod. #6 (45 FR 27051-May 15,1981) ALLEGANY & GARRETT COUNTIES, MD	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS	$13.71	2.77
PILEDRIVERMEN	14.11	2.77
MILLWRIGHTS	14.18	2.77
CEMENT MASONS	15.63	.85
PLASTERERS	15.63	.85

DECISION #AR82-4006-Mod.#5 47FR6547=February 12, 1982 Sebastian, Crawford and Washington Counties, Arkansas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
SEBASTIAN & CRAWFORD COS.		
BRICKLAYERS-STONEMASONS	$14.15	.69
ASBESTOS WORKERS	16.00	2.05

Modification Page 2

DECISION NO. MA81-3054 - MOD. #12 (46 FR 44631 - Sept. 4, 1981) BARNSTABLE, BRISTOL, DUKES ESSEX, MIDDLESEX, NANTUCKET, NORFOLK, PLYMOUTH & SUFFOLK COS., MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits
CHANGE:		
ELECTRICIANS:		
MIDDLESEX (Ashland, Hopkinton, Hudson, Marlboro and Stow)	16.00	1.81+ 11%
BRISTOL (Attleboro, N. Attleboro); NORFOLK (Plainville)	15.00	29%+ .04
BRISTOL (Mansfield, Norton, Taunton, Raynham, Rehoboth, Dighton, Berkley) PLYMOUTH (Lakeville, Middleboro)	15.00	2.75+ 4.1%
Residential	11.75	2.75+ 4.1%
NORFOLK (Avon, Holbrook, Randolph, Stoughton); PLYMOUTH (Remainder of County); BRISTOL (Easton)		
Electrical Contracts over $75,000	15.98	1.00+ 1.75%
Electrical Contracts under $75,000	11.99	1.00+ 1.75%
ESSEX (Andover, Lawrence, Methuen, N. Andover, Salisbury, W. Newbury, Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley	14.87	3.65+3%
ESSEX (Remainder of Co.)		
Contract over $30,000	15.15	2.65+ 3%
Contract $30,000 or less	13.75	2.65+ 3%

DECISION NO. MN82-2067 - MOD. #1 (47 FR 55589 - December 10, 1982) Carlton, Cook, Itasca, Koochiching, Lake, & St. Louis Counties, Minnesota	Basic Hourly Rates	Fringe Benefits
Change:		
Sheet Metal Workers:		
Carlton, Cook, Lake, & St. Louis (S 1/3) Cos.	$15.15	$3.41

DECISION NO. MN82-2064 - MOD. #3 (47 FR 53622 - November 26, 1982) Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, & Washington Counties, Minnesota	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Anoka (Anoka & Fridley Twps. & the cities of Andover, Anoka, Columbia Heights, Coon Rapids, Fridley, Hilltop, Ramsey & Spring Lake Park), Carver, Hennepin, & Scott Counties:		
Commercial Building:		
Electricians	$16.50	$4.41
Cable Splicers	17.00	4.55
Residential Electricians	14.19	2.87
Anoka (Remainder of Co.) & Remaining Counties:		
Commercial Building:		
Electricians	15.75	4.84
Cable Splicers	16.35	4.91
Residential Electricians	13.75	2.61

DECISION #NM83-4016 Mod. #1 48FR4221-January 28, 1983 STATEWIDE, NEW MEXICO	Basic Hourly Rates	Fringe Benefits
CHANGE:		
SHEET METAL WORKERS:		
Zone IIA	$13.80	1.51
Zone IIB	15.30	1.51
Zone IIC	16.05	1.51

Modification Page 3

DECISION NO. NH81-3013 - MOD. #1 (46 FR 10067 January 30, 1981) Merrimack County, New Hampshire	Basic Hourly Rates	Fringe Benefits
Change:		
BOILERMAKERS	$18.25	4.72
BRICKLAYERS	13.14	1.94
CARPENTERS	12.36	1.80
CEMENT MASONS	13.14	1.94
ELECTRICIANS:		
General contracts $400,00 & over	16.02	3%+ 1.67
General contracts less than $400,000	11.03	3%+ 1.67
IRONWORKERS:		
Structural, Ornamental, and Reinforcing	15.23	3.19
LABORERS	10.13	2.35
PAINTERS	10.65	1.00
PLUMBERS & PIPEFITTERS	15.60	2.10
SHEET METAL WORKERS	14.60	2.33

Decision No. OH83-2010 - MOD. #1 (48 FR 6469 - Feb.11,1983) Adams,Allen,...Wood & Wyandot Counties, Ohio		
Change:		
Footnote:		
o. 9 paid holidays: A thru F, plus Good Friday, Friday after Thanksgiving Day & Christmas Eve		

DECISION NO. SD81-5155 - Mod. #2 (46 FR 48855 - October 2, 1981) Statewide, South Dakota	Basic Hourly Rates	Fringe Benefits
Delete:		
Line Construction:		
Group 1	$14.60	$.45+ 3½%
Group 2	14.55	.45+ 3½%
Group 3	11.68	.45+ 3½%
Group 4	9.72	.45+ 3½%
Group 5	8.93	.45+ 3½%
Add:		
Line Construction:		
Lineman; Cable Splicer	15.50	.65+7½%
Lineman Equipment Operator	13.95	.65+7½%
Groundman	8.93	.65+7½%

DECISION NO. SD81-5151 - Mod. #5 (46 FR 44657 - September 4, 1981) Meade and Pennington Counties, South Dakota		
Change:		
Plumbers; Steamfitters	$11.69	$1.75

Modification Page 4

DECISION NO. RI81-3042
MOD. NO. 11
(46 FR 42615 - August 15, 1981)
Statewide, RI.

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION:					
Electricians:					
Tiverton & Little Compton	$14.90	7%	3%+1.00	6%	½%
Westerly Tp Twp.	15.80	1.25	3%+3.10		½%
Cement masons:					
Remainder of State	15.60	1.15	.75		
LABORERS: BUILDING CONSTRUCTION					
Laborers; Carpenter Tenders; Cement Finisher Tenders; Mason Teners; Scaffold Erectors & Wrecking Laborers	12.40	.95	1.30		.15
Asphalt Rakers; Adzemen; Pipe-Trench Bracers; Demolition Burners; Chain Saw Ops.; Fence & Guard Rail Erectors; Setters of Metal Forms for Roadways; Pipelayers; Riprap & Dry Stonewall Builders; Highway Stone Spreaders Pneumatic Tool Ops.; Wagon Drill Ops.; Tree Trimmers; Barco Type Jumping Tampers; Mechanical Grinder Ops.; Plasterers' Tenders; Scaffold Builders; & Mortar Mixers	12.65	.95	1.30		.15
Pre-cast Floor and Roof Plank Erectors	12.90	.95	1.30		.15
Pumping Machine Operator	13.05	.95	1.30		.15
Air Track Ops.; Block Pavers; Rammers; & Curb Setters	13.15	.95	1.30		.15
Blasters; Powdermen	13.40	.95	1.30		.15

Modification Page 5

DECISION NO. RI81-3042 MOD. NO. 11 CONT'D.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS: HEAVY & HIGHWAY					
Laborers; Carpenter & Cement Finisher Tenders & Wrecking Laborers	12.40	.95	1.30		.15
Adzeman; Asphalt Rakers; Barco-type Jumping Tampers; Chain Saw Ops.; Concrete & Power Buggy Ops.; Concrete Saw Ops.; Demolition Burners; Fence & Guard Rail Erectors; Highway Stone Spreaders; Mason Tenders; Mechanical Grinder Ops.; Mortar Mixers; Pipelayers; Pipe-Trench Bracers; Pneumatic Tool Ops.; Riprap & Dry Stonewall Builders; Scaffold Erectors; Setters of Metal Forms for Roadways; Wagon Drill Ops.; Wood Chipper Ops.	12.65	.95	1.30		.15
Air track drill ops.; Brick Pavers; Block Pavers; Rammers; Curb Setters	13.15	.95	1.30		.15
Blasters & Powdermen	13.40	.95	1.30		.15

Modification Page 6

DECISION NO. TX82-4042 - MOD. #3 (47 FR 36522 - 8/20/82) Bowie County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE: Plumbers & pipefitters: Outside a 25 mile radius of Texarkana	$14.68	1.60

DECISION NO. TX82-4052 - MOD. #1 (47 FR 49213 - 10/29/82) Statewide Texas

Change Description of Work for following Zones: ZONE 3-Mills Co. only; ZONE 8-Williamson Co. only; ZONE 9-All Cos.; ZONE 14-Leon, Milam & Robertson Cos. only-Heavy construction (excluding tunnels, dams & work on water or sewage treatment plant or lift/pump stations) and highway projects (does not include building structures in rest area projects)

DECISION NO. WV82-3002 MOD. NO. 2 (47 FR -49220 - October 29, 1982) Statewide, West Virginia excluding the Counties of Berkeley, Jefferson & Morgan, W.Va.	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Millwrights Zone 3	$13.56	3.64

Basic Hourly Rates	Fringe Benefits

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: DUVAL
DECISION NO.: FL83-1012
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1246 dated June 12, 1981 in 46 FR 31187.
DESCRIPTION OF WORK: HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits
BOILERMAKERS	$ 16.20	$3.315
CARPENTERS	7.00	
CEMENT MASONS	8.91	
ELECTRICIANS	13.30	2.37+ 3%
IRONWORKERS	12.75	1.78
LABORERS	5.41	
LINE CONSTRUCTION:		
Groundmen	6.50	1.53+ 3%
Linemen	13.40	3.15+ 3%
PIPELAYERS	6.00	
PILEDRIVERMEN	11.92	1.68
PLUMBERS & PIPEFITTERS	15.15	1.62
TRUCK DRIVERS	5.41	
WELDERS--Rate for Craft		

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 8.14	
Bulldozer	6.00	
Crane	10.02	
Dragline	7.15	
Loader	7.44	
Mechanic	7.05	
Motor Grader	7.00	
Oiler	5.41	
Pump	5.41	
Scraper	6.00	
Piledriver	8.75	
Trenching Machine	6.10	

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
COUNTIES: *See Below
DECISION NO.: IL83-2017
DATE: Date of Publication
Supersedes Decision No.: IL82-2033, dated May 14, 1982 in 47 FR 20984
DESCRIPTION OF WORK: Building (Including Residential) Construction Projects

*DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.00	$3.03
BOILERMAKERS	18.40	5.00
BRICKLAYERS; Stonemasons:		
DuPage & Lake Cos.	16.86	2.74
Grundy & Will Cos.	17.08	2.52
Kane, Kendall & McHenry Cos.	16.86	2.71
CARPENTERS; Millwrights; Piledrivermen; & Soft Floor Layers:		
DuPage & Lake Cos.	16.50	3.38
Grundy & Will Cos.:		
Commercial Building	18.78	3.15
Kane, Kendall & McHenry Cos.	14.00	2.24
CEMENT MASONS:		
DuPage Co.	15.40	2.92
Grundy & Will Cos.	17.31	3.35
Kane (S. Part) & Kendall Cos.	16.80	3.31
Kane (N. Part) & McHenry Cos.	18.05	2.06
Lake Co.	16.20	3.90
ELECTRICIANS:		
DuPage Co.	17.78	4.80
Grundy & Will Cos.:		
Commercial Building:		
Electricians	17.68	3.09
Cable Splicers	18.08	3.10
Residential	13.20	2.18
Kane (N ½) & McHenry Cos.	18.35	3.58
Kane (S ½) & Kendall Cos.	17.95	3.50
Lake Co.	17.71	4.07
ELEVATOR CONSTRUCTORS:		
DuPage, Lake & Will Cos.:		
Mechanics	17.36	2.33+a +b
Helpers	70%JR	2.33+a +b
Helpers (Prob.)	50%JR	
GLAZIERS:		
DuPage, Kane, Kendall (Eastern part), Lake & Will Cos.	15.70	2.27
Grundy & Kendall (Western part) Cos.	16.41	.90+c
McHenry Co.	10.93	1.49

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
DuPage (Argonne & Vic.), Grundy, Kendall (S. part), & Will Cos.	$16.09	$5.535
DuPage (Rem. of Co.), Kane, Kendall (N. part), & McHenry (SE ¼) Cos.	19.75	1.705
Lake & McHenry (Hebron, Woodstock & E. thereof) Cos.:		
Reinforcing & Structural	17.68	4.83
Ornamental	17.10	3.335
Metal Fence Erectors:		
Black Book	17.10	3.335
Red Book	11.84	3.335
McHenry (NW ¼) Co.	17.00	4.375
LATHERS:		
DuPage & Lake Cos.	13.82	1.29
LINE CONSTRUCTION:		
DuPage, Kane, Kendall, Lake & McHenry Cos.:		
Linemen; Digger Op. & Crane Op. (15 ton & above)	17.05	2.61+d
Equipment Op.; Semi Truck Drivers	14.48	2.32+d
Groundmen Truck Drivers	11.54	1.98+d
Groundmen	11.16	1.93+d
Grundy & Will Cos.:		
Linemen; Equipment Ops.	17.05	3.79
Groundmen	12.10	2.69
MARBLE SETTERS:		
DuPage, Lake & Will Cos.	17.66	2.15
MARBLE SETTERS' FINISHERS:		
DuPage & Lake Cos.	13.20	2.15
PAINTERS:		
DuPage, Kane, Kendall & McHenry Cos.:		
Brush; Drywall Tapers & Finishers; Sandblasters; & Spray	13.55	1.91
Grundy & Will Cos.:		
Brush; Drywall Taping; Paperhanging; & Sign	14.55	2.10
Spray	15.30	2.10
Lake Co.:		
Brush; Decorators; Paperhangers; & Tapers	14.50	1.87

	Basic Hourly Rates	Fringe Benefits
PLASTERERS:		
DuPage Co.	$16.46	$2.60
Grundy & Will Cos.	14.395	2.14
Kane (S. part) & Kendall Cos.	16.80	3.31
Kane (N. part) & McHenry Cos.	18.05	2.06
Lake Co.	15.12	3.90
PLUMBERS; Pipefitters; & Steamfitters:		
DuPage (Naperville & S.) Co.	16.88	3.17
DuPage (Exclu. Naperville & S.) Grundy (W. of Rt. 47), Lake, McHenry, & Will (Except city limits of Joliet) Cos.:		
Pipefitters & Steamfitters	18.00	3.00
DuPage (Exclu. Naperville & S.) Co.: Plumbers	17.30	2.75
Grundy (W. of Rt. 47) Co.: Plumbers	17.72	1.50
Grundy (E. of Rt. 47) & Will (Joliet & Vic.) Cos.	18.00	3.00
Kane (Elgin & Vic.) Co.	17.05	2.99
Kane (Aurora & Vic.) & Kendall (Exclu. Yorkville) Cos.	17.31	2.74
Kendall (Yorkville) Co.	17.72	1.50
Lake Co.:		
Plumbers	15.80	3.95
Pipefitters; Steamfitters	18.00	3.00
Will (Except city limits of Joliet) Co.: Plumbers	17.05	2.97
ROOFERS:		
DuPage & Lake Cos.	16.50	2.85
Grundy & Will Cos.	18.85	2.51
Kane, Kendall & McHenry (S. part inclu. cities of McHenry Woodstock, & Crystal Lake) Cos.	16.63	2.65
McHenry (Rem. of Co.) Co.	16.97	1.68
SHEET METAL WORKERS:		
DuPage Co.	16.97	2.51
Grundy & Will Cos.	17.76	3.23
Kane, Kendall & McHenry Cos.	15.75	4.01
Lake Co.:		
Commercial Building	16.15	3.04
Residential Aluminum Gutter Work	8.00	3.04
SPRINKLER FITTERS:		
DuPage & Lake (Within 30 mi. radius of Chicago City Hall) Cos.	17.58	3.45
Grundy, Kane, Kendall, Lake (Rem. of Co.), McHenry & Will Cos.	16.67	2.83

	Basic Hourly Rates	Fringe Benefits
TERRAZZO WORKERS; Tile Setters DuPage, Grundy, Lake, & Will Cos.	$15.66	$2.77
TILE SETTERS' FINISHERS:		
DuPage, Lake & Will Cos.	13.85	2.23
TRUCK DRIVERS:		
2-3 Axles	12.25	62.00e
4 Axles	12.40	62.00e
5 Axles	12.60	62.00e
6 Axles	12.80	62.00e
LANDSCAPE WORK: DuPage, Kane, Lake, McHenry & Will Cos.:		
Plantsmen	8.18	f&g
Truck Driver - Tractor Trailer (3 axle or more) & Equipment Operator	8.66	f&g
Truck Driver - 2 Axle	8.24	f&g
LABORERS:		
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
POWER EQUIPMENT OPERATORS:		
Class 1	17.10	4.50
Class 2	15.80	4.50
Class 3	14.20	4.50
Class 4	12.60	4.50

LABORERS CLASSIFICATIONS:

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

POWER EQUIPMENT OPERATORS CLASSIFICATIONS:

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 27E cu. ft.; Concrete Placer; Concrete Tower; Cranes (all); Cranes, Hammerhead; Derricks (all); Derricks, traveling; Grader; Elevating Grouting Machines; Highlift Shovels or Front Endloader 2¼ 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 2¼ 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

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 Day; & G-Christmas Day

FOOTNOTES:
a. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years; 6% for less than 5 years
b. 7 Paid Holidays: A through G
c. 7 Paid Holidays: A through G
d. 4 Paid Holidays: B, C, D, & E
e. Per Week Per Employee
f. 6 Paid Holidays: A, B, C, D, E & G
g. 1 year's service - 1 week's paid vacation; 3 or more years - 2 weeks' paid vacation

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: Indiana

COUNTIES: Lake, LaPorte, Porter and St. Joseph

DECISION NO. IN83-2016

DATE: Date of Publication

Supersedes Decision No. IN79-2059 dated June 22, 1979 in 44 FR 36677

Description of Work: Building Construction Projects (Does not include single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Lake and Porter Cos.	$18.00	2.976
LaPorte and St. Joseph Cos.	16.96	2.696
BOILERMAKERS	18.83	3.405
BRICKLAYERS:		
Lake, LaPorte & Porter Counties	17.05	2.75
St. Joseph County	15.72	2.77
CARPENTERS:		
Lake, LaPorte and Porter Counties	17.90	2.77
St. Joseph County	16.15	2.43
CARPENTERS (Heavy & Highway Construction)	14.11	2.35
CEMENT MASONS:		
Building Construction:		
Lake County (Hammond Area)	17.37	2.93
Remainder of Lake & Porter Counties	17.36	2.92
St. Joseph County	16.13	2.09
Heavy & Highway Const.:		
St. Joseph County	14.21	3.54
Highway, Bridge and Airport Construction:		
Lake Co. (Hammond & vicinity)	14.68	2.03
Lake Co. (Gary & vicinity) and Porter Co. (Western half including Valparaiso and Charleston)	15.96	2.53
LaPorte Co. & Porter Co. (Eastern 1/2)	18.00	2.16
ELECTRICIANS:		
Lake County	17.55	2.24
St. Joseph County	17.40	14 1/2%
LaPorte & Porter Cos.	17.85	12 1/2%
GLAZIERS:		
Lake, LaPorte and Porter Counties	15.55	1.65
St. Joseph County	16.30	2.57

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
St. Joseph Co. and Part of LaPorte County	15.40	4.56
Lake, LaPorte (Michigan city), & Porter Cos.	17.80	3.87
PAINTERS:		
Residential & Commercial:		
Northern Lake & Porter Cos.	14.85	2.27
Southern Lake & Porter Cos.	14.70	2.39
St. Joseph County	12.64	1.95
PLASTERERS:		
Lake & LaPorte Cos.	15.35	2.93
St. Joseph Co.	15.89	
PLUMBERS:		
Lake & LaPorte Cos. & St. Joseph Co.	15.93	2.45
Lake Co. (Western Part)	16.05	3.05
Lake Co. (Eastern Part)	16.73	3.61
ROOFERS:		
Composition (St. Joseph Co.)	14.60	2.03
Slate (St. Joseph Co.)	15.10	2.03
Lake Co.	16:91	2.38
SHEET METAL WORKERS:		
Lake County	17.15	2.96
St. Joseph Co.	16.16	2.16
SPRINKLER FITTERS	16.67	2.73
LABORERS:		
AREA I:		
Group I	13.23	1.89
Group II	13.43	1.89
Group III	13.53	1.89
Group IV	14.53	1.89
Group V:		
A.	13.43	1.89
B.	13.305	1.89
C.	13.53	1.89
D.	13.505	1.89

DECISION NO. IN83-2016

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits
AREA IA:		
Group I	12.98	1.89
Group II	13.18	1.89
Group III	13.28	1.89
Group IV	14.28	1.89
Group V:		
A.	13.18	1.89
B.	13.055	1.89
C.	13.28	1.89
D.	13.255	1.89
AREA IB:		
Group I	11.73	1.89
Group II	11.93	1.89
Group III	12.23	1.89
Group IV	13.23	1.89
POWER EQUIPMENT OPERATORS		
CLASS I	16.40	3.95
CLASS II	15.50	3.95
CLASS III	15.05	3.95
CLASS IV	14.25	3.95
CLASS V	13.45	3.95

Basic Hourly Rates	Fringe Benefits

DECISION NO. IN83-2016

CLASSIFICATION DEFINITIONS

LABORERS:

AREA I: Lake County; Porter County (North of U. S. Highway NO. 20)
AREA IA: Porter county (South of U. S. Highway No. 20); LaPorte County
AREA IB: St. Joseph County

GROUP I - Building & Construction Laborers; Scaffold Builders (other than for Masons or Plasterers); Ironworker Tenders; Mechanic Tenders; Window Washers Cleaners; Waterboys & Toolhousemen; Roofer's Tenders; Railroad Workers; Masonry Wall Washers (interior & exterior); Cement Finisher Tenders; Carpenter Tenders; Mason Tenders for Area I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; All Portable Water Pumps With Discharge Up to 3 inches

GROUP II - Waterproofing; Handling of Creosote Lumber or Like Treated Material (excluding railroad material); Asphalt Rakers & Luteman; Kettlemen; Air Tool Operators, Vibrators, Chipping Hammer Operators and All Pneumatic Tool Operators; Earth Compactors; Jackmen & Sheetmen Working Ditches Deeper than 6 ft. in Depth; Laborers Working Ditches 6 ft. in Depth or Deeper; Assembly of Unicrete Pump; Chain Saw Operators; Tile Layers (sewer or field) & Sewer Pipe Layers (metallic or non-metallic); Motor Driven Wheelbarrows & Concrete Buggies; Hyster Operators; Pump Crete Assemblers; Conveyor Assemblers; Core Drill Operators; Cement, Lime or Silica Clay Handlers (bulk or bag); Handling of Toxic Materials Damaging to Clothing; Pneumatic Spikers; Deck Engine & Winch Operators; Water Main & Cable Ducking (metallic & non-metallic)

GROUP III - Plasterers' Tenders; Mason Tenders, except for Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley; Mortar Mixers; Welders (acetylene or electric); Cutting Torch or Burner; Cement Nozzle Laborers; Cement Gun Operators; Scaffold Builders when Working for Plasterers; Scaffold Builders when Working for Masons (except in Areas I, IA, IB, and Counties of Adams, Allen, DeKalb, Steuben, Huntington, Noble, Wabash, Wells, & Whitley)

GROUP IV - Dynamite Men

GROUP V:
A. Boiler Setter Laborers (Fire Brick Tear Out with Air Tools)
B. Boiler Setter Laborers (Fire Brick)
C. Boiler Setters Laborers (Mortar Mixers)
D. Expeditor, Bottom Man & Bell Man

DECISION NO. IN83-2016

POWER EQUIPMENT OPERATORS:

CLASS 1 - Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires two Engineers); Boiler and Throttle Valve; Boring Machine (Road); Caisson Rigs; Central Redi-Mix Plant; Concrete Conveyor Systems; Concrete Power over 27 cu. ft. and under; Concrete Placer; Concrete Pumps (truck mounted) ; Concrete Tower; Cranes, All Cranes, Hammerhead; Creter Cranes ; Derricks, All; Forklift capable of hoisting and mechanically moving forks horizontally; Grader, Elevating; Highlift Shovels or Front End Loader; Hoists, Two or more Drums; Locomotives, All; Motor Patrol; Pile Drivers and skid Rig; Pre-stress Machine; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops - Tractor Drawn; Slip Form Paver; Tournapull; Tractor with Boom, and side boom; Trenching Machines 12 or more inches in width

CLASS II - Combination Backhoe Front end Loader Machine with Backhoe bucket or with attachments

CLASS III - Air Compressor 600 cu. ft. and over; Bobcat (over ¼ cu. yd.) Boilers; Broom, All Power Propelled; Bulldozers; Compressors and Throttle Valve; Concrete Breaker (truck mounted) Concrete Mixer or more than 21 cu. ft. capacity; Forklift with a fixed or tilt mast; Greaser Egineer; Hoists, one drum; Hydraulic Boom Trucks; Post Hole Digger (vehicle mounted) Pump Cretes; Squeeze Cretes Screw Type Pumps; Gypsum Bulker and Pump; Rollers, All Steam Generators; Stone Crushers; Straddle Buggies; Tractors; Winch Trucks with "A" Frame

CLASS IV - Buck Hoist; Combination - Small Equipment Operator; Conveyor, Portable Grouting Machines; Hoist Elevators Mat'l. & Personnel; Hydraulic Power Units Grouting and Pile Driving; Stud Welder; Trenching Machines less than 12 inches in width; Wlders Machines through 15

CLASS V - Bobcat (up to and including 3/4 cu. yd.) Compressor over 210 cu. ft. and less than 600 cu. ft.; Generators - over 50kw, Heaters, Mechanical; Hoists, All elevators (perm. installation); Hoist, Automatic; Hoist, Tugger Single Drum Oilers; Pumps, Well Points and Electric Submersibles Small Rubber Tired End Loaders ¾ cu. yd. and under; Tractors, Farm type Welding Machines (2 through 6)

SUPERSEDEAS DECISION

STATE: Indiana

COUNTIES: Montgomery and Tippecanoe

DECISION NO.: IN83-2019

DATE: Date of Publication

Supersedes Decision No.: IN79-2084, dated November 2, 1979 in 44 FR 63442

DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANICS	$ 7.75				
BRICKLAYERS	9.12				
CARPENTERS	7.16				
CEMENT MASONS	7.60				
DRYWALL FINISHERS/TAPERS	10.00				
DRYWALL HANGERS	8.00				
ELECTRICIANS	6.67				
HEATING MECHANICS	7.75				
INSULATORS	7.90				
LABORERS	4.92				
PAINTERS	6.59				
PLUMBERS	7.44				
ROOFERS	8.37				
SHEET METAL WORKERS	9.16				
SOFT FLOOR LAYERS/CARPET LAYERS	6.08				
TRUCK DRIVER FLAT BED TRI AXLE	6.85				
POWER EQUIPMENT OPERATORS					
BACKHOE OPERATOR	8.44				
CONCRETE PUMP OPERATOR	8.50				
GRADER OPERATOR	10.30				
PAVER OPERATOR	10.03				
ROLLER OPERATOR	7.62				

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: IOWA

COUNTIES: Statewide (except Cerro Gordo, Scott & Webster Cos.)

DECISION NO: IA83-4022

DATE: Date of Publication

Supersedes Decision No. IA82-4032, dated 6/18/82, in 47 FR 26536

DESCRIPTION OF WORK: Heavy Projects (does not include work on or pertaining to the Mississippi or Missouri Rivers or on water & sewage treatment plants in Black Hawk, Clinton, Des Moines, Dubuque, Johnson, Linn, Polk & Pottawattamie Cos.)

	Basic Hourly Rates	Fringe Benefits
CARPENTERS, PILEDRIVERMEN & MILLWRIGHTS:		
ZONE 1	$10.71	$1.65
ZONES 2 & 3	11.12	1.40
ZONE 4	8.78	.90
ZONE 5	8.53	
ZONES 6 & 7	7.92	
ZONE 8	7.66	
CEMENT MASONS:		
ZONE 1	10.30	1.27
ZONES 2 & 3	11.12	1.40
ZONE 4	8.78	.90
ZONE 5	8.53	
ZONE 6	7.92	
ZONE 7	7.78	
ZONE 8	7.66	
LABORERS:		
ZONE 1 - Group 1	9.64	1.55
Group 2	9.76	1.55
Group 3	9.87	1.55
Group 4	9.93	1.55
Group 5	9.99	1.55
Group 6	10.22	1.55
Group 7	10.37	1.55
ZONES 2 & 3 - Group 1	9.91	1.22
Group 2	9.61	1.22
Group 3	9.41	1.22
ZONE 4 - Group 1	7.00	.95
Group 2	6.70	.95
Group 3	6.50	.95
ZONE 5 - Group 1	7.00	.82
Group 2	6.35	.40
Group 3	5.90	.40
ZONES 6, 7 & 8 - Group 1	6.05	.95
Group 2	5.75	.95
Group 3	5.55	.95
POWER EQUIPMENT OPERATORS:		
ZONE 1 - Group 1	11.66	1.90
Group 2	11.16	1.90
Group 3	10.56	1.90
ZONE 2 - Group 1	12.05	2.12
Group 2	11.35	2.12
Group 3	10.56	2.12
ZONE 3 - Group 1	11.40	2.13
Group 2	9.79	2.13
Group 3	8.94	2.13
ZONE 4 - Group 1	9.64	1.10
Group 2	9.64	1.10
Group 3	9.25	1.10
Group 4	8.84	1.10

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS (Cont'd):		
ZONE 5 - Group 1	$ 9.03	$ .70
Group 2	8.54	.70
Group 3	8.11	.70
Group 4	7.31	.70
ZONE 6 - Group 1	8.35	.70
Group 2	7.93	.70
Group 3	7.31	.70
Group 4	6.57	.70
ZONE 7 - Group 1	7.95	.70
Group 2	7.52	.70
Group 3	6.90	.70
Group 4	6.16	.70
ZONE 8 - Group 1	7.69	.70
Group 2	7.25	.70
Group 3	6.64	.70
Group 4	5.90	.70
TRUCK DRIVERS:		
ZONE 1:		
Single axle	7.73	1.00
Tandem axle; euclids; power lift form truck	7.79	1.00
Three axle tandem	7.84	1.00
Lowboys; tractor trailers; water pulls	7.92	1.00
Tandem dump with aux. dump trailer	7.97	1.00
Lumber carrier	8.09	1.00
ZONES 2 & 3	10.43	.87
ZONE 4	8.35	.65
ZONE 5	7.02	.35
ZONE 6	6.15	.35
ZONE 7	6.27	.30
ZONE 8	6.00	.30
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.		

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)).

DECISION NO. IA83-4022 ZONE DEFINITIONS Page 2

ZONE 1 - City of Council Bluffs

ZONE 2 - Black Hawk, Linn & Polk Cos.; Cities of Ames, Dubuque & Iowa City

ZONE 3 - Cities of Burlington (including Burlington Ordnance Plant) & Clinton

ZONE 4 - Pottawattamie Co. (area west of the eastern boundaries of Minden, York, Washington & Silver Creek Townships); Benton, Boone, Buchanan, Cedar, Clinton, Dallas, Delaware, Dubuque, Jackson, Jasper, Johnson, Jones, Madison, Marion, Marshall, Story, Warren Cos.; the Cities of Fort Madison, Keokuk, Muscatine & their abutting municipalities (excluding the Cities of Ames, Clinton, Council Bluffs, Dubuque & Iowa City & their abutting municipalities)

ZONE 5 - Des Moines, Louisa & Muscatine (excluding Cities of Burlington (incl. Burlington Ordnance Plant), Muscatine & abutting municipalities)

ZONE 6 - Allamakee, Appanoose, Bremer, Butler, Chickasaw, Clayton, Davis, Fayette, Floyd, Franklin, Grundy, Hamilton, Hancock, Hardin, Henry, Howard, Iowa, Jefferson, Keokuk, Lee, Mahaska, Mitchell, Monroe, Poweshiek, Tama, Van Buren, Wapello, Washington, Winnebago, Winneshiek, Worth & Wright Cos. (excluding Cities of Keokuk, Fort Madison & abutting municipalities)

ZONE 7 - Adair, Adams, Audubon, Calhoun, Carroll, Cass, Clarke, Crawford, Decatur, Fremont, Greene, Guthrie, Harrison, Ida, Lucas, Mills, Monona, Montgomery, Page, Ringgold, Sac, Shelby, Taylor, Union, Wayne & Woodbury Cos. & Pottawattamie Co. (east of Minden, York, Washington & Silver Creek Townships)

ZONE 8 - Buena Vista, Cherokee, Clay, Dickinson, Emmet, Humboldt, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas & Sioux Cos.

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

Group 1 - Common Laborer

Group 2 - Towboat & dredge deckhands

Group 3 - Form setter tender

Group 4 - Pipelayer; concrete saw operator

Group 5 - Chain saw op.; raker and screedman on asphalt; mortar mixer

Group 6 - Tunnelers, free air

Group 7 - Form setter & precast manhole setter; inlet builders & manhole setter

LABORERS - ZONES 2 thru 8

Group 1 - Sandblasters; Powderman & blaster; Powderman tender; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility topman & laser op.; Gunnite nozzleman; Diamond & core drills, powered by air; All work performed by Laborers working from a bos'n chair, swinging stage, tag line or block & tackle, Drill ops. of air tracs, wagon drills & similar drillings; Tree climber Form setters; Rakers, Automatic asphalt & concrete power curbing machines; Potmen, not mechanical; Timbermen; Underpinning & shoring; Caissons over 12' depth; Grade checker & cutting torches on demolition work; Trencher; Self-propelled vibrating compactors; Safety boat ops.

CLASSIFICATION DEFINITIONS - (Cont'd)

LABORERS - ZONES 2 thru 8 (Cont'd)

Group 2 - Power buggymen;Concrete & paving sawmen;Form Line,Expansion joint assembler;Bottom man;Caulker,jointer & painter;Timber & chair-sawman;Mechanical grouters;Stresser or stretcherman on post tension or prestressed concrete on or off the job;Form tamper;Air,Gas,Electric tool ops.;Vibrator,barco hammer,paving breakers,spaders,tampers, electric drills,hammer & jack hammers;Tree Groundman;Chain Tender; Tool room men & checkers;Sandblaster tender;Concrete processing material & monitors;Cement finisher tenders;Stringman or paving work & power broom op. (not self-propelled)

Group 3 - Fence erectors;Handling & placing of metal mesh,dowel bars, reinforcing bars & chairs; Dumpmen & spotters;Carrying Reinforcing rods;Corrugated culvert pipe;Stake Chaser,seeding & mulching & planting of trees, shrubs & flowers;Mechanic tenders;Group greaser tender;Water pumps·Compressors;Common Labor;Carpenter tender & hot asphalt labor

POWER EQUIPMENT OPERATORS - ZONES 1,2 & 3

Group 1 - Power Shovel,Crane,Backhoe & Dragline;Central Mix Plant;Dredge Engineer;Dredge Leverman;Paver or Spreader;Hoisting Engineer (steel erection);Motor Patrol;Piledriver Machine;Concrete Mixer;Tow or Push Boat;Master mechanic;CMI paver;CMI subgrader(or equivalent);Asphalt Plant;Front Endloader;Scraper;Bulldozer;Push Cat;Tractor Pulling Scraper;Sideboom Tractor;Churn or Rotary Drill;Trenching Machine (Cleveland 80 or similar capacity);Asphalt Laydown;Asphalt Screed; Asphalt Heater-Planer Unit;Asphalt Roller;Self-propelled Elevating Grader or similar machine;Spreader (concrete);Horizontal Boring Machine;Mechanics-Welders;Group Equip. Greaser;Concrete Pump;Self-propelled Curb Machine

Group 2- Concrete Curb Breaking Machine;Concrete Widening Machine;Paving Breaker;Barber Greene,Haiss Loader or similar machine;Tractor-pulling ripper,disc, sheepsfoot or flat roller;Self-propelled Sheepsfoot Roller; Self-propelled Roller(other than asphalt);Distributor;Screening & Washing Plant;Self-propelled Vibrating Compactor;Trenching Machine (other than above);Steel Placing Machine;Conveyor;Finishing Machine (on concrete);Flexplane;Bullfloat;Form Grader;Water Wagon on Compaction

Group 3 - Boiler;Mechanical Broom;Oiler;Farm-type Tractor(pulling disc, Harrow or Roller);Welding Machine;Pump(other than dredge);Boom & Winch Truck;Compressor;Tank Car Heater(combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering;Truck Crane Combination Driver-Oiler;Concrete Curbing Machine;Safety Boat;Batch Plant,dry; Light Plants;Compressors;Mechanical Heaters;Pumps;Welding Machines; Conveyors

POWER EQUIPMENT OPERATORS - ZONES 4,5,6,7 & 8

Group 1 - Power Shovel;Crane;Backhoe(3/4 cu. yd. or larger);Dragline; Dredge Engineer & Leverman;Hoisting Engineer(steel erection);Motor Patrol (finish); Piledriver;Master Mechanic;Sideboom Tractor;Horizontal Boring Machine

Group 2 - Central Mix Plant;Paver or Self-propelled Spreader;Tow or Push Boat; CMI Paver,Subgrader or equivalent;Asphalt Plant;Scraper(over 12 cu. yd.);Bulldozer(finish);Push Cat;Mechanics-Welders:Churn or Rotary Drill;Trenching Machine(Cleveland 80 or similar capacity);Asphalt Laydown;Asphalt Screed;Asphalt Heater-Planer;Concrete Pump;Self-propelled Curb Machine

CLASSIFICATION DEFINITIONS - (Cont'd)

POWER EQUIPMENT OPERATORS - ZONES 4,5,6,7 & 8 (Cont'd)

Group 3 - Motor Patrol(rough);Front End Loader (3 cu. yd. or over); Scraper (12 cu. yd. & under);Bulldozer(rough);Backhoe(under 3/4 cu. yd.);Asphalt Roller;Group Equip, Greaser;Concrete Curb Breaking Machine;Concrete Widening Machine;Paving Breaker;Barber Greene, Haiss Loader or similar machine;Crawler Tractor(pulling disc, sheepsfoot,ripper or flat roller);Self-propelled Sheepsfoot Roller; Self-propelled Roller;Distributor;Screening & Washing Plant;Self-propelled Vibrating Compactor;Trenching Machine(other than above); Steel Placing Machine;Conveyor;Finishing Machine(on concrete);Flex Plane;Bullfloat;Form Grader

Group 4 - Boiler;Mechanical;Boom;Oiler;Farm-type Tractor(pulling disc, harrow or roller);Welding Machine;Pump(other than dredge);Boom & Winch Trucks;Compressor;Tank Car Heater(combination boiler & booster); Pumps on Well Points & Deep Wells for dewatering;Truck Crane Combination Driver-Oiler;Concrete Curbing Machine;Safety Boat;Batch Plant, dry;Spreader attachments;Utility Tractor with attachments

SUPERSEDEAS DECISION

STATE: MICHIGAN DECISION NUMBER: MI83-2015

COUNTIES: ALLEGAN, BARRY, BERRIEN, BRANCH, CALHOUN, CASS, CLINTON, EATON, HILLSDALE, INGHAM, IONIA, JACKSON, KALAMAZOO, LENAWEE, ST. JOSEPH, & VAN BUREN.

Supersedes Decision Number MI82-2012, dated February 26, 1982, in 47 FR 8506.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartment up to and including four stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airport, Sewer & Water Lines Projects).

DATE: DATE OF PUBLICATION.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Berrien & Cass Counties	$16.96	2.57
Lenawee (E. 1/3) County	16.85	2.42
Remainder of Counties	15.93	4.00
BOILERMAKERS:		
Hillsdale & Lenawee Counties	19.15	3.155
Remainder of Counties	18.54	3.35
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS:		
Branch & Hillsdale Counties	13.80	2.38
Lenawee County:		
Bricklayers & Stone masons	15.21	1.83
Allegan (Northern Tier Twps.), Barry (Northern Tier Twps.), & Ionia (W. ½) Counties:		
Bricklayers & Stone masons	13.55	1.14
Marble, Tile, Terrazzo Wkrs.	12.51	1.10
Allegan (SE. 2/3), Barry (SW. ½), Kalamazoo, St. Joseph, & Van Buren (E. ½) Counties:		
Bricklayers & Stone masons	13.76	2.39
Marble, Tile, Terrazzo Wkrs.	13.02	1.35
Allegan (Remainder of County), Berrien, Cass, & Van Buren (Remainder of County) Counties:		
Bricklayers & Stone masons	13.35	2.50
Barry (Remainder of County), Calhoun, & Eaton (SW. Corner) Counties	14.10	2.35
Ingham (Southern Tier Twps.) & Jackson Counties:		
Bricklayers, Stone & Marble masons	15.50	2.10
Tile & Terrazzo Workers	13.94	2.10
Clinton, Eaton (Remainder of County), Ingham (Remainder of County), & Ionia (Remainder of County) Counties:		
Bricklayers & Stone masons	15.19	1.30
Marble, Tile, Terrazzo Wkrs.	14.03	1.10
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS:		
Jackson & Lenawee Counties	14.77	2.15
Berrien (Twps. of Chickaming, New Buffalo, & Three Oaks) County:		
Carpenters & Piledrivermen	17.10	3.57

	Basic Hourly Rates	Fringe Benefit
CARPENTERS, PILEDRIVERMEN, & SOFT FLOOR LAYERS (Cont'd.):		
Clinton, Eaton (Except the Twps. of Bellevue, Walton, Kalamo, & Vermontville), Ingham, & Ionia (SE. Corner) Counties:		
Carpenters & Piledrivermen	$14.77	2.15
Soft floor layers	13.69	2.11
Remainder of Counties:		
Carpenters	13.94	2.20
Piledrivermen	14.29	2.20
Soft floor layers	11.59	2.20
CEMENT MASONS & PLASTERERS:		
Branch & Hillsdale Counties	13.80	2.38
Lenawee County:		
Cement masons	14.47	1.83
Plasterers	14.12	1.83
St. Joseph County:		
Cement masons	12.87	2.39
Plasterers	12.87	2.39
Ionia County:		
Cement masons	12.07	1.92
Plasterers	13.54	1.93
Allegan (W. ½), Berrien, Cass & Van Buren (W. ½) Counties:		
Cement masons	12.38	2.50
Plasterers	12.75	2.50
Remainder of Counties:		
Cement masons	13.05	1.92
Plasterers	13.54	1.93
ELECTRICIANS:		
Berrien & Cass Counties	17.55	14.3%
Hillsdale & Lenawee Counties	19.50	3.3%+1.80
Ionia (Except SE. Corner) Co.	12.00	3%+1.36
Clinton, Eaton (Except the Twps. of Sunfield, Vermontville, Kalamo, Bellevue, Eaton, & Brookfield), Ingham (Except the Twps. of Leslie, Onondaga, Stockbridge, & Bunker Hill), & Ionia (Remainder of Co.) Counties	17.27	3½%+2.35
Ingham (Remainder of Co.) & Jackson Counties	18.19	2%+2.24
Barry (E. ½), Branch, Calhoun & Eaton (Remainder of Co.) Counties	16.66	3½%+1.00
Remainder of Counties	15.96	10%+1.00

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Ionia County:		
Mechanics	$14.25	2.69+a
Helpers	9.975	2.69+a
Probationary helpers	7.125	
Clinton County:		
Mechanics	16.37	2.69+a
Helpers	11.46	2.69+a
Probationary helpers	8.185	
Eaton, Hillsdale, Ingham, & Jackson Counties:		
Mechanics	16.60	2.465+a
Helpers	11.62	2.465+a
Probationary helpers	8.30	
Lenawee County:		
Mechanics	17.37	2.69+a
Helpers	70%JR.	2.69+a
Probationary helpers	50%JR.	
Remainder of Counties:		
Mechanics	15.98	2.465+a
Helpers	11.19	2.465+a
Probationary helpers	7.99	
GLAZIERS:		
Allegan (N.½), Barry(N.½), & Ionia Counties	11.60	1.25
Allegan (S.½), Barry (S.½), Branch, Calhoun, Kalamazoo, St. Joseph, & Van Buren Cos.	14.23	
Berrien & Cass Counties	13.42	16%
Lenawee County	14.69	2.72+b
Remainder of Counties	13.14	2.31
IRONWORKERS:		
Berrien & Cass Counties	15.40	4.56
Lenawee County	17.75	3.44
Clinton, Ingham, & Jackson Counties:		
Ornamental & Structural	15.26	47%+.09
Reinforcing	13.53	7.52+.64%
Remainder of Counties	15.12	2.91
LATHERS:		
Lenawee (E.½) County	16.32	3.84
Clinton, Eaton (Except SW. Corner), Ingham, Ionia (SE. Corner), Jackson, Lenawee (Remainder of County) Counties	15.02	2.57
Remainder of Counties (Except SW. Corner of Berrien County)	14.05	2.57
MILLWRIGHTS:		
Lenawee County	14.77	2.15
Clinton, Eaton, Ingham, & Jackson Counties	15.19	37%+1.73
Remainder of Counties (Except SW. Corner of Berrien County)	16.10	2.20

	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION:		
Ingham (Twps. of Locke, Leroy, Williamston, Wheatfield, & White Oak) County:		
Linemen - Technicians	$17.38	11½%+ 1.70
Cable splicers	18.12	"
Combination equipment operators & groundmen	13.94	"
Combination truck driver & groundmen	13.12	"
Groundmen	12.09	"
Remainder of Counties:		
Linemen - Technicians	15.00	8½%+.65 +c
Cable splicers	15.61	"
Combination digger operators, tractor operators, groundmen	11.68	"
Light equipment operators-groundmen; Distribution line truck drivers operators - groundmen	10.25	"
Combination winch truck drivers - groundmen	9.77	"
Combination truck drivers - groundmen	8.27	"
PAINTERS:		
Allegan (Northern Portion) & Ionia (W.½) Counties:		
Brush & Roller	12.00	1.07
Paperhangers, wall coverers, drywall finishers, & painters on railroad bridges	12.25	1.07
Swing stage & window jacks	12.50	1.07
Spray, pressure roller, steam cleaning, sand & water blast	12.75	1.07
Allegan (SE½), Berrien, Cass (W.½), & Van Buren (W.½) Cos.:		
Brush, roller, paperhangers, &drywall tapers/finishers	13.80	
Spray, sandblast, swing stage, boatswain chair, steeple jack, & structural steel	15.46	
Allegan (Remainder of Co.), Cass (Remainder of Co.), Kalamazoo, St. Joseph, & Van Buren (E.½) Counties:		
Brush, roller, drywall taper	13.10	1.60
Wallpaper-vinyl	13.30	1.60
Structural steel	13.75	1.60
Steeple jack	13.95	1.60
Spray, sandblast, swing stage	14.30	1.60

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PAINTERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
Barry, Branch, Calhoun, Hillsdale (W.1/3) Counties:		
Brush & Roller	$12.90	.95
Swing stage, spray, sandblast, drywall tapers, wall coverers	13.50	.95
Hillsdale (Remainder of Co.), Jackson, & Lenawee Counties:		
Brush & Roller	13.25	4.00
Spray, sandblast, swing stage, & open steel	13.75	4.00
Remainder of Counties:		
Brush, roller, drywall(hand)	14.80	1.0525
Structural steel & towers	15.20	1.0525
Spray, sandblast, drywall (machine)	15.55	1.0525
PLUMBERS & PIPEFITTERS:		
Allegan (Northern tier Twps.), Barry (Northern tier Twps.), & Ionia (Except NE. Corner) Counties	15.49	2.77
Allegan (Remainder of Co.), Barry (SW½), Kalamazoo, St. Joseph, & Van Buren Counties	16.92	3.00
Barry (Remainder of Co.), Branch, Eaton (Except Northern tier Twps.), & Calhoun Counties	17.07	3.56
Berrien County	15.69	2.32
Cass County	15.93	2.45
Clinton, Eaton (Remainder of Co.), & Ingham Counties	15.64	3.99
Hillsdale, Jackson, & Lenawee (Except NE. Corner) Counties	16.40	3.42
Lenawee County (NE. Corner)	14.93	4.25
ROOFERS:		
Allegan, Barry, & Ionia Cos.:		
Slate, Tile, & Asbestos	11.60	1.50
Built-up	11.35	1.50
Berrien County:		
Composition	13.60	1.58
Slate & Tile	14.10	1.58
Clinton, Eaton, & Ingham Cos.	11.83	2.90
Hillsdale & Jackson Counties	15.02	3.30
Lenawee County	16.50	3.09
Remainder of Counties:		
Roofers	14.70	
Slate & Tile	14.95	
Pitch work	15.20	

SHEET METAL WORKERS:	Basic Hourly Rates	Fringe Benefits
Berrien, Cass, St. Joseph, & Van Buren (West End) Cos.	$16.16	2.16
Lenawee County	16.825	3.635
Remainder of Counties	16.32	3.65
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Allegan, Barry, Berrien, Cass, Kalamazoo, St. Joseph, & Van Buren Counties:		
Straight or dump trucks	10.02	*89.50
Semi & double bottom trucks	10.42	*89.50
Ionia (W.½) County:		
Trucks 8 cu. yds. & under	11.50	*76.50
Trucks over 8 cu. yds.	11.60	*76.50
Semi trucks, mechanics	11.70	*76.50
Clinton, Eaton (N.½), Ingham, Ionia (Remainder of Co.) Cos.:		
Dump trucks 8 cu. yds. & over, & pole trailers	10.26	*89.50
Lowboy & double bottom trucks	10.36	*89.50
All other trucks	10.16	*89.50
Branch, Calhoun, & Eaton (Remainder of Co.) Counties:		
Trucks under 8 cu. yds.	11.35	*65.00 +20¢ p/h
Trucks 8 cu. yds & over, tandem axle, & semi	11.45	"

*PER WEEK PER EMPLOYEE.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Four Paid Holidays: New Year's Day; Decoration Day; Labor Day; Christmas Day.

c. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; provided the employee worked the scheduled work day preceeding and following the day observed.

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LABORERS:	Basic Hourly Rates	Fringe Benefits
Allegan, Barry, Berrien, Branch, Calhoun, Cass, Kalamazoo, St. Joseph, & Van Buren Counties:		
Group 1 - General Laborers	$10.60	1.44
Group 2 - Plasterer tender, material mixer, portable mixer, air/electric/gas tool operators, motor driven buggy, swing scaffold	10.75	1.44
Group 3 - Jackhammer operator, crock layer, caisson in buildings	10.85	1.44
Group 4 - Top men on chimney or tower over 30' in height	11.10	1.44
Ionia County:		
Group 1 - General laborers	10.11	1.44
Group 2 - Plasterer tender, material mixer, portable mixer, air/electric/gas tool operators, motor driven buggy, swing scaffold	10.26	1.44
Group 3 - Jackhammer operator, crock layer, caisson in buildings	10.36	1.44
Group 4 - Top men on chimney or tower over 30' in height	10.61	1.44
Clinton, Eaton, & Ingham Counties:		
Group 1 - General laborers, mortar mixer, plasterer tender, portable concrete mixer (14 HP. & Under), air/electric/gas tool operators, hot dope carrier, tar kettle tender, gasoline vibrator, concrete gas buggy, concrete saw, signal men & top men on sewer, caisson construction(open cut work), tunnel men, concrete shoveler, car pusher, bottom men on sewer work	11.35	1.69
Group 2 - Windlass operator on caisson work, crock or pipe layers, caisson worker, tunnel mucker, tunnel miner, jackhammer, burner	11.59	1.69

LABORERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
HILLSDALE, JACKSON, & LENAWEE COUNTIES:		
Group 1 - General laborers	$11.48	1.69
Group 2 - Jackhammer & acetylen torch	12.10	1.69
LABORERS: OPEN CUT CONSTRUCTION:		
Clinton, Eaton, Ingham, & Ionia (SE. Corner) Counties:		
Class 1	11.89	2.29
Class 2	11.99	2.29
Class 3	12.09	2.29
Class 4	12.14	2.29
Class 5	12.24	2.29
Hillsdale, Jackson, & Lenawee Counties:		
Class 1	11.50	2.29
Class 2	11.60	2.29
Class 3	11.70	2.29
Class 4	11.75	2.29
Class 5	11.85	2.29
Ionia (Remainder of Co.) Co.:		
Class 1	9.80	2.29
Class 2	9.90	2.29
Class 3	10.00	2.29
Class 4	10.05	2.29
Class 5	10.15	2.29
Remainder of Counties:		
Class 1	10.61	2.29
Class 2	10.71	2.29
Class 3	10.81	2.29
Class 4	10.86	2.29
Class 5	10.96	2.29
CLASSIFICATIONS ON PAGE #6		
LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:		
Class 1	12.81	2.29
Class 2	12.89	2.29
Class 3	12.94	2.29
Class 4	13.09	2.29
Class 5	13.29	2.29
Class 6	13.54	2.29
CLASSIFICATIONS ON PAGE #6		
LANDSCAPE LABORERS:		
Class A - Landscape specialist (including air, gas, diesel, electric tool and equipment)	8.18	
Class B - Landscape laborers, truck drivers, material haulers, & small powered equipment	6.14	

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POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits
Lenawee County:		
Class A - Crane with boom & jib or leads 220' or longer	$16.34	3.35+13%
Class B - Crane with boom & jib or leads 140' or longer	16.12	3.35+13%
Class C - Crane with boom & jib or leads 120' or longer	15.56	3.35+13%
Class D - Regular crane operator	15.08	3.35+13%
Class E - Regular engineer	14.71	3.35+13%
Class F - Engineer when operating compressor or welding machine	12.46	3.35+13%
Class G - Fireman or oiler	11.64	3.35+13%
Remainder of Counties:		
Class A - Crane with main boom & jib 220' or longer	16.20	3.35
Class B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick	15.95	3.35
Class C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operators, sweeping machine, winch truck, bobcat & similar type equipment, fork truck (over 20' lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non swinging), fork truck (under 20' lift)	13.55	3.35
Class F - Air compressor, welder, generators, pumps under 6", grease men, conveyors	12.15	3.35
Class G - Oiler, firemen & heater operators	11.30	3.35

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS: STEEL ERECTION - Clinton, Ingham, Jackson, & Lenawee Counties:		
Class A - Engineer when operating combination of boom & jib 220' or longer	$18.52	3.35+13%
Class B - Engineer when operating combination of boom & jib 140' or longer	18.24	3.35+13%
Class C - Crane operator, job mechanic	17.25	3.35+13%
Class D - Hoisting engineer	17.02	3.35+13%
Class E - Compressor or welder operator	13.95	3.35+13%
Class F - Oiler or firemen	12.65	3.35+13%
Remainder of Counties:		
Class A - Crane operator with main boom & jib 220' or longer	16.55	3.35+13%
Class B - Crane operator with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	16.30	3.35+13%
Class C - Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	15.80	3.35+13%
Class D - Air tugger (single drum), material hoist, pump 6" & over	14.20	3.35+13%
Class E - Air compressor, welder, generator, conveyor	12.85	3.35+13%
Class F - Oiler or fireman	11.50	3.35+13%
POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION - Branch, Calhoun, Clinton, Eaton, Hillsdale, Ingham, Jackson, & Lenawee Counties:		
Class A	14.80	3.35+13%
Class B	14.42	3.35+13%
Class C	13.77	3.35+13%
Class D	12.29	3.35+13%
Remainder of Counties:		
Class A	13.28	3.35+13%
Class B	12.76	3.35+13%
Class C	12.32	3.35+13%
Class D	12.07	3.35+13%

CLASSIFICATIONS DEFINITIONS:

LABORERS: OPEN CUT CONSTRUCTION:

Class 1 - Construction laborers
Class 2 - Mortar & material mixer, concrete form man, signal man, well point man, manhole, headwall & catch basin builder, guardrail builder, & fence erector
Class 3 - Air/gas/electric tool operators, vibrator operator, driller, pump man, tar kettle operator, bracer, rodder, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars), cement finisher's laborer, pipe jacking & boring man, wagon drill & air track operator, concrete saw operator (under 40 HP.), windlass & tugger man
Class 4 - Trench or excavating grade man
Class 5 - Pipe layer (including crock, metal pipe, multi-plate or other conduits).

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Class 1 - Tunnel, shaft, & caisson laborer, dump man, shanty man, hog house tender, testing man on gas
Class 2 - Manhole, headwall, catch basin builder, bricklayer tender, mortar man, material mixer, fence erector, & guard rail builder
Class 3 - Air tool operator (jackhammer, bush hammer, & grinding), first bottom man, second bottom man, cage tender, car pusher, carrier man, concrete man, concrete form man, concrete repair man, cement invert laborer, cement finisher laborer, concrete shoveler, conveyor man, floor man, gas & electric tool operator, gunnite man, grout operator, pump man, outside lock tender, scaffold man, top signal man, switch man, track man, tugger man, utility man, vibrator man, winch operator, pipe jacking, boring man, wagon drill/air track operator/concrete saw operator (under 40 HP.)
Class 4 - Tunnel, shaft, & caisson mucker, bracer man, liner plate man, long haul dinky driver, & well point man
Class 5 - Tunnel, shaft, & caisson miner, drill runner, power knife operator, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars)
Class 6 - Dynamite man & powder man.

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:

Class A - Backfiller tamper, backhoe, batch plant operator (concrete), clamshell, concrete paver (2-drum or larger), conveyor loader (E uclid type), crane (crawler, truck type or pile driving), dozer (9' blade & over), dragline, elevating grader, end loader (over 1½ cu. yds. capacity), gradall, mechanic, power shovel, roller (asphalt), scraper (self-propelled or tractor drawn), side boom tractor (D-4 type), slip form paver, slope paver, trencher (over 8' digging capacity), well drilling rig;
Class B - Boom truck (power swing type boom), crusher, dozer (less than 9' blade), end loader (1½ cu. yds & smaller), hoist, pump (1 or more - 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps. or more - inclusive of generator), side boom tractor (smaller than D-4 type), sweeper (Wayne type), tractor (pneu-tired, other than backhoe or front end loader), trencher (8' digging capacity);
Class C - Air compressor (600 CFM or larger), air compressor (2 or more - less than 600 CFM), boom truck (non-swinging, non-powered type boom), concrete breaker (self-propelled or truck mounted - includes compressor), concrete paver (1-drum, 1½ yd. or larger), elevator (other than passenger), maintenance man, mechanic tender, pump (2 or more, 4" to 6" discharge, gas or diesel powered, excluding submersible pumps), pumpcrete machine, wagon drill (multiple), welding machine or generator (2 or more, 300 amps or larger, gas or diesel powered);
Class D - Boiler, concrete saw (40 HP. or over), curing machine (self-propelled), farm tractor with attachment, finishing machine (concrete), fireman, hydraulic pipe pushing machine, mulching equipment, oiler, pumps (2 or more up to 4" discharge, gas or diesel powered, excluding submersible pumps), roller (other than asphalt), stump remover, trencher (service), vibrating compaction equipment (self-propelled, 6' wide or over).

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: MICHIGAN

COUNTIES: ALCONA, ALPENA, ANTRIM, ARENAC, BENZIE, CHARLEVOIX, CHEBOYGAN, CLARE, CRAWFORD, EMMET, GLADWIN, GRAND TRAVERSE, KALKASKA, LAKE, LEELANAU, MANISTEE, MASON, MECOSTA, MIDLAND, MISSAUKEE, MONTCALM, MUSKEGON, NEWAYGO, OCEANA, OGEMAW, OSCEOLA, OSCODA, OTSEGO, PRESQUE ISLE, ROSCOMMON, & WEXFORD.

DECISION NUMBER: MI83-2018 DATE: DATE OF PUBLICATION

Supersedes Decision Number MI82-2013, dated March 5, 1982, in 47 FR 9675.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION PROJECTS (does not include single family homes and apartments up to and including 4 stories) and HEAVY CONSTRUCTION PROJECTS (excluding Bridge, Airport, & Sewer Projects).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$15.93	4.00
BOILERMAKERS	18.54	3.35
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TILE SETTERS, & TERRAZZO WORKERS:		
Arenac, Gladwin, Midland, & & Ogemaw Counties:		
Bricklayers & Stone masons	13.99	2.51
Marble setters, Tile setters, & Terrazzo workers	14.36	.40
Lake, Mason, Muskegon, Newaygo, & Oceana Counties:		
Bricklayers & Stone masons	13.395	1.65
Marble setters	12.21	1.65
Tile setters & Terrazzo workers	11.96	1.65
Mecosta & Montcalm Counties:		
Bricklayers & Stone masons	13.55	1.14
Marble setters, Tile setters, & Terrazzo workers	12.51	1.10
Remainder of Counties:		
Bricklayers, Stone masons, & Marble masons	12.25	2.13
Tile setters & Terrazzo workers	11.69	2.13
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN, & SOFT FLOOR LAYERS:		
Benzie (Southern portion, south of Frankfort & Beaulah), Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, & Oceana Counties:		
Carpenters	13.94	2.20
Millwrights	16.10	2.20
Piledrivermen	14.29	2.20
Soft floor layers	11.59	2.11
Arenac, Clare, Gladwin, Midland, & Ogemaw Counties:		
Carpenters & Piledrivermen	14.60	2.12
Millwrights	15.19	1.73+37%
Soft floor layers	13.69	2.11
Remainder of Counties:		
Carpenters & Soft floor layers	12.01	2.13
Millwrights:		
Missaukee, Osceola, & Wexford Counties	16.10	2.20
Remainder of Counties	13.01	2.13
Piledrivermen	12.46	2.13

	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS & PLASTERERS:		
Arenac, Gladwin, Midland, & Ogemaw Counties:		
Cement masons	$13.32	2.20
Plasterers	15.90	1.45
Lake & Mason Counties:		
Cement masons	13.395	1.65
Plasterers	13.395	1.65
Muskegon, Newaygo, & Oceana Counties:		
Cement masons	11.55	1.92
Plasterers	13.54	1.93
Montcalm Counties:		
Cement masons	12.07	1.92
Plasterers	13.54	1.93
Mecosta, Osceola (Southern Portion, including Reed City & Evart) Counties:		
Cement masons	12.87	1.00
Plasterers	13.54	1.93
Remainder of Counties:		
Cement masons	11.80	2.13
Plasterers	12.25	2.13
ELECTRICIANS:		
Arenac, Clare (E. ½), Gladwin, Midland (N. 2/3, including Midland), Ogemaw (Except Northern tier Twps.), & Roscommon (Southern tier Twps.) Counties	17.09	2.54+3½%
Midland (Remainder of Co.) County	15.55	3.05+3½%
Alcona, Alpena, Cheboygan (Except Mentor Twp.), Crawford (NE. Corner), Ogemaw (Remainder of Co.), Oscoda, Otsego (Dover, Chester, & Charlton Twps.), & Presque Isle Counties	14.98	2.54+3½%
Mecosta, Montcalm, & Osceola (Evart, Hersey, Orient, & Richmond Twps.) Counties	12.00	1.36+3%
Lake (Except North of Cherry Valley, Pinora, Sweetwater & Webber Twps.), Mason (except Freesoil, Grant & Meade Twps.), Muskegon, Newaygo, & Oceana Counties	15.01	1.00+9½%
Remainder of Counties	14.96	1.00+ 10.35%

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	Basic Hourly Rates	Fringe Benefits
ELEVATOR CONSTRUCTORS:		
Alcona, Alpena, Arenac, Cheboygan, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Mechanics	$16.37	2.69+a
Helpers	11.45	2.69+a
Probationary helpers	8.185	
Remainder of Counties:		
Mechanics	14.25	2.69+a
Helpers	9.975	2.69+a
Probationary helpers	7.125	
GLAZIERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties	9.15	.76
Remainder of Counties	11.60	1.20
IRONWORKERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Structural & Ornamental	15.26	9¢+47%
Reinforcing	13.53	7.52+.61%
Remainder of Counties	15.12	1.91
LATHERS:		
Arenac, Clare, Gladwin, Midland, & Ogemaw Counties	15.02	2.57
Benzie (Southern tier Twps.), Lake, Manistee, Mason, Mecosta, Montcalm, Muskegon, Newaygo, & Oceana Counties	14.05	2.57
Remainder of Counties	13.51	2.57
LINE CONSTRUCTION:		
Linemen - technicians	15.00	1.65+8½%+b
Cable splicers	15.61	"
Combination digger operators, tractor operators, groundmen	11.68	"
Light equipment operators, groundmen, & distribution line truck driver operators, groundmen	10.25	"
Combination winch truck drivers & groundmen	9.77	"
Combination truck drivers & groundmen	8.27	"
MARBLE, TILE, TERRAZZO FINISHERS	9.83	1.55

	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
Alcona, Alpena, Charlevoix (Except the SW. Part, drawing a straight line from Elmira to Charlevoix), Cheboygan, Emmet, Oscoda, Otsego, & Presque Isle Counties:		
Brush, roller, & drywall	$12.05	
Paperhanging	12.55	
Spray	12.80	
Sandblasting, steam cleaning	14.01	
Steeple jack, tanks, towers, stacks, & flag poles	14.26	
Antrim, Charlevoix (Remainder of Co.), Grand Traverse, Kalkaska, Leelanau, & Wexford Counties:		
Brush & roller	11.00	1.02
Paper & vinyl hangers	11.50	1.02
Swing stage, boatswain chair, window jack, tapers, brush & prep work over 40'	11.60	1.02
Spray	11.65	1.02
Sandblasting, steamcleaning	11.75	1.02
Steeple jack work	12.00	1.02
Arenac & Ogemaw Counties:		
New Construction:		
Brush, roller, taper	12.55	1.65
Spray, sandblast	13.40	1.65
Repaint Work:		
Brush, roller, taper	11.95	1.65
Spray & sandblast	12.80	1.65
Industrial Work:		
Brush, roller, taper	13.35	1.65
Spray, sandblast	14.20	1.65
Benzie, Lake, Manistee, & Mason Counties:		
Brush & roller	12.75	.02
Paperhanger, drywall, structural steel	13.25	.02
Spray & sandblast	13.50	.02
Muskegon, Newaygo (W. ½), & Oceana Counties:		
Brush & roller	10.75	
Spray, sandblast, pressure roller, boatswain chair, swing stage, work performed with a falling distance over 50', perfa taper, & sander on drywall work	11.25	

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PAINTERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
Mecosta, Montcalm, Newaygo (E. ½), & Osceola (Southern Part, including Evart & Reed City) Counties:		
Brush & roller	$12.00	1.07
Paperhangers, wall coverers, drywall finishers, & painters on railroad bridges	12.25	1.07
Swing stage & window jacks	12.50	1.07
Spray, sand & water blast	12.75	1.07
Remainder of Counties:		
New Construction:		
Brush, roller, drywall taper	13.33	1.67
Wall coverer	13.83	1.67
Spray	13.78	1.67
Sandblast	13.98	1.67
Repaint & Maintenance Work:		
Brush, roller, drywall taper	7.33	1.67
Wall coverer	7.83	1.67
Spray	7.73	1.67
PLUMBERS & PIPEFITTERS:		
Alcona, Arenac, Crawford, Ogemaw, Oscoda, & Roscommon Counties	16.16	2.87
Alpena, Cheboygan, Otsego, & Presque Isle Counties	16.11	1.70
Clare, Gladwin, & Midland Counties	15.84	3.19
Mecosta, Montcalm, & Osceola Counties	15.49	2.77
Lake, Manistee, Mason, Muskegon, Newaygo, & Oceana Counties	15.89	3.20
Remainder of Counties	15.50	2.01
ROOFERS:		
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties	13.00	3.95
Mecosta, & Montcalm Counties:		
Slate & Tile	11.60	2.50
Built-up	11.35	2.50
Lake, Mason, Muskegon, Newaygo, & Oceana Counties:		
Roofers	12.12	1.81
Slate & Tile	12.37	1.81
Remainder of Counties:		
Roofers	13.56	
Pitch	14.06	

SHEET METAL WORKERS:	Basic Hourly Rates	Fringe Benefits
Alcona, Alpena, Arenac, Cheboygan, Clare, Gladwin, Midland, Ogemaw, Oscoda, & Presque Isle Counties	$15.53	2.26
Lake, Mason, Mecosta, Montcalm, Muskegon, Newaygo, Oceana, & Osceola Counties	13.00	4.23
Remainder of Counties	15.18	1.65
SPRINKLER FITTERS	17.17	2.83
TRUCK DRIVERS:		
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Trucks under 8 cu. yds. capacity	10.30	*80.50
Trucks 8 cu. yds. capacity & over, & tandem trucks	10.40	*80.50
Semi, double bottom, low boy, Pitman ops. & related equipment	10.50	*80.50
Euclid type equipment	10.60	*80.50
Antrim, Charlevoix, Emmet, Grand Traverse, Kalkaska, Leelanau, Mecosta, Missaukee, Montcalm, Osceola, & Wexford Counties:		
Semi trucks, mechanics	11.70	*76.50
Trucks over 8 cu. yds capacity	11.60	*76.50
All other trucks	11.50	*76.50

* PER WEEK, PER EMPLOYEE.

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, Christmas Day; Vacation Pay Credit: Employer contributes 8% of the basic hourly rate for employees with 5 years or more of service, or 6% for employees with 6 months to 5 years of service.

b. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day provided the employee worked the scheduled work day preceeding and following the day observed.

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LABORERS:	Basic Hourly Rates	Fringe Benefits
Mecosta, Montcalm, & Osceola Counties:		
CLASS A	$10.11	1.44
CLASS B	10.26	1.44
CLASS C	10.36	1.44
CLASS D	10.61	1.44
Muskegon, Newaygo, & Oceana Counties:		
CLASS A	9.96	1.44
CLASS B	10.11	1.44
CLASS C	10.21	1.44
CLASS D	10.46	
CLASSIFICATIONS FOR ABOVE SIX COUNTIES:		
CLASS A - General laborers		
CLASS B - Material mixer, operator of portable mixer, air/electric/gas tools, motor driven buggy, laborers working on swing scaffold, plasterer & mason tender		
CLASS C - Jackhammer operator, crock layer & caisson worker in buildings		
CLASS D - Top man on chimney or tower over 30' in height.		
Lake, Manistee, & Mason Counties:		
CLASS A - General laborers	9.70	1.69
CLASS B - Plasterer & mason tender, mortar mixer, material mixer, all power tools, vibrator, chain saw, nozzle man, green cut concrete work, & well wheel	9.85	1.69
CLASS C - Jackhammer, acetylene & propane torch, & plasterer tender - machine pumped.	10.15	1.69
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties:		
CLASS A - General laborers	11.24	1.44

LABORERS (Cont'd.):	Basic Hourly Rates	Fringe Benefits
CLASS B - Mechanized mortar mixer, air/electric/gas driven tools	$11.36	1.44
CLASS C - Air or electric driven pavement breaker, concrete vibrator, plasterer tender & plaster mixer, crock & pipe layer, signal man & top man or caisson work in buildings	11.44	1.44
CLASS D - Driller, blaster, burner, & welder	12.01	1.44
Remainder of Counties:		
CLASS A - All construction laborers	9.50	1.69
CLASS B - Concrete breaker (90 lb. hammer or less), & cement nozzleman	10.10	1.69
LABORERS: OPEN CUT CONSTRUCTION:		
Arenac, Clare, Gladwin, Midland, Ogemaw, & Roscommon Counties:		
Class 1	11.81	2.29
Class 2	11.91	2.29
Class 3	12.01	2.29
Class 4	12.06	2.29
Class 5	12.16	2.29
Mecosta, Montcalm, & Osceola Counties:		
Class 1	9.80	2.29
Class 2	9.90	2.29
Class 3	10.00	2.29
Class 4	10.05	2.29
Class 5	10.15	2.29
Lake (E. ½), Muskegon, Newaygo, & Oceana Counties:		
Class 1	10.61	2.29
Class 2	10.71	2.29
Class 3	10.81	2.29
Class 4	10.86	2.29
Class 5	10.96	2.29
Remainder of Counties:		
Class 1	9.45	2.29
Class 2	9.55	2.29
Class 3	9.65	2.29
Class 4	9.70	2.29
Class 5	9.80	2.29

CLASSIFICATIONS ON PAGE #6

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	Basic Hourly Rates	Fringe Benefits
LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:		
Class 1	$12.81	2.29
Class 2	12.89	2.29
Class 3	12.94	2.29
Class 4	13.09	2.29
Class 5	13.29	2.29
Class 6	13.54	2.29
CLASSIFICATIONS ON PAGE #6		
LANDSCAPE LABORERS:		
Class A - Landscape specialist (including air, gas, diesel, electric tools & equipment)	8.18	
Class B - Landscape laborers, truck drivers, material haulers, & small powered equipment	6.14	
POWER EQUIPMENT OPERATORS:		
Class A - Crane with main boom & jib 220' or longer	16.20	3.35
Class B - Crane with main boom & jib 140' or longer, tower cranes, gantry cranes, whirley derrick	15.95	3.35
Class C - Regular equipment operator, cranes, stiff leg derrick, scraper, dozer, grader, front end loader, hoist, job mechanic	15.45	3.35
Class D - Air tugger (single drum), material hoist, boiler operator, sweeping machine, winch truck, bobcat & similar equipment, fork truck (over 20' lift)	13.85	3.35
Class E - Pump 6" or over, well points, freeze systems, boom truck (non-swinging), fork truck (under 20' lift)	13.55	3.35
Class F - Air compressor, welder, generator, pumps under 6", grease men, conveyors	12.15	3.35
Class G - Oiler, fireman, & heater operator	11.30	3.35

POWER EQUIPMENT OPERATORS: STEEL ERECTION:	Basic Hourly Rates	Fringe Benefits
Alcona, Alpena, Arenac, Cheboygan, Clare, Crawford, Gladwin, Midland, Ogemaw, Oscoda, Otsego, Presque Isle, & Roscommon Counties:		
Class A - Engineer when operating combination of boom & jib 220' or longer	$18.52	3.35+13%
Class B - Engineer when operating combination of boom & jib 140' or longer	18.24	"
Class C - Crane operator, job Mechanics	17.25	"
Class D - Hoisting engineer	17.02	"
Class E - Compressor or welder operator	13.95	"
Class F - Oiler or fireman	12.65	"
Remainder of Counties:		
Class A - Crane operator with main boom & jib 220' or longer	16.55	3.35+13%
Class B - Crane operator with main boom & jib 140' or longer, tower crane, gantry crane, whirley derrick	16.30	"
Class C - Regular equipment operator, crane, dozer, loader, hoist, straddle wagon, job mechanic	15.80	"
Class D - Air tugger (single drum), material hoist, pump 6" & over	14.20	"
Class E - Air compressor, welder, generator, conveyor	12.85	"
Class F - Oiler or fireman	11.50	"
POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:		
Midland County:		
Class A -	14.80	3.65+13%
Class B	14.42	"
Class C	13.77	"
Class D	12.29	"
Remainder of Counties:		
Class A	13.28	"
Class B	12.76	"
Class C	12.32	"
Class D	12.07	"

CLASSIFICATIONS DEFINIATIONS:

LABORERS: OPEN CUT CONSTRUCTION:

Class 1 - Construction laborers
Class 2 - Mortar & material mixer, concrete form man, signal man, well point man, manhole, headwall & catch basin builder, guardrail builder, & fence erector
Class 3 - Air/gas/electric tool operators, vibrator operator, driller, pump man, tar kettle operator, bracer, rodder, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars), cement finisher's laborer, pipe jacking & boring man, wagon drill & air track operator, concrete saw operator (under 40 HP.), windlass & tugger man
Class 4 - Trench or excavating grade man
Class 5 - Pipe layer (including crook, metal pipe, multi-plate or other conduits).

LABORERS: TUNNEL, SHAFT, & CAISSON CONSTRUCTION:

Class 1 - Tunnel, shaft, & caisson laborer, dump man, shanty man, hog house tender, testing man on gas
Class 2 - Manhole, headwall, catch basin builder, bricklayer tender, mortar man, material mixer, fence erector, & guard rail builder
Class 3 - Air tool operator (jackhammer, bush hammer, & grinding), first bottom man, second bottom man, cage tender, car pusher, carrier man, concrete man, concrete form man, concrete repair man, cement invert laborer, cement finisher laborer, concrete shoveler, conveyor man, floor man, gas & electric tool operator, gunnite man, grout operator, pump man, outside lock tender, scaffold man, top signal man, switch man, track man, tugger man, utility man, vibrator man, winch operator, pipe jacking, boring man, wagon drill/air track operator/concrete saw operator (under 40 HP.)
Class 4 - Tunnel, shaft, & caisson mucker, bracer man, liner plate man, long haul dinky driver, & well point man
Class 5 - Tunnel, shaft, & caisson miner, drill runner, power knife operator, reinforced steel or mesh man (e.g. wire mesh, steel mats, dowel bars)
Class 6 - Dynamite man & powder man.

POWER EQUIPMENT OPERATORS: UNDERGROUND CONSTRUCTION:

Class A - Backfiller tamper, backhoe, batch plant operator (concrete), clamshell, concrete paver (2-drum or larger), conveyor loader (E uclid type), crane (crawler, truck type or pile driving), dozer (9' blade & over), dragline, elevating grader, end loader (over 1½ cu. yds. capacity), gradall, mechanic, power shovel, roller (asphalt), scraper (self-propelled or tractor drawn), side boom tractor (D-4 type), slip form paver, slope paver, trencher (over 8' digging capacity), well drilling rig;
Class B - Boom truck (power swing type boom), crusher, dozer (less than 9' blade), end loader (1½ cu. yds & smaller), hoist, pump (1 or more - 6" discharge or larger - gas or diesel powered or powered by generator of 300 amps. or more - inclusive of generator), side boom tractor (smaller than D-4 type), sweeper (Wayne type), tractor (pneu-tired, other than backhoe or front end loader), trencher (8' digging capacity);
Class C - Air compressor (600 CFM or larger), air compressor (2 or more - less than 600 CFM), boom truck (non-swinging, non-powered type boom), concrete breaker (self-propelled or truck mounted - includes compressor), concrete paver (1-drum, 1½ yd. or larger), elevator (other than passenger), maintenance man, mechanic tender, pump (2 or more, 4" to 6" discharge, gas or diesel powered, excluding submersible pumps), pumpcrete machine, wagon drill (multiple), welding machine or generator (2 or more, 300 amps or larger, gas or diesel powered);
Class D - Boiler, concrete saw (40 HP. or over), curing machine (self-propelled), farm tractor with attachment, finishing machine (concrete), fireman, hydraulic pipe pushing machine, mulching equipment, oiler, pumps (2 or more up to 4" discharge, gas or diesel powered, excluding submersible pumps), roller (other than asphalt), stump remover, trencher (service), vibrating compaction equipment (self-propelled, 6' wide or over).

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: NORTH CAROLINA

COUNTIES: BUNCOMBE, HAYWOOD, HENDERSON, McDOWELL, MADISON, TRANSYLVANIA, & YANCY

DECISION NO.: NC83-1013

DATE: DATE OF PUBLICATION

Supersedes Decision No.: NC79-1161 dated December 14, 1979 in 44 FR 72824.

DESCRIPTION OF WORK: BUILDING CONSTRUCTION Projects (does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$ 8.50	
A/C MECHANICS	7.50	
BOILERMAKERS	17.70	3.315
BRICKLAYERS	7.77	
CARPENTERS	6.66	
CEMENT MASONS	5.27	
ELECTRICIANS	8.36	
GLAZIERS	10.00	
IRONWORKERS	6.66	
LABORERS:		
Asphalt Rakers	5.21	
Mason Tenders	4.52	
Mortar Mixers	4.52	
Plasterers Tenders	5.00	
Unskilled	4.52	
LATHERS	7.00	
MARBLE, TILE, & TERRAZZO WORKERS	7.00	
TERRAZZO GRINDERS	6.00	
PAINTERS	8.00	
PLASTERERS	8.40	.40
PLUMBERS & PIPEFITTERS	8.06	
ROOFERS	5.60	
SHEET METAL WORKERS	7.21	
SPRINKLER FITTERS	6.57	
SOFT FLOOR LAYERS	9.50	
TRUCK DRIVERS	4.52	
WELDERS—Rate for Craft		

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 6.00	
Bulldozer	5.00	
Crane	9.00	
Grader	6.35	
Loader	5.00	
Luteman	4.85	
Pan/Scraper	5.00	
Paver, Distributor, Screed	5.21	
Roller	5.49	
Tractor	6.00	
Trenching Machine	5.25	
Compactor	5.26	

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: WEST VIRGINIA

COUNTY: STATEWIDE

DECISION NO.: WV83-3000

DATE: DATE OF PUBLICATION

Supersedes Decision No. WV82-3003, dated May 14, 1982, in 47 FR 20992.

DESCRIPTION OF WORK: Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS & STONEMASONS:		
AREA 1	15.12	1.67
AREA 2	15.44	1.30
AREA 3	13.99	2.32
AREA 4	15.23	.68
AREA 5	17.21	1.66
AREA 6	14.35	.90
AREA 7	12.29	1.80
AREA 8	13.20	.50
CARPENTERS:		
Heavy Construction	13.33	2.47
Highway Construction	13.07	2.47
CEMENT MASONS:		
Heavy Construction	14.65	1.33
Highway Construction	14.37	1.33
ELECTRICIANS:		
AREA 1		
Wiremen	18.34	.79+ 8%
Cable splicers	20.17	.79+ 8%
AREA 2		
Contracts $15,000 or less:		
Wiremen	12.82	2.27+ 3%
Cable splicers	13.12	2.27+ 3%
Contracts over $15,000:		
Wiremen	15.72	2.27+ 3%
Cable splicers	16.02	2.27+ 3%
AREA 3		
Wiremen	14.58	4.07+ 3%
Cable splicers	16.04	4.07+ 3%
AREA 4		
Wiremen	15.03	4.29+ 3%
Cable splicers	15.28	4.29+ 3%
AREA 5		
Wiremen	17.05	25½%
AREA 6		
Contracts under $50,000:		
Wiremen	10.20	3.81+ 3%

	Basic Hourly Rates	Fringe Benefits
AREA 6 (CONT'D)		
Contracts $50,000 or more:		
Wiremen	14.65	4.06+ 3%
Cable splicers	14.80	4.06+ 3%
AREA 7		
Wiremen	15.50	4.81+ 3%
Cable splicers	15.85	4.81+ 3%
AREA 8		
Wiremen	17.32	2.76+ 3%
Cable splicers	18.19	2.76+ 3%
AREA 9		
Wiremen	17.82	2.76+ 3%
Cable splicers	18.71	2.76+ 3%
AREA 10		
Wiremen	17.82	2.76+ 3%
Cable splicers	18.71	2.76+ 3%
AREA 11		
Wiremen	13.70	1.60+ 3 3/4%
AREA 12		
Wiremen	13.70	1.60+ 3 3/4%
AREA 13		
Wiremen	14.70	1.60+ 3 3/4%
AREA 14		
Wiremen	13.60	.75+ 3½%
Cable splicers	14.00	.75+ 3½%
AREA 15		
Contracts $15,000 or less:		
Wiremen	13.12	2.27+ 3%
Cable splicers	13.42	2.27+ 3%

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	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (CONT'D):		
AREA 15 (CONT'D)		
Contracts over $15,000:		
Wiremen	16.02	2.27+ 3%
Cable splicers	16.32	2.27+ 3%
AREA 16		
Contracts $15,000 or less:		
Wiremen	13.32	2.27+ 3%
Cable splicers	13.62	2.27+ 3%
Contracts over $15,000:		
Wiremen	16.22	2.27+ 3%
Cable splicers	16.52	2.27+ 3%
AREA 17		
Contracts under $30,000:		
Wiremen	6.95	.50+ 3 3/4%
Contracts $30,000 or more:		
Wiremen	10.95	.50+ 3 3/8%
AREA 18		
Wiremen	13.30	23%
Cable splicers	13.70	23%
AREA 19		
Putnam County		
Wireman	19.02	.79+8%
Cable splicer	21.00	.79+8%
AREA 20		
Roane, Clay, Fayette, Raleigh, Boone County & Montgomery Township		
Wireman	19.34	.75+8%
Cable splicers	21.27	.75+8%
AREA 21		
Calhoun, Gilmer, Braxton, Webster & Nicholas Counties		
Wiremen	20.34	.79+3%
Cable splicer	22.37	.79+3%

	Basic Hourly Rates	Fringe Benefits
IRONWORKERS:		
AREA 1	15.96	3.19
AREA 2	13.96	4.47
AREA 3	15.33	2.15
AREA 4		
Zone 1 - 10 miles from Union Hall	12.07	1.96
Zone 2 - 10 to 15 miles from Union Hall	12.22	1.96
Zone 3 - 15 to 20 miles from Union Hall	12.32	1.96
Zone 4 - over 20 miles from Union Hall	12.42	1.96
AREA 5	14.47	3.05
AREA 6	13.10	1.98
LABORERS:		
Heavy Construction:		
Group 1	12.87	2.15
Group 2	12.35	2.15
Group 3	11.98	2.15
Group 4	11.57	2.15
Group 5	11.27	2.15
Group 6	10.92	2.15
Highway Construction:		
Group 1	12.63	2.15
Group 2	12.11	2.15
Group 3	11.71	2.15
Group 4	11.31	2.15
Group 5	10.94	2.15

All classifications who are required to work in open vertical ditches and manholes that are 6' or more in depth shall receive 15¢ per hour above their regular rate of pay.

LINE CONSTRUCTION:		
AREA 1		
Linemen	18.31	2.20+ 3½%
Cable splicer and linemen welder	20.14	2.20+ 3½%
Mechanized equipment operators	14.65	2.20+ 3½%
Groundmen	11.90	2.20+ 3½%

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION: (CONT'D)		
AREA 2		
Linemen and operators (all mechanized equipment)	15.87	2.14+ 3½%
Cable splicers	16.17	2.14+ 3½%
Groundmen	12.70	2.14+ 3½%
AREA 3		
Linemen and equipment operators	15.30	4.95+ 3½%
Cable splicers	16.83	4.95+ 3½%
Groundmen	12.24	4.95+ 3½%
AREA 4		
Linemen and equipment operators	14.58	4.00+ 3½%
Cable splicers	16.04	4.00+ 3½%
Groundmen and truck drivers	11.66	4.00+ 3½%
AREA 5		
Linemen & operators (all mechanized equipment)	15.03	4.00+ 3%
Cable splicers	15.28	4.00+ 3%
Groundmen	12.02	4.00+ 3%
AREA 6		
Linemen & operators (all mechanized equipment)	17.05	29%
Cable splicers	17.60	29%
Groundmen	11.09	29%
AREA 7		
Linemen & operators (all mechanized equipment)	14.65	4.25+ 3%
Cable splicers	16.12	4.25+ 3%
Groundmen & truck drivers	11.72	4.25+ 3%

	Basic Hourly Rates	Fringe Benefits
AREA 8		
Linemen	10.15	.75+ 3½%
Equipment operators	9.64	.75+ 3½%
Truck drivers & groundmen	6.60	.75+ 3½%
AREA 9		
Linemen	15.00	2.30+ 3%
Equipment operators	14.27	2.30+ 3%
Truck drivers & groundmen	9.89	2.30+ 3%
AREA 10		
Linemen	15.60	2.30+ 3%
Equipment operators	14.87	2.30+ 3%
Truck drivers & groundmen	10.49	2.30+ 3%
AREA 11		
Linemen, cable splicers & equipment operators	12.11	.45+ 3½%
Truck with winch, pole or steel handling	7.43	.45+ 3½%
Groundmen	7.17	.45+ 3½%
AREA 12		
Linemen and operators (all mechanized equipment)	16.17	2.14+ 3½%
Cable splicers	16.47	2.14+ 3½%
Groundmen	12.94	2.14+ 3½%
AREA 13		
Linemen ans operators (all mechanized equipment)	16.37	2.14+ 3½%
Cable splicers	16.67	2.14+ 3½%
Groundmen	13.10	2.14+ 3½%

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION (CONT'D)		
AREA 14		
Linemen	8.66	.35+ 3½%
Cable splicers	9.06	.35+ 3½%
Equipment operators	7.45	.35+ 3½%
Trucks with earth boring auger	6.06	.35+ 3½%
Truck with winch, groundmen	4.76	.35+ 3½%
AREA 15		
Linemen & equipment operators	13.30	23½%
Cable splicers	13.70	23½%
Truck drivers & groundmen	11.90	23½%
PAINTERS:		
AREA 1		
Painters		
An area within 50 miles of Huntington, W.V.	11.40	.82
An area 50 miles and beyond of Huntington, W.V.	12.95	.82
Bridge & Hazardous Work (Includes towers, smoke stacks, flag poles & tanks)		
An area within 50 miles of Huntington, W.V.	12.77	.82
An area 50 miles and beyond of Huntington, W.V.	14.23	.82
AREA 2		
Brush, roller, and spray	9.35	.30
Industrial structural steel	12.65	.30
Power cleaning tools and lining machine work - 50¢ over appropriate scale		
Material emitting toxic vapors-$1.00 over appropriate scale		
Height clause - additional $1.00 per hour 100'		

	Basic Hourly Rates	Fringe Benefits
AREA 3		
Painters	11.66	.20
Structural steel after erection	12.57	.20
Bridge painting	12.47	.20
Spray painters	13.16	.20
Towers, tanks & stacks	13.00	.20
Repaint industrial & structural steel	11.77	.20
Sand blasters	13.64	.20
AREA 4		
New Construction:		
Brush	10.76	.31
Roller	11.02	.31
Spray & blast, Pot-Men	11.78	.31
Repaint Work		
Brush	9.34	.31
Roller	9.62	.31
Spray & Pot-Men	11.78	.31
Bridge		
Brush	11.46	.31
Roller	11.71	.31
Spray, Blast, glove	12.46	.31
Open structural steel	11.11	.31
Stacks, vent pipes, flag poles, electrical, radio & T.V. towers & tanks over 30 feet high	11.71	.31
AREA 5		
Brush	13.03	.65
Air Compressor operator	13.03	.65
Roller, spray, dipping & mitten work	13.55	.65
Water blasters, steam jenny nozzle men, swinging scaffold & boatswain chair, window jack work	14.42	.65
Brush painters on bridges needle beam, cable work, power tool work, brush & flame cleaning	14.75	.65
Sand blaster	15.20	.65
All stacks, vent pipes, flag poles in excess of 30' high, all towers, elevated tanks, electrical switch yards, transformer banks, television towers	16.54	.65

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	Basic Hourly Rates	Fringe Benefits
PAINTERS: (CONT'D)		
AREA 5 (CONT'D)		
Spray painter or sandblaster on bridges needle beam cable work	15.20	.65
AREA 6:		
Brush & roller	9.87	1.17
Glove	10.12	1.17
Spray, sandblast & steamcleaning	10.87	1.17
Height over 40' - Brush	10.37	1.17
Locks and dams - brush	10.95	1.17
Towers - brush	12.19	1.17
Elevated tanks over 35' - brush and roller	12.19	1.17
Brush and roller, powerline towers-brush, flagpoles over 40'-brush, and substations brush	12.19	1.17
Railroad and highway bridges:		
Spray and sandblast	12.19	1.17
Brush	11.19	1.17
Glove and roller	11.44	1.17
AREA 7		
Brush & roller	6.20	.90
Spray	7.20	.90
AREA 8		
Light Work		
Brush, rollers, sign painting	10.35	.50
Brush & roller (toxic materials)	10.85	.50
Spray, sandblasting & use of flame burning & power tools	11.35	.50
Spray (toxic materials)	11.85	.50
Heavy & Hazardous Work:		
Brush & sign painting	11.35	.50
Brush (toxic materials)	11.85	.50
Spray, rollers, sandblasting, & use of flame burning & power tools	12.35	.50
Spray & roller (toxic materials)	12.85	.50

	Basic Hourly Rates	Fringe Benefits
PILEDRIVERMEN - HEAVY CONSTRUCTION:		
AREA 1	15.12	27%
AREA 2	13.74	2.47
PILEDRIVERMEN - HIGHWAY CONSTRUCTION:		
AREA 1	15.12	27%
AREA 2	13.47	2.47
PLUMBERS AND PIPEFITTERS:		
AREA 1		
Harrison, Marion, and Monongolia Counties	11.57	2.847
AREA 2		
Barbour, Doddridge, Lewis, Preston, Taylor, And Upshure Counties	11.82	2.847
AREA 3		
Braxton, Gilmer, Randolph, and Tucker Counties	12.07	2.847
AREA 4		
Grant, Hampshire, Hardy, Mineral, and Pendleton Counties	12.32	2.897
AREA 5		
Brooke (south of Buffalo Creek), Marshall, Ohio, and Wetzel Counties	11.79	3.04
AREA 6		
Brooke (remainder of county) and Hancock Counties	12.61	.62+ 16%
AREA 7		
Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt, and Wood Counties	12.63	1.30
AREA 8		
Cabell, Lincoln, Logan, Mason, Mingo, and Wayne Counties:		
Zone 1 - Within 8 mile radius of Cabell County Courthouse	10.88	2.02
Zone 2 - 8 to 15 miles from the Courthouse	11.00	2.02

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	Basic Hourly Rates	Fringe Benefits
PLUMBERS AND PIPEFITTERS: (CONT'D)		
AREA 8 (CONT'D)		
Zone 3 - 15 to 25 miles from the Courthouse	11.28	2.02
Zone 4 - Over 25 miles from the Courthouse	11.53	2.02
AREA 9		
McDowell, Mercer, Monroe, Raleigh, Summers, and Wyoming Counties:		
Contracts $75,000 or less	8.55	1.24
Contracts over $75,000	12.33	1.24
AREA 10		
Boone, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Pocohontas, Putnam, Roane and Webster Counties	12.95	1.20
AREA 11		
Berkeley, Jefferson, and Morgan Counties	7.82	1.40+a
POWER EQUIPMENT OPERATORS:		
Heavy Construction:		
Group 1	14.84	2.45
Group 2	13.34	2.45
Group 3	12.91	2.45
Group 4	12.61	2.45
Group 5	11.80	2.45
Group 6	13.31	2.45

All classifications performing tunneling and underground work shall receive an additional 25¢ per hour

POWER EQUIPMENT OPERATORS:		
Highway Construction:		
Group 1	14.63	1.82
Group 2	13.59	1.82
Group 3	12.66	1.82
Group 4	12.36	1.82
Group 5	11.55	1.82
Group 6	11.08	1.82

All classifications performing tunneling and underground work shall receive an additional 25¢ per hour

	Basic Hourly Rates	Fringe Benefits
TRUCK DRVIERS:		
Heavy Construction		
Area 1: All counties except Grant, Hampshire, Hardy, Mineral, Morgan and Pendleton		
Group 1	11.95	b+c
Group 2	12.16	b+c
Group 3	12.46	b+c
Group 4	12.89	b+c
Group 5	12.99	b+c
Group 6	13.21	b+c
Group 7	13.46	b+c
Group 8	13.51	b+c
Area 2: Grant, Hardy, Hampshire, Mineral, Morgan, and Pendleton Counties:		
Group 1	11.95	2.54
Group 2	12.16	2.54
Group 3	12.46	2.54
Group 4	12.89	2.54
Group 5	12.99	2.54
Group 6	13.21	2.54
Group 7	13.46	2.54
Group 8	13.51	2.54
TRUCK DRIVERS:		
Highway Construction:		
Area 1: All counties except Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton		
Group 1	11.70	b+c
Group 2	11.90	b+c
Group 3	12.20	b+c
Group 4	12.65	b+c
Group 5	12.72	b+c
Group 6	12.95	b+c
Group 7	13.14	b+c
Group 8	13.24	b+c
Area 2: Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Cos.:		
Group 1	11.70	2.54
Group 2	11.90	2.54
Group 3	12.20	2.54
Group 4	12.65	2.54
Group 5	12.72	2.54
Group 6	12.95	2.54
Group 7	13.14	2.54
Group 8	13.24	2.54

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All truck driver classifications performing tunneling and underground work shall receive an additional 25¢ per hour

AREAS COVERED BY BRICKLAYERS & STONEMASONS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh & Summers Counties.
AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 3 - Marshall, Ohio, Tyler & Wetzel Counties.
AREA 4 - Brooke & Hancock Counties.
AREA 5 - Cabell, Lincoln, Mason, Mingo & Wayne Counties.
AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt & Wood Counties.
AREA 7 - Berkeley, Hampshire, Jefferson, Mineral & Morgan Counties.
AREA 8 - McDowell, Mercer, Monroe & Wyoming Counties.

AREAS COVERED BY ELECTRICIANS

AREA 1 - Kanawha County (not including Montgomery Township)
AREA 2 - Raleigh (remainder of county) County
AREA 3 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties.
AREA 4 - Brooke (Buffalo Twp Only), Marshall, Ohio & Wetzel
AREA 5 - Brooke (except Buffalo Twp) & Hancock (except Grant Twp.)
AREA 6 - Marion, Monongalia, Preston, Taylor & Tucker Counties
AREA 7 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties
AREA 8 - Cabell & Wayne Counties
AREA 9 - Logan, Mason & Mingo Counties
AREA 10 - Lincoln County
AREA 11 - Mineral County
AREA 12 - Berkeley, Hampshire & Morgan Counties
AREA 13 - Grant County
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties
AREA 15 - Fayette (remainder of county) County
AREA 16 - Summers & Wyoming Counties
AREA 17 - Hardy, Jefferson & Pendleton Counties
AREA 18 - Hancock County - Grant Twp. only
AREA 19 - Putnam County
AREA 20 - Roane, Clay, Fayette, Raleigh & Boone County and Montgomery Township
AREA 21 - Calhoun, Gilmer, Braxton, Webster & Nicholas Counties

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AREAS COVERED BY IRONWORKERS

AREA 1 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties
AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
AREA 3 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties
AREA 4 - Cabell, Mingo & Wayne Counties
AREA 5 - Berkeley, Grant, Hampshire, Hardy, Mineral, Morgan, Pendleton, Preston, Randolph & Tucker Counties
AREA 6 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties

LABORERS' CLASSIFICATIONS DEFINITIONS

GROUP 1 - Blacksmith, Tunnel Driller, Tunnel Miner and Powderman
GROUP 2 - Mucker-Chucker
GROUP 3 - Caison Bottom man, Pipe Layer (including Laser Beam Setup), Form setter (road), Drill Operator and Inside Laborer
GROUP 4 - Airtool Operator, Vibrator Man, Whacker, Chainsaw Operator, Mortarman, Mason Tender, Blacksmith Helper, Cement Finisher Helper, Drill Helper, Powderman Helper, Waterproofer, Sheeter and Shorer, Pipelayers Helper, Bullfloat Man, Pavement Reinforcing Placer, Handyman, Signal Man, Asphalt Raker, Greencutter, Georgia Power Buggie, Burner, Grade Checker, Concrete Blower Man
GROUP 5 - Laborer, Deckhand, Mulcher and Seeder (hand or machine), Trees Trimmer

AREAS COVERED BY LINE CONSTRUCTION

AREA 1 - Boone, Braxton, Cabell, Calhoun, Clay, Fayette (Falls and Kanawha Twps.), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Fork and Marsh Fork Twps.), Roane, Wayne & Webster Counties
AREA 2 - Raleigh County (excluding Clear Fork and Marsh Fork Twps.)
AREA 3 - Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties
AREA 4 - Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties
AREA 5 - Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties
AREA 6 - Brooke (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties
AREA 7 - Marion, Monongalia, Preston, Taylor & Tucker Counties
AREA 8 - Mineral County
AREA 9 - Berkeley, Hampshire & Morgan Counties
AREA 10 - Grant County
AREA 11 - Hardy, Jefferson & Pendleton Counties
AREA 12 - Fayette County (excluding Falls and Kanawha Twps)
AREA 13 - Summers & Wyoming Counties
AREA 14 - Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties
AREA 15 - Hancock County - Grant Twp. only

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AREAS COVERED BY PAINTERS

AREA 1 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties
AREA 2 - Monongalia & Preston Counties
AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
AREA 4 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties
AREA 5 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties
AREA 6 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties
AREA 7 - Brooke (remainder of county), & Hancock Counties
AREA 8 - Grant, Hampshire, Hardy, Mineral, Morgan & Pendleton Counties

AREAS COVERED BY PILEDRIVERMEN
HEAVY CONSTRUCTION

AREA 1 - Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties
AREA 2 - All remaining Counties

AREAS COVERED BY PILEDRIVERMEN
HIGHWAY CONSTRUCTION

AREA 1 - Brooke, Hancock, Marshall, Monongalia, Ohio & Wetzel Counties
AREA 2 - All remaining counties

CLASSIFICATION DEFINITION FOR POWER EQUIPMENT OPERATORS ON
HEAVY AND HIGHWAY CONSTRUCTION

GROUP 1 - Cranes, derricks, tower cranes, all shovels, drag lines, clamshells, backhoes, cableways, derricks (2 drums or more), dredge, sideboom tractors and similar equipment having a reach from the top of the boom to the ground of 150 feet, or a capacity of 3 cubic yards and/or a lift capacity of 50 tons. Endloaders and concrete mixing plants of 4 cubic yards capacity or over. Hoist with 18,000 pound line pull or over, tug, tow or work boat above 25 horsepower engine. Transloader. (Capacities to be based on manufacturer's specifications). Master Mechanic.
GROUP 2 - Crane, derrick boat, drag-line, grade-all, hoist (two drums or more), mechanic (heavy), mixer plant (two or more mixers including batch control), paver (dual drums), pile driver, shovel, coredrill operator, trencher, (20" or over), truck crane, backhoe, hi-lift (1-1/2 cubic yards or over), dozer with ripper (when dozer is D-8 class or larger), double hitched equipment, bulldozer with roller, standard guage locomotive, concrete pump, controlled fine grade machine, slip form paver operator, dozer with sloper, log loader, bulldozer operator, motor grader, rubbertired scraper, tractor pan, and bulldozers 100 flywheel horsepower and over

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CLASSIFICATION DEFINITION AOF POWER EQUIPMENT OPERATORS ON HEAVY AND HIGHWAY CONSTRUCTION (CONT'D)

GROUP 3 - Bulldozers under 100 flywheel horsepower, fork lift, self-propelled concrete spreader, concrete finishing machine, derrick (single drum), hi-lift (under 1-1/2 cubic yards), hoist (single drum), single drum paver, trencher (under 20"), air tugger, Ross Carrier, "A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill, lead greaser on grease truck or service island, snake or push tractor, horizontal road boring machine, conductor of locomotive, tie distributor, track lining machine, ballast tamper, anchor application machine, ribbon rail puller, ballast regulator, auto sled, turn table.

GROUP 4 - Concrete mixer (single drum) one cubic yard or over, tireman, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, form subgrader, power form handling equipment, burlap and curing machine, form grader, bull float, portable concrete saw, roller and compactor, bar and joint installing machine, and power broom.

GROUP 5 - Air compressor, concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, fireman, mechanic's helper, oiler, deckhand, screed man, spreader box man, farm tractor, joint sealer and pump,steam jenny and brakeman of locomotive.

GROUP 6 - Class V operators may operate up to five (5) pieces of utility equipment, but when operating one (1) or more 600 CFM compressors or one(1) or more pumps 4" or larger,or more than one (1) air compressor, conveyor-belt or bucket, light plan, welding machine, and pumps, the Class V operator shall receive class six (6) rate

CLASSIFICATION DEFINITIONS FOR TRUCK DRIVERS ON HIGHWAY & HEAVY CONSTRUCTION

GROUP 1 - Warehouse, yardmen, truck helper, pick-ups, station wagons, panel trucks, team 2-up

GROUP 2 - Single axle trucks used as dump, supply, fiel, water, van, flatbody, monorail, distributor, (Other than bituminous distributors) and including towed single units - material checkers, material receivers, team 4-up, greasers, tiremen and mechanic helpers (trucks).

GROUP 3 - Tandem axle trucks used as dump, supply, fuel, water, van, flatbody, monorail and including towed single units, truck tractors used in combination with dump, van, tank, flatbed, low platform, or pole trailers, bituminous distributors, agitator or mixer trucks (up to and including 5 c.y.).

GROUP 4 - Agitator or mixer trucks over 5 c.y. and less than 12 c.y., rubber-tired tractors (towing or pushing), drag drivers, and tag alongs.

GROUP 5 - Tri-axle trucks used as dump, supply, fuel, water, van, flatbed, monorail and including towed single units, agitator or mixer trucks (over 12 c.y. to 20 c.y.)

GROUP 6 - Mobile metered mixer, agitator or mixer trucks (over 20 c.y.), off highway rear dump trucks to 75 tons.

[FR Doc. 83-6025 Filed 3-10-83; 8:45 am]

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CLASSIFICATION DEFINITIONS FOR TRUCK DRIVERS ON HIGHWAY & HEAVY CONSTRUCTION CONT'D

GROUP 7 - "A" frame operator

GROUP 8 - Off highway rear dump - over 75 tons.

FOOTNOTES:

a. Holiday: Christmas Day

b. Employer contributes $158.17 per month per employee

c. Employer contributes $121.33 per month per employee

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)).

federal register

Friday
March 11, 1983

Part IV

Department of Labor

Mine Safety and Health Administration

Safety Standards for Ground Control

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 55, 56, and 57

Safety Standards for Ground Control

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of availability of preproposal draft.

SUMMARY: The Mine Safety and Health Administration (MSHA) has developed a preproposal draft of revisions to current ground control standards for the metal and nonmetal mining industry. MSHA seeks comment from all interested parties on the preproposal draft. Copies of the draft may be obtained by contacting the Agency.

DATES: Comments must be received on or before May 11, 1983.

ADDRESSES: Send comments to the Office of Standards, Regulations and Variances, MSHA, Room 631, Ballston Towers, #3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Acting Director, Office of Standards, Regulations and Variances, MSHA (703) 235-1910.

SUPPLEMENTARY INFORMATION: On March 25, 1980, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (45 FR 19267) announcing its comprehensive review of existing metal and nonmetal mine safety and health standards in 30 CFR Parts 55, 56, and 57. The Agency is reviewing the standards to eliminate duplicative and unnecessary standards, provide alternative methods of compliance, reduce recordkeeping requirements, and upgrade provisions consistent with advances in mining technology. MSHA believes that this review will result in more effective regulations for assuring the safety and health of miners. The review is consistent with the specific goals of Executive Order 12291, the Regulatory Flexibility Act, and the Paperwork Reduction Act.

On November 20, 1981, MSHA published a subsequent ANPRM in the **Federal Register** (45 FR 57243) listing eight sections the Agency had selected for priority review. Standards related to ground control were included in the priority group.

On March 9, 1982, MSHA published a notice in the **Federal Register** announcing public conferences to discuss issues related to the standards under priority review. The Section 3 conferences were concluded in May 1982. During the conferences many commenters requested that the Agency make available a preproposal draft of the standards under review before issuing a proposed rule.

MSHA has now completed development of the preproposal draft for Section 3. In addition to revising the substance of the existing standards, the Agency has reorganized Parts 55, 56, and 57 into a single Part 58. This reorganization would eliminate the current repetition of identical standards in the Code of Federal Regulations. The revised standards are designated general surface and underground, surface, and underground so that they would apply only to the appropriate mining application.

The Agency requests comment on the substance of the preproposal standards, as well as on the reorganization of the standards. In addition, the Agency is interested in any economic data or other regulatory impact information commenters may wish to submit.

A copy of the preproposal draft has been mailed to persons and organizations who have expressed an interest in this rulemaking. All other interested persons and organizations may obtain a copy of the draft by submitting a request to the address provided above. The document contains the Agency's intended revisions, a comparison with existing provisions, and a summary explanation of the proposed changes.

Dated: March 8, 1983.

Ford B. Ford,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 83-6321 Filed 3-10-83; 8:45 am]

BILLING CODE 4510-43-M

federal register

Friday
March 11, 1983

Part V

Department of Commerce

International Trade Administration

Export Trade Certificates of Review; Interim Rule

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 325

[Docket No. 21215-252]

Export Trade Certificates of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements Title III of the Export Trading Company Act, Pub. L. 97-290. These regulations establish the procedures by which businesses may apply for and by which the Secretary of Commerce will issue export trade certificates of review. The holder of a certificate and its members will have specific protections from liability under Federal and State antitrust laws. These protections extend to the certificate holder's export trade, export trade activities, and methods of operation that are covered by the certificate and conducted while the certificate is in effect.

DATES: Effective March 11, 1983.
Comments due: May 10, 1983.

ADDRESS: Interested persons are invited to submit written comments, with five copies, to: Office of the Assistant General Counsel for Export Trading Companies, Department of Commerce, Room 5870, Washington, D.C. 20230.

Comments should refer to this rule by its title, "Export Trade Certificates of Review."

FOR FURTHER INFORMATION CONTACT: Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Department of Commerce, Washington, D.C. 20230, (202) 377-0937 or (202) 377-4772.

These are not toll free numbers.

SUPPLEMENTARY INFORMATION: On October 1, 1982, Congress passed the Export Trading Company Act (Pub. L. No. 97-290, 96 Stat. 1233) which the President signed into law on October 8, 1982. In order to increase United States exports of products and services, Title III of the Act (15 U.S.C. 4011-4021) authorizes the Secretary of Commerce to issue export trade certificates of review. A certificate of review protects its holder from civil and criminal liability under Federal and State antitrust laws for the export trade, export trade activities and methods of operation specified in the certificate, except that private parties may bring actions for injunctive relief or actual damages for a violation of the eligibility standards found in section 303 of the Act.

Section 310 of the Act gives the Secretary the authority to issue, with the concurrence of the Attorney General, rules and regulations to carry out the purposes of Title III. On December 21, 1982, the Secretary issued proposed regulations which were published in the **Federal Register** (47 FR 56972 and corrected by 48 FR 31). The proposed regulations explained how to apply for a certificate of review and the kinds of information that the application should contain so that the Secretary and Attorney General can determine whether they should issue the certificate. The regulations also explained how the Secretary and Attorney General will review applications and how a certificate can be amended, modified or revoked. Finally, the regulations discussed how the Secretary proposed to implement section 305 of the Export Trading Company Act which governs the judicial review of the Secretary's decisions to grant, deny, amend, modify, or revoke a certificate. A more detailed discussion of these provisions can be found in the preamble of the proposed rule.

The Department provided 30 days for public comment on the proposed rule. The Department received and considered 32 comments. The commenters include manufacturers, export management and trading companies, representative trade associations, attorneys, banks, port authorities and a local chamber of commerce. Twenty-six commented on the information requirements found in § 325.3(b), more than any other section, and seventeen on the procedures and standards for issuing certificates in § 325.4. The Department has adopted many of the commenters' suggestions in preparing these interim regulations. The Department's goal in making these changes is to simplify the export trade certificate of review process. The interim rule also includes many editorial changes to make the regulations easier to read and understand. A discussion of the public comments follows.

Issuing Interim Regulations

The proposed regulations provided thirty days for public comment. A number of commenters expressed the opinion that the comment period was inadequate. The Department was constrained to limit the comment period because, by virtue of section 312 of the Act, it will not have the legal authority to accept applications or to issue certificates of review until 90 days after regulations become effective. Given the need to promote exports, the Department believes that thirty days gave the public a reasonable opportunity to comment. However, in order to have a fuller discussion of these regulations which are important to the many businesses interested in exporting, the Department has decided to issue interim regulations which will allow another 60 days for public comment. This interim rule is effective immediately so that the application process can begin 90 days from now. In preparing the final regulations, the Department will consider all of the comments it receives before the comment period closes. The Department will also consider those comments on the proposed rule which were received too late to be considered here.

Protection for Officers, Directors, Employees, and Agents

The Department received comment that the regulations should extend the certificate's antitrust protection of the certificate holder and its members to their officers, directors, employees and agents. The Commerce and Justice Departments agree that the Act's protection extends to officers, directors, employees and agents of the certificate holder or members who carry out the activities specified in the certificate. The certificate will not have to identify each officer or director by name, and would not have to be amended whenever the identity of an officer or director is changed. Thus, when a certificate is issued, the officers, directors, employees and agents of the certificate holder and of members identified in the certificate will also receive the protection of section 306 of the Act.

Definitions

1. The Department has decided not to adopt the suggestion that "control" (§ 325.2(g)) should be defined as ownership of "over 50 percent" of a company's voting stock instead of "50 percent or more." Even in closely-held corporations, where ownership is more likely to be concentrated, the 50-percent owner has at least veto power or negative control in connection with the corporate decisions of the company.

2. The interim rule, in § 325.2(o), adds the definition of "services" found in section 311(2) of the Act.

3. Some commenters expressed uncertainty as to whether the definitions of "applicant" (§ 325.2(a)), "person" (§ 325.2(m)) and "member" (§ 325.2(k)) permit foreign firms to apply for a certificate of review. The proposed regulations contemplated that a foreign company would be eligible to apply for a certificate either: (1) Through its U.S.

subsidiary or (2) as a "member" of a trading entity created under U.S. law. This rule continues that position, which is supported by the objective of Title III ("to promote and encourage export trade") and by the legislative history. It is also consistent with the scope of eligibility for membership in a Webb-Pomerene association.

Applying for a Certificate

In response to public comments, and in order to make it easier to apply for a certificate of review, the Department is making the following changes in the application procedure.

1. The Department has revised § 325.3(a) to allow applicants to deliver their applications by first class mail. However, the Department recommends that the applicant, for its own records and protection, use registered mail or some other method of delivery that provides evidence of receipt.

Section 325.3(a) specifies that applications are to be delivered to the International Trade Administration's Office of Export Trading Company Affairs. Only applications that are properly delivered to this office will be accepted for review.

2. Section 325.3(d) of the proposed regulations gave the Secretary five working days after receiving an application to determine whether the application is complete and can be deemed submitted. The interim regulations add a sentence which makes clear that the application will be deemed properly submitted if the Secretary does not act within the time allowed.

3. The interim regulations require the Secretary to ask for supplemental information from the applicant in writing. In addition, § 325.3(f) requires the Secretary and Attorney General to decide promptly whether the supplemental information that the applicant provides is complete, and to notify the applicant of the determination. This assures the applicant that the request for supplemental information will not unduly delay the application.

Contents of the Application

The Department received more comments on § 325.3(b) than on any other. Twenty-six commenters made 56 comments on the information requirements in § 325.3(b). Many questioned the need for one or more of the items that § 325.3(b) requires to be included in the application. Others questioned the need to require the information in all cases, suggesting, for example, that requirements for information relating to shareholders of the applicant be applied only to those who own a specified percentage of the applicant's stock.

The Department recognizes the legitimate business concerns behind these comments. The applicant will have to spend some time and effort to provide even the simplest information. Some might fear that they risk disclosing information to their competitive disadvantage. In order to encourage businesses to apply for a certificate of review, the Department's policy in drafting these regulations is to require only the information that it will normally need to determine whether the applicant's proposed export conduct satisfies the four eligibility standards specified in section 303 of the Act and can therefore be certified. The regulations attempt to balance the need of the Commerce and Justice Departments for the information in order to be able to evaluate an application properly and the burden on the applicant to provide the information requested with its application.

In addition, the applicant does not have to provide any item of the information requested if it is unable to do so, or if it believes that the information would be burdensome to obtain and not needed for a determination on the application. Section 325.3(b) allows the applicant to omit the information requested or provide the information in less detail, if he gives an explanation. The applicant can, for example, provide the 4-digit instead of the 7-digit SIC number that § 325.3(b)(8)(ii) asks for if he believes that it would be burdensome and unnecessary to provide the 7-digit number. However, for purposes of accepting the application for review, the Secretary and Attorney General will not be bound by the applicant's decision not to submit the information requested. The Secretary and Attorney General may later make a supplemental request under § 325.3(f) for the information omitted.

In order to minimize further the burden on applicants, the Department is making the following changes and clarifications:

1. Two state port authorities commented on § 325.3(b). The commenters agree that although, as government entities, they are eligible to apply for certificates of review, § 325.3(b) requires information which is only appropriately asked of private commercial enterprises. Other commenters argue that the regulations put new companies at a disadvantage because they cannot provide the information that § 325.3(b) requires.

The Department notes that it intends to be flexible in applying the regulations; it will not insist that the applicant provide information which does not exist. For this reason, § 325.3(b) is qualified to require the applicant to provide information only if the item requested is applicable to the applicant's circumstances. For example, a new company can answer that paragraph (9) is not applicable to its circumstances because it has no prior sales. This answer, if it is appropriate, will not adversely affect the applicant's ability to get a certificate of review.

2. Section 325.3(b)(3) requires the applicant to submit a copy of any legal instrument under which the applicant is organized or will operate. A commenter objected to the requirement that the applicant include copies of contracts under which it ". . . conducts or proposes to conduct its export trade activity." The Department intended to require only contracts in the nature of a corporate charter, bylaws, or partnership, joint venture, membership and similar agreements under which the applicant is organized, and not contracts for the applicant's specific business transactions. However, the Department has deleted the language quoted in order to avoid any confusion.

3. The Department has rewritten paragraph (4) to emphasize that it is interested only in the information requested, and not the precise form that the information takes. As revised, paragraph (4) allows the applicant to submit either a narrative description or an organizational chart of its export-related operations.

Paragraphs (5) and (6) have also been revised and are made consistent. Paragraphs (5) and (6) no longer require the applicant, a member or a controlling entity to describe its methods of operation. The applicant should describe its methods of operation under paragraph (11) to the extent the applicant wants them to be certified.

4. The interim regulations make clear that § 325.3(b)(8) requires a description only of those goods and services for whose export that the applicant wants certification in order to minimize the burden on applicants and to limit the information requirements to what ordinarily would be needed to evaluate the application. This limitation will also apply to § 325.3(b) (9) and (10).

5. Section 325.3(b)(8)(ii) asks the applicant to identify the goods and services to be certified for export by their Standard Industrial Classification numbers. The regulations ask that goods be identified at the 7-digit level and services be identified at the highest SIC level available. The Department wants to note that the applicant has to supply

the SIC numbers only if they are reasonably available to the applicant. Furthermore, information of this detail is being requested for purposes of analysis only. This is not intended to imply that the certificate necessarily will identify the products or services which the applicant or its members will export with this degree of specificity.

6. Section 325.3(b)(9)(ii) asks for the dollar value of the applicant's and each member's total domestic and export sales for the two preceding years of each good or service that the applicant exports or proposes to export. The Secretary and the Attorney General, in the preamble of the proposed rule, noted that in certain circumstances the exchange of such information might raise antitrust concerns and solicited comment on how applicants can best compile this information for the application without raising those concerns. In response, one commenter suggested that the protection from antitrust liability be extended to any activity needed to prepare the application, including exchanges of information. The Commerce and Justice Departments do not believe they have this authority under the Act. For administrative reasons, the Department is also not capable of accepting separate submissions from each member. One alternative is to have an independent agent, such as an attorney or accountant, compile this information for submission to the Department. The Department leaves this decision to the applicant, which may wish to seek the advice of legal counsel on whether any safeguards of this or any other sort would be advisable in the applicant's particular circumstances. The Department has decided to note this issue in the application form.

In raising this issue, the Commerce and Justice Departments did not intend to suggest that the sharing of the information required by § 325.3(b)(9)(ii) among the applicant and its members would pose antitrust problems in most instances. On the contrary, it is unlikely to be of concern when the firms involved have, among them, a small share of the market for the particular product or service. The sharing of this information will not necessarily pose problems where larger market shares are involved, either, but applicants may wish to give more consideration to the issue in those circumstances.

7. At the suggestion of a commenter, § 325.3(b)(11)(iv) now indicates that the applicant should specify any restrictions on membership that it wants certified in addition to restrictions on membership that it wants certified in addition to restrictions on withdrawal from membership.

8. Section 325.3(b)(12) of the proposed regulations required the applicant to submit "[a] statement of whether the export trade, export trade activities or methods of operation for which certification is sought will involve, directly or indirectly, any agreement or any exchange of information with respect to domestic prices, production or sales, or will involve any exchange of other business confidential information." A number of commenters indicated that because "directly or indirectly" is vague, they are uncertain of which agreements they are required to disclose. In response to these comments, this clause has been deleted. The deletion, however, is intended to clarify and not to narrow the requirement. The applicant should indentify any agreements or exchanges of this nature that are contemplated in connection with the proposed export trade activities or methods of operation.

The Department emphasizes that, contrary to the fears expressed by some commenters, an exchange of information will not disqualify the applicant from receiving a certificate of review. In fact, exchanges of information on prices, production, sales, or other confidential business information may be certifiable under the Act.

9. Section 325.3(b)(13) of this interim rule requires the applicant to state whether it "intends or reasonably expects that any exported goods or services covered by the proposed certificate will re-enter the United States, either in their original or modified form." If the applicant answers "yes," the Secretary may still certify the proposed export conduct in certain circumstances.

10. Section 325.3(b) no longer requires the applicant to give the number of its employees and the number of each member's employees.

Standards for Issuing a Certificate

1. Many of the commenters asked for an explanation of § 325.4(b) which repeats the four standards for issuing a certificate that are specified in section 303(a) of the Act. The Secretary and the Attorney General plan to promulgate guidelines for issuing certificates of review. These guidelines will explain the standards and analytical approach that the Secretary and Attorney General will take in determining whether to certify an applicant's proposed export trade, export trade activities and methods of operation. The Secretary and the Attorney General hope to publish the guidelines in the **Federal Register** in time to help applicants prepare their applications.

2. Three commenters thought that § 325.4(a) as it was proposed might give the Attorney General the right to take up to an additional 30 days to consider an application, even if the applicant does not approve. The Department has revised this paragraph to make clear that the applicant must approve any extension regardless of whether it is the Secretary or the Attorney General who seeks the additional time.

3. A number of commenters suggested that, before he issues a certificate that is different from the draft that the applicant submitted, the Secretary should notify the applicant and allow the applicant to suggest alternatives or to withdraw its application. Section 325.4(d) incorporates this suggestion.

4. In response to the objections of six commenters, the Department has not included in the interim regulations § 325.4(e) of the proposed rule which provided that an applicant is not entitled to resubmit an application that the Secretary has denied within twelve months of the date of the denial.

Publications in the Federal Register

1. The interim rule revises § 825.5(a) to require the Secretary to submit to the **Federal Register** for publication a notice that an application has been submitted within 10 days after the application is deemed submitted. The interim rule also adds a provision that the Secretary will notify the applicant if he plans to publish a summary of the application that is different from the summary submitted by the applicant.

2. Section 325.5(c) of the proposed regulations would have required the Secretary to publish in the **Federal Register** a copy of each certificate he issues. The Department has received many comments urging the Department to keep the specific terms of a certificate confidential. The commenters argue that the publication of the certificate will discourage potential applicants who do not want to disclose their business plans to their competitors. Applicants might also not describe their proposed export activity in detail and so limit the certainty of the certificate's protection.

Having considered these comments, the Commerce and Justice Departments have concluded that it is not necessary to publish the certificate in the **Federal Register.** Therefore, the Department is revising § 325.5(c) to provide that the Secretary will publish a summary of the certificate he issues. However, it is the present intent of the Commerce and Justice Departments to make the certificate available for public

inspection in the International Trade Administration Freedom of Information Records Inspection Facility. The Departments request comments from the public on whether confidential information may or should be deleted from the publicly available certificate. The comments should address the interest in giving potentially aggrieved parties sufficient notice of the conduct covered by the certificate to exercise rights of judicial review.

Modifying or Revoking a Certificate

Section 325.9 controls how the Secretary and Attorney General can modify or revoke a certificate. Under § 325.9(b) the Secretary can ask the certificate holder for any information necessary to determine whether the certificate holder's export trade, export trade activities and methods of operation still meet the standards for certification. The interim revises rule § 325.9 by clarifying that the certificate holder's failure to provide the information requested by the Secretary is grounds for modifying or revoking the certificate. This makes the regulation consistent with section 304 of the Export Trading Company Act.

Confidential Information

1. Section 325.14(b) limits the government's disclosure of commercial or financial information if the information is privileged or confidential and if disclosing the information would harm the person who submitted it. One commenter expressed concern that the regulation conditions confidentiality of the Department's finding that disclosure would be harmful. Another commenter suggested that information be kept confidential if disclosure would be "disadvantageous" to the person who submitted the information.

Section 325.14(b) incorporated into the regulations section 309(b) of the Export Trading Company Act. The Department cannot change the statute by regulation. However, in order to encourage the submission of information relevant to an application or certificate, the Department has revised § 325.14(b) to allow the person submitting information to designate the documents or information which it considers privileged or confidential and the disclosure of which would cause it harm. This input, although not controlling, will help determine whether information may be disclosed.

2. Section 309(b)(2)(B) of the Act authorizes officers and employees of the United States to disclose privileged or confidential information "in a judicial or administrative proceeding, subject to appropriate protective orders." Section 325.14(b)(3)(ii) incorporates this provision into the regulations.

Section 325.10(c) of the proposed regulations further provided that, in actions under section 305(a) of the Act, "the parties shall seek an appropriate protective order prior to the disclosure of any confidential or privileged documents or information." Section 309(b)(2)(B), however, applies to all judicial or administrative proceedings instead of just actions for judicial review of the Secretary's decision to issue, deny, amend, modity, or revoke a certificate. The Department does not intend to distinguish actions under section 305 of the Act from other judicial or administrative proceedings as the proposed regulations may have implied. For this reason, the Department has omitted § 325.10(c) from these interim regulations and has added a new § 325.14(c) which will apply to all judicial or administrative proceedings. Under § 325.14(c), the Secretary or the Attorney General will try to notify the party who submitted confidential or privileged information whenever disclosure of this information is sought from the Secretary or Attorney General in a judicial or administrative proceeding. The Secretary or Attorney General also may seek or support an appropriate protective order on behalf of the party who submitted the information.

The Department is providing a period of 60 days for public comments on this rule. In developing the final regulations, the Department will consider all of the comments it receives before the close of the comment period. If possible, the Department will consider comments it receives after the end of the comment period, but their consideration cannot be assured. The Department will not consider public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason. These comments and materials will be returned and will not be considered in the development of the final regulations.

All public comments on these regulations will be a matter of public record and will be available to the public to inspect and copy. In the interest of accuracy and completeness, comments in written form are preferred. If commenters make oral comments, they must follow them with written memoranda, which will also be a matter of public record and will be available for the public to inspect and copy. Communications from agencies of the United States government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration Freedom of Information Records Inspection Facility, Room 4001-B, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. The public may inspect and copy records in this facility, including written public comments and memoranda summarizing the substance of oral communications, according to the regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about inspecting and copying records at the facility may be obtained from Patricia L. Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. The regulations are procedural in nature and will not have an annual effect on the economy of $100 million or more. Analysis of the regulations also indicates that they will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions, or have a significant adverse effect 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. Accordingly, a Regulatory Impact Analysis of this rule is not required.

The only potential costs of the proposed regulations are the costs to businesses of applying for certification and the costs to the government for processing applications. The recordkeeping, administrative burdens, and direct financial costs to a business to prepare an application under the regulations are expected to be minimal. Furthermore, the certification process is voluntary. A firm that wants to conduct an export venture is not required to get a certificate of review. The costs to the Federal government for reviewing applications for export trade certificates are not expected to be significant.

The interim rule is not a major Federal action significantly affecting the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, no assessment of

environmental impact statement has been or will be prepared.

The interim rule is exempt from the Regulatory Flexibility Analyis requirements of Section 603 of the Regulatory Flexibility Act since the Department is not required by Section 553 of Title V, United States Code, or any other law, to publish general notice of proposed rulemaking for interpretative rules, general statements of policy, and rules of procedure or practice. However, even if the proposed rule were not exempt, preparation of an initial Regulatory Flexibility Analysis would not be required because the record keeping, administrative burdens and other costs on any individual entity applying for a certificate of review under the regulations would be minimal and those costs would not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

The Department has requested approval of the information collection requirements contained in these regulations by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 15 CFR Part 325

Exports, Antitrust, Administrative practice and procedure, Reporting requirements, and Freedom of information.

For the reasons set out in the preamble, 15 CFR Chapter III, Subchapter A, is amended by adding a new Part 325 to read as follows:

PART 325—EXPORT TRADE CERTIFICATES OF REVIEW

Sec.
325.1 Scope.
325.2 Definitions.
325.3 Applying for a certificate of review.
325.4 Issuing the certificate.
325.5 Publishing notices in the Federal Register.
325.6 Amending a certificate.
325.7 Expediting the certification process.
325.8 Reconsidering an application that has been denied.
325.9 Modifying or revoking a certificate.
325.10 Judicial review.
325.11 Returning the applicant's documents.
325.12 Nonadmissibility in evidence.
325.13 Submitting reports.
325.14 Protecting confidential information.

Authority: Title III of the Export Trading Company Act, Pub. L. 97-290 (96 Stat. 1240-1245, 15 U.S.C. 4011-4021).

§ 325.1 Scope.

This part contains regulations for issuing Export Trade Certificates of Review under Title III of the Export Trading Company Act, Pub. L. No. 97-290. Certificate holders and their members who are identified in these certificates have specific protections from liability under the antitrust laws for certified export trade, export trade activities, and methods of operation that they engage in while the certificates are in effect.

§ 325.2 Definitions.

As used in this part:

(a) "Act" means Title III of Pub. L. 97-290, Export Trade Certificates of Review.

(b) "Antitrust laws" means the antitrust laws, as the term is defined in the first section of the Clayton Act (15 U.S.C. 12), section 5 of the Federal Trade Commission Act (15 U.S.C. 45) (to the extent that section 5 prohibits unfair methods of competition), and any State antitrust or unfair competition law.

(c) "Applicant" means the person or persons who submit an application for a certificate.

(d) "Application" means an application for a certificate to be issued under this Act.

(e) "Attorney General" means the Attorney General of the United States or his designee.

(f) "Certificate" means a certificate of review issued pursuant to this Act.

(g) "Control" means either: (1) Holding 50 percent or more of the outstanding voting securities of an issuer; or (2) having the contractual power presently to designate a majority of the directors of a corporation, or in the case of an unincorporated entity, a majority of the individuals who exercise similar functions.

(h) "Controlling entity" means an entity which directly or indirectly controls a member or applicant, and is not controlled by any other entity.

(i) "Export trade" means trade or commerce in goods, wares, merchandise, or services that are exported, or are in the course of being exported, from the United States or any territory of the United States to any foreign nation.

(j) "Export trade activities" means activities or agreements in the course of export trade.

(k) "Member" means, with respect to an applicant, a partner, shareholder or participant who is seeking protection under the certificate. This applies to partners in partnerships or joint ventures; shareholders of corporations; or participants in associations, cooperatives, or other forms of profit or nonprofit organizations or combinations, by contract or other arrangement.

(l) "Method of operation" means any method by which a person conducts or proposes to conduct export trade.

(m) "Person" means an individual who is a resident of the United States; a partnership that is created under and exists pursuant to the laws of any State or of the United States; a State or local government entity; a corporation, whether it is organized as a profit or nonprofit corporation, that is created under and exists pursuant to the laws of any State or of the United States; or any association or combination, by contract or other arrangement, between or among such persons.

(n) "Secretary" means the Secretary of the Department of Commerce or his designee.

(o) "Services" means intangible economic output, including, but not limited to—

(i) Business, repair, and amusement services,

(ii) Management, legal, engineering, architectural, and other professional services, and

(iii) "Financial, insurance, transportation, informational and any other data-based services, and communication services.

(p) "United States" means the fifty States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

§ 325.3 Applying for a certificate of review.

(a) *Place of filing.* An original and two copies of an application for certification shall be submitted for filing by personal delivery during normal business hours or by first class mail to the Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Washington, D.C. 20230. Although not required, the applicant should consider using registered mail or some other delivery method that provides evidence of receipt.

(b) *Contents of application.* Any person may submit an application for certification. The application shall contain, where applicable, the information listed below. Some information, in particular the identification of goods or services that the applicant exports or proposes to export, is requested in a cetain form (Standard Industrial Classification [SIC] numbers) if reasonably available. Where information does not exist in this form, an applicant is not required to create it, and may satisfy the request for

information by providing it in some other convenient form. If an applicant is unable to provide any of the information requested or if the applicant believes that any of the information requested would be burdensome to obtain and unnecessary for a determination on the application, the applicant should state that the information is not being provided or is being provided in lesser detail, and explain why.

(1) Name and principal address of the applicant and of its controlling entity, if any. Include the name, title, address, telephone number and relationship to the applicant of the individual or individuals to whom the Secretary should address correspondence.

(2) The name and principal address of each member, and of each member's controlling entity, if any.

(3) A copy of any legal instrument under which the applicant is organized or will operate. Include copies, as applicable, of its corporate charter, bylaws, partnership, joint venture, membership or other agreements or contracts under which the applicant is organized.

(4) A brief description, preferably in the form of a chart or table, of the organization of the export-related operations of the applicant.

(5) A copy of the applicant's most recent annual report, if any, and that of its controlling entity, if any. To the extent the information is not included in the annual report, or other documents submitted in connection with this application, a brief description of the applicant's operations, including the nature of its business, the types of products or services with which it deals, and the places where it does business.

(6) A copy of each member's most recent annual report, if any, and that of its controlling entity, if any. To the extent the information is not included in the annual report, or other documents submitted in connection with this application, a brief description of each member's operations, including the nature of its business, the types of products or services with which it deals, and the places where it does business.

(7) The names, titles, and responsibilities of the applicant's directors, officers, partners and managing officials, and their business affiliations with other members or other businesses that produce or sell any of the types of goods or services described in paragraph (b)(8) of this section.

(8)(i) A description of the goods or services which the applicant exports or proposes to export under the certificate of review. This description should reflect the industry's customary definitions of products and services.

(ii) If it is reasonably available, an identification of the goods or services according to the Standard Industrial Classification (SIC) number. Goods should normally be identified according to the 7-digit level. Services should normally be identified at the most detailed SIC level available.

(9) For each class of the goods, wares, merchandise or services described in paragraph (b)(8) of this section:

(i) The principal geographic area or areas in the United States in which the applicant and each member sell their goods and services.

(ii) For the previous two calendar years, the dollar value of the applicant's and each member's (A) total domestic sales, if any; and (B) total export sales, if any. Include the value of the sales of any controlling entities and all entities under their control.

(10) For each class of the goods, wares, merchandise or services described in paragraph (b)(8) of this section, the best information or estimate accessible to the applicant of the total value of sales in the United States by all companies for the last two years. Identify the source of the information or the basis of the estimate.

(11) A description of the specific export trade activities and methods of operation which the applicant seeks to have certified. Only the specific activities and methods described in the application will be eligible for certification. Examples of the types of activities that the applicant may want to have certified, and of the degree of specificity that the applicant should provide, include, where applicable:

(i) The types of services which the applicant will provide to or secure for persons engaged in export trade and the manner in which those services will be provided;

(ii) The manner in which prices and quantities of products and services to be exported will be established;

(iii) Any agreements to sell exclusively to or through the applicant or other person, any agreements with foreign persons who may act as joint or exclusive agents, any agreements for pooling tangible or intangible property or resources, and any territorial or price maintenance restrictions that will be imposed or agreed to;

(iv) The nature of any restrictions on membership or membership withdrawal.

(12) If the export trade, export trade activities, or methods of operation for which certification is sought will involve any agreement or any exchange of information with respect to domestic prices, production, sales, or other confidential business information, specify the nature of the agreement or exchange of information.

(13) A statement of whether the applicant intends or reasonably expects that any exported goods or services covered by the proposed certificate will re-enter the United States, either in their original or modified form. If so, identify the goods or services and the manner in which they may re-enter the U.S.

(14) A statement of whether the applicant proposes to export goods or services that are supplied by persons who are not covered by the certificate.

(15) A proposed non-confidential summary of the conduct for which certification is sought for publication in the **Federal Register** under § 325.5(a) of this part.

(16) A draft proposed certificate for the export conduct which the applicant seeks to have certified.

(17) Any other information that the applicant believes will be necessary or helpful to a determination of whether to issue a certificate under the standards of the Act.

(c) *Conformity with regulations.* No application shall be deemed submitted unless such document is in compliance with these regulations. Applicants are encouraged to seek guidance and assistance from the Department of Commerce in preparing and documenting their applications.

(d) *Review and acceptance.* On the day that an application is received in the Office of Export Trading Company Affairs, the Secretary will stamp the application. From that date, the Secretary will have five working days to determine whether the application is complete, has been properly prepared and can be deemed submitted under this Act. On the date on which the application is deemed submitted, the Secretary will stamp it with that date, and notify the applicant that the application has been accepted for review. If the application is not accepted for review, the Secretary shall advise the applicant that it may refile the application after correcting the deficiencies that the Secretary has specified. If the Secretary does not take action on the application within the five day period, the application shall be deemed submitted as of the sixth day.

(e) *Withdrawal of application.* An applicant may withdraw an application by written request at any time before the Secretary has made his determination under § 325.4 of this part. An applicant who withdraws an application may submit a new application at any time, in accordance with these regulations.

(f) *Supplemental information.* If, after an application has been accepted for review, the Secretary or Attorney General finds that additional information is necessary to make a determination on the application, the Secretary will request in writing such supplemental information from the applicant. If the applicant consents to supply the additional information, the time period for determination on the application will be suspended from the date on which the request is sent until the supplemental information is received and is considered complete. The Secretary shall promptly determine whether the supplemental information is complete, and shall notify the applicant of his determination. If the information is being sought by the Attorney General, the Attorney General must concur in the determination that the supplemental information is complete. If the applicant does not agree to provide the additional information, and the Secretary or Attorney General considers the information in their possession insufficient to make a determination on the application, the applicant may withdraw the application, or the Secretary shall deny it.

§ 325.4 Issuing the certificate.

(a) *Time period.* The Secretary shall issue or decline to issue a certificate to an applicant within 90 days after an application is deemed submitted under this Act pursuant to § 325.3(d) (excluding any time period which has been suspended pursuant to § 325.3(f)). If the Secretary or Attorney General considers it necessary, and the applicant agrees, the Secretary may take up to an additional 30 days before issuing or declining to issue a certificate.

(b) *Determination.* The Secretary shall issue a certificate to the applicant if he determines, and the Attorney General concurs, that the proposed export trade, export trade activities and methods of operation will—

(1) result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant;

(2) not unreasonably enhance, stabilize, or depress prices within the United States of the class of the goods, wares, merchandise or services exported by the applicant;

(3) not constitute unfair methods of competition against competitors who are engaged in the export of goods, wares, merchandise or services of the class exported by the applicant; and

(4) not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

(c) *Concurrence of the Attorney General.* (1) Within seven days after an application is deemed submitted under this Act pursuant to § 325.3(d), the Secretary shall forward to the Attorney General a copy of the application, any information submitted in connection with the application, and any other relevant information in his possession. The Secretary and the Attorney General shall make available to each other copies of other relevant information that was obtained in connection with the certification review process, unless otherwise prohibited by law.

(2) Immediately upon completion of an initial draft of a certificate, but in no event later than twenty days prior to the expiration of the time period for a determination on the application, the Secretary shall make it available to the Attorney General for discussion and comment. If the Attorney General disagrees with the proposed certificate, he shall, no later than ten days prior to the running of the time period for a determination on the application, so advise the Secretary and state the reasons for the disagreement. The Secretary, with the concurrence of the Attorney General, may modify or revise the proposed certificate to resolve the objections and problems raised by the Attorney General, or deny the application for a certificate.

(3) If, after having received the draft certificate by the date specified in paragraph (c)(2) of this section, the Attorney General does not render advice within the time period specified in the preceding paragraph, he shall be deemed to concur in the proposed certificate.

(d) *Content of certificate.* The certificate shall specify the export trade, export trade activities, methods of operation, and all persons which are protected from liability under the antitrust laws. The Secretary may certify in whole or in part the proposed export trade, export trade activities, and methods of operation contained in the applicant's draft certificate with such changes, modifications, terms or conditions as appropriate. If the Secretary intends to issue a certificate different from the draft certificate submitted by the applicant, the Secretary shall first consult with the applicant.

(e) *Certificate procured by fraud.* A certificate shall be void ab initio with respect to any export trade, export trade activities, or methods of operation for which a certificate was procured by fraud.

(f) *Minimum thirty day period.* The Secretary may not issue a certificate of review earlier than thirty days from the date the notice is published in the **Federal Register** according to § 325.5

§ 325.5 Publishing notices in the Federal Register.

(a) Within ten days after an application is deemed submitted for filing under § 325.3(d), the Secretary shall submit to the **Federal Register** for publication a notice that the application has been submitted. The notice shall include the names of the applicant and each member and a summary of the conduct for which certification is sought. If the Secretary does not intend to publish the summary as proposed by the applicant, he shall notify the applicant.

(b) Within twenty days from the date of publication in the **Federal Register,** interested parties may submit in writing to the Secretary information relevant to his determination of whether to issue a certificate.

(c) If a certificate is issued to an applicant, the Secretary shall publish a summary of the certificate in the **Federal Register.** If an application for a certificate is denied, the Secretary shall publish a notice of denial of the application.

§ 325.6 Amending the certificate.

An application for an amendment shall be treated in the same manner as an original application under these regulations. The application for an amendment to a certificate shall set forth the proposed amendment(s) and the reasons for them. It shall contain any information specified in § 325.3(b) that is relevant to the determination of the application for an amendment. The effective date of an amendment, if it is granted, will be the date on which the application for the amendment is deemed submitted for filing under § 325.3(d).

§ 325.7 Expediting the certification process.

(a) *Request for expedited action.* (1) An applicant may request expedited action on its application if circumstances indicate that the applicant has a special need for a quick decision on his application. The applicant should set forth the facts and circumstances that warrant expedited processing of its application.

(2) The Secretary shall, with the concurrence of the Attorney General, advise the applicant within 10 days after an application is deemed submitted under § 325.3(d) whether it will receive expedited action. The Secretary may grant the request in part and process the

remainder of the application through the normal procedures.

(b) *Time period.* With regard to any application for which the Secretary has granted a request for expedited action, and subject to the minimum time period in § 325.4(f) of this part, the Secretary shall issue or decline to issue a certificate within forty five days after an application is deemed submitted under § 325.3(d) (excluding any time period which has been suspended pursuant to § 325.3(f)) of this part.

(c) *Concurrence of the Attorney General.* (1) Immediately upon completion of an initial draft of a certificate, but in no event later than ten working days prior to the expiration of the time period for a determination on the application, the Secretary shall make it available to the Attorney General for discussion and comment. If the Attorney General disagrees with the proposed certificate, he shall, no later than five working days prior to the running of the time period for a determination on the application, so advise the Secretary and state the reasons for the disagreement. The Secretary, with the concurrence of the Attorney General, may modify or revise the proposed certificate to resolve the objections and problems raised by the Attorney General, or deny the application for a certificate.

(2) If, after having received the draft certificate by the date specified in paragraph (c)(1) of this section, the Attorney General does not render advice within the time period specified, he shall be deemed to concur in the proposed certificate.

§ 325.8 Reconsidering an application that has been denied.

(a) If the Secretary determines to deny a certificate to an applicant, in whole or in part, he shall notify the applicant in writing of his decision and the reasons for his determination.

(b) Within 30 days after receiving a notice of denial the applicant may request the Secretary to reconsider his determination.

(1) The request for reconsideration should include a written statement setting forth the reasons why the applicant believes the decision should be reconsidered, and any additional information that the applicant considers pertinent.

(2) Upon the request of the applicant, the Secretary and the Attorney General will meet informally with the applicant and/or his representative to discuss the applicant's reasons why the determination on the application should be changed.

(c) The Secretary shall consult with the Attorney General with regard to reconsidering an application. The Secretary may modify his original determination only if the Attorney General concurs.

(d) The Secretary shall notify the applicant, in writing, of his final determination after reconsideration and of his reasons for this determination within thirty days after the request for reconsideration has been received.

§ 325.9 Modifying or revoking a certificate.

(a) *Action subject to modification or revocation.* A person holding a certificate whose export trade, export trade activities or methods of operation no longer comply with the requirements set forth in § 325.4(b) of this part, or who fails to comply with a request for information under paragraph (b) of this section, may be subject to any of the following actions:

(1) Revocation of certificate. A certificate may be revoked, in whole or in part.

(2) Modification of certificate. A certificate may be modified by the Secretary in such a manner and upon such terms and conditions as necessary.

(b) *Request for information.* If the Secretary or the Attorney General has reason to believe that the export trade, export trade activities, or methods of operation of a person holding a certificate no longer comply with the requirements set forth in § 325.4(b), the Secretary shall request any information that he or the Attorney General consider to be necessary to resolve the matter.

(c) *Proceedings for the revocation or modification of a certificate.*

(1) *Notification letter.* If, after reviewing any relevant information in their possession, the Secretary or the Attorney General believe that the export trade, export trade activities, or methods of operation of a person holding a certificate no longer comply with the requirements set forth in § 325.4(b) of this part, or that the failure to comply with the request for information under paragraph (b) of this section should result in the revocation or modification of the certificate, the Secretary shall notify the holder of a certificate in writing of his intent to revoke or modify the certificate. The notification shall be sent by registered or certified mail to the address specified in the certificate. The notification shall include a detailed statement setting forth the facts, conduct or circumstances which may warrant the revocation or modification of the certificate.

(2) *Answer.* The certificate holder shall respond to the notification letter within 30 days after receiving it, unless the Secretary, in his discretion, grants an additional 30 days extension for good cause shown. The certificate holder shall respond specifically to the statement included with the notification letter and state in detail why the facts, conduct or circumstances described in the notification letter are not true, or if they are true, why they do not warrant the revoking or modifying of the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the allegations contained in the notification letter.

(3) *Resolution of factual disputes.* Where material facts are in dispute, the Secretary and the Attorney General shall, upon request, meet informally with the certificate holder. The Secretary or Attorney General may require the certificate holder to provide any documents or information that are necessary to support its contentions. After reviewing the statements of the certificate holder and the documents or information that the certificate holder has submitted, and upon considering other relevant documents or information in his possession, the Secretary shall make a proposed determination of the factual matters in dispute. The Attorney General is not bound by the proposed determination.

(4) *Final determination.* The Secretary and Attorney General shall review the notification letter and the certificate holder's answer to it, the proposed factual determination made under paragraph (c)(3) of this section, and any other relevant documents or information in their possession. If, after his review, the Secretary or Attorney General determines that the export trade, export trade activities, or methods of operation no longer comply with the standards set forth in § 325.4(b) of this part, the Secretary shall revoke or modify the certificate as appropriate. If the Secretary or Attorney General determines that the certificate holder has failed to comply with the request for information under paragraph (b) of this section, and that the failure to comply should result in revocation or modification, the Secretary shall revoke or modify the certificate as appropriate. The decision will be final and will be issued to the certificate holder in writing. The decision shall include a statement of the circumstances underlying, and the reasons in support of the determination. It the Secretary determines to revoke or modify the certificate, the decision shall specify the effective date for the revocation or modification; this date must be at least thirty days but not more than ninety

days after the Secretary gives notice of his determination. The Secretary shall publish notice of his final action in the **Federal Register.**

(d) *Investigative information.* In proceedings under this section, the Attorney General shall make available to the Secretary any information that has been obtained in response to Civil Investigative Demands issued under section 304(b)(3) of this Act. The Attorney General and the Secretary shall also make available to each other any other information which each is relying upon under these proceedings, unless such disclosure is prohibited by law.

§ 325.10 Judicial review.

(a) *Review of certain determinations.* (1) Any person aggrieved by final orders of the Secretary under §§ 325.4, 325.6, 325.8, and 325.9 of these regulations may, within thirty days of the determination, bring an action in an appropriate district court of the United States to set aside the determination on the grounds that it is erroneous.

(2) (i) For purposes of this section, an order is final under §§ 325.4 and 325.6 of this part, when notice is published in the **Federal Register** of the final determination, (A) to grant, in whole or in part, the application or request for amendment; or (B) to deny, in whole or in part, the application or request for amendment, unless the applicant requests reconsideration of the determination within 30 days under § 325.8 of this part. I if the applicant requests reconsideration, the final determination after reconsideration is final when notice is published in the **Federal Register.**

(ii) For purposes of this section, an order is final under §325.9 of this part, when notice is published in the **Federal Register** of a final determination under §325. 9(c)(4) of this part.

(b) *Record for judicial review.* For purposes of this section, the record, unless otherwise stipulated by the parties, shall consist of:

(1) With regard to the determination to grant or deny an application for a certificate, a copy of all information presented to or obtained by the Secretay which had a bearing on the determination;

(2) With regard to revoking or modifying a certificate, all information relating to the preparation of the notification letter and all information which had a bearing on the final determination;

(3) A copy of the determination and the supporting statement.

(c) *Limitation on judicial review.* Except as provided in paragraph (a) of this section, no agency action taken under this Act shall be subject to judicial review.

§ 325.11 Returning the applicant's documents.

(a) Upon the denial or withdrawal of an application for a certificate in its entirety, the applicant may request the return of all documents and all copies of the documents available to the Department of Commerce or the Department of Justice. The applicant shall submit this request to both the Secretary and the Attorney General.

(b) The Secretary and the Attorney General shall return the documents to the applicant within thirty days after they receive the applicant's request.

§ 325.12 Nonadmissibility in evidence.

The denial of an application for a certificate, in whole or in part, or for an amendment to a certificate, and the revocation or modification of a certificate, and any statement of reasons in support thereof shall not be admissible in evidence in any administrative or judicial proceeding in support of any claim under the antitrust laws.

§ 325.13 Submitting reports.

On the anniversary date of each year after a certificate is issued, a certificate holder shall submit a report to the Secretary. This report shall contain any changes relevant to the matters specified in the certificate, an update of the information contained in the application, and any other information the Secretary considers appropriate, after consultation with the Attorney General.

§ 325.14 Protecting confidentiality of information.

(a) Any information that is submitted by any person under this Act is exempt from disclosure under the Freedom of Information Act, (5 U.S.C. 552).

(b)(1) Except as authorized under paragraph (b)(3) of this section, no officer or employee of the United States shall disclose commercial or financial information submitted under this Act if the information is privileged or confidential, and if disclosing the information would cause harm to the person who submitted it.

(2) A person submitting information shall designate the documents or information which it considers privileged or confidential and the disclosure of which would cause harm to the person submitting it. The Secretary shall endeavor to notify these persons of any requests or demands before disclosing any of this information.

(3) An officer or employee of the United States may disclose information covered under paragraph (b)(1) of this section, only under the following circumstances—

(i) Upon a request made by either House of Congress or a Committee of the Congress,

(ii) In a judicial or administrative proceeding subject to issuance of an appropriate protective order,

(iii) With the written consent of the person who submitted the information,

(iv) When the Secretary considers disclosure of the information to be necessary for determining whether or not to issue, amend, or revoke a certificate, if—

(A) The Secretary determines that a non-confidential summary of the information is inadequate; and

(B) The person who submitted the information is informed of the intent to disclose the information, and has an opportunity to advise the Secretary of the potential harm which disclosure may cause,

(v) In accordance with any requirement imposed by a statute of the United States.

(C) In any judicial or administrative proceeding in which disclosure is sought from the Secretary or Attorney General of any confidential or privileged documents or information submitted under this Act, the Secretary or Attorney General shall attempt to notify the party who submitted the information of the request or demand for disclosure. In appropriate circumstances the Secretary or Attorney General may seek or support an appropriate protective order on behalf of the party who submitted the documents or information.

[The Department has requested approval of the information collection requirements contained in these regulations by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511).]

Dated: March 8, 1983.

Malcolm Baldridge,

Secretary of Commerce.

[FR Doc. 83–6267 Filed 3–10–83; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

List of Public Laws

Last Listing February 22, 1983.

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 (telephone 202-275-3030).

S.J. Res. 37 / Pub. L. 98-3. Providing that the week containing March 8, 1983, shall be designated as "Women's History Week". (Mar. 8, 1983; 97 Stat. 6) Price: $1.75