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DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 7

[Docket No. 83-53]

Interpretive Ruling Concerning National Bank Service Charges

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: This interpretive final rule clarifies the position of the Office regarding the ability of national banks to levy charges relating to services performed for customers in connection with deposit accounts. This action is necessary to incorporate into the service charge ruling interpretations which have been rendered under that ruling and to clarify that state law which interferes with the ability of national banks to establish service charges is preempted. The intended effect of this action is to provide certainty to banks and customers alike regarding, respectively, their ability to impose, or liability for, service charges by national banks in connection with deposit accounts.

EFFECTIVE DATE: December 2, 1983.

FOR FURTHER INFORMATION CONTACT: Jerome Edelstein, Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION:

Background

The Office is updating its interpretive ruling, 12 CFR 7.8000, regarding the imposition of service charges by national banks. This action is taken in response to disputes, including litigation, which have arisen over deposit account service charges by national banks. Clarification is particularly important at this time in light of current competitive conditions and the lifting of interest ceilings on certain deposit accounts. These changes underscore the need for banks to have flexibility to develop pricing policies to serve their corporate and competitive needs. Thus, the Office is codifying and clarifying certain principles relevant to the imposition of service charges by national banks. It is expected that this codification will provide needed certainty in this area.

Discussion

The ruling adds the following provisions to the current interpretive ruling. First, the final rule restates the longstanding Office position that the establishment of deposit account service charges and the amounts thereof are business decisions properly made by bank management for which the Office does not substitute its judgment. Second, the ruling makes it clear that in setting deposit account service charges, national banks may consider, but are not limited to considering:

—Recovering costs incurred by the bank in providing the service, plus a profit margin. Absent the ability to recover such costs and receive a profit, banks may be unwilling to provide a given service, thus limiting competition and customer choices.

—Deterring of misuse by borrowers. Certain deposit account services provided by banks, such as the honoring of checks drawn against nonsufficient funds, have the potential for misuse. It has been the Office position that service charges should discourage customers from frequently writing checks in amounts greater than their account balances. Such a practice, if left uncontrolled, provides a customer with automatic loans. Alternatively, the bank could automatically dishonor all checks drawn on nonsufficient funds. A bank, however, may hesitate to do this because of the embarrassment to its customer. An appropriate option, the Office believes, is to establish service charges to be levied in connection with the writing of nonsufficient fund checks by borrowers to discourage customers from frequently writing such checks.

—Enhancing of the competitive position and the marketing strategy of the bank. It is the position of the Office that banks should have the ability to set service charges to encourage or discourage the use of certain services in line with the bank's goals and corporate requirements.

—Maintaining of safety and soundness. Service charges should always be established with consideration of their impact on the financial health and profitability of the bank.

Third, the ruling clarifies that in accordance with general principle of federal preemption of state law, the amounts of deposit account service charges may not be limited, restricted or prohibited by state law. State law that tends to impair the efficiency of national banks or conflicts with the paramount laws of the United States is preempted. State laws which limit, restrict, or prohibit the amounts of deposit account service charges by national banks impair the ability of national banks to exercise their authority to take deposits under 12 U.S.C. 24 Seventh. Also, deregulation, including the lifting of interest rate ceilings on numerous types of accounts, underscores the need for national banks to have flexibility in the establishment of deposit account service charges so that they may continue to pay depositors market rates of interest. Further, the safety and soundness of banks depends in significant part on their ability to devise price structures appropriate for their needs. Any state law impediments to national bank flexibility have potentially serious implications for their continued safety and soundness. In such circumstances, the authority to regulate has been given by Congress to this Office as part of its mission of monitoring the safety and soundness of the national banking system. Attempts by states to regulate in the area are preempted as being in conflict with the statutory scheme under which the national banking system is regulated.

Title 12 CFR 7.8000 is not applicable to service charges imposed by a national bank in its capacity as a fiduciary. Those charges continue to be governed by 12 CFR Part 9. Title 12 CFR 7.7515, relating to service charges on dormant accounts, and 12 CFR 7.7517, relating to checking charges by newly organized national banks, remain in effect. The Office is considering amendments to these interpretive rulings and may develop a separate rulemaking

proceeding concerning national bank service charges.

Special Studies

A Regulatory Flexibility Analysis under the Regulatory Flexibility Act is not required for interpretive rulings such as this where a notice of proposed rulemaking is not required.

A Regulatory Impact Analysis is not required because the OCC has determined that the rule is not a "major rule" as defined by Executive Order 12291.

Notice and Comment

Publication for notice and comment and delayed effectiveness as set forth in the Administrative Procedure Act 5 U.S.C. § 553 are not required for this document which is an interpretive rule and therefore is exempt (5 U.S.C. 553(b)(A), (d)(2)).

List of Subjects in 12 CFR Part 7

National banks, Service charges, Deposit accounts.

PART 7—[AMENDED]

Accordingly, for the reasons set forth above, Part 7 is amended by revising § 7.8000 as follows:

1. The authority citation for Part 7 reads as follows:

Authority: R.S. 324 et seq., as amended; 12 U.S.C. 1 *et seq.*, unless otherwise stated.

2. By revising 12 CFR 7.8000 as follows:

§ 7.8000 Charges by national banks.

(a) All charges to customers should be arrived at by each bank on a competitive basis and not on the basis of any agreement, arrangement, undertaking, understanding or discussion with other banks or their officers.

(b) Establishment of deposit account service charges, and the amounts thereof, is a business decision made by each bank and the Office will not substitute its judgment. In establishing deposit account service charges, the bank may consider, but is not limited to considering:

(1) Costs incurred by the bank, plus a profit margin, in providing the service;

(2) The deterrence of misuse by customers of banking services;

(3) The enhancement of the competitive position of the bank in accord with the bank's marketing strategy;

(4) Maintenance of the safety and soundness of the institution.

(c) A national bank may establish any deposit account service charge pursuant to paragraphs (a) and (b) of this section notwithstanding any state laws which prohibit the charge assessed or limit or restrict the amount of that charge. Those laws impair the efficiency of national banks and conflict with the regulatory scheme governing the national banking system and are preempted by federal law.

(d) This interpretive ruling does not apply to (1) charges imposed by a national bank in its capacity as a fiduciary, which are governed by 12 CFR 9; and (2) service charges on dormant accounts which are governed by 12 CFR 7.7515.

Dated: November 28, 1983.

C. T. Conover,

Comptroller of the Currency.

[FR Doc. 83-32261 Filed 12-1-83; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 563 and 571

Reserve Requirements and Policies Relating to Insurance of Accounts of de Novo Institutions

Dated: November 28, 1983.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, has codified and updated its policies relating to approval of insurance applications of *de novo* institutions. First, *de novo* applicants will be expected to raise initial capital of $3 million, except (1) *de novo* applicants that have filed applications prior to November 3, 1983; (2) *de novo* applicants located in, and dedicated to serving, communities having populations under 50,000; and (3) supervisory acquisitions. *De novo* applicants will also be expected to submit a three-year business plan; in this connection, the Board has established a policy calling for disapproval of applicants whose business plans indicate an intention to invest more than ten percent of their assets in service corporation subsidiaries or in the acquisition of real estate. The Board has also amended its regulation governing statutory-reserve and net-worth requirements as they pertain to *de novo* institutions applying for insurance of accounts, to provide for increased reserve amounts and to delete provisions permitting calculation of reserves on a five-year-average basis and building reserves over a 20-year period.

The Board believes that these changes are necessary because existing requirements permit new institutions excessive leveraging and growth potential which may create an unacceptable risk to the Insurance Fund, especially in light of the range of new activities authorized for federal and state-chartered institutions. The changes are intended to allow growth in a gradual, safe, and sound manner, while guarding against excessive, highly leveraged expansion and risk to the FSLIC.

EFFECTIVE DATE: December 2, 1983.

FOR FURTHER INFORMATION CONTACT: Robert S. Monheit, Attorney, Policy and Projects Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G St., N.W., Washington, D.C., 20552; telephone: (202) 377-6465.

SUPPLEMENTARY INFORMATION: By Board Resolution No. 83-195, dated November 3, 1983 (48 FR 51271), the Federal Home Loan Bank Board ("Board"), as the operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"), proposed to update, revise, and codify a number of its policies pertaining to the approval of FSLIC insurance for newly chartered ("*de novo*") federal and state thrift institutions. There proposed policy changes were prompted by a number of significant changes in the powers and structure of the thrift industry.

First, as a result of the Garn-St Germain Depository Institutions Act of 1982 ("DIA"), Pub. L. No. 97-320, and changes to a number of state laws, the investment powers of federal and state-chartered institutions have widened significantly, permitting investments in areas in which this industry has little, if any, experience and increasing the risk of loss to the institutions and, ultimately, to the FSLIC. In some states, statutory limits on the percentage of assets that an association may commit to these new powers may not effectively require a prudent mix of new, riskier investments with the traditional, secured investments, and may instead permit institutions largely to abandon their primary role as providers of residential mortgage credit. This expansion of authority also raises questions concerning the appropriate use of FSLIC resources. The Board believes that excessive investments in areas other than home finance may constitute home-financing policies inconsistent with economical home financing and the purposes of the National Housing Act ("NHA"), statutory grounds for rejecting applicants for FSLIC insurance, 12 U.S.C. 1726(c).

Second, the Board has observed a significant change in the ability of applicants for insurance of accounts to raise funds. Most of the Board's policies concerning applicants for insurance of accounts were developed at a time when applicants were exclusively mutual institutions raising capital and deposit liabilities in their local markets. Since 1981, all *de novo* state-chartered institutions applying for insurance of accounts have been stock institutions; and since Title II of the DIA authorized the chartering and insuring of *de novo* federal stock institutions, all applications for *de novo* federal associations received this year have involved stock associations. Stock institutions have a greater inherent ability than mutuals to raise capital, and this capacity has been increased through the creation of a nationwide market for S&L securities. In addition, a nationwide network for attracting deposit liabilities has developed, creating a potential for rapid growth not contemplated by existing policies.

Third, *de novo* applicants for insurance do not have a proven supervisory history. Thus, the Corporation faces the prospect of insuring untried institutions having the potential for rapid growth and the ability to undertake substantial non-housing-related investments and other activities. Further, these institutions can enter into new investment areas more rapidly than existing institutions that are constrained by their current portfolios and expertise.

The Board believes it is appropriate to act promptly to ensure that *de novo* institutions commence operations in a safe and sound manner, while it continues to review its policies regarding reserve requirements, investments and other areas of possible concern relating to existing institutions. The Board, therefore, issued a proposal to amend its policies and requirements pertaining to the early operations of *de novo* FSLIC members, while continuing to consider changes related to currently insured institutions. First, the Board proposed to increase the minimum initial capitalization for all *de novo* applicants to $3 million, regardless of the population of the area in which an institution is to be located. Second, the proposal called for a *de novo* applicant to submit a business plan describing its management, operations, investments, and financial projections for the first three years of operations. Third, the proposal sought to limit investments by *de novo* institutions in service corporations and/or real estate acquisitions to an aggregate of no more than 10 percent of assets or as authorized by law, whichever is less. Fourth, the Board proposed to revise the reserve and net-worth requirements for *de novo* institutions by eliminating five-year averaging and by replacing the 20-year phase-in of the three percent reserve and net-worth requirements with a three-year "phase-down" from seven percent to five percent with further reduction to the then-prevailing standard (currently three percent) with the approval of the Principal Supervisory Agent.

The Board received 72 comment letters addressing the proposal. The majority of comments came from institutions in various stages of the application process: thirty commenters are associations in organization and nine are law firms representing such institutions. Comment letters were also received from six law firms, six state commissioners, six individuals, five FSLIC-insured institutions, five trade associations, two commercial banks, an industry consultant, a member of the United States House of Representatives, and a United States Senator. Most letters addressed particular aspects of the proposal and will be discussed in connection with those topics. Of those offering general observations, nine letters were generally favorable, recognizing the necessity to curtail speculative investment and to encourage home lending. Commenters also noted approvingly that the adoption of final regulations would presumably help to hasten decisions on applications.

Fourteen commenters generally opposed the proposal. Principal grounds for these objections included the brevity of the comment period, the unfairness of applying new standards to institutions whose applications are pending, usurpation of state regulatory authority, and a perceived inconsistency with general deregulatory action. While the latter points will be discussed in connection with particular aspects of the proposal, the Board wishes to address at this point the objections to the abbreviated comment period. The Board believes that the fifteen-day comment period was justified by the seriousness and magnitude of the problem and the necessity of taking immediate action, as well as a desire, with respect to the large number of pending applications, not to delay reviews unnecessarily or hinder planning by prospective applicants. The number, depth and scope of the comments indicates that the public has been able to respond meaningfully, with helpful suggestions, during this abbreviated period. Many divergent points of view were well-represented, and it is clear, therefore, that the interests of the public, and of the Board, have been served.

Scope of Amendments. A question concerning the scope and applicability of the proposed changes was raised in the comments. To clarify the applicability of the final rule, definitions of "*de novo* institution" and "*de novo* applicant" have been included. A *de novo* institution or applicant is one that has filed an application for FSLIC insurance, or a request for a commitment for insurance, or an application for permission to organize a federal association, and the business of which has not been conducted previously under any charter. This definition would exclude existing, operating institutions that convert from state insurance to FSLIC insurance, or FDIC to FSLIC insurance, or which for legitimate tax purposes reorganize under a new charter. The Board is continuing to review its policies regarding reserve requirements, investments and other areas of possible concern relating to existing institutions, and will consider within the scope of that review insurance applicants whose business has been conducted under other charters.

Minimum Initial Capitalization. The Board proposed to codify its policies relating to approval of insurance applications for *de novo* institutions, and to revise 12 CFR 571.6 to eliminate redundant provisions. In May, 1976, the Board's policy called for an applicant located in a Standard Metropolitan Statistical Area (SMSA), or market area, having a population between 25,000 and 100,000, to raise at least $1 million in permanent stock (stock institutions) or withdrawable savings of which no more than $250,000 would be pledged savings (mutual institutions); an applicant in an SMSA, or market area, having a population over 100,000 was expected to raise at least $2 million in permanent stock or withdrawable savings, of which no more than $250,000 would be pledged savings. In 1982, the Board raised the minimum pledged savings level to the 1976 permanent capital stock level, which was not significantly changed.

Changes in the industry occurring since 1976 have brought into question the adequacy of the current minimum capital level. As previously described, the preference of organizers for the stock form of organization to enhance capital accumulation, the availability of riskier new investment opportunities, and the greater access to funds on a nationwide basis, suggested elimination of a distinction between institutions in different market areas and an increase

in initial reserves to ensure the soundness of the institutions and the protection of the FSLIC. In addition, the Board has noted that current minimums have effectively declined as a result of inflation. The Board, therefore, proposed a minimum initial capitalization of $3 million for *de novo* institutions. The final regulation adopts that standard, with certain exceptions described below which are responsive to important points raised by the public.

Forty-four commenters addressed the Board's proposal to raise the initial capitalization standard, with the great majority in opposition to the proposal. Thirty of these letters were from persons who identified themselves as organizers or representatives of organizers of associations currently in the process of making application for insurance of accounts.

Many commenters objected to establishing a higher initial capitalization standard for institutions in organization whose applications, business plans and projections were all based on the standards in effect at the time the applications were submitted. Particular concern was expressed by persons who had already met the previous capital standards and were faced with the necessity of returning the funds raised and beginning anew. The Board agrees that it is equitable to permit applications in process to be completed on the basis of the minimum initial capital standards effect when they were filed, and consequently has determined to apply the new minimum initial standards only to those whose applications were received in the Federal Home Loan Banks on or after November 3, 1983, the date the Board issued the proposal. The Board, however, is concerned that "grandfathered" *de novo* applicants do not, by virtue of this exception, either begin on an under-capitalized basis or become excessively leveraged. The Board firmly believes that the 20-year "phase-in" of reserves and net worth provides excessive ability for leveraged growth and therefore cannot permit the "grandfathered" applicants to apply the previously existing reserve and net-worth requirement. Instead, those *de novo* institutions whose applications were received prior to November 3, 1983 may have initial capitalization according to the standards in effect at that time, provided that they agree to maintain reserves and net worth at seven percent of insured accounts and liabilities (respectively) for the first three years of operation. This will permit these institutions reasonable growth in their early years of operation while avoiding excessive or unsafe and unsound expansion of liabilities.

Many commenters expressed concern that raising the minimum capital to $3 million for all new institutions regardless of the size of their markets would have detrimental effects on small communities. These commenters asserted that the stock form does not effectively permit nationwide investment in institutions in small communities, because the distribution system is keyed to greater dollar volume than is available in these stock offerings. The Board is concerned that small communities have access to thrift institutions to serve their credit, savings and housing needs. The final policy statement therefore includes an exception that will permit an association with a demonstrated commitment to the small community in which it is to be located to have minimum initial capital of $2 million. The Board believes that this approach will preserve the availability of traditional thrifts for those communities that need them, while providing additional protection for the Insurance Fund for institutions located in larger areas or engaging in more speculative investments. The Board, however, does not intend this exception to become a competitive advantage for those not intending to serve the communities of under 50,000 in population that the exception is designed to benefit. Therefore, *de novo* applicants taking advantage of this small-community exception must look primarily to their community for their organizational, physical, and capital resources; establish independent office quarters that will provide the citizens of that community with local public deposit facilities; and provide local home financing and related services for the benefit of the citizens of that community. This policy also addresses those comments that suggested that it is the activities in which the institution wishes to engage that should take precedence in determining its minimum capital.

Commenters on this topic also questioned whether increasing minimum capital would further the Board's purpose of protecting the Insurance Fund and supporting housing investment, and some suggested that the proposed increase in net-worth requirements would alone suffice. The Board continues to believe that this increase will assist in accomplishing these objectives, but only in conjunction with the reserve and net-worth limitations proposed in order to limit excessive leverage growth, and a well-developed, prudent business plan for the early years of operation.

Business Plans. Section 403(c) of the NHA (12 U.S.C. 1726(c)), requires disapproval of an application if the Board finds that the applicant's capital is impaired or that its financial policies or management are unsafe. Further, § 403(c) grants the Board the discretion to reject an applicant if the Board finds that the applicant's management or home financing policy is inconsistent with economical home financing or with the purposes of Title IV of the NHA. In addition, the Board is directed to give full consideration to all factors in connection with the financial condition of applicants.

As a result of the expansion of investment authority under the DIA and many state laws, and the increased ability of institutions to obtain capital and deposit liabilities on a nationwide basis, the Board finds it increasingly difficult to make these determinations without detailed information on the business plans and projections of *de novo* applicants. The Board faces the prospect of insuring untried institutions lacking a supervisory history that have the authority to make a wide range of non-traditional investments. The Board, therefore, finds it imperative that, in addition to the current application requirements, *de novo* applicants provide further detailed information on plans for the first three years of operation, including descriptions of management, investment policies, and operations (including expected reliance upon brokers to obtain deposits), accompanied by financial projections.

Three commenters specifically favored the business plan proposal, believing that this is an appropriate tool for control of risk. Three commenters opposed the proposal, two suggesting that three years is too long a period (because rapidly changing economic conditions may make a business plan obsolete within a shorter time), and one noting that the proposal differed little from the Board's current practice of requesting such information. One comment letter questioned the time at which the management would be selected and identified in the plan.

While the Board agrees that economic changes may and will occur during the three-year period, it nonetheless believes that a three-year projection is necessary and appropriate and has therefore adopted the three-year business plan proposal. The Board does not believe that a plan for less than this amount of time will give it a clear view of the association's intended direction. The Board is under a statutory

responsibility to judge whether an applicant's financial policies or management are unsafe, and to determine whether an applicant's management or home financing policies are inconsistent with economical home financing or with the Congressional purpose in providing deposit insurance to qualified thrift institutions. If an applicant is unable to make reasonable projections and plans for a three-year period, this may indicate that the applicant would have difficulty in establishing and following a prudent investment policy in a deregulated environment. If an applicant cannot reasonably project its investment plans and philosophy for a three-year period, then the Board cannot, with any degree of certainty, determine that the applicant's home financing policies are consistent with economical home financing. Furthermore, a plan is an indication to the Board of the applicant's management strategy and approach and the applicant's commitment to economical home financing. Sound business judgment over time or changes in circumstances may necessitate changes to any plan. Therefore, the Board will permit applicants to update their business plans during the application process and, in identifying management, require a final selection, subject to the approval of the Principal Supervisory Agent, as part of a conditional approval. Further, the Board will permit applicants to make adjustments to the business plan after the applicant begins operations, provided that any material change in, or deviation from, the business plan receives the prior approval of the Principal Supervisory Agent. Changes in economic conditions generally, or in the situation of a particular association, would, therefore, be expected to be reflected in a revised plan and would be taken into account in determining whether the association has fulfilled its commitment to follow its plan.

Investment Limitation. In its proposal, the Board expressed concern that applicants may intend to make substantial investments in activities unrelated to home finance, thereby rendering the applicant's home financing policy inconsistent with economical home financing or with the purposes of Title IV of the NHA. The Board is particularly concerned with the ability of applicants to channel a significant amount of their investments through service corporations whose activities are not effectively limited. This could result in the diversion of a substantial portion of insured deposits into activities unrelated to home financing. Similarly, the Board voiced its concern that the authority to make substantial direct investments in real estate would result in real estate developers obtaining state charters and federal insurance primarily as a means of financing their acquisition and development plans. The Board believes that these activities, if funded by a substantial portion of an institution's assets, would result in an inappropriate use of FSLIC insurance and, necessarily, in an applicant having a home financing policy inconsistent with economical home financing and the purposes of Title IV of the NHA. Finally, the Board is particularly anxious to avoid undue risk to the FSLIC from insuring untried institutions exercising investment authority that is not effectively limited.

The Board therefore proposed to adopt a policy calling for rejection of any application that fails to include in its business plan a limitation, to an aggregate of ten percent of assets, on investments in service corporations and acquisition of real estate. The proposed limitation was tied to the three-year business plan submission. Exceptions were proposed for real estate obtained for the applicant's offices and related facilities, and for real estate acquired through foreclosures or similar actions.

Five commenters favored the limitation on direct real estate and service corporation investment. These letters agreed that the Board can and should use this method to protect the Insurance Fund from the consequences of high-risk investment and to maintain thrifts as sources of home financing. This approach was seen as encouraging traditional thrifts, and giving them equal treatment with large institutions. Fifteen commenters opposed this aspect of the proposal. Nine of these are representatives or organizers of institutions in various stages of the application process, including several who identified themselves as being active in land-development activities, and five are trade groups or state officials. Many of the objections were based upon an alleged lack of Board authority to place these restrictions on state-chartered associations; commenters also disagreed with the notion that funds invested in service corporations or real estate are not used to provide housing, and also with the converse theory that preventing these uses would aid housing. Commenters also suggested that the aggregate investment limitation was an inappropriate response to the problems of risky or non-housing-related investments or the use of brokered funds, and that a case-by-case approach would be preferable. A commenter also raised a question as to whether investment limits would apply only to equity investments or whether debt would be counted, and another asked whether the restrictions on activities would apply in perpetuity or only for the three-year life of the business plan.

Congress has given to the Board both the authority and the responsibility to regulate the activities of institutions seeking the privilege and benefit of deposit insurance. Congress does not require that the Board insure the deposits of state-chartered institutions, but rather Congress has given the Board the discretion to insure these institutions (12 U.S.C. 1726(a)(2)). Indeed, the granting of insurance is statutorily prohibited where the Board finds that applicants have financial policies or management which are unsafe. In addition, Congress has authorized the Board to reject applicants whose management or home financing policy is inconsistent with economical home financing or the purposes of Title IV of the NHA (12 U.S.C. 1726(c)).

By limiting investment (debt as well as equity) in service corporations and in the acquisition of real estate to ten percent of assets in the first three years of operation, the Board desires to ensure that *de novo* institutions do not divert a substantial portion of insured deposits into activities unrelated to home financing. The Board believes than a ten-percent limit would not materially hamper the legitimate use of these investment authorizations as supplements to an association's primary role as provider of housing credit. A recent state-by-state study of investments in service corporations and/or real estate acquisition by currently insured, state-chartered institutions indicates that the composite investment in both service corporations and real estate does not exceed ten percent. In addition, the proposed limit is not inconsistent with the great majority of current state authorizations for such investments, which the Board considers to be a noteworthy factor in its consideration of the appropriate activity focus of thrift institutions. The Board therefore believes that its policy will not have an adverse impact on the formation of institutions seeking primarily to extend home mortgage credit, and will serve to discourage only those few applicants seeking federal insurance as a way to promote their non-housing-related goals.

Reserve Requirements. The DIA amended Section 403(b) of the NHA to delete references to the specific range within which the Board has required to

set the statutory reserve percentage. The amendment also eliminated a Congressional directive that the Board permit the building up of reserves over a period not exceeding twenty years. Rather, Section 403(b) as amended gives the Board broad discretion to determine appropriate reserve levels, in a form satisfactory to the FSLIC, to be established in accordance with regulations issued by the Board on behalf of the FSLIC.

The current regulation, set forth at 12 CFR 563.13, requires insured institutions that have reached the twentieth anniversary of insurance of accounts to maintain statutory reserves equal to three percent of all insured account balances. These institutions must also have a minimum regulatory net worth equal to the sum of three percent of liabilities, plus two percent of recourse liabilities and 20 percent of scheduled items. Insured institutions that have not yet reached their twentieth anniversary are permitted to "phase in" their reserves and minimum net worth by multiplying three percent of insured accounts balances and three percent of liabilities, respectively, by a fraction of which the numerator is the number of years of insurance and the denominator is twenty. Thus, a newly insured institution is required to have only 1/20 of the reserves and net worth required of a 20-year-old institution, which would equal only 0.15 percent of all insured accounts and 0.15 percent of liabilities (recourse liabilities and scheduled items being non-existent at that time). Further, the statutory reserve and net-worth requirements are calculated as of the opening of business of the first day of the fiscal year and must be met on the annual closing date of that year. Thus, a new institution commencing operations shortly after the beginning of a fiscal year could avoid establishing and meeting a reserve and net-worth requirement for nearly two years.

The phase-in of statutory reserve and net-worth requirements was instituted at a time when applicants for insurance were exclusively mutual institutions. A gradual building of reserves and net worth was considered appropriate because mutual institutions generate reserves from pledged savings and earnings and cannot inject significant capital by issuing stock (the availability of mutual capital certificates cannot be equated to traditional stock offerings). However, the number of mutual institutions receiving insurance approval in the past few years has decreased dramatically and, as previously stated, all recent applicants have been stock institutions.

The existing reserve requirements are not considered to be adequate for new institutions primarily because they permit significant leveraging potential. The current net-worth requirement, in effect, places no limit on the rate of growth of new associations since it permits a debt-to-equity ratio as high as 666 to 1. A new institution could, under the current statutory reserve requirement, leverage $2 million in initial capital stock or pledged savings to $1.3 billion in savings after the first year of operation. This potential for growth did not present a grave danger when applicants were primarily small mutual institutions obtaining savings and other liabilities from the local markets that they served, because the mutual form and local character of such institutions placed inherent limits on the amount and speed of their expansion. Today, however, new institutions have improved access to nationwide markets and may quickly obtain large blocks of deposits and other liabilities through the use of intermediaries, advertising campaigns and other devices. New institutions therefore have the ability to reach the nearly unrestrained growth potential permitted by the existing phase-in requirement.

The risk inherent in the uncontrolled growth of new institutions is compounded by the expanded investment opportunities and activities permitted for federal institutions by the DIA and for state institutions under many state laws. Applicants are no longer limited to local, traditional activities and to primarily secured investments. The FSLIC faces the prospect of insuring untired institutions heavily engaged in novel activities. The Board therefore proposed a rule intended to limit the risk of harm to new institutions, and to the Corporation, by ensuring that early growth in such institutions is backed by reserves that are adequate to support their continued viability and to provide some cushion of protection for the Corporation.

The Board proposed to replace the 20-year phase-in provision with a "phase-down" requirement for institutions receiving FSLIC insurance approval on or after the effective date of this rule. Under the phase-down provision, a new institution would be required to maintain reserves equal to at least seven percent of insured accounts and to have a minimum net worth equal to at least seven percent of liabilities (plus two percent of recourse liabilities and 20 percent of scheduled items). For the first full year of operations (plus the portion of the year from the commencement of operation to the annual closing date), the statutory reserve and net-worth requirements would be calculated on the insured accounts and liabilities projected for the annual closing date, and would be required to be met prior to that date. After the first full year, these requirements would be reduced to six percent of insured accounts and liabilities, respectively and would be lowered the next year to five percent. After three years of operation, the institution would be permitted to meet the then-current reserve requirement for institutions in operation for 20 years or more, if approved by the Principal Supervisory Agent for the institution's district. The proposed phase-down was intended to provide sufficient time for new institutions to establish a supervisory track record by which the Corporation can judge the soundness of their management and financial policies and their ability to follow their business plans.

In addition, new institutions would not be permitted to calculate reserves on an average basis. The Board expressed its view that averaging by new institutions understates the need for reserves and thereby contributes to the risk that the proposed rule sought to limit, i.e., unrealistic growth by untried institutions undertaking riskier, newly-authorized activities.

Fifteen commenters addressed the Board's proposal to institute higher reserve and net-worth requirements for *de novo* institutions; they were divided almost evenly between those who favored the proposal and those who opposed it. Proponents cited the proposal as fair, practical and consistent with safety and soundness, and suggested higher requirements for existing institutions as well and a sliding scale tying net-worth requirements to investment risk. Opponents also suggested linking net-worth requirements and risk as established by experience and management tract record. Objection was taken to a perceived disparity in applying different standards to new and existing institutions, although it was noted that existing institutions would generally find it difficult to meet the proposed higher requirements.

The Board believes that the phase-down approach and the elimination of five-year averaging in the calculation of reserves and net worth will provide *de novo* institutions with manageable and gradual ability to grow. It will also provide sufficient time for *de novo* institutions to establish a supervisory history. While linking net worth and reserves to risk may be attractive in theory, it would in practice be difficult

to implement and administer, requiring a precise risk assessment of various activities and extensive regulatory intrusion in managerial decisions. The apparent disparate treatment in applying the phase-down approach to *de novo* institutions is necessitated by the fact that *de novo* institutions are unproven, untried entities. This weighs heavily toward imposing a reasonable extra measure of protection for the FSLIC. The Board also re-emphasizes that the action taken in this final rule is only a part of its deliberations on the appropriate reserve and net-worth structure of the entire thrift industry. Rather than delaying action on new institutions pending a decision on the broader isssue, the Board has determined to adopt the reserve and net-worth requirements for *de novo* institutions substantially as proposed. This language has been clarified to reflect the Board's intent that the initial net-worth level be maintained for the first full year of operations and also for any portion of a year where operations do not commence on the first day of the fiscal year.

With regard to *de novo* applicants that filed their applications before the Board issued its proposal (but do not qualify for the "small community" exception to the minimum capitalization policy), the Board has established special reserve rules to guard against excessive leveraged growth on a smaller capital base and less cushion for the FSLIC. The Board will process these applications if the applicants agree to maintain reserves and net worth at a level of seven percent for the first three years of operations.

Supervisory Exception. The Board has determined to provide an exception from the foregoing policy for supervisory acquisitions. It is not the intention of the Board to apply the requirements of the policy statement to a newly chartered insured institution that is established for the purpose of continuing the business of an existing insured institution or of acquiring of the accounts of an insured institution in a transaction instituted for supervisory purposes. In such cases, there are distinguishing factors that justify divergence from general rules and policies for newly chartered associations: (1) The continuity of an existing business and existing accounts; (2) the controls provided in such cases by the special conditions attached to their approval; and (3) the Board's discretionary authority to fashion the controls, safeguards, and incentives of supervisory acquisitions to fit particular cases. The Board has not provided special exceptions for supervisory acquisitions in the amendments to § 563.13, but retains and intends to continue to exercise its authority to grant limited forebearance for supervisory cases under that section, where and to the extent deemed appropriate.

Final Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164 (1980), the Board is providing the following regulatory flexibility analysis:

1. *Reasons, objectives and legal basis underlying the rule.* These elements are incorporated above in the supplementary information regarding the rule.

2. *Small entities to which the rules will apply.* The rule will apply only to new associations receiving approval of insurance of accounts after the effective date of a final rule. It will not apply to existing institutions whose accounts are insured by the Corporation.

3. *Impact of the rules on small institutions.* The rule will not have a substantial impact upon a significant number of the small entities insured by the FSLIC.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that duplicate, overlap, or conflict with this rule.

5. *Alternatives to the rules.* The policies and rules concern the growth potential of new institutions and the risks inherent when such growth is combined with expanded investment authority. Alternatives, therefore, would focus on more severe limitations as applied to new institutions. Such alternatives would have a more restrictive impact on new institutions than does the final rule.

List of Subjects in 12 CFR Parts 563 and 571

Savings and loan associations.

The Board finds that observance of the 30-day delay of effective date as prescribed in 12 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because the amendments in part constitute interpretative rules and statements of Board policy, because the issues presented regarding the safety and soundness of the Insurance Fund and the home financing policies of applicants require prompt action in the public interest, and finally because expeditious action is necessary to avoid unduly delaying the processing of current applications.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 563 and 571, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

1. Amend § 563.13 by revising paragraphs (a)(2) and (b) (1) and (2) thereof and adding a new paragraph (g) thereto, as follows:

Regulations of the Federal Savings and Loan Insurance Corporation

PART 563—OPERATIONS

§ 563.13 Reserve accounts.

(a) *Statutory reserve requirement.*

* * * * *

(2)(i) Except as provided in paragraph (a)(2)(ii) of this section, the reserve requirement shall be an amount equal to three percent of all insured account balances on the date of calculation, or the average of such account balances on such date and on one or more of the four immediately preceding annual calculation dates, provided all such dates are consecutive: *Provided,* that institutions that have not reached the twentieth anniversary of insurance of accounts shall calculate the reserve requirement by multiplying the above percentage by a fraction of which the numerator is the number of consecutive years of insurance and the denominator is twenty. The calculation period shall be as described in paragraph (b)(1) of this section.

(ii)(*a*) For *de novo* institutions having received the Corporation's approval for insurance of accounts on or after December 2, 1983, except as provided in paragraph (a)(ii)(*b*) of this section, the reserve requirement shall be an amount equal to seven percent of all insured account balances on and prior to the date of calculation for the first full year of operation and for any period between commencement of operations and the beginning of the fiscal year, and shall decline by 100 basis points as of each subsequent date of calculation year until equal to five percent and thereafter may be reduced to three percent upon the approval of the Principal Supervisory Agent. The calculation period shall be as described in paragraph (b)(1) of this section.

(*b*) For *de novo* institutions which elect to have their applications for insurance of accounts processed in accordance with the policy set forth in § 571.6(a)(2) of this Subchapter but which do not additionally qualify under § 571.6(a)(3), the reserve requirement shall be an amount equal to seven percent of all insured account balances on the date of calculation, for the period between the commencement of operations and the beginning of the first

full fiscal year and for three years following the beginning of the first full fiscal year, and thereafter may be reduced to five percent or, upon the approval of the Principal Supervisory Agent, to three percent. The calculation period shall be described in paragraph (b)(1) of this section.

(c) The Principal Supervisory Agent of the institution's Federal Home Loan Bank district is hereby delegated authority to approve reduction of the reserve requirement to three percent provided that the Agent does not take supervisory objection to the probable effect of such reduction upon the institution's safe and sound operating condition. If approval is withheld, the institution may seek review and final decision by the Corporation.

* * * * *

(b) *Net-worth requirement.* (1) *Calculation period.* (i) Except as provided in paragraph (b)(1)(ii) of this section, the annual net-worth requirement, as set forth in paragraph (b)(2) of this section, shall be established as of the opening of business of the first day of each fiscal year and shall be met on the annual closing date of the year.

(ii) For all *de novo* institutions, the annual net-worth requirement for the period between the commencement of operations and the annual closing date of that year plus the first full year of operations shall be established by projecting the net-worth requirement as of the annual closing date following the commencement of operations and shall be met on or prior to that annual closing date. Thereafter, the annual net-worth requirement shall be established and met as described in paragraph (b)(1)(i) of this section.

(2) *Minimum required amount.* (i) On the annual closing date of the twentieth anniversary of insurance of accounts and on each annual closing date thereafter, an institution shall have net worth at least equal to the sum of (*a*) three percent of the amount on the date specified in paragraph (b)(1) of this section or of the average amount on such date and on the corresponding date(s) of one or more of the four immediately preceding fiscal years (provided all such dates are consecutive) of all liabilities (i.e., total assets, net of the following: Loans in process, specific reserves, and deferred credits other than deferred taxes; minus net worth as defined by § 561.13 of this Subchapter) of the institution, (*b*) two percent of recourse liabilities (as defined by § 561.8 of this subchapter) resulting from the sale of any loan, and (*c*) an amount equal to 20 percent of the institution's scheduled items.

(ii) Except as provided in paragraph (b)(2)(iii) of this section, commencing with the annual closing date after the fiscal year in which a certificate of insurance is issued, all insured institutions that have not reached the twentieth anniversary of insurance of accounts shall have a net worth at least equal to the sum of the amount required by paragraph (b)(2)(i) of this section, except that the amount required by paragraph (b)(2)(i)(*a*) of this section shall be multiplied by a fraction of which the numerator is the number of consecutive years of insurance of accounts and the denominator is twenty.

(iii) (*a*) Except as provided in paragraph (b)(2)(iii) (*b*) of this section, all *de novo* institutions shall have a net worth equal to the sum of the amount required by paragraph (b)(2)(i), except that the amount required by paragraph (b)(2)(i)(*a*) shall be seven percent of all liabilities of the institution, which shall decline by 100 basis points for each year following the beginning of the first full fiscal year until equal to five percent, and thereafter may be reduced to three percent upon the approval of the Principal Supervisory Agent.

(*b*) *De novo* institutions described in paragraph (a)(2)(ii) (*b*) of this section shall have a net worth equal to the sum of the amount required by paragraph (b)(2)(i), except that the amount required by paragraph (b)(2)(i)(*a*) shall, for the period between the commencement of operations and the beginning of the first full fiscal year and for three years following the beginning of the first full fiscal year, be seven percent of all liabilities of the institution and thereafter may be reduced to five percent or, upon the approval of the Principal Supervisory Agent, to three percent.

(*c*) The Principal Supervisory Agent of the institution's Federal Home Loan Bank district is hereby delegated authority to approve a reduction to three percent provided that the Agent does not take supervisory objection to the probable effect of such reduction on the institution's safe and sound operating condition. If approval is withheld, the institution may seek review and final decision by the Corporation.

* * * * *

(g) For purposes of this section, the term "*de novo* institution" means any savings and loan association, building and loan association, homestead association, cooperative bank or savings bank which has filed with the appropriate Federal Home Loan Bank an application for insurance of accounts, or an application to organize a Federal association, and the business of which has not been conducted previously under any charter.

PART 571—STATEMENTS OF POLICY

2. Revise § 571.6 as follows:

§ 571.6 Policy considerations regarding 'de novo' applications for insurance of accounts.

The Corporation deems it advisable that *de novo* applicants for insurance of accounts, including applicants for a commitment to insure accounts (state charter) and applicants for permission to organize a federal association (federal charter) be informed of certain policies governing application review which the Corporation has adopted.

(a) *Minimum initial capitalization.* (1) In order to ensure adequate reserve levels for *de novo* applicants during their initial period of operations, it is the Corporation's policy that it will not approve any such applicant having less than three million dollars in initial capital stock (stock institutions) or initial pledged savings (mutual institutions), except as provided in paragraphs (a) (2) and (3) of this section.

(2) The Corporation will consider approving a *de novo* application received at the appropriate Federal Home Loan Bank prior to November 3, 1983, and having at least the dollar amount of initial capital stock (stock institutions) or initial pledged savings (mutual institutions) consistent with the Corporation's policy at the time such application was received at the Bank: *Provided,* that any such applicant not meeting the criteria of paragraph (a)(3) of this section shall agree to maintain reserves and net worth in accordance with § 563.13 (a)(2)(ii)(*b*) and (b)(2)(iii)(*b*) of this Subchapter.

(3) The Corporation will consider approving a *de novo* applicant having at least two million dollars in initial capital stock (stock institutions) or initial pledged savings (mutual institutions) if the applicant provides in its application and in the business plan described in paragraph (b) of this section, that:

(i) The applicant will be located in, and intends to serve, an area with a population not exceeding 50,000; and

(ii) The applicant will be community-oriented, as demonstrated by:

(*a*) A substantial number of the organizers residing in the community in which the applicant is to be located;

(*b*) A plan to focus capital-raising activities on subscribers in the community in which the applicant will be located;

(c) Provision of adequate local public deposit facilities acceptable to the Corporation, in the community in which the applicant will be located;

(d) A commitment to local home financing and related services; and

(e) Office concentration in the community in which the applicant is located and, if desired, in communities of similar size.

(iii) For purposes of determining appropriate minimum capital, the population of the area will be calculated upon a determination of the delineated market area or the county or Standard Metropolitan Statistical Area (SMSA) in which the association will be located, whichever is greater.

(iv) Any material change from the qualifying criteria set forth in paragraphs (3) (i) and (ii) of this paragraph (a) may be made if the applicant has increased its capital to at least three million dollars and receives the prior approval of the Supervisory Agent.

(b) *Business and investment plans of newly-chartered institutions applying for insurance of accounts.* (1) Pursuant to section 403(c) of the National Housing Act (12 U.S.C. 1726(c)), the Corporation is required to reject an applicant if it finds that the capital of the applicant is impaired or that its financial policies or management are unsafe, and may reject an applicant if the character of the management of the applicant or its home financing policy is inconsistent with economical home financing or with the purposes of Title IV of the National Housing Act. Further, the Corporation is directed in considering applications for insurance to give full consideration to all factors in connection with the financial condition of applicants and insured institutions.

(2)(i) In order for the Corporation to determine whether to reject an applicant pursuant to section 403(c), a *de novo* applicant for insurance of accounts shall submit a business plan describing its management, operations, investments, and financial projections for the first three years of operation. The business plan shall provide for the continuation or succession of competent management subject to the approval of the Principal Supervisory Agent, and shall further provide that any material change in, or deviation from, the business plan must receive the prior approval of the Principal Supervisory Agent.

(ii) In this connection, it is the policy of the Corporation not to approve the application of any *de novo* institution unless the applicant agrees to limit, for the first three years of operation, the aggregate of its investments in service corporations (and other subsidiaries authorized by law) and its acquisition of real estate (other than real estate to be used by the institution for office and related facilities or real estate owned as a result of foreclosure, or acquired by deed of trust in lieu of foreclosure, or on which a contract purchaser has defaulted and the contract has been cancelled) to ten percent of assets or the amount authorized by law, whichever is less.

(c) This policy statement does not apply to any application for insurance of accounts submitted in connection with a transfer or an acquisition of the business or accounts of an insured institution if the Corporation determines that such transfer or acquisition is instituted for supervisory purposes.

(d) For purposes of this section, the terms *"de novo* institution" and *"de novo* applicant" mean any savings and loan association, building and loan association, homestead association, cooperative bank, or savings bank which has submitted to the appropriate Federal Home Loan Bank an application for insurance of accounts, or a request for a commitment to insure accounts, or an application for permission to organize a Federal association, and the business of which has not been conducted previously under any charter.

(e) For purposes of this section, investment in a service corporation or other subsidiary will include investments in capital stock, obligations, and other securities of the service corporation or other subsidiary and loans to the service corporation or subsidiary, except to the extent described in § 545.74(d)(2) (i) and (ii) of this chapter.

(Sec. 202, 96 Stat. 1469; sec. 409, 94 Stat. 160; secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730), sec. 5A, 47 Stat. 727, as amended by sec. Stat. 256 Reorg. Plan No. 3 of 1947, 12 FR 4891 3 CFR, 1943–48 COMP., 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-32259 Filed 12-1-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR PART 39

[Docket No. 83-NM-42-AD; Amdt. 39-4774]

Airworthiness Directives; Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires inspection and replacement, as necessary, of the rudder tab control rod assemblies on certain Boeing Model 707 and 720 series airplanes. This action is necessary to detect failed or severely corroded rudder tab control rods. Two operators have reported complete fracture of one of the two rudder tab control rod assemblies and numerous occurrences of cracking and corrosion have been reported. Failure of both rods could result in loss of the airplane.

DATE: Effective January 3, 1984. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: The Boeing Service Bulletin specified in this AD may be obtained upon request from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124.

FOR FURTHER INFORMATION, CONTACT: Mr. Carlton A. Holmes, Airframe Branch, ANM,–120S, FAA, Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 431–2926. Mailing Address: Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring inspection and replacement, as necessary, of the rudder tab control rod assemblies on certain Boeing Model 707 and 720 series airplanes was published in the **Federal Register** on June 13, 1983 (48 FR 27085). The comment period closed on July 18, 1983.

The proposal was prompted by numerous reports of corrosion, cracking, and two reports of complete failure of the rudder trim tab control rod. The corrosion and cracking is attributed to the accumulation of water inside the control rod and stress corrosion. Cracks and corrosion have typically occurred near the aft rod end fitting which is exposed to the atmosphere. Failure of one of the rudder tab control rods may not be detected, and failure of both rods can result in tab flutter with possible loss of the airplane.

Since the issuance of the Notice of Proposed Rule Making (NPRM), Boeing issued Service Bulletin No. 3424 (dated 7/1/83) requiring repetitive inspection and replacement as necessary of the rudder tab control rod. This final rule encompasses those inspection and replacement procedures.

Interested persons have been afforded an opportunity to participate in the making of this AD and due consideration has been given to all comments received.

Two commenters objected to inspection of both rudder tab control rods. Although there has been evidence of corrosion on both rods, the predominance of severe corrosion and all failures have been limited to the lower rudder trim tab assembly identified by Part Numbers 69–14346, 69–11191, and 9–67646–3015. In addition, one commenter proposed that the rods not be removed from the aircraft for inspection and that the repeat inspection interval be increased from 12 to 24 months. The FAA concurs that the primary inspection emphasis should be placed on the one rod with a history of severe corrosion and failures, and the final rule is directed accordingly. However, the FAA does not concur with the proposal to inspect the rod without removal from the aircraft. A close external visual inspection is required to detect severe internal corrosion, cracks, and moisture accumulation.

An X-ray inspection had been previously recommended by the manufacturer's Service Letter M-7472–3839, dated February 8, 1983. This procedure was later considered too restrictive and was deleted from the manufacturer's Service Bulletin No. 3424. The FAA considers the present service bulletin procedure, which requires removal and visual inspection, to be an adequate level of inspection.

The manufacturer's service bulletin also recommends that the repeat inspection interval be 24 months instead of 12 months as proposed in the NPRM. The FAA recognizes that dual path fail safety is provided by the upper control rod which has not had a history of severe corrosion or cracking. Therefore, the FAA concurs with the 24 month repetitive interval and the final rule so states. Consistent with this repetitive interval, the final rule allows 21 months for past accomplishment of inspection instead of 18 months, as stated in the service bulletin.

It is estimated that 200 airplanes of U.S. registry will be affected by this AD, and that it will take approximately (16) manhours per airplane to accomplish the required actions. Based on an average labor cost of $40 per hour, the total cost impact of the AD is estimated to be $128,000 per inspection cycle. An inspection cycle occurs at 2-year intervals. For these reasons, the rule is not considered to be a major rule under the criteria of Executive Order 12291. Few, if any, small entities within the meaning of the Regulatory Flexibility Act will be affected.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the pulic interest required the adoption of the proposed rule with the changes noted.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13), is amended by adding the following new Airworthiness Directive.

Boeing: Applies to Model 707 and 720 series aircraft certificated in all categories. Accomplish the following within 120 days after the effective date of this AD, unless already accomplished within the last 21 months, and at intervals thereafter not to exceed 24 months:

A. Visually inspect the lower rudder tab control rod assemblies, including all dash numbers, which have been in service more than 5 years, in accordance with Boeing Service Bulletin 3424, dated July 1, 1983, or later FAA approved revisions.

B. Replace any rod assembly exhibiting cracks or corrosion with a new or reconditioned rod assembly.

C. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

D. Aircraft maybe ferried to a base for maintenance in accordance with Section 21.197 and 21.199 of the Federal Aviation Regulations.

E. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of an operator, if the request contains substantiating data to justify the adjustment period.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective January 3, 1984.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 through 1430, and 1502); 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89)

Note.—For the reasons discussed earlier in the preamble, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities since it involves few, if any, small entities. A final evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington on November 21, 1983.

Leroy A. Keith,

Acting Director, Northwest Mountain Region.

[FR Doc. 83–32201 Filed 12–1–83; 8:45 am]

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14 CFR Part 71

[Airspace Docket Number 83–ACE–14]

Designation of Federal Airways, Area Low Point Routes, Controlled Airspace and Reporting Points; Alteration of Transition Area—Cresco, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to alter the 700-foot transition area at Cresco, Iowa, to provide additional controlled airspace for aircraft executing an additional instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, utilizing a nondirectional radio beacon (NDB) as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: March 15, 1984.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage an additional instrument approach procedure to the Ellen Church Airport, Cresco, Iowa, is being established utilizing the Cresco NDB as a navigation aid. The establishment of this new instrument approach procedure, based on this navigational aid, entails alteration of the transition area at Cresco, Iowa, at and above 700 feet above the ground (AGL) within which aircraft are provided air

traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On Pages 43339 and 43340 of the **Federal Register** dated September 23, 1983, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Cresco, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., March 15, 1984, by altering the following transition area:

Cresco Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Ellen Church Airport, Cresco, Iowa, (Latitude 43°21'55"N, Longitude 92°08'59"W) and 3 miles either side of the 163° bearing from the Cresco NDB (Latitude 43°22'07"N, Longitude 92°07'51"W) extending from the 5-mile radius area to 8.5 miles southeast of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69)

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

Issued in Kansas City, Missouri, on November 22, 1983.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 83-32198 Filed 12-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 83-AWP-5]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the entire description of VOR Federal Airway V-22 located in the vicinity of Oceanside, CA. The current alignment of V-22 overlies the Naval Air Station (NAS) at Miramar, CA, and requires routine rerouting of traffic in order to bypass that congested terminal area thereby causing undesirable workload on both pilots and controllers.

EFFECTIVE DATE: January 19, 1984.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

History

On August 4, 1983, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke VOR Federal Airway V-22 in its entirety (48 FR 35456). V-22 located in the vicinity of Oceanside, CA, overlies the Miramar, CA, NAS. NAS Miramar IFR departure traffic penetrates V-22; this traffic approximates 8,000 annual operations. To reduce the congestion in this airspace, air traffic control routinely reroutes traffic operating on V-22 thereby creating undesirable workload on both pilots and controllers. The action to revoke V-22 reduces this workload and aids flight planning. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.123 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revokes the entire description of VOR Federal Airway V-22 located in the vicinity of Oceanside, CA. The current alignment of V-22 overlies the NAS at Miramar, and routes traffic through the congested terminal area thereby causing delays and restricted traffic flows.

List of Subjects in 14 CFR Part 71

VOR Federal airways.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), is amended, effective 0901 G.m.t., January 19, 1984, as follows:

V-22 [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on November 25, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-32200 Filed 12-1-83; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 73

[Airspace Docket No. 83-ASO-39]

Special Use Airspace; Alteration of Restricted Areas, Salinas, PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment changes the times of designation and the controlling agencies for Restricted Areas R-7103 A,

B and C, Salinas, PR. The Puerto Rico National Guard no longer requires continuous use of these restricted areas for training and is reducing the hours of operations. Also, the controlling agencies have been changed. This action reduces the burden on the public by making these areas available for general aviation operations.

DATES: Effective date—January 19, 1984. Comments must be received on or before January 16, 1984.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA, Southern Region, Attention: Manager, Air Traffic Division, Docket No. 83-ASO-39, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace and Air Traffic Rules Branch (AAT-230), Airspace-Rules and Aeronautical Information Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although this action is in the form of a final rule, which involves changing the times of designation for R-7103 A, B and C from "Continuous" to "Intermittent" thereby making these areas available for public use when not required for military operations and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

The Rule

The purpose of this amendment to § 73.71 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is to change the times of designation for R-7103 A, B and C from "Continuous" to "Intermittent" and change the controlling agencies from "FAA, San Juan ARTCC" to "FAA, San Juan CERAP." Section 73.71 of Part 73 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3A dated January 3, 1983.

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to amend the descriptions of Restricted Areas R-7103 A, B and C, Salinas, PR, by changing the times of designation from "Continuous" to "Intermittent" thereby reducing the burden on the public by making these areas available for public use when not required by the military. Therefore, I find that notice or public procedure is impracticable and that good cause exists for making this amendment effective on the next charting date.

List of Subjects in 14 CFR Part 73

Restricted areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 73.71 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) is amended, effective 0901 G.m.t., January 19, 1984, as follows:

R-7103A Salinas, PR [Amended]
By deleting the words "Time of designation. Continuous, May 1 through July 31, other times as activated by NOTAM issued at least 24 hours in advance." and substituting the words "Time of designation. Intermittent, activated 24 hours in advance by NOTAM." and by deleting the words "Controlling agency. FAA, San Juan ARTCC" and substituting the words "Controlling agency. FAA, San Juan CERAP."

R-7103B Salinas, PR [Amended]
By deleting the words "Time of designation. Continuous, May 1 through July 31, other times as activated by NOTAM issued at least 24 hours in advance." and substituting the words "Time of designation. Intermittent, activated 24 hours in advance by NOTAM." and by deleting the words "Controlling agency. FAA, San Juan ARTCC" and substituting the words "Controlling agency. FAA, San Juan CERAP."

R-7103C Salinas, PR
By deleting the words "Time of designation. Continuous, May 1 through July 31, other times as activated by NOTAM issued at least 24 hours in advance." and substituting the words "Time of designation. Intermittent, activated 24 hours in advance by NOTAM." and by deleting the words "Controlling agency. FAA, San Juan ARTCC" and substituting the words "Controlling agency. FAA, San Juan CERAP."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on November 25, 1983.

B. Keith Potts,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 83-32199 Filed 12-1-83; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9113]

Ford Motor Co.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent Order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order dismisses Count I of the complaint charging Ford Motor Co., a Dearborn, Mich. motor vehicle manufacturer, with alleged violations of Sec. 2(d) of the Clayton Act, and requires the manufacturer, among other things, to cease paying anything of value to daily rental companies or daily rental systems for advertising furnished by such firms or systems, unless advertising payments are made available to competing independent daily rental companies in accordance with terms set forth in the order. Within 90 days from the effective date of the order, and annually thereafter, Ford is required to inform those daily rental companies having no joint advertising agreement with Ford or

any other automobile manufacturer, of advertising programs available to daily rental companies which agree to feature Ford products in their advertising and fleets. The order further requires that Ford make a good faith effort to negotiate advertising agreements with such companies. Provisions of the order are to remain in effect for a period of ten years after service of a final order and apply only to agreements relating to daily rental advertising within the United States.

DATES: Complaint issued July 19, 1978. Order issued Nov. 16, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-7, Robert W. Rosen, Washington, D.C. 20580. (202) 376-2050.

SUPPLEMENTARY INFORMATION: On Tuesday, June 28, 1983, there was published in the **Federal Register**, 48 FR 29709, a proposed consent agreement with analysis In the Matter of Ford Motor Company, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements. Subpart—Discriminating Between Customers: § 13.685 Discriminating between customers; § 13.685-10 Federal Trade Commission Act.

List of Subjects in 16 CFR Part 13

Advertising allowances, Rental cars, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 83-32228 Filed 12-1-83; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order filed with the original documents.

16 CFR Part 13

[Docket No. C-3127]

Christian Services International, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Stilwell, Kansas developer, marketer and operator of life care homes throughout the country, among other things, to cease representing, unless true, that its life care homes are affiliated with any religious denomination or group who may also be morally or legally responsible for the home; that there is little or no risk involved in entering into a life care contract; that service fees will never exceed corresponding social security increases; that the mortgagor of the home ensures the economic survival of the home; and that the corporation has established reserve funding to ensure the home's financial security. Further, the corporation is required to give prospective residents, at least five days before they execute a life care contract, specific disclosures concerning the home's financial status and other relevant information, which could influence their decision to enter a life care home. The order also requires respondents to send to all present and future personnel engaged in the sale or promotion of life care contracts a copy of the order and a form on which they can acknowledge their intention of complying with the order's provisions. Additionally, Kenneth Berg is required to notify the Commission of any change in his present business or employment relating to the marketing, management and operation of any life care home, nursing home or foster care facility and, for a period of 10 years, promptly advise the Commission of his affiliation with any new such concern.

DATES: Complaint and order issued Oct. 27, 1983. [1]

FOR FURTHER INFORMATION CONTACT: John F. O'Brien, Acting Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10278. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Friday, April 29, 1983, there was published in the **Federal Register**, 48 FR 19388, *correction*, 48 FR 29713, a proposed consent agreement with analysis In the Matter of Christian Services International, Inc., a corporation, and Kenneth P. Berg, individually and as an officer of said corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; 13.10-5 Knowingly by advertising agent; § 13.15 Business status, advantages or connection; 13.15-30 Connections or arrangements with others; 13.15-65 Financial condition; 13.15-195 Nature; 13.15-215 Organization and operation; § 13.70 Fictitous or misleading guarantees; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.205 Scientific or other relevant facts; § 13.260 Terms and conditions; § 13.275 Undertakings, in general. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures. Subpart—Misrepresenting Oneself and Goods—Business Status, Advantages or Connections: § 13.1385 Concealed interest; § 13.1395 Connections and arrangements with others; § 13.1415 Financial condition; § 13.1450 Individual or private business as educational, religious or research institution; § 13.1513 Operations, generally.—Prices: § 13.1776 Prices. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1888 Respondent's interest; § 13.1889 Risk of loss; § 13.1895 Scientific or other relevant facts. Subpart—Offering Unfair, Improper and Deceptive Inducements To Purchase or Deal: § 13.2063 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Life care homes, Trade practices.

[1] Copies of the Complaint and the Decision and Order filed with the original document.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

[FR Doc. 83-32235 Filed 12-1-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-1009]

Endicott-Johnson Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: On Nov. 17, 1983, the Federal Trade Commission modified the order issued against Endicott-Johnson Corp. on Oct. 29, 1965 (31 FR 261). The modification eliminates the provision which prohibited the company from acquiring any concern engaged in the manufacture and sale of footwear in the U.S. without prior Commission approval.

DATES: Consent Order issued Oct. 29, 1965. Modifying Order issued Nov. 17, 1983.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Elliot Feinburg, Washington, D.C. 20580. (202) 634-4604.

SUPPLEMENTARY INFORMATION: In the Matter of Endicott-Johnson Corporation, a corporation. Codification appearing at 31 FR 261 is deleted.

List of Subjects in 16 CFR Part 13

Footwear, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Order Modifying Cease and Desist Order Issued on October 29, 1965

On October 29, 1965, the Federal Trade Commission, pursuant to Section 5 of the Federal Trade Commission Act and Section 11 of the Clayton Act, issued the consent order in this case against Endicott-Johnson Corporation prohibiting, for a period of twenty years, acquisitions of certain firms engaged in the manufacture or sale of shoes or footwear in the United States or the District of Columbia, without prior approval of the Commission,

The Commission has determined that absent special circumstances an order provision that requires prior Commission approval of acquisitions by the respondent should not exceed ten years in duration. In most cases, the Commission believes that such prior approval provisions will have served their remedial and deterrent purposes after ten years and that the findings upon which such provisions are based should not be presumed to continue to exist for a longer period of time. The order in this case has been in effect for 17 years and the Commission has determined that no special circumstances warrant continued prior approval of respondent's acquisitions. The Commission therefore has determined that it would be in the public interest to modify its order in Docket No. C-1009 to provide that prior approval will not be required after October 31, 1983.

On October 7, 1983, the Commission issued an order to show cause why the order in Docket No. C-1009 should not be modified. The proposed modification was accepted by respondent.

Accordingly,

It is ordered, that this matter be, and it hereby is, reopened and that the order in Docket No. C-1009 be modified.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 83-32236 Filed 12-1-83; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket C-3126]

Estee Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Parsippany, N.J. manufacturer and marketer of health-related food products, among other things, to cease representing that any of its products have been accepted or recommended for use by a diabetic or hypoglycemic unless it discloses the identity of the endorser and the material qualifications or limitations placed on the endorsement. If the company promotes a food as being appropriate for diabetics, it must disclose that it is "not a reduced calorie food" in advertising and on package labels as required by Food and Drug Administration regulations. Representations that a food will or will not affect blood sugar levels or that it has any health-related property or quality for diabetics or hypoglycemics have to be substantiated as required by the terms of the order. Further, the firm is barred from misrepresenting the existence or truthfulness of endorsements; the identity of any sweetner; that food containing fructose contains no sugar; or that a food is reduced in calories and is appropriate for weight control. The order additionally requires that the company provide to the American Diabetes Association, Inc. or to the Juvenile Diabetes Foundation the sum of $25,000 within 24 months from the effective date of the order, and to maintain files substantiating its advertising claims for a period of three years.

DATES: Complaint and order issued Nov. 16, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PA, Robert C. Cheek, Washington, D.C. 20580. (202) 724-0727.

SUPPLEMENTARY INFORMATION: On Friday, Sept. 2, 1983, there was published in the **Federal Register**, 48 FR 39950, a proposed consent agreement with analysis In the Matter of Estee Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdiction findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.20 Comparative data or merits; 13.20-20 Competitors' products; § 13.30 Composition of goods; § 13.110 Endorsements, approval and testimonials; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; 13.170-52 Medicinal, therapeutic, healthful, etc.; 13.170-74 Reducing, non-fattening, low calorie, etc.: § 13.205 Scientific or other relevant facts. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-20 Disclosures; 13.533-37 Formal regulatory and/or statutory requirements; 13.533-45 Maintain records; 13.533.45(a) Advertising substantiation; 13.533-57 Restitution. Subpart—Misrepresenting

[1] Copies of the Complaint and the Decision and Order filed with the original document.

Onself and Goods—Goods: §13.1575 Comparative data or merits; § 13.1590 Composition; § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1845 Composition; § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Health food products, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

Emily H. Rock,

Secretary.

[FR Doc. 83-32230 Filed 12-1-83; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket 9145]

General Motors Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires a Detroit, Mich. motor vehicle manufacturer, among other things, to provide all interested persons with service bulletins (Product Service Publications) and indexes which describe both current and potential problems and update repair procedures. GM is also required to advertise the existence, availability and benefits of these publications in national magazines and through direct-mail notices. The indexes will list each service bulletin, provide ordering information and contain plain language summaries of certain bulletins. Additionally, GM is required to establish a nationwide arbitration program for car owners with unsatisfied complaints about engine or transmission failures.

DATES: Complaint issued August 7, 1980. Order issued November 16, 1983.[1]

FOR FURTHER INFORMATION CONTACT: William W. Jacobs, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500-Mall Bldg., 118 St. Clair Ave., Cleveland, OH 44114. (216) 522-4207.

SUPPLEMENTARY INFORMATION: On Monday, May 9, 1983, there was published in the **Federal Register**, 48 FR 20730, *correction*, 48 FR 24724, a proposed consent agreement with analysis In the Matter of General Motors Corporation, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: §§ 13.533 Corrective actions and/or requirements; 13.533-5 Arbitration; 13.533-10 Corrective advertising; 13.533-20 Disclosures; 13.533-25 Displays, in-house; 13.533-35 Employment of independent agencies; 13.533-45 Maintain records; 13.533-50 Maintain means of communication; 13.533-57 Restitution.

List of Subjects in 16 CFR Part 13

Motor vehicles, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Emily H. Rock,

Secretary.

Separate Statement of Commissioner Pertschuk; General Motors Corporation, D. 9145

November 16, 1983.

The comments from consumers and consumer groups across the country provide eloquent testimony that case-by-case arbitration, in place of automatic redress to injured consumers, is a bitterly unpopular as well as unfair feature of this settlement. Consumer fury and frustration over the felt injustice of this burdensome remedy explodes from the letters. The hundreds of consumer comments that we received, most of them spontaneous expressions of outrage from unorganized individuals, are to my knowledge unprecedented in Commission history. Over *70%* of them are opposed to the arbitration agreement, which they view as a repudiation of their right to automatic redress (only 14% favor it, while a like percent take no clear position). Moreover, many despair that they will ever recover their losses under this deal, since they feel individual arbitration with an adversary like GM could never be a fair fight. One person, an attorney from Michigan experienced in dealing with GM, summed up the consumer's chances this way:

> It will be like sending a team of Chinese, who have never seen or studied or played the game of football, into a contest with the Dallas Cowboys!

Comments from consumer groups, such as the Center for Auto Safety and Consumers Against GM, passionately criticized the arbitration settlement as unjust. The most jarring comment from any organized interest may have come from the nation's state law enforcement officers, who have been dealing with the GM transmission and diesel problem on the front lines. State attorneys general collectively voiced "grave reservations" about the fairness and workability of the Better Business Bureau arbitration system under the agreement. In a letter signed by 29 of them, they complained that "similarly situated consumers could get a whole loaf, a half a loaf or no loaf at all. Arbitrary arbitrations are not the answer to resolving this case."

Only a handful of individuals and organizations—e.g., GM and the BBB themselves, the American Arbitration Association, and two Attorneys General—took exception to this overwhelming expression of public opposition by favoring the settlement.

All in all, this extraordinary outcry hardens my conviction that case-by-case arbitrations of a *common* defect, in which each consumer has to prove a right to redress, is wrong in concept and in operation. Arbitration without clear, binding rules for establishing responsibility will still be little more than a "roll of the dice"—some truly deserving consumers will win, many won't. The only rational and equitable remedy for the common injury suffered in a case like this is automatic compensation for damages, not standardless mini-trials pitting individual consumers against the largest company in the world!

As *Automotive News* correspondent Helen Kahn wrote about the arbitration plan: "Dissatisfaction with the proposal has risen to such great heights as to almost demand a second look—even though final approval of a consent agreement after a public comment period is usually a mere rubber-stamping."

I couldn't agree more, but the public reaction regrettably has not moved the Commission majority in favor of the settlement to change their votes. And, in fairness to them, the many negative comments really raised no new

[1] Copies of the Complaint and the Decision and Order filed with the original documents.

fundamental objections to the agreement that did not exist when the Commission made its original decision to accept the consent last April.

Thus, with the settlement now an "on the ground" reality, it is time for those who have sought more for injured owners to help them get what they can from mediation and arbitration of their complaints. If nothing else, this controversy has reaffirmed the health of "populist democracy" in America, spawning any number of grass-roots "victims" networks determined to get economic justice from GM. While the CAS, CAGM, Lemons on Wheels, and all the others bitterly opposed the Commission settlement, they also have been preparing for the inevitable by organizing GM owners, centrally planning mediation/arbitration strategy, and disseminating self-help arbitration manuals. In addition, an article in the November issue of *Consumer Reports* provides an excellent guide through the GM/BBB arbitration program which will help consumers seeking an adequate award. GM owners thinking about entering the process should take full advantage of all this expert and organized support. If they confront GM *together* rather than alone, they can *make* the program work better, in spite of itself.

Issued: November 16, 1983.

Separate Statement of Commissioner Patricia P. Bailey; General Motors Corp., Docket No. 9145

The Commission's final acceptance of the consent agreement with General Motors Corporation (GM) brings to a close one of the most important and difficult cases the Commission has prosecuted in this decade. Because I am satisfied that the settlement resolves the GM litigation in a fair and equitable way and provides consumers with the opportunity to obtain redress that would otherwise not be available, or would only be available after years of uncertainty, I have voted in favor of its final acceptance.

I have studied carefully the points made by those opposing this settlement: that direct redress is preferable to arbitration as a remedy; that the fact sheets and other elements of the arbitration process may place consumers at a disadvantage; and that the Better Business Bureau (BBB) may be overwhelmed by its responsibilities under the program. The settlement here would clearly be more acceptable to these critics, and preferable to me, if it provided direct redress, or if the fact sheets were modified, or if a number of other changes were made. The plain fact is that altering the order in these various ways is simply not an alternative available to us in the context of a settlement. This settlement is not perfect, but despite its imperfections, I am persuaded that it represents an immediate, fair, and certain means of compensating the class of GM owners whose interests we represent. Failure to accept this order as it now stands would require that we pursue a course which could provide no consumer relief for years, and possibly no relief at all, ever.

All of the parties involved in this settlement—the Commission, GM, and the BBB—are participating in an experiment, and all participants have a strong incentive to make the experiment succeed. The use of a case-by-case arbitration approach to redress departs from the traditional direct relief measures contained in prior Commission "defects" cases. Whether the Commission would ever again consider adopting the arbitration approach depends to a large degree on the results of the GM/BBB program. The Commission will be monitoring this program very carefully in the months ahead.

Issued: November 16, 1983.

Separate Statement of Commissioner George W. Douglas; in the Matter of General Motors Corporation, Docket No. 9145

November 16, 1983.

In reviewing the public comments on the Commission's settlement with General Motors, it is noteworthy that many of the issues discussed by the public were the same as those that had commanded the attention of both the staff and the Commission in this matter.

Although a number of comments praised the settlement as an equitable, effective, and expeditious means of providing relief to injured consumers, many were either negative or expressed reservations about the settlement. Given the circumstances surrounding the settlement and several public pronouncements criticizing the Commission's handling of the case, this is not surprising. Virtually by definition, a negotiated settlement cannot fulfill all of the demands of either party. Also to be considered in the innovative nature of the agreement: The Commission, in lieu of pursuing protracted and risky litigation, has embarked upon what it believes to be a highly promising but admittedly somewhat novel means of effectuating prompt consumer redress. Particularly noteworthy in this regard, the Better Business Bureau reported as early as June that it had received on the order of 20,000 complaints from consumers who believe they qualified under the settlement, 48 percent of which reported situations that would not be eligible for arbitration under GM's current program. This suggests a much higher degree of public support for the program than might be inferred from the initial public comments.

In view of the number of skeptical comments—which any new or innovative procedure might be expected to elicit—it is especially troublesome that the pattern of those comments indicates widespread public misinformation as to the settlement's terms and the Commission's authority. The public's misperceptions appear to derive in large part from several misleading statements widely quoted in the press. As a consequence, we received many comments reflecting a serious misunderstanding of the Commission's ability to require direct consumer redress, the tradeoffs between arbitration and litigation, and the magnitude and importance of the required changes in the existing arbitration program, as well as virtually complete lack of awareness of the important prospective relief aspects of the settlement.

Among the 164 unfavorable comments filed by individuals, 55 could be interpreted as favoring direct reimbursement over arbitration; and 39 went so far as to call for a settlement that would require GM to pay consequential and/or punitive damages. Many cited the redress provisions in previous cases brought against automakers such as Chrysler, Honda, Ford, and GM itself in the "engine switch" case, and betrayed the impression that the Commission could unilaterally force GM to provide immediate direct redress.

Given the choice between arbitration and direct redress, most people would favor the latter. The most vociferous public critics of the settlement knew full well, however, that there was absolutely no chance of obtaining a settlement calling for direct redress in this case and that the Commission had absolutely no power or authority to impose such a settlement on GM.

Thus, even while Commissioner Pertschuk's statement noted that the Commission's hands were tied by GM's absolute refusal to agree to any direct redress program, in the portion of his statement that was most widely publicized, the Commissioner was quoted as stating that "only direct automatic refunds to consumers, which is the redress remedy the Commission has always used before" could provide a sufficiently strong remedy. Considered standing alone, this statement is clearly misleading. While it is true that in

certain previous matters the FTC has been able to negotiate direct consumer redress, it cannot *require* direct redress by virtue of an administrative order. Here it might be noted that the settlement is the product of lengthy and intense negotiations between GM and what is widely regarded as the best and most experienced litigating team for auto industry consumer protection matters in the Commission—the Cleveland Regional Office. After months of negotiations, this team, the same that negotiated direct consumer redress in several previous auto defect cases, concluded that it had gotten as much as it could from GM and thus recommended against further negotiation—for fear of losing what it had already gained—and against litigation—because of the years of delay and uncertain outcome.

In another misleading quotation, the Center for Auto Safety's Clarence M. Ditlow III criticized the settlement a "gross consumer abuse and sellout because it offers consumers nothing they would not obtain in any event." A particular shortcoming, he asserted, was that "the biggest economic loss to consumers, excess depreciation of thousands of dollars per vehicle for the one million diesels covered by the settlement," was not included. What Mr. Ditlow ignored (aside from the fact that there was insufficient evidence to expand the complaint beyond diesel fuel injectors/pumps) is that redress for "excess depreciation" has not only never been provided in any previous Commission settlement, but also has rarely (if ever) been awarded by a court in a litigated proceeding.

The critics of the settlement would apparently prefer that the Commission had taken this case to court in an attempt to make all injured consumers in this matter whole once again. What they have failed to point out is that this is much easier said than done. Due to the way that Congress has delegated authority to the Commission to enforce the consumer protection laws, the Commission would have had to file *two successive* suits against GM and win each (as well as all of the inevitable appeals) before any money could be reimbursed to consumers.

First, the Commission would have to file an administrative complaint naming the three areas of controversy—transmissions, carshafts, and diesel components—and charging that GM had acted in an unfair and deceptive manner by failing to disclose that it knew those components were defective. Assuming that complaint counsel won the decision at the administrative hearing level, GM could appeal, first to the full Commission, then to an appellate court, and finally to the Supreme Court.

Second, assuming that we won each of the first round of cases, the Commission would then have to initiate a second case, this time in federal district court, and prove that GM had acted in a dishonest *and* fraudulent manner by failing to disclose the defects in the three components to consumers. Of course, if the Commission had only been able to convince the courts that GM had acted in an unfair and deceptive manner with respect to one of the components (say, transmissions) in the previous round of court cases, the complaint in the second round would be limited to that component as well. Thus, consumers with camshaft or diesel problems might be completely out of luck.

Only if the Commission could prove that GM had acted dishonestly and fraudulently with respect to each component, and only after GM had exhausted all appeals, would consumers be eligible for redress. A reasonable estimate of the length of time involved would be eight to ten years; that is, as late as 1993. How many injured consumers might be expected to be around and to possess sufficient evidence to collect that redress in ten years? Many consumers suffered losses on the order of $400 as early as 1976 and few would have had the foresight to retain the records necessary to document their claims. How many of those people would feel that justice had been served by a payment of $400 in *1993* dollars—assuming that the courts found them to be entitled to anything at all? Just what dimension of equity would be fulfilled by pursuing a virtually intractable course of litigation that is not only highly risky, but which at best would only redress the most tenacious and persevering of complainants with a settlement paid in dollars worth far less than those shelled out by the consumer as much as seventeen years earlier? If any of the choices faced by the Commission in this matter could be characterized as a "roll of the dice," it would be litigation, and the dice would be loaded against the consumer.

Clearly, if we were to pursue such a course, the only sure winners would be the army of lawyers who would be employed to litigate this matter for the next eight to ten years.

By contrast, the negotiated settlement confers numerous benefits that consumers would not otherwise obtain. The settlement locks GM into the arbitration program, yet makes it non-binding on consumers. Moreover, it requires GM to make the program available anywhere in the country (currently it is limited to 39 cities) and to commit a substantial amount of resources to a consumer awareness/advertising campaign, including direct mail contact with every consumer who has registered a complaint with GM, the FTC, or a state's attorney general. If one of the three defects is involved, the settlement calls for GM to enter into arbitration within 60 days of a consumer's request and for the award to be delivered no later than ten days after arbitration. The settlement also ensures that consumers suffering injuries from defects not listed in the complaint will also be guaranteed a chance of recovery. This is especially relevant to GM diesel owners who have had problems in addition to those involving the fuel injectors and pumps.

Finally the statement calls for a major expansion of GM's PSP program, through which Product Service Publications providing information relating to repair, maintenance, and use and care procedures will be made available to the general public—consumer groups as well as individuals.

In summary, while the settlement is not perfect—as is true of any negotiated agreement—it nevertheless provides an immediacy of relief and a far higher degree of certainty for a much wider range of injured consumers than the Commission could expect to secure through litigation. According to my estimates, the value to consumers in terms of redress by arbitration will approach $95 million—approximately six times the expected value of the consumer redress that could be anticipated through litigation. To reject this settlement, which affords redress far beyond that which would likely be gained through protracted litigation, in order to posture as "tough protectors of consumers" would be at the expense, not for the benefit, of consumers.

Issued: November 16, 1983.

[FR Doc. 83-32229 Filed 12-1-83; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 80N-0388]

GRAS Status of Niacin and Niacinamide

Correction

In FR Doc. 83-30807 beginning on page 52032 in the issue of Wednesday, November 16, 1983, make the following corrections:

§ 184.1530 [Corrected]

1. On page 52033, column one, § 184.1530(a), line one, "($C_6H_5NO_5$, CAS Reg. No. 59-67-6)" should read "($C_6H_5NO_2$, CAS Reg. No. 59-67-6)".

2. On page 52033, column one, § 184.1530(c)(2), line eight, "section 42(a)(2)" should read "section 412(a)(2)".

§ 184.1535 [Corrected]

3. On page 52033, column two, § 184.1535(c), line three, "then" should read "than".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 625 and 655

[FHWA Docket No. 82-15, Notice 2]

National Standards for Traffic Control Devices Manual on Uniform Traffic Control Devices

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; Amendments to the Manual on Uniform Traffic Control Devices.

SUMMARY: This document contains notice of amendments to the Manual on Uniform Traffic Control Devices (MUTCD) which are being adopted by the Federal Highway Administrator for inclusion therein. The MUTCD is incorporated by reference in the design standards for Federal-aid highways in 23 CFR Part 625. It is also recognized in Part 655 as the national standard for traffic control devices on all public roads. The amendments affect various parts of the MUTCD and are intended to expedite traffic, improve safety and provide a more uniform application of highway signs, signals, and markings.

DATES: Effective March 1, 1984. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 1, 1983, and the amendments are approved as of March 1, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. Philip O. Russell, Office of Traffic Operations (202) 426-0411, or Mr. Michael F. Laska, Office of the Chief Counsel (202) 426-0754, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MUTCD is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. It may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 ($20.00).

This document contains the dispositions of requests for changes in the MUTCD which were received or originated by the FHWA and published as a notice of proposed amendments on January 10, 1983, under FHWA Docket No. 82-15 (48 FR 1075). The FHWA had previously reviewed the proposed amendments and provided recommendations for their disposition in the notices. One item was published in an advance notice of proposed amemdment, Docket No. 81-5 (46 FR 32880, June 25, 1981).

These amendments are being processed in accordance with the rulemaking procedure of the Administrative Procedure Act (5 U.S.C. 553) and the Department of Transportation's regulatory policies and procedures.

Each request is assigned an identification number which indicates, by Roman numeral, the primary organizational part of the MUTCD affected and, by Arabic numeral, the order in which the request was received.

A total of 71 responses were received. Of these, 40 were from State highway agencies, 14 were from technical associations, 10 were from business entities, 2 were from U.S. Government agencies, 4 were from nonhighway State agencies, and 1 was from a delegate to a State House of Delegates.

Based upon a review of the comments received in response to the notices, the FHWA is amending the MUTCD by adopting the following changes. Advance copies of the actual text of the changes to the MUTCD for all of these requests will be distributed to everyone currently appearing on the FHWA mailing list for MUTCD matters. Those wishing to be added to the mailing list and receive copies of the text changes should write to the Federal Highway Administration, Office of Traffic Operations, 400 Seventh Street, SW., Washington, D.C. 20590. Subscribers to the MUTCD will receive loose leaf text changes automatically from the Government Printing Office as part of the subscription service. The following summarizes each approved request and the comments received with respect thereto:

1. *Request II-7—Signing Public Median Crossovers.* This amendment adds a new section to the MUTCD which provides more specific guidance on standard signs for inconspicuous public crossovers.

Of the 26 responders commenting on this request, 20 endorsed the FHWA proposal. Four commenters recommended using a permissive U-turn sign. Two commenters wanted to include specific dimensions for the sign and one offered some alternate sign configurations.

This change will not impose any additional costs, but provides highway agencies with a voluntary method of providing guidance for public median crossovers.

2. *Request II-10—Signing at Signalized Intersections.* Several separate requests have been made to clarify the MUTCD on the placement of signs at intersections. Since these requests are interrelated and primarily concern changes in the MUTCD, they were combined into one request.

There were 21 commenters on this request, 18 in favor and 3 opposed to the change. Five of these commenters, three opposed and two in favor, recommended revisions to the wording of the request.

This amendment revises Section 2B-15 and 2B-29 of the MUTCD to provide clarification of sign placement at intersections, particularly signalized intersections, while providing sufficient flexibility to permit the use of options based on sound engineering judgment in special circumstances.

These changes will not impose any additional costs and should benefit both highway agencies and highway users.

3. *Request II-20—Symbol for Police Assistance.* This amendment revises Section 2D-46 of the MUTCD to standardize the sign used for police assistance.

Of the 23 commenters, 20 were in favor of the use of the word message POLICE. Three different symbols or messages were proposed by commenters. One commenter suggested that the MUTCD include the specific guidance as to when the sign could be used.

This addition imposes no additional costs, but should encourage uniformity in the use of this type of sign.

4. *Request II-31—Mandatory Use of LEFT TURN PROTECTED ON ARROW ONLY SIGN (REVISED).* This amendment to Section 2B-37 of the

MUTCD provides a standard sign for use at protected/permitted signalized left turns.

A total of 30 comments were received, 20 in favor, 9 opposed, and 1 request for a deferral. Many of the commenters opposed to this revision feared that the sign would result in motorist confusion. Others commented that the standard sign should have the word GREEN in the message to assist color deficient persons. The FHWA believes that more benefits are likely to be derived from having a standard sign than for each jurisdiction to develop a special sign. The adopted sign will contain the word GREEN.

This amendment will not mandate any direct action or impose immediate additional costs on highway agencies. A 5-year implementation period to reduce transition costs is provided.

5. *Request II–38—Identifying Left-Hand Exit on Interchange Sequence Signs.* This amendment revises Section 2E–34 of the MUTCD to provide a method of identifying left-hand exits on Interchange Sequence signs for urban freeways.

All 23 commenters were in favor of this revision to the MUTCD.

This amendment will not impose any additional cost and will provide highway agencies with a voluntary and standard method of identifying left-hand exits on urban expressways and freeways.

6. *Request II–45—School Trip Safety.* These amendments to Sections 2B–13, 7B–12, 7E–5, and 7E–11 of the MUTCD permit an alternative to using a speed limit at the end of a school zone and emphasizes the need for protective clothing and devices for school crossing guards and patrols similar to that provided for construction zone flaggers.

Most responders to this request commented separately on each item. The majority, 70 percent, agreed with the need to add to the MUTCD additional language on end of school zones, reflective clothing, and flagging devices, although some responders believe that the latter two items might better be presented in a handbook. However, other responders favoring these latter two items commented that this material is appropriate since the MUTCD already includes provisions concerning clothing and flags used in construction and maintenance areas.

These amendments will not impose significant costs on highway agencies. Any existing applicable Speed Limit signs may continue to be used. At the end of the normal replacement interval, the END SCHOOL ZONE sign may replace the existing Speed Limit sign. The cost of reflectorizing or illuminating flagging devices is not substantial. A 5-year implementation period will reduce costs further.

7. *Request II–46—Emergency Medical Services (EMS) Symbol.* This amendment to Section 2D–46 of the MUTCD provides for the "Star of Life" design as the standard symbol for signs providing information for access to the EMS system.

Seven of the responders opposed to the request commented that the proposed symbol is not widely known and would be confusing to the motorists. Others suggested that it would not make sense to replace a similar signing system that is already in place (i.e., the HOSPITAL signing system). Finally, six of those in favor of the change requested guidelines to help implement the system. The FHWA has concluded that the intended goals could be achieved by using the proposed symbol as a *supplement* to the existing service signing system. In this manner, the EMS symbol (Star of Life) could be used on a separate panel supplementing the standard HOSPITAL or H symbol signs for qualified facilities. It is not the intent of the FHWA to use the EMS symbol signs to replace the Hospital symbol signs, but to supplement existing or future Hospital signs. The EMS symbol could also be used on separate signs identifying ambulance stations and free-standing emergency treatment centers. It will also be possible to supplement telephones, CB monitoring, or POLICE signs with the EMS symbol.

This change will not impose any substantial additional costs or require immediate direct action by highway agencies. It will provide for a gradual inexpensive and voluntary transition from the present hospital service signing system to uniform signing for a comprehensive, integrated, and easily recognized EMS system.

8. *Request II–48—Application of Warrants for STOP Signs.* The MUTCD provides general warrants (conditions) for the use of STOP signs. However, the FHWA believes that the application of these warrants has resulted in a proliferation of unnecessary STOP signs. This amendment to Section 2B–5 will provide additional emphasis on the need to consider less restrictive measures prior to the installation of STOP signs.

Of the 21 commenting on this request, 20 were in favor of the change, most of them without comment.

This amendment will not impose any additional costs and will result in the installation of fewer new STOP signs with potential savings for both highway agencies and motorists.

9. *Request II–54—Add Percent Grade Within Bill Signs.* This amendment to Section 2C–26 of the MUTCD will permit the display of the percent of grade within the Hill sign so that when supplemental signs such as NEXT 5 MILES or 5 MILES AHEAD are installed, a more complete message will be conveyed.

Three of the 18 commenters that favored this change recommended that the percent symbol be shown. One of the responders asked that the MUTCD specify where the percent of grade message is to be placed within the Hill sign.

This proposed amendment will not impose any additional costs. It will enable highway agencies, at their option, to provide additional warning information without using additional signs.

10. *Request II–58—Median Mounted One-Way Signs.* These amendments to Sections 2A–31 and 2B–29 provide more specific guidance on the placement of one-way signs at intersections with divided highways.

This item was published in an advance notice of proposed amendment, Docket No. 81–5 (46 FR 32880, June 25, 1981). All of the responses to this request agreed that the MUTCD should be changed to provide better guidance. Although there was unanimous agreement for a change, eight suggested further study and fifteen various solutions were proposed. In light of this, a task force of the National Committee on Uniform Traffic Control Devices (NCUTCD) reviewed this matter in detail and developed the language approved herewith.

These amendments will impose some additional costs on highway agencies, but will enhance the safety of operations at intersections with divided roadways. A 5-year period of implementation will minimize transition costs.

11. *Request II–63—Use of Chevron Alignment Sign on Conventional Roads.* This amendment to Section 2C–10 of the MUTCD provides for the use of the Chevron Alignment sign as an alternate to standard delineation treatments.

Twenty-four of the 26 commenters were in favor of this proposal, the majority responding without comment.

The Chevron Alignment sign is still intended to be used as an alternate or supplement to the Large Arrow sign (W1–6). As such, the use of the Chevron Alignment sign should be limited to give notice of a sharp change in alignment.

This amendment will not impose any additional costs, but will provide for improved delineation of alignment changes and eliminate some duplication of delineation treatment.

12. *Request III–4—Reduced Eye Height Dimensions from 3.75 feet to 3.50 feet.* This amendment to Section 3B–5 of the MUTCD to lower the eye height/object height from the current 3.75 feet to 3.50 feet is being made to accommodate the influx of smaller cars in the passenger vehicle fleet.

There were 3 responders to this request. Three of the commenters suggested that 3.5 feet might not be low enough. Seven responders commented that the reduction would enhance the safety of the smaller automobile. Of those that responded, 25 were in favor. Eight of the commenters proposed waiting to implement this change until further study was completed. It is unlikely that further research will provide any significantly new data on driver eye height.

This change will impose some additional costs. No-passing zone markings would increase slightly with an approximate 3 percent increase in cost to stripe a two-lane, two-way roadway using an eye height/object height of 3.50 feet. A 5-year period of implementation is provided to minimize transition costs.

13. *Request III–10—Lane Drop Marking.* This amendment to Section 3B–11 of the MUTCD adopts a special pavement marking pattern for use at lane drops.

There were 25 comments submitted on this request of which 21 were in favor of the change. Three of the responders questioned whether the public would understand the meaning of the proposed markings. Some alternate markings were suggested and three commenters asked that the proposal be changed from a should to a may condition. This has been done.

This amendment will not impose any significant costs and will provide highway agencies with a voluntary method of identifying lane drop situations to motorists.

14. *Request III–21—Lateral Placement of Delineators.* This amendment to Section 3D–5 of the MUTCD allows delineators to be placed an additional 2 feet outside the outer edge of the shoulder.

All of the 21 commenters agreed to this change without comment.

This amendment will not impose any additional costs, but should reduce highway maintenance costs.

15. *Request III–23—Mounting Height of Object Markers.* This amendment to Section 3C–1 provides for object marker mounting heights of 4 feet above the pavement edge to the bottom of the object marker when used within the roadway or within 8 feet of the shoulder or curb, and a height of 4 feet above the ground when used 8 feet or more from the shoulder or curb.

There were 22 responders to this request. Four suggested minor revisions to the wording of the request while maintaining the basic concept.

This amendment will not impose any additional costs, but provides more specific guidance on the placement of object markers.

16. *Request III–24—Delineators on Truck Escape Ramps.* This amendment to Section 3D–4 of the MUTCD establishes a standard for the color of delineators used to indicate the edge of truck escape ramps.

Eight of the 24 commenters offered comments as to the appropriate color for these delineators. Seven believed that red was the wrong color. One commenter stated that red is the proper color while 17 other responders did not take issue with the color and simply expressed their endorsement of the request. Four responders asked for more specifics as to delineator spacing and location (i.e., left, right, or both sides). This has been done.

This amendment will impose some additional costs on those agencies using other color delineators. To minimize these costs the FHWA establishes a 5-year period for implementation.

17. *Request IV–27—Rules for Phasing and Sequencing of Traffic Signals.* The Signals Technical Committee of the National Committee on Uniform Traffic Control Devices (NCUTCD) requested that the MUTCD be revised to incorporate the results of its comprehensive review of Part 4B so as to meet the need for a well defined set of parameters and improved uniformity relative to the phasing and sequencing of traffic signals.

Of the 21 commenters, 9 were in favor of the request. Eleven commenters were opposed to a specific portion of the request, but supported the rest of the request. In general, these 11 were opposed to different parts of the request. One commenter was opposed to the entire request.

Of the 11 commenters opposed to portions of the request, 7 were concerned with subparagraph (a) of Part 5 of Section 4B–6. Their common concern was that a green arrow indication should always be terminated by an appropriate clearance indication. The proposed rule would leave such use optional as does the current MUTCD provision. The FHWA finds that there is not enough evidence to warrant a mandatory (shall) provision.

The FHWA, in its consideration of comments and in its final review, had concern as to the intent of the 4B–18 and 4B–19 revisions. This revision would allow a traffic signal installation to be operated as a combination stop and go and flashing device. The extent of latitude intended by this proposed change is not clear and FHWA is, therefore, deferring inclusion of this provision in the final rule and asking for its reconsideration by the Signals Technical Committee.

This amendment provides for fewer restrictions in the operation of traffic signals and would not impose any additional costs.

18. *Request IV–29—Warrants for Freeway Entrance Ramp Control Signals (Interim).* Section 4E–23 of the MUTCD, Warrants for Freeway Entrance Ramp Control Signals (Interim), is being amended to shift the terminology emphasis from "warrants" to "guidelines."

There were 18 commenters, 14 of which were in favor of the request (one of these had minor editorial recommendations which have been included in the final rule).

This amendment will not impose any additional costs on highway agencies.

19. *Request VI–17—Simulated Drums.* This request for an amendment to the MUTCD was to permit the use of simulated drums as an alternative to standard channelizing devices.

There were 24 responders to this request. Most of the 16 responses favoring the request did so without comment. Those opposing the request generally commented that (1) simulated drums are really a nonstandard version of a vertical panel, (2) the MUTCD already permits a sufficient variety of devices for channelizing in work zones, and (3) simulated drums do not look as formidable as drums and, presumably would not be as effective.

The FHWA is aware of only one State that uses the simulated drums and based on recent reviews, those devices in use did not generally meet the requirements of the previously proposed request.

Accordingly, the MUTCD will not be amended as discussed in Request VI–17.

20. *Request VI–18—Standards for Flashing and Steady Burn Warning Lights.* This amendment revises Section 6E–5 to provide that new flashing and steady burn warning lights are obtained based upon a purchase specification, and that existing devices perform based upon a field performance specification using distance and visibility criteria.

There were three commenters opposed to adoption of this request. One felt that the terms "visible," "clear night," and "sunny day" were vague and could result in tort liability. Another felt that a device that was visible at 3,000

feet at night might be blinding at close range.

The purpose of the proposal is to provide a specification that will not require sophisticated measuring devices. The FHWA has determined that the terms "visible," "clear night," and "sunny day" are sufficiently explicit to accomplish the goals. The FHWA further believes that a device visible at 3,000 feet will not be blinding at close range.

These amendments will mandate a procedural change for some highway agencies, but the required physical characteristics of warning lights would not be modified. There will be no additional costs for the manufacturer or purchaser of these devices. The field performance specifications are intended primarily to provide a simple method to verify that the devices are kept clean when in operation and that an adequate power source is maintained. Providing for adequate maintenance and power are not new requirements.

In consideration of the foregoing and under the authority of 23 U.S.C. 109(d), 315 and 402(a), and the delegation of authority in 49 CFR 1.48(b), the Federal Highway Administration hereby adopts the Manual on Uniform Traffic Control Devices as amended herein.

The Federal Highway Administration has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the Department of Transportation's regulatory policies and procedures. As stated herein the economic impact of these amendments is so minimal as not to require preparation of a full regulatory evaluation. For the same reasons and under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 23 CFR Parts 625 and 655

Design standards, Grant programs—transportation, Highways and roads, Signs, Traffic regulations, Incorporations by reference.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 and former OMB Circular A-95 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: November 28, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

PART 625—DESIGN STANDARDS FOR HIGHWAYS

The FHWA revises § 625.3(c)(1) to read as follows:

§ 625.3 Standards, specifications, policies, guides, and references.

* * * * *

(c) *Traffic Control.* (1) Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA, 1978, as amended December, 1983.[5]

* * * * *

[FR Doc. 83-32149 Filed 12-1-83; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-83-1130 FR-1712]

Categorical Program Settlement Fund

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule removes Part 570, Subpart H (Categorical Program Settlement Fund) of the Community Development Block Grant Program Regulations. The regulations in Subpart H are being eliminated because the statutory authority to make grants for this purpose was withdrawn by the amendment to Section 103 of the Housing and Community Development Act of 1974 accomplished by Section 301 of the Housing and Community Development Amendments of 1981.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication but not before further notice of the effective date is published in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Thomas H. Terrell, Program Competition Division, Office of Block Grant Assistance, Department of Housing and Urban Development, Room 7178, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755-6935. (This is not a toll-free number).

[5] Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

SUPPLEMENTARY INFORMATION: The regulations being withdrawn provide for the application and other requirements pertaining to the funding of the financial settlement of urban renewal projects assisted under the Housing Act of 1949. To the extent that there are still ongoing projects remaining under the Urban Renewal Program, they continue to be governed by the requirements of the enabling legislation under which they were funded since those statutes remain in effect, as well as the obligations under the respective grant and/or loan contracts with HUD.

The Department has determined that in light of the withdrawal of statutory authority to make grants for this program, prior notice and public comment for the elimination of these rules would be unnecessary. Accordingly, this change is being adopted by final rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this action does not have a significant economic impact on a substantial number of small entities because the elimination of these regulations, pursuant to the statutory withdrawal of authority, will not affect projects already funded. Grantees will continue to use the funds granted to complete their previously approved activities.

This rule was listed at 48 FR 47459 as item CPD-37-81 in the Department's

Semiannual Agenda of Regulations published on October 17, 1983 pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

There is no Catalog of Federal Domestic Assistance Program number applicable to this regulation.

List of Subjects in 24 CFR Part 570

Community development block grants, Grant programs—housing and community development, Loan programs—housing and community development, Low and moderate income housing, New communities, Pockets of proverty, Small cities.

PART 570—[AMENDED]

§§ 570.480–570.487 [Removed]

Accordingly 24 CFR Part 570 is amended by removing Subpart H—Categorical Program Settlement Fund (§§ 570480–570.487).

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: November 23, 1983.

Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

[FR Doc. 83–32255 Filed 12–1–83; 8:45 am]

BILLING CODE 4210–29–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 2670 and 2672

Mergers and Transfers Between Multiemployer Plans

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This regulation provides guidance for determining whether a merger or transfer of assets or liabilities between multiemployer plans complies with the requirements of the Employee Retirement Income Security Act of 1974, as amended. That law authorizes the Pension Benefit Guaranty Corporation to issue regulations concerning the statutory requirements for such mergers and transfers. It also requires the PBGC to promulgate by regulation notice requirements for these transactions. The effect of this regulation is to prescribe a procedure under which plan sponsors must notify the PBGC of any merger or transfer between multiemployer plans. The regulation also provides needed guidance to plan sponsors in complying with other requirements of the law concerning such transactions.

EFFECTIVE DATE: This regulation is effective January 3, 1984.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Attorney, Corporate Planning and Program Development Department (140), 2020 K Street, N.W., Washington, D.C. 20006; 202–254–4862.

SUPPLEMENTARY INFORMATION: On December 22, 1981, the Pension Benefit Guaranty Corporation ("PBGC") published a proposed regulation on Mergers and Transfers Between Multiemployer Plans (46 FR 62087). The proposed regulation provided standards by which PBGC can determine whether a merger or transfer of assets or liabilities between multiemployer plans complies with section 4231 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 ("ERISA"). In addition, the proposed regulation prescribed the requirements for the notice that must be given PBGC pursuant to section 4231. Several comments were received on the proposal. These comments have been reviewed by PBGC, and PBGC has made changes in the regulation based on some of these comments. In addition, PBGC has made changes in the regulation to eliminate ambiguities and other editorial changes. A discussion of the comments received and the changes made in the final regulation follows.

One editorial change must be mentioned at the outset. The proposed regulation referred in several places to "spinoffs". PBGC has determined that use of this term is unnecessary since a spinoff is merely one type of transfer of plan assets and liabilities, and, in fact, ERISA section 4231 only uses the terms "merger" and "transfer". Accordingly, the "spinoff" is not used in the final regulation, and the definitions of "transfer" and "significant transfer" have been modified slightly to clarify that these terms include transactions in which assets and liabilities are transferred to a newly created plan.

Section 4231 of ERISA imposes four requirements on mergers or transfers between multiemployer plans:

(1) The PBGC must be notified at least 120 days before the transaction;

(2) No participant's or beneficiary's accrued benefit may be reduced;

(3) There must be no reasonable likelihood that benefits will be suspended as a result of plan insolvency; and

(4) An actuarial valuation must be performed in the plan year preceding the transaction.

Section 4231(a) grants authority to the PBGC to vary these requirements by regulation.

Under ERISA section 4231 and § 2672.1(b) of this regulation, the scope of the regulation is limited to mergers and transfers which involve only multiemployer plans, both before and after the transaction. For example, the regulation does not apply to a transfer of assets and liabilities from a multiemployer plan to a newly created single-employer plan. In addition, as with all of PBGC's regulations, this regulation applies only to defined benefit pension plans covered under ERISA section 4021. Thus it does not apply to defined contribution plans.

Section 2672.2 of the regulation generally restates the section 4231 requirements. Section 2672.3 provides that plans satisfy the accrued benefits requirement (section 4231(b)(2)) by adopting a plan provision preserving all such benefits. Section 2672.4 of the regulation deals with the requirement for a recent actuarial valuation (section 4231(b)(4)) and modifies that requirement for mergers and non-significant transfers, while retaining it unchanged for significant transfers (*i.e.*, transfers involving 15% of the assets of the transferor plan or unfunded accrued benefits equalling 15% of the assets of the transferee plan). Section 2672.5 establishes requirements that must be met in order to satisfy section 4231(b)(3), which prohibits a merger or transfer unless "the benefits of participants and beneficiaries are not reasonably expected to be subject to suspension under section 4245." (Section 4245 provides that an insolvent plan must suspend benefit payments above the level guaranteed by PBGC to the extent that plan assets are insufficient to pay such benefits.) Under § 2672.5, separate plan solvency tests are provided for mergers and non-significant transfers on the one hand, and for significant transfers on the other. In addition to these plan solvency tests, § 2672.2(a)(3)(ii) of the regulation permits a plan to demonstrate by other means that benefits are not reasonably expected to be suspended due to insolvency.

Section 2672.6 of the regulation provides special rules and definitions for *de minimis* mergers and transfers. Section 2672.7 establishes procedures for notifying the PBGC of a proposed merger or transfer, and describes the information required as part of the notice. Section 2672.8 prescribes the procedure under which a plan sponsor may request a determination from the PBGC that a merger or transfer complies

with the requirements of ERISA section 4231 and thus does not constitute a prohibited transaction under ERISA section 406(a) and (b)(2). Finally, § 2672.9 contains general rules pertaining to all the actuarial calculations made and assumptions used under this regulation.

As previously noted, different plan solvency tests apply when the transaction is a merger or non-significant transfer, as opposed to a significant transfer. One comment suggested that with respect to a significant transfer of assets and liabilities, a further distinction should be drawn between the receiving plan and the transferor plan. According to the comment, because a receiving plan in a significant transfer is experiencing the equivalent of a merger, it should be subject to the less demanding plan solvency rules that apply to mergers. (The comment conceded that more stringent rules are appropriate for the transferor plan, because it is losing part of its assets and liabilities and, perhaps, contribution base.) PBGC has not made this suggested change.

Unlike mergers, where two or more plans in their entirety become a single plan, transfers involve only a portion of a plan, and therefore, it is possible that a significant transfer might harm the receiving plan while benefitting the transferor plan. For example, if both plans involved in a transfer are 50% funded, a transfer of benefits from one of the plans with enough assets to fund only 25% of those benefits, would have a negative impact on the receiving plan and would benefit the transferor plan. For this reason, PBGC finds that more stringent standards are appropriate for any plan involved in a significant transfer.

One of the comments received raised several questions concerning the plan solvency tests under § 2672.5 of the regulation and the alternative demonstration permitted by § 2672.2(a)(3)(ii). As previously noted, § 2672.2(a)(3)(ii) of the proposed regulation stated that, rather than satisfy the applicable plan solvency test in § 2672.5, a plan may otherwise demonstrate "to the satisfaction of the PBGC' that benefits are not reasonably expected to be suspended due to insolvency. The comment expressed concern that this quoted language may give rise to an implication that an alternative demonstration under § 2672.2(a)(3)(ii) would require prior approval by the PBGC before the transaction could be consummated. The comment stated that such prior approval is contrary to the intent of ERISA section 4231. PBGC agrees. PBGC's approval is not required for transactions subject to section 4231 (although it is required that PBGC be notified of the transaction before it occurs). In order to avoid a contrary implication, PBGC has deleted the phrase, "to the satisfaction of the PBGC", from § 2672.2(a)(3)(ii) of the final regulation.

The same comment was critical of the proposed plan solvency test for significant transfers. For such transactions, § 2672.5(a) of the regulation requires a demonstration for each plan that: (1) The plan is expected to satisfy minimum funding standards (including reorganization funding, if applicable) for the first five plan years after the transfer; (2) assets immediately after the transfer will be sufficient to meet expected benefit payments in the first five plan years after the transfer; (3) expected contributions in the first plan year after the transfer are sufficient to meet benefit payments in that year; and (4) future contributions are expected to equal unfunded accrued benefits and future normal costs. On the one hand, the comment concluded that this plan solvency test for significant transfers was generally too rigorous. On the other hand, the comment suggested that some plans are so well funded that the reporting requirements under § 2672.7(e) incident to the test would produce unnecessary costs and burdens.

In response to the first point, PBGC believes that the plan solvency test established in § 2672.5(a) is a reasonable and prudent interpretation of the statutory requirement; that the four requirements of that test provide a minimum indication of each plan's ability to pay benefits. In response to the second point, PBGC notes that, as an alternative to the plan solvency requirements of § 2672.5(a), a plan may by other means demonstrate that benefits are not reasonably expected to be suspended due to insolvency (§ 2672.2(a)(3)(ii)). This alternative demonstration is available both to plans that have difficulty meeting the general test, and to plans that could easily meet that test but wish to avoid the reporting requirements incident to it. Under § 2672.7(e)(5)(iii) of the regulation, plans that choose the alternative demonstration must submit as part of the notice of the PBGC a statement of the basis for the determination on solvency, including the supporting data or calculations, assumptions and methods. Thus, the information burden in connection with this option will vary depending on the specific circumstances of the plans involved in the transaction.

The same comment raised specific questions concerning the plan solvency requirement under § 2672.5(a)(1), which states that each plan must be expected to satisfy minimum funding standards, including reorganization funding, if applicable, for the first five plan years after the transaction. (The applicability of reorganization funding was mentioned in the preamble to the proposed regulation. However, since the comments reflected some uncertainty on this point, specific mention of reorganization funding has been added to the final regulation.) The comment suggested that, for the purposes of determining the minimum funding requirements for a plan in reorganization, any overburden credit otherwise available under section 418C of the Internal Revenue Code should be disregarded. The comment further suggested that the regulation preclude the possibility of a quick offset of a credit balance in the plan's funding standard account against the statutory funding requirements. These modifications would have the effect of making the requirement more stringent than as proposed. However, when these suggested revisions are taken in combination with the other changes proposed by the same comment for the remaining plan solvency requirements in § 2672.5(a), the overall effect, in PBGC's judgment, would be to so weaken the test that it would not adequately demonstrate plan solvency. Therefore, PBGC has not adopted the suggested modifications.

The comment would modify the requirement under § 2672.5(a)(2), *i.e.* that assets immediately after the transaction be sufficient to meet the next five plan years' benefit payments, to provide that plan assets plus anticipated earnings and contributions must equal or exceed the disbursements for the five years after the transfer. PBGC disagrees with this suggestion. Requiring that plans have sufficient assets on hand to pay near-term benefit commitments is a more certain indicator that benefit payments are not likely to be suspended as a result of a significant transfer. Plans that could satisfy the test only by including future earnings and contributions could become insolvent if the earnings and contributions failed to meet expected levels. Thus, the suggested change would significantly dilute the second requirement on plan solvency.

The comment also raised a question concerning the third requirement on plan solvency (§ 2672.5(a)(3)), which provides that contributions for the first plan year after the transfer must equal

or exceed the benefit payments for that plan year. The comment noted that the requirement does not take into account investment income. The comment stated that, in the case of a well-funded plan, investment income may be larger than contributions, and thus the contributions themselves may be less than the annual benefit payments. Therefore, the comment concluded, a plan may fail to meet the third requirement even though it is very well-funded. PBGC believes that the third requirement is important, because in the typical case, if a plan is paying out annually more in benefits than it is receiving in contributions, its assets are being diminished, with the possible result of plan insolvency. In the unusual case suggested by the comment, where this situation arises because the plan is so well funded, the plan may choose to demonstrate solvency in another way, pursuant to § 2672.2(a)(3)(ii).

In addition, the comment suggested deleting the requirement under § 2672.5(a)(4) that the plan demonstrate that future contributions are expected to equal or exceed unfunded accrued benefits and future normal costs. The comment criticized the requirement because it requires new calculations by plans: specifically, that plans using an aggregate funding method must calculate normal costs using the entry age normal method. While it is true that this requirement may impose some new costs, PBGC does not believe that those costs will be significant. A survey of PBGC records indicates that 20% of multiemployer plans use an aggregate funding method. However, only about 2% of all plans use funding methods under which entry age normal calculations are not routinely performed. Moreover, PBGC believes this requirement is an important one, because, unlike the other requirements under § 2672.5(a), it demonstrates the ability of the plan to pay all benefits accrued to date. Finally, under § 2672.2(a)(3)(ii), plan solvency may be established by an alternate means, which would not necessarily require use of the entry age normal method.

The comment also objected to the § 2672.5(a)(4) requirement on the grounds that, even for plans that use the entry age normal method, special calculations will be required because the definition in that section of "unfunded accrued benefits" requires plans to determine the "fair market value of the assets". According to the comment, plans do not necessarily value assets at fair market value in testing the degree to which liabilities are amortized. PBGC agrees that plans do not necessarily value assets at fair market value for amortization purposes. However, plans must calculate fair market value for minimum funding purposes under section 412 of the Internal Revenue Code. This regulation uses the same meaning of "fair market value" as under section 412 of the Code (§ 2670.3).

In response to comments, PBGC has made modifications in § 2672.5(c), which sets forth the rules and assumptions to be used in applying the plan solvency tests in § 2672.5. Under proposed § 2672.5(c)(1), expected contributions after the merger or transfer were to be determined by assuming that contributions would equal the actual contributions received in the last full plan year ending before the date on which the notice of the transaction is filed with the PBGC, adjusted to refect any change in the rate of employer contributions that had been negotiated or a trend of declining contribution base units over the preceding five plan years. The comment made two suggestions concerning this provision. First, it accurately pointed out that, due to a plan's accounting procedures, actual cash "received in" a plan year may not properly reflect the total contributions made for that plan year. Therefore, paragraph (c)(1) has been revised to include contributions accrued, as well as received.

The comment also suggested that stipulating that adjustments must be made to reflect downward trends of five years' duration may be too mechanical, since trends may vary or fluctuate over shorter or longer periods. PBGC agrees that more flexibility in this respect is desirable. Further, since the solvency test involves projecting expected contributions, PBGC believes the regulation should allow for an adjustment to reflect any changing trend in contribution base units, whether upward or downward. Paragraph (c)(1) has thus been changed to provide that contributions shall be adjusted to reflect a trend of changing contribution base units over the preceding five plan years or other period of time that can be demonstrated to be more appropriate.

Another comment suggested that, in order to avoid ambiguity in more complex transactions, the regulation should include a rule specifying when a merger or transfer is considered to be effective. Section 2672.7(a), as proposed, provided that the effective date of a merger or transfer is the earlier of: (1) The date on which one plan assumes liability for benefits accrued under another plan involved in the transaction; or (2) the date on which one plan transfers assets to the other plan. PBGC believes that this rule provides adequate guidance. To attempt to make the rule more specific, might well result in a rule that would not work for all transactions. Accordingly, no change has been made in § 2672.7(a).

In addition, the comment was concerned that the regulation provide some flexibility in permitting the required calculations and representations to be made on the basis of the scheduled effective date of the transaction. PBGC believes that this suggestion has merit. While some provisions of the regulation (*e.g.* §§ 2672.4(a) and 2672.5(c)(1)) tie the required calculations to the date the notice is filed with the PBGC, other provisions link some of the calculations to the effective date of the transaction. Since the notice of the transaction must be filed at least 120 days before the effective date of the transaction, sponsors would necessarily have to base their calculations on a proposed, rather than actual, effective date. PBGC has modified the applicable provisions of the regulation to make this explicit (*cf.* §§ 2672.4(b) and 2672.5(a)).

The same comment also urged that the regulation not require the calculations and representations to be adjusted if the actual effective date of the transaction is not more than six months before or after the scheduled date. Because a merger or transfer is not permitted unless section 4231 is complied with, and because that section requires notice to the PBGC at least 4 months prior to the effective date of the transaction, it would be a very unusual case where the actual effective date *preceded* the proposed effective date by six months. Therefore, the regulation does not address this situation. However, the PBGC believes that otherwise this suggestion has merit. Therefore, a new § 2672.9(c) has been added, providing that in any case where the actual date of the transaction is more than one year after the date the notice is filed with the PBGC, PBGC may require the plans involved to provide new calculations based on the actual transaction date. Thus, in cases when there is substantial delay in consummating the merger or transfer, PBGC may obtain more up-to-date information.

Questions were raised concerning the definitions of *de minimis* mergers and transfers contained in § 2672.6, which provides special rules for these transactions. Section 2672.6(b) describes a *de minimis* merger as one where the present value of accrued benefits of one plan is less than three percent of the fair market value of the other plan's assets.

A similar test is included as part of the definition of a *de minimis* transfer in § 2672.6(c). The comment suggested that, for the purposes of both these tests, the comparison should be between the value of plan assets and the value of *unfunded* accrued benefits.

PBGC disagrees with the suggestion. By comparing accrued benefits to assets, the test for a *de minimis* transaction isolates only the very small transactions, which due to their small size will presumably have no significant impact on the plans involved. If, as the comment suggested, the definition of a *de minimis* transaction compared the *unfunded* accrued benefits of one plan with the assets of the other plan, then this test would potentially lose much of its precision. Questions as to the methods and assumptions used to calculate the level of unfunded benefits would lessen the certainty that this test accurately identifies only those transactions that will not have a significant impact on the affected plans. (In addition, it is noted that the regulations under section 414(1) of the Internal Revenue Code dealing with the preservation of accrued benefits in non-multiemployer plan mergers and transfers, also define a *de minimis* merger as one where "the present value of accrued benefits, whether or not vested", of one plan is less than 3% of the assets of the other plan.)

One comment questioned the standard in § 2672.7(f) of the regulation, which permits PBGC to waive all or a portion of the 120-day notice requirement under ERISA section 4231(b)(1) upon a determination that failure to complete the transaction in less than that time would cause harm to plan participants or beneficiaries. The comment would modify the standard for granting a waiver, to the effect that PBGC could grant a waiver upon a finding that the notice period was *unnecessary* to protect the interests of plan participants. PBGC believes that the full statutory review period will normally be needed for the kind of careful appraisal of these transactions that the statute contemplates. Therefore, PBGC has concluded that the review period should be shortened only when use of the entire review time would harm plan participants or beneficiaries.

A somewhat related question raised by the same comment concerned the running of the 120-day period when the notice contained incomplete information. The comment suggested that the 120-day period should begin to run upon filing an incomplete notice, provided that the plan subsequently supplied the additional information in a timely fashion. PBGC has decided not to adopt this suggestion because the effect of it would be to shorten PBGC's review time. Moreover, PBGC points out that these kinds of transactions have ordinarily been under discussion for a considerable period of time before a notice is submitted to the PBGC, and thus there will be ample opportunity to compile the information (much of which will be readily available) for submission in a timely fashion. Therefore, § 2672.7(d) has been revised to indicate that a notice is not considered filed until all of the required information has been submitted.

The Pension Benefit Guaranty Corporation has determined that this regulation is not a "major rule" for the purposes of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. This conclusion is based on the fact that the regulation, itself, neither permits nor prohibits mergers or transfers between multiemployer pension plans. ERISA permits such transactions subject to certain specified conditions. This regulation merely provides guidance to plans as to how they may satisfy those conditions.

Under section 605(b) of the Regulatory Flexibility Act, the Pension Benefit Guaranty Corporation certifies that this rule will not have a significant economic impact on a substantial number of small entities. Pension plans with fewer than 100 participants have traditionally been treated as small plans. The proposed regulation affects only multiemployer plans covered by PBGC. Defining "small plans" as those with under 100 participants, such plans represent only 10% of all multiemployer plans covered by PBGC (200 out of 2000). Further, small multiemployer plans represent only .3% of all small plans covered by the PBGC (200 out of 61,200) and less than .05% of all small plans (200 out of 427,900). Therefore compliance with sections 603 and 604 of the Regulatory Flexibility Act is waived.

List of Subjects

29 CFR Part 2670

Employee benefit plans, Pension insurance.

29 CFR Part 2672

Employee benefit plans, Pensions, Reporting and recordkeeping requirements.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 USC Chapter 35 and have been assigned OMB #1212-0022.

In consideration of the foregoing, Subchapter H of Chapter XXVI of Title 29, Code of Federal Regulations is amended as follows:

PART 2670—[AMENDED]

1. Part 2670 is amended by adding a new § 2670.3 at the end to read as follows:

§ 2670.3 Merger and transfer definitions.

For purposes of Part 2672—

"Actuarial valuation" means a valuation of assets and liabilities performed by an enrolled actuary using the actuarial assumptions used for purposes of determining the charges and credits to the funding standard account under section 302 of the Act and section 412 of the Code.

"Certified change of collective bargaining representative" means a change of collective bargaining representative certified under the Labor-Management Relations Act of 1947, as amended, or the Railway Labor Act, as amended.

"Fair market value of assets" has the same meaning as the term has for minimum funding purposes under section 302 of the Act and section 412 of the Code.

"Merger" means the combining of two or more plans into a single plan. For example, a consolidation of two plans into a new plan is a merger.

"Significant transfer" means the transfer of assets that equal or exceed 15% of the assets of the transferor plan before the transfer or the transfer of unfunded accrued benefits that equal or exceed 15% of the assets of the transferee plan (including a plan that did not exist prior to the transfer) before the transfer.

"Transfer" and "transfer of assets or liabilities" mean a diminution of assets or liabilities with respect to one plan and the acquisition of these assets or the assumption of these liabilities by another plan or plans (including a plan that did not exist prior to the transfer). However, the shifting of assets or liabilities pursuant to a written reciprocity agreement between two multiemployer plans in which one plan assumes liabilities of another plan is not

a transfer of assets or liabilities. In addition, the shifting of assets between several funding media used for a single plan (such as between trusts, between annuity contracts, or between trusts and annuity contracts) is not a transfer of assets or liabilities.

(Sec. 4002(b)(3), Pub. L. 93-406, as amended by sec. 403(1), Pub. L. 96-364, 94 Stat. 1208, 1302 (1980) (29 U.S.C. 1302(b)(3))

2. A new Part 2672 is added to read as follows:

PART 2672—MERGERS AND TRANSFERS BETWEEN MULTIEMPLOYER PLANS

Sec.

Authority: Secs. 4002(b)(3) and 4231, Pub. L. 93-406, 88 Stat. 829, 1004 (1974), as amended by secs. 403(1) and 104 (respectively), Pub. L. 96-364, 94 Stat. 1302 and 1244 (1980) (29 U.S.C. 1302(b)(3) and 1411).

§ 2672.1 Purpose and scope.

(a) *Purpose.* The purpose of this part is to prescribe notice requirements under section 4231 of the Act for mergers and transfers of assets or liabilities among multiemployer pension plans. This part also interprets the other requirements of section 4231 and prescribes special rules for *de minimis* mergers and transfers.

(b) *Scope.* This part applies to mergers and transfers among multiemployer plans where all of the plans immediately before and immediately after the transaction are multiemployer plans covered by section 4021(a) of the Act and not excluded by section 4021(b). This part applies to those mergers and transfers for which a notice is required to be filed pursuant to section 4231(b)(1) of the Act after the effective date of this part.

§ 2672.2 Requirements for mergers and transfers.

(a) *General requirements.* A plan sponsor may not cause a multiemployer plan to merge with one or more multiemployer plans or transfer assets or liabilities to or from another multiemployer plan unless the merger or transfer satisfies all of the following requirements:

(1) No participant's or beneficiary's accrued benefit may be lower immediately after the effective date of the merger or transfer than the benefit immediately before the merger or transfer.

(2) Actuarial valuations of the plans involved in the merger or transfer shall have been performed in accordance with § 2672.4.

(3) For each plan involved in the transaction, an enrolled actuary shall—

(i) Determine that the plan meets the applicable plan solvency requirement set forth in § 2672.5; or

(ii) Otherwise demonstrate that benefits under the plan are not reasonably expected to be subject to suspension under section 4245 of the Act.

(4) The plan sponsor shall notify the PBGC of the merger or transfer in accordance with § 2672.7.

(b) *Compliance determination.* If a plan sponsor requests a determination that a merger or transfer that may otherwise be prohibited by section 406 (a) or (b)(2) of the Act satisfies the requirements of section 4231 of the Act, the plan sponsor shall submit the information described in § 2672.8 in addition to the information required by § 2672.7. PBGC may request additional information if necessary to determine whether a merger or transfer complies with the requirements of section 4231 and this part. Plan sponsors are not required to request a compliance determination. Under section 4231(c) of the Act, if the PBGC determines that the merger or transfer complies with section 4231 of the Act and this part, the merger or transfer will not constitute a violation of the prohibited transaction provisions of section 406 (a) and (b)(2) of the Act.

(c) *Certified change in bargaining representative.* Transfers of assets and liabilities pursuant to a certified change in bargaining representative are governed by section 4235 of the Act. Plan sponsors involved in such transfers are not required to comply with this part. However, under section 4235(f)(1) of the Act, the plan sponsors of the plans involved in the transfer may agree to a transfer that complies with sections 4231 and 4234 of the Act. Plan sponsors that elect to comply with sections 4231 and 4234 must comply with the rules in this part.

§ 2672.3 Preservation of accrued benefits.

Section 4231(b)(2) of the Act and § 2672.2(a)(1) of this part require that no participant's or beneficiary's accrued benefit may be lower immediately after the effective date of the merger or transfer than the benefit immediately before the merger or transfer. A plan that assumes an obligation to pay benefits for a group of participants satisfies this requirement only if the plan contains a provision preserving all accrued benefits. The determination of what is an accrued benefit shall be made in accordance with section 411 of the Code and the regulations thereunder.

§ 2672.4 Valuation requirement.

(a) *Mergers and non-significant transfers.* A merger or a transfer that is not significant ("non-significant transfer") satisfies section 4231(b)(4) of the Act and § 2672.2(a)(2) of this part (requiring an actuarial valuation) if an actuarial valuation has been performed for each plan involved in the merger or transfer, based on the assets and liabilities of the plan as of a date not more than three years before the date on which the notice of the merger or transfer is filed.

(b) *Significant transfers.* A significant transfer satisfies section 4231(b)(4) of the Act and § 2672.2(a)(2) of this part if an actuarial valuation has been performed for each plan involved in the transfer, based on the assets and liabilities of the plan as of a date not earlier than the first day of the last plan year ending before the proposed effective date of the transfer. The valuation shall separately identify assets, contributions and liabilities being transferred, and shall be based on the actuarial assumptions and methods that are expected to be used for the first plan year beginning after the transfer.

§ 2672.5 Plan solvency tests.

(a) *Significant transfers.* A significant transfer satisfies the plan solvency requirement of section 4231(b)(3) of the Act and § 2672.2(a)(3)(i) of this part if all of the following requirements are met by each plan involved in the transfer:

(1) Expected contributions shall equal or exceed the estimated amount necessary to satisfy the minimum funding requirement of section 412(a) of the Code (including reorganization funding, if applicable) for the five plan years beginning on or after the proposed effective date of the transfer.

(2) The fair market value of plan assets immediately after the transfer shall equal or exceed the total amount of expected benefit payments during the first five plan years beginning on or after the proposed effective date of the transfer.

(3) Expected contributions for the first plan year beginning on or after the proposed effective date of the transfer shall equal or exceed expected benefit payments for that plan year.

(4) Contributions for the amortization period shall equal or exceed unfunded

accrued benefits plus expected normal costs.

(i) Notwithstanding paragraph (c)(4) of this section, "unfunded accrued benefits" means the excess of the present value of accrued benefits over the fair market value of the assets, determined on the basis of the actuarial valuation required under § 2672.4(b).

(ii) "Armortization period" means either 25 plan years or the amortization period for the resulting base when the combined charge base and the combined credit base are offset under section 412(b)(4) of the Code. The actuary may select either period.

(b) *Mergers and non-significant transfers.* A merger or non-significant transfer satisfies the plan solvency requirement of section 4231(b)(3) of the Act and § 2672.2(a)(3)(i) of this part if, for the merged plan or for each plan that continues after the transfer—

(i) The fair market value of plan assets immediately after the merger or transfer equals or exceeds five times the benefit payments in the last plan year ending before the proposed effective date of the merger or transfer; or

(ii) In each of the first five plan years beginning after the proposed effective date of the merger or transfer, expected plan assets plus expected contributions and investment earnings equal or exceed expected expenses and benefit payments for the plan year.

(c) *Rules for determinations.* In determining whether a transaction satisfies the plan solvency requirements set forth in this section, the following rules apply:

(1) Expected contributions after a merger or transfer shall be determined by assuming that contributions will equal contributions received in or accrued for the last full plan year ending before the date on which the notice of merger or transfer is filed with the PBGC. Contributions shall be adjusted, however, to reflect any change in the rate of employer contributions that has been negotiated (whether or not in effect), or a trend of changing contribution base units over the preceding five plan years or other period of time that can be demonstrated to be more appropriate.

(2) Expected normal costs shall be determined under the funding method and assumptions used by the plan actuary for purposes of determining the minimum funding requirement under section 412 of the Code (which requires that such assumptions be reasonable in the aggregate). If the plan is using an aggregate funding method, normal costs shall be determined under the entry age normal method.

(3) Expected benefit payments shall be determined by assuming that current benefits remain in effect and that all scheduled increases in benefits occur.

(4) The fair market value of plan assets immediately after the merger or transfer shall be based on the most recent data available to the plan sponsor immediately before the date on which the notice is filed.

(5) Expected investment earnings shall be determined using the same interest assumption used for determining the minimum funding requirement under section 412 of the Code.

(6) Expected expenses shall be determined using expenses in the last plan year ending before the notice is filed, adjusted to reflect any anticipated changes.

(7) Expected plan assets for a plan year shall be determined by adjusting the most current data on fair market value of plan assets to reflect expected contributions, investment earnings, benefit payments and expenses for each plan year between the date of the most current data and the beginning of the plan year for which expected assets are being determined.

§ 2672.6 De minimis mergers and transfers.

(a) *Special plan solvency rule.* In order to determine whether a *de minimis* merger or transfer satisfies the plan solvency requirement in § 2672.5(b), the plan assets, expected contributions and expected benefits may be determined without regard to any *de minimis* mergers or transfers that have occurred since the last valuation performed to establish charges and credits to the minimum funding standard account under section 412(b) of the Code.

(b) De minimis *merger defined.* A merger is *de minimis* if the present value of accrued benefits (whether or not vested) of one plan is less than 3 percent of the fair market value of the other plan's assets.

(c) De minimis *transfer defined.* A transfer of assets or liabilities is *de minimis* if—

(1) The fair market value of the assets transferred, if any, is less than 3 percent of the fair market value of all the assets of the transferor plan; and

(2) The present value of the accrued benefits transferred (whether or not vested) is less than 3 percent of the fair market value of all the assets of the transferee plan.

(d) *Value of assets and benefits.* For purposes of paragraphs (b) and (c) of this section, the value of plan assets and accrued benefits may be determined as of any date prior to the proposed effective date of the merger or transfer, but not earlier than the date of the most recent valuation performed for purposes of section 412(b) of the Code.

(e) *Aggregation required.* In determining whether a merger or transfer is *de minimis,* the assets and accrued benefits transferred in previous *de minimis* mergers and transfers within the same plan year shall be aggregated as described in paragraphs (e)(1) and (e)(2) of this section. For the purposes of those paragraphs, the value of plan assets may be determined as of the date during the plan year on which the total value of the plan's assets is the highest.

(1) A merger is not *de minimis* if the total present value of accrued benefits merged into a plan, when aggregated with all prior *de minimis* mergers of and transfers to that plan effective within the same plan year, equals or exceeds 3 percent of the value of the plan's assets.

(2) A transfer is not *de minimis* if, when aggregated with all previous mergers and transfers effective within the same plan year—

(i) The value of all assets transferred from the plan equals or exceeds 3 percent of the value of the plan's assets; or

(ii) The present value of all accrued benefits transferred to the plan equals or exceeds 3 percent of the plan's assets.

§ 2672.7 Notice of merger or transfer.

(a) *When to file.* Except as provided in paragraph (f) of this section, a notice of a proposed merger or transfer shall be filed not less than 120 days before the effective date of the transaction. For purposes of this part, the effective date of a merger or transfer is the earlier of—

(1) The date on which one plan assumes liability for benefits accrued under another plan involved in the transaction; or

(2) The date on which one plan transfers assets to another plan involved in the transaction.

(b) *Who shall file.* The plan sponsors of all plans involved in a merger or transfer, or the duly authorized representative(s) acting on behalf of the plan sponsors, shall jointly file the notice required by this section.

(c) *Where to file.* The notice shall be delivered by mail or submitted by hand to the Division of Case Classification and Control (542), Office of Program Operations, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006.

(d) *Filing date.* For purposes of paragraph (a) of this section, the notice is not considered filed until all of the information required by paragraph (e) of this section has been submitted. Except

as provided in the next sentence, the notice is considered filed on the date it is received by the PBGC, unless it is received after regular business hours, in which event it is considered filed on the next regular business day. The notice is considered filed on the date of the postmark stamped on the cover in which the notice is mailed if—

(1) The postmark was made by the United States Postal Service; and

(2) The notice was mailed postage prepaid, properly packaged and addressed to the PBGC.

(e) *Information required.* Each notice shall contain the following information:

(1) For each plan involved in the merger or transfer—

(i) The name of the plan;

(ii) The name, address and telephone number of the plan sponsor and of the plan sponsor's duly authorized representative, if any; and

(iii) The nine-digit employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor and the three-digit Plan Identification Number (PIN) assigned by the plan sponsor to the plan, and, if different, the EIN or PIN last filed with the PBGC. If no EIN or PIN has been assigned, the notice shall so indicate.

(2) The kind of transaction being reported (merger, significant transfer or non-significant transfer).

(3) The proposed effective date of the merger or transfer.

(4) A copy of the plan provision stating that no participant's or beneficiary's accrued benefit will be lower immediately after the merger or transfer than the benefit immediately before the transaction.

(5) One of the following statements, certified by an enrolled actuary:

(i) A statement that the merger or transfer is *de minimis* as defined in § 2672.6. A Notice of a *de minimis* merger or transfer is not required to include the information described in paragraphs (e)(6) or (e)(7) of this section.

(ii) A statement that the merger or transfer satisfies the applicable plan solvency test set forth in § 2672.5, indicating which is the applicable test.

(iii) A statement of the basis on which the actuary has determined that benefits under the plan are not reasonably expected to be subject to suspension under section 4245 of the Act, including the supporting data or calculations, assumptions and methods.

(6) For mergers or transfers (other than *de minimis* mergers or transfers), a copy of the most recent actuarial valuation report that satisfies the requirements of § 2672.4.

(7) For a significant transfer, the following information used in making the plan solvency determination under § 2672.5(a):

(i) The present value of the accrued benefits and fair market value of plan assets under the valuation required by § 2672.4(b), allocable to each plan after the transfer.

(ii) The fair market value of assets in each plan after the transfer (determined in accordance with § 2672.5(c)(4)).

(iii) The expected benefit payments for each plan in the first plan year beginning on or after the proposed effective date of the transfer (determined in accordance with § 2672.5(c)(3)).

(iv) The contribution rates in effect for each plan for the first plan year beginning on or after the proposed effective date of the transfer.

(v) The expected contributions for each plan in the first plan year beginning on or after the proposed effective date of the transfer (determined in accordance with § 2672.5(c)(1)).

(f) *Waiver of notice.* PBGC may waive the notice requirements of this section and section 4231(b)(1) of the Act if the plan sponsor demonstrates to the satisfaction of the PBGC that failure to complete the merger or transfer in less than 120 days after filing the notice will cause harm to participants or beneficiaries of the plans involved in the transaction.

§ 2672.8 Request for compliance determination.

(a) *General.* A request for a determination that a merger or transfer complies with the requirements of section 4231 of the Act may be filed by the plan sponsor or sponsors of one or more plans involved in a merger or transfer. The request shall contain the information described in paragraph (b) or (c) of this section, as applicable.

(1) *The place of filing.* The request shall be delivered to the address set forth in § 2672.7(c).

(2) *Single request permitted for all* de minimis *transactions.* Because the plan solvency test for *de minimis* mergers and transfers is based on the most recent valuation (without adjustment for intervening *de minimis* transactions), a plan sponsor may submit a single request for a compliance determination covering all *de minimis* mergers or transfers that occur between one plan valuation and the next. However, the plan sponsor must still notify PBGC of each *de minimis* merger or transfer separately, in accordance with § 2672.7. The single request for a compliance determination may be filed concurrently with any one of the notices of a *de minimis* merger or transfer.

(b) *Contents of request: merger or transfer that is not* de minimis. A request for a compliance determination concerning a merger or transfer that is not *de minimus* shall contain—

(1) A copy of the merger or transfer agreement;

(2) A summary of the required calculations, including a complete description of assumptions and methods, on which the enrolled actuary based the certification that the merger or transfer satisfied a plan solvency test described in § 2672.5; and

(3) For a significant transfer, copies of all actuarial valuations performed within the 5 years preceding the proposed effective date of the transfer.

(c) *Contents of request:* De minimus *merger or transfer.* A request for a compliance determination concerning a *de minimis* merger or transfer shall contain one of the following statements, certified by an enrolled actuary:

(1) A statement that the merger or transfer satisfies one of the plan solvency tests set forth in § 2672.5(b), indicating which test is satisfied.

(2) A statement of the basis on which the actuary has determined that benefits under the plan are not reasonably expected to be subject to suspension under section 4245 of the Act, including supporting data or calculations, assumptions and methods.

§ 2672.9 Actuarial calculations and assumptions.

(a) *Most recent valuation.* All calculations required by this part shall be based on the most recent actuarial valuation as of the date of filing the notice, updated to show any material changes.

(b) *Assumptions.* All calculations required by this part shall be based on methods and assumptions that are reasonable in the aggregate, based on generally accepted actuarial principles.

(c) *Updated calculations.* If the actual date of the merger or transfer is more than one year after the date the notice is filed with the PBGC, PBGC may require the plans involved to provide updated calculations and representations based on the actual effective date of the transaction.

(Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Control number 1212-0022)

Effective date. This part is effective January 3, 1984.

Issued at Washington, D.C. on this 30th day of June, 1983.

Raymond Donovan,

Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors approving this regulation and authorizing its Chairman to issue same.

Henry Rose,

Secretary, Pension Benefit Guaranty Corporation.

[FR Doc. 83-32210 Filed 12-1-83; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2365-5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The EPA announces today final rulemaking on a revision to the Ohio State Implementation Plan (SIP) for ozone for the U.S. Steel Supply Division, Sharon Plant, in Trumbull County, Ohio. This action approves an emission reduction plan (bubble) which will result in a decrease in the annual allowable volatile organic chemicals (VOC) emissions or this facility. EPA's action is based upon a revision request and technical support documentation which was submitted by the State.

DATE: This action will be effective January 31, 1984, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision to the Ohio SIP are available for inspection at: The Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408.

Copies of the SIP revision are available for inspection at the following addresses: (It is recommended that you telephone the contact person below before visiting the Region V Office).

Environmental Protection Agency, Region V, Air and Radiation Branch, 230 S. Dearborn Street, Chicago, Illinois 60604

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

Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, Columbus, Ohio 43216

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air and Radiation Branch (5AP-26), Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air and Radiation Branch (5AP-26), Environmental Protection Agency, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On January 5, 1983, the Ohio Environmental Protection Agency (OEPA) submitted a revision to its ozone SIP for the U.S. Steel Supply Division, Sharon Plant. This facility is located in Trumbull County, Ohio, a rural nonattainment area for ozone. Ohio's ozone SIP for this county was approved on October 31, 1980 (45 FR 72122), and on June 29, 1982 (47 FR 28097).

The SIP revision includes an alternative emission reduction plan (bubble) for the six metal coating lines at the Sharon Plant. This revision is consistent with EPA's Proposed Emissions Trading Policy Statement which was published in the **Federal Register** on April 7, 1982 (47 FR 15076). The statement sets forth general principles for creation, banking and use of emission reduction credits and encouraged the use of emission trade to achieve more flexible, rapid and efficient attainment of the NAAQS. The April 7, 1982, statement noted that, until EPA takes final action on its policy statement, State actions involving emission trades would be evaluated under the provisions set forth in the proposed statement.

The Sharon Plant produces steel shipping containers in sizes from 3½ gallons to 55 gallons. Production is accomplished on three main lines using a variety of finishing techniques involving both roller coating and spraying. Organic based finishes are applied to the exterior of all carbon steel containers and to the interior of some carbon steel containers to enhance corrosion resistance.

The coating operations associated with this emission reduction program (sources K001-K006) are currently subject to Ohio Administrative Code (OAC) Rule 3745-21-09(U) and a compliance date of December 31, 1982, contained in OAC Rule 3745-21-04(C)(28).

This revision approves an alternative emission reduction plan (bubble) for the facility which will result in a 5-ton decrease in the annual allowable VOC emissions (based on 1980 production data). The VOC emission reduction under the "bubble" will be achieved, where applicable, by the conversion of solvent-based coatings to high solids and waterborne coatings. The final compliance date for the "bubble" program is December 31, 1982, which is identical to the final compliance deadline allowed under OAC Rule 3745-21-04(C)(28). The table below provides both the previous SIP limits and the approved bubble limits for each of the metal coating lines.

U.S. STEEL SUPPLY DIVISION, SHARON PLANT

Source and coating	SIP allowable lb VOC gallon[1]	Bubble allowable lb VOC/gallon [1]
K001:		
Rust inhibitor (primer)	4.3	4.3
Interior lining	5.0	5.1
Litho base coating	3.5	3.1
K002:		
Varnish	4.3	3.1
Printing ink	3.0	1.2
K003: Interior lining (lid/bottom)	5.0	5.2
K004: Interior lining (shell)	5.0	5.2
K005: Interior lining (shell)	5.0	5.2
K006: Exterior coating	3.5	3.1

[1] The averaging time for determining compliance is a daily weighted average.

The State of Ohio has issued variances for sources K001, K003, K004, and K005 and permits for sources K002 and K006. These variances and permits contain the above emission limits and the December 31, 1982, compliance date. In addition, they outline specific reporting requirements for these lines. Although the variances and permits each expire 3 years after final approval by USEPA, the emission limitations and other requirements contained therein may, through renewal of the variances and permits, remain the enforceable SIP beyond the expiration dates under State law. USEPA is specifically approving not only the permits and variances but also the emission limitations and other permit requirements mentioned above, in advance of their inclusion in renewal permits and variances.

USEPA is approving this revision to the ozone SIP for the U.S. Steel Supply Division, Sharon Plant because the compliance program reduces the total allowable VOC emissions for the six metal coating lines and will, therefore, result in improved air quality.

Because EPA considers today's action noncontroversial and routine, we are approving it today without prior proposal. The action will become effective on (60 days from the date of this notice). However, if we receive notice by (30 days from the date of this notice) that someone wishes to submit critical comments, then EPA will publish: (1) A notice that withdraws the action, and (2) a notice that begins a

new rulemaking by proposing the action and establishing a comment period.

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

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 31, 1984. This action may not be challenged later in proceedings to enforce its requirements. (See Sec. 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

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

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: November 22, 1983.

William D. Ruckelshaus,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS OHIO

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

Subpart KK—Ohio

1. Section 52.1870 is amended by adding paragraph (c)(56) as follows:

§ 52.1870 Identification of the plan.

* * * * * *

(c) * * *

(56) On January 5, 1983 the Ohio Environmental Protection Agency submitted a revision to its ozone SIP for the U.S. Steel Supply Division, Sharon Plant in Trumbull County, Ohio. Technical support for this revision was also submitted on November 12, 1982.

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[FR Doc. 83-32227 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[A-8-FRL 2481-6]

Designation of Areas For Air Quality Planning; Utah Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: This notice redesignates portions of the State of Utah under Section 107 of the Clean Air Act from nonattainment to attainment for sulfur dioxide, carbon monoxide and total suspended particulates. This action results from several requests from the Governor of Utah and on information submitted by the Department of Environmental Health.

DATES: This action will be effective on January 31, 1984, unless notice is received by January 3, 1984 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the revision are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at the following office: Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Robert R. DeSpain, Air Programs Branch, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295 (303) 837-3471.

SUPPLEMENTARY INFORMATION: Between October 28, 1982, and February 28, 1983, EPA received several requests from the Governor of Utah to redesignate certain areas of the State of Utah from nonattainment to attainment under Section 107 of the Clean Air Act. On March 29 and May 13, 1983, EPA received additional documentation to support the requests.

After reviewing the requests and documentation, EPA is promulgating most of the proposed changes. Three of the changes require additional review and are not being acted upon in this **Federal Register** action. A summary of each request and EPA's action on that request is shown in Table 1. A discussion of each action is also provided below:

UTAH NONATTAINMENT AREAS

Areas	Pollutant	Proposed action	EPA action
Cedar City	SO_2	Attainment	Attainment.
Salt Lake City	SO_2	Attainment	No action.
Bountiful	CO	Attainment	Attainment.
Salt Lake County.	TSP	Attainment	No action.
Bountiful	TSP	Attainment	Attainment.
Ogden	TSP	Attainment	Attainment.
Provo	TSP	Attainment primary.	No action.

Sulfur Dioxide

The Cedar City area was designated nonattainment on March 3, 1978, on the basis of measured violations of the SO_2 standard that occurred in 1977 and 1978. Those violations were caused by a single source burning high sulfur fuel. The nonattainment SIP, submitted in 1979, corrected that problem by requiring the facility in question to use lower sulfur oil and no violations of the national standards have been recorded since 1978. Hence, the area should be redesignated to attainment.

Salt Lake County was designated nonattainment on the basis of measured and predicted violations of the SO_2 standard at elevations both below and above the main stack of the Kennecott copper smelter. Presently, EPA is reviewing a proposed SIP revision for the smelter and any action on the attainment status will be taken with the SIP revision is approved or disapproved.

Carbon Monoxide

The City of Bountiful was designated nonattainment for carbon monoxide (CO) in 1978 on the basis of a small number of measured violations of the CO standard. These violations were marginal and the only strategy necessary to attain the standards was the Federal Motor Vehicle Control Program. The last measured violation occured during the fourth quarter of 1980. Since 1980 the highest record CO concentration was 8 parts per million (the national standard is 9ppm). Hence, the area should be redesignated to attainment.

Total Suspended Particulates

All of the areas in Utah designated nonattainment for total suspended particulates were based upon measured data that consisted of daily samples using a non-reference method. During the spring 1982, the State of Utah converted their nonattainment monitors to a reference method operating on the approved six day sampling schedule.

In all of the Utah TSP nonattainment areas there has been a trend of decreasing maximum concentration as well as a decreasing number of violations. This trend would indicate that implementation of the nonattainment SIP is improving air quality. Additionally, in all the

nonattainment areas, data collected after the conversion to reference method sampling showed virtually no violations (one exceedance of the standard occurred in three of four nonattainment areas). In Bountiful and Ogden the reduced TSP levels have resulted from implementation of the approved nonattainment SIP and these areas are redesignated to attainment. In Salt Lake County the nonattainment SIP has not yet been approved and any redesignation must wait until final action is taken on the SIP. In Provo, the original violations were caused by a major steel facility which has curtailed its operation drastically because of economic conditions. That redesignation request must be studied in greater detail to determine whether the area will be in attainment after the facility resumes normal operation.

The public is advised that this action will be effective January 31, 1984. However, if we receive written notice by January 3, 1984 that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw this final action and another will begin a new rulemaking by announcing a proposal of this action and providing a period for receiving public comment.

Under section 307(b)(1) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days from today). This action may not be challenged later in proceedings to enforce its requirements (See 307(b)(2)).

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

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This rulemaking is issued under the authority of Section 107 of the Clean Air Act (42 U.S.C. 7407).

Dated: November 22, 1983.

William D. Ruckelshaus,

Administrator.

PART 81—[AMENDED]

Title 40, Part 81 of the Code of Federal Regulations is amended as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.345 [Amended]

1. The TSP Table in § 81.345 is revised by removing any reference to "Portions of Davis County" and "Portions of Weber County".

2. The SO_2 Table in § 81.345 is revised by removing any reference to Cedar City.

3. The CO Table in § 81.345 is revised by removing any reference to the City of Bountiful.

[FR Doc. 83-32219 Filed 12-1-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 145

[WH-FRL-2474-1]

Missouri Department of Natural Resources Underground Injection Control Program

AGENCY: Environmental Protection Agency.

ACTION: Approval of State Program.

SUMMARY: The State of Missouri has submitted an application under Section 1425 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Class II oil and natural gas-related injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's injection well program for Class II wells meets the requirements of Section 1425 of the Act. Therefore, this application covering Class II injections is approved.

EFFECTIVE DATE: This approval is effective December 2, 1983.

FOR FURTHER INFORMATION CONTACT: Victor Ziegler, Ground Water Section, U.S. Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. PH: (816) 374-6514. Copies of the responsiveness summary are available from the above address.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The SDWA was amended on December 5, 1980, to include Section 1425, which establishes an alternative method by which a State may obtain primary enforcement responsibility for those portions of its UIC program related to the recovery and production of oil and natural gas (Class II wells). Specifically, instead of meeting the Federal Regulations (40 CFR Parts 124, 144, and 145) and related Technical Criteria and Standards (40 CFR Part 146), a State may demonstrate that its program meets the more general statutory requirements of Section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of underground sources of drinking water.

The State of Missouri was listed as needing a UIC program on June 19, 1979 (44 FR 35288). The State submitted an application under Section 1425 on March 29, 1982 for the approval of a UIC program governing Class II oil and natural gas related injection wells to be administered by the Missouri Department of Natural Resources (MDNR). EPA published notice on April 14, 1982, of its receipt of the application, requested public comments, and scheduled a public hearing on the UIC program submitted by the MDNR (47 FR 16049). A public hearing was held on May 14, 1982, in Kansas City, Missouri. After careful review of the application and comments received from the public, I have determined that the Missouri UIC program submitted by the MDNR for Class II injection wells meets the requirements of Section 1425 of the SDWA, and hereby approve it. The effect of this approval is to establish this program as the applicable underground injection control program under the SDWA for the State of Missouri. The requirements of this program include state statutes and regulations set forth at: Missouri Revised Statutes, Ch. 259, and Missouri Code of State Regulations, Title 10, Ch. 1-5.

In this application, Missouri proposes to exempt for Class II injection wells only the strata of the Pennsylvanian System which are oil or gas producing or have a potential to produce in the following counties: Andrew, Atchison, Barton, Bates, Buchanan, Caldwell, Carroll, Cass, Clay, Clinton, Daviess, De

Kalb, Gentry, Grundy, Harrison, Henry, Holt, Jackson, Johnson, Lafayette, Linn, Livingston, Mercer, Nodaway, Platte, Putnam, Ray, Sullivan, Vernon, and Worth. Missouri also proposes to exempt the Mississippian aquifer at the following location: a radius of one mile around an injection well located in Section 33, T. 35N., R. 33W., in Vernon County, Missouri. After careful review of these proposed aquifer exemptions, I hereby approve them for Class II injection wells.

EPA is publishing this approval effective immediately so that Missouri can begin issuing UIC permits for Class II wells under the UIC program.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Indians—lands, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information, Water supply.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1425 of the Safe Drinking Water Act of the application by the Missouri Department of Natural Resources on will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: November 28, 1983

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-32225 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 145

[WH-FRL-2473-8]

Kansas Department of Health and Environment Underground Injection Control Program.Approval

AGENCY: Environmental Protection Agency.

ACTION: Approval of State program.

SUMMARY: The State of Kansas has submitted an application under Section 1422 of the Safe Drinking Water Act for the approval of an Underground Injection Control (UIC) program governing Classes I, III, IV, and V injection wells. After careful review of the application and comments received from the public, the Agency has determined that the State's program to regulate Classes I, III, IV, and V injection wells meets the requirements of Section 1422 of the Act. Therefore, this application is approved.

EFFECTIVE DATE: This approval is effective December 2, 1983.

FOR FURTHER INFORMATION CONTACT: Victor Ziegler, Ground Water Section, U.S. Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106. PH (816) 374-6514.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) provides for an Underground Injection Control (UIC) program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection which endangers drinking water sources. The Administrator is also to list in the **Federal Register** each State for which in his judgment a State UIC program may be necessary. Each State listed shall submit to the Administrator an application which contains a showing satisfactory to the Administrator that the State: (i) has adopted after reasonable notice and public hearings, a UIC program which meets the requirements of regulations in effect under Section 1421 of the SDWA; and (ii) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall by rule approve, disapprove or approve in part and disapprove in part, the State's UIC program.

The State of Kansas was listed as needing a UIC program on September 25, 1978 (43 FR 43420). The State submitted an application under Section 1422 on February 25, 1983, for the approval of a UIC program governing Classes I, III, IV, and V injection wells. The program would be administered by the Kansas Department of Health and Environment (KDHE).

On March 14, 1983, EPA published notice of its receipt of the application, requested public comments, and scheduled a public hearing on the Kansas UIC program submitted by the KDHE (48 FR 10721). A public hearing was held on April 18, 1983, in Topeka, Kansas. After careful review of this application, I have determined that the Kansas UIC program submitted by the KDHE to regulate Classes I, III, IV, and V injection wells meets the requirements of Section 1422 of the SDWA, and hereby approve it. The effect of this approval is to establish this program as the applicable underground injection control program under the SDWA for the State of Kansas. The requirements of this program include state statutes and regulations set forth at: Kansas Statutes, Title 65; and Kansas Administrative Regulations, Title 28, Department of Health and Environment, Article 43—Construction, Operation, Monitoring and Abandonment of Salt Solution Mining Wells, and Article 46—Underground Injection Control Regulations.

In this application, Kansas chooses not to assert jurisdiction over Indian lands or reservations for purposes of its UIC program. Therefore, the EPA will, at a future date, prescribe a UIC program governing injection wells on any Indian lands or reservations.

Since this approval, in large part, simply ratifies State regulations and requirements already in effect under State law, EPA is publishing this approval effective immediately. This will enable Kansas to begin immediately issuing UIC permits for Classes I, III, IV, and V injection wells under the Federally approved program.

The terms listed below comprise a complete listing of the thesaurus terms associated with 40 CFR Part 145, which sets forth the requirements for a State requesting the authority to operate its own permit program of which the Underground Injection Control program is a part. These terms may not all apply to this particular notice.

List of Subjects in 40 CFR Part 145

Indians—lands, Water supply, Reporting and recordkeeping requirements, Intergovernmental relations, Penalties, Confidential business information.

OMB Review

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that approval by EPA under Section 1422 of the Safe Drinking Water Act of the application by the

Kansas Department of Health and Environment will not have a significant economic impact on a substantial number of small entities, since this rule only approves State actions. It imposes no new requirements on small entities.

Dated: November 28, 1983.

William D. Ruckelshaus,

Administrator.

[FR Doc. 83-32226 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

VETERANS ADMINISTRATION

41 CFR Part 8-3

Procurement by Negotiation

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: This revision amends the Veterans Administration Procurement Regulations to prescribe policy regarding the sole-source negotiation of scarce medical specialist and mutual use, or exchange of use, contracts with medical schools and related institutions when such contract awards are made in conjunction with the Veterans Administration affiliation program.

EFFECTIVE DATE: This rule is effective January 2, 1984.

FOR FURTHER INFORMATION CONTACT: David S. Derr, Policy and Interagency Service, Office of Procurement and Supply, 810 Vermont Avenue, NW., Washington, DC 20420, Telephone (202) 389-2334.

SUPPLEMENTARY INFORMATION: The Comptroller General has decided that the General Accounting Office would not object to the sole-source award of contracts by the Veterans Administration to medical schools and related institutions under the authority of 38 U.S.C. 4117 and 5053. This revision amends the VA Procurement Regulations to no longer subject such contracts to the competition requirements of the Federal Procurement Regulations.

The Administrator hereby certifies that this final rule, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of Section 603 and Section 604. The reason for this certification is because this rule is not likely to result in a major increase in costs to consumers or others, or to have other significant adverse effects.

It is the general policy of the VA to allow time for interested persons to participate in the rulemaking process (38 CFR 1.12). Since this amendment only affects internal procedures, the rulemaking process is considered unnecessary in this instance.

List of Subjects in 41 CFR Part 8-3

Government procurement, Veterans Administration.

Approved: November 22, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

PART 8-3—PROCUREMENT BY NEGOTIATIONS

The Veterans Administration amends 41 CFR Part 8-3 as follows:

§ 8-3.203 [Amended]

1. In § 8-3.203, paragraph (a) is amended by adding the words "Except as prescribed in § 8-3.203-50," at the beginning of the first sentence; and paragraph (c) is amended by removing the words "Subparts 8-4.52 and 8-4.53" and substituting the words "Subpart 8-4.8".

2. Section 8-3.203-50 is added to read as follows:

§ 8-3.203-50 Affiliated medical schools and related institutions.

Contracts of the type specified in paragraph (a) of § 8-3.203 may be negotiated with affiliated medical schools and related institutions without competition when such contracts are entered into in conjunction with the Veterans Administration affiliation program. Such contracts shall be negotiated under the authority of this § 8-3.203-50. Each such contract and revision thereof is, however, subject to the same approval as those costing in excess of $10,000. See § 8-3.204.

§ 8-3.204 [Amended]

3. In § 8-3.204, paragraphs (c) and (d) are amended by adding the words "Except as prescribed in § 8-3.204-50," at the beginning of both paragraphs; paragraph (e) is amended by removing the words "Assistant Deputy Administrator for" and substituting the words "Director, Office of"; and paragraph (g) is amended by removing the words "Subparts 8-4.52 and 8-4.53" and substituting the words "Subpart 8-4.8".

4. Section 8-3.204-50 is added to read as follows:

§ 8-3.204-50 Affiliated medical schools and related institutions.

Contracts of the type specified in § 8-3.204, paragraphs (c) and (d), may be negotiated with affiliated medical schools and related institutions without competition when such contracts are entered into in conjunction with the Veterans Administration affiliation program. Such contracts shall be negotiated under the authority of this § 8-3.204-50 and 38 U.S.C. 4117 and 38 U.S.C. 5053 as appropriate. The requirements of § 8-3.204, paragraphs (e) and (f), shall be applicable to all such procurement actions.

§ 8-3.207 [Amended]

5. In § 8-3.207, paragraphs (a)(1) and (b)(1) are amended by removing the words "Assistant Deputy Administrator for" and substituting the words "Director, Office of"; and paragraph (b)(4) is revised to read as follows:

§ 8-3.207 Medicines or medical supplies.

* * * * *

(b)(4) Chief of each of the following Marketing Divisions:

(i) Medical Supplies;

(ii) Medical Equipment;

(iii) Federal Supply Schedules;

(iv) Pharmaceutical Products.

* * * * *

§ 8-3.209 [Amended]

5. In § 8-3.209, paragraphs (a)(1) and (b)(1) are amended by removing the words "Assistant Deputy Administrator for" and substituting the words "Director, Office of."

§ 8-3.210 [Amended]

6. In § 8-3.210, paragraph (a) is amended by removing the words "VA Regulations 3 and 4 (38 CFR 2.3 and 2.4)" and substituting the words "38 CFR 2.3 and 2.4."

§ 8-3.215 [Amended]

7. In § 8-3.215, paragraph (a)(1) is amended by removing the reference "§ 8-1.403-60" and substituting the reference "§ 8-1.403.51."

(38 U.S.C. 210(c); 40 U.S.C. 486(c))

[FR Doc. 83-32077 Filed 12-1-83; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[Gen. Docket No. 80-756; FCC 83-510]

Communications Protocols

AGENCY: Federal Communications Commission.

ACTION: Clarification of rules, policy statement regarding request for waivers, and termination of inquiry.

SUMMARY: The FCC's *Second Computer Inquiry* resulted in rules defining as enhanced services services involving protocol processing, and requiring carriers subject to structural separation to maintain such enhanced services separate and apart from regulated basic services. In a Notice of Inquiry released in 1980 (December 22, 1980; 45 FR 84140), the FCC sought comment on whether certain protocols, involved principally in interconnection of carriers' facilities with those of other carriers or enhanced service providers, should be specially treated. Broad comment was received on the issues.

In this decision, the FCC concludes that modification of the *Second Computer Inquiry* rules is unnecessary. It clarifies that certain "network processing" functions (call initiation, call routing, and call termination) are not reached by the rules, and it adopts principles addressing treatment by waiver of other protocol processing.

EFFECTIVE DATE: December 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Michael J. Marcus, Office of Science and Technology, (202) 632-7040 or James T. Vorhies, Office of Science and Technology (202-653-9097).

SUPPLEMENTARY INFORMATION: The relevant rules are in 47 CFR 64.702. These rules were adopted in the *Second Computer Inquiry*, 77 FCC2d 384 (1979), *aff'd on reconsideration*, 84 FCC2d 50 (1980), 88 FCC2d 512 (1981), *aff'd sub nom., C.C.I.A.* v. *FCC*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied sub nom., Louisiana* v. *United States*, 103 S.Ct. 2109 (1983). The Notice of Inquiry which began this proceeding may be found at 83 FCC2d 318 (1980).

Memorandum Opinion, Order, and Statement of Principles

In the Matter of Communications Protocols under § 64.702 of the Commission's Rules and Regulations (Gen. Docket No. 80-756).

Adopted: November 8, 1983.

Released: November 21, 1983.

By the Commission: Commissioner Rivera absent.

A. Introduction

1. This proceeding is an outgrowth of the *Second Computer Inquiry* (hereafter, "Computer II"), 77 FCC2d 384 (1979) (*Final Decision*), *aff'd on reconsideration*, 84 FCC2d 50 (1980) ("Reconsideration Decision"), 88 FCC2d 512 (1981), *aff'd sub nom., C.C.I.A.* v. *FCC*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied sub nom., Louisiana* v. *United States*, 103 S. Ct. 2109 (1983). In *Computer II*, we established a dichotomy between basic communications services which are the subject of regulation under Title II of the Communications Act of 1934 as amended, and enhanced services which are not subject to such regulation. Section 64.702(a) of our rules defines "enhanced services" as:

> Services offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information.

Such services are not regulated under Title II of the Act.

2. The definition of enhanced services is fundamentally predicated on the concept that a basic service is an offering of transmission capacity between two or more points suitable for a user's transmission needs, and subject only to the technical parameters of fidelity or distortion; in offering a basic transmission service, a carrier essentially offers a pure transmission capability over a communications path that is virtually transparent in terms of its interaction with customer supplied information. *Final Decision*, 77 FCC2d at 420.[1] An enhanced service does more than this. It alters the subscriber's information or electrical signals, or it involves subscriber interaction with stored information. *Id.*, 420-21.

3. When we adopted the *Computer II* dichotomy, we acknowledged that the enhanced services definition would include not only the type of information alteration which is generally thought of as processing of data, but also alterations of subscribers' transmitted electrical signals. In essence, there is a continuum of possible transmission capabilities which encompasses transmission with no changes in these electrical signals (clearly, a basic service offering) and transmission involving creation, deletion and alteration of information (clearly, a service traditionally thought of as "data processing", and within the enhanced service definition). Changes of a less clear nature involve changes to control information, including code and protocol changes (the focus of this proceeding), which facilitate transmission. Since the record before us in *Computer II* supported treating code and protocol conversion alike with forms of processing which more clearly might be thought of as information processing, we adopted the present rule. However, in view of the structural and facilities separation conditions of the American Telephone and Telegraph Company (AT&T), which would foreclose provision by AT&T of code and protocol conversion in its common carrier facilities,[2] we commenced this proceeding to consider whether, and to what extent, code and protocol processing might be treated specially.

4. By *Notice of Inquiry* herein (hereafter, "Notice"), 83 FCC2d 319 (1980), we sought comment on whether carriers subject to structural separation of basic and enhanced offerings and related facilities should be permitted to associate code and protocol conversion capabilities with facilities used to support the offering of basic service. A major issue related to packet-switched transmission, where there has been international standardization of two forms of transmission protocols: a protocol for communication between a packet-switched network and a subscriber, and a different protocol for communication between (and among) packet-switched networks if they are interconnected. Provision of both interfaces simultaneously by a carrier intrinsically would involve protocol conversion by the carrier, and therefore provision of enhanced service under the *Computer II* rules, yet restriction of a carrier's ability to do so could frustrate the availability of efficient interconnected service. We suggested that it might be possible to establish a limited class of code and protocol conversions which could be provided by AT&T on a commingled basis (i.e., notwithstanding the structural separation otherwise imposed on AT&T), but that if such treatment were adopted enhanced service providers might also be permitted to offer such capabilities without thereby subjecting their offerings to regulation under Title II of the Act. Consistent with this suggestion, we sought comment on an appropriate definitional structure for defining a limited class of code and protocol conversions which might be eligible for this treatment. Also, we noted that one form of protocol conversion, between the protocols used in two types of terminals employed by the hearing-impaired (i.e., between the older Baudot-Weitbrecht teletype-like

[1] *See also*, Satellite Business Systems, 62 FCC2d 997, 1052 (1977), *aff'd sub nom., United States* v. *FCC*, 652 F.2d 72 (D.C. Cir. 1979) (en banc) (discussion of "transparency").

[2] Any such operations which are performed wholly within communications facilities, but which are not manifested at the outputs, are not within this treatment. *See*, 77 FCC2d at 421-22; 84 FCC2d at 57-60.

protocol and the more current ASCII protocol employed in computer terminals and TWX teletypewriters), might be a desirable adjunct to basic service, and we requested comment on this issue.

5. The comments received in this proceeding convince us that a change in the definition of enhanced service is unwarranted, that any inefficiencies which may flow from the application of these rules to carriers subject to structural separation are at this point minimal and are more than counterbalanced by the benefits of unregulated supply of enhanced services and marketplace certainty in maintaining the existing definition. However, upon review of the records of this proceeding and of *Computer II,* we conclude that the provisions of Section 64.702(a) should be applied in a flexible manner so as to ensure that the transitional introduction of new technology in basic services is not inhibited. Furthermore, we seek to clarify in this order that while the term "protocol" processing may have a rather broad reach if applied literally, because the term "protocol" has evolved broadly in the contemplation of international standards such as the protocol classification scheme of the International Standards Organization (the Open Systems Interconnection model, usually referred to as the ISO/OSI model) and others, our use of this term in the definition of enhanced service is more narrow. Finally, while we conclude herein that the present definition of enhanced service should not be changed generally, we adopt principles under which special treatment of particular services and carriers' offerings might be addressed *ad hoc,* and the showings that must be made in any such circumstances which may arise.

B. The Notice of Inquiry

6. The issues, comments, and replies are summarized in Appendix A to this decision, and we have carefully considered them in reaching our results herein. For purposes of discussion, we briefly describe the major points made.

7. First, a number of comments and replies misconstrued the purpose of this proceeding as seeking either to reexamine the fundamental definitional and structural separation structure established in *Computer II,* or as seeking to expand the reach of regulation of code and protocol processing if such functions were, as an outgrowth of this proceeding, to be included within the basic service classification. Based upon these misconceptions of the purpose or scope of this proceeding, comments were filed which argued strenuously against either result.

8. Second, there was disagreement concerning appropriate definitions and classifications of protocols and protocol conversions. In the *Final Decision,* we broadly defined the concept of "protocols," 77 FCC2d at 420, n. 33, and our discussion in the *Notice* focused on changes which might be performed electrically in networks (conversion) of subscriber-originated protocols under that broad definition. In the *Notice,* we sought comment on whether there might be a basis for further refinement of the treatment of some, but not all, forms of protocol conversion. In that context, we referred to the Open Systems Interconnection analytic model of the International Standards Organization (the "ISO/OSI" model) as an existing basis for classifying and distinguishing various types of protocols [3] and we requested comment on alternatives.[4] Strong argument was made that the existing treatment in the rule of all protocol conversion as an element of enhanced service is proper, and that it should not be changed. Furthermore, it was argued that while the ISO/OSI model is useful as a reference for technical analysis, it is somewhat ambiguous and subject to interpretation, and therefore improperly imprecise as a decisional standard for rules. It was noted that the ISO/OSI model is "fluid," that it is subject to change in language or in interpretation by its sponsor, the International Standards Organization, and that the model is neither uniformly accepted nor used by industry. In sum, there was substantial agreement that this model should not be employed to establish classifications of protocols in refining the treatment of protocol processing under Computer II.[5]

9. Third, AT&T argued that a flexible approach is desirable to promote communications efficiency, particularly with respect to what AT&T termed "control signals," i.e., protocols which control the operation of telecommunications facilities.[6] AT&T also argued in favor of an approach which would permit protocol conversion to be performed to support interconnection of high-speed specialized networks, *e.g.,* conversion to X.75 of packet-switched service to support efficient interconnection and interworking of networks otherwise utilizing the X.25 protocol for subscriber interfaces (see para. 19 below). This approach would appear to go beyond its "control signals" proposals. Both of these proposals were contested in the comments.

10. Fourth, providers of data processing and other enhanced services, while concerned that the fundamental dichotomy between basic and enhanced offerings established in *Computer II* might be eroded if protocol processing were permitted to be associated with basic service, were also concerned that underlying transparent transmission offerings remain available if such association were permitted. They strenuously urged that the efficiency of their operations not be *limited* by inclusion by carriers of protocol processing functions which these providers may not wish, or which they might seek to provide themselves in conjunction with carriers' transmission channels. If transparent channels unencumbered by protocol processing do not remain available, it is said, unnecessary costs associated with the inclusion of protocol processing functions might be imposed, and flexibility and efficiency might be denied the providers of data processing and other enhanced services, and their customers.

11. Fifth, considerable comment was received on our specific request for information concerning protocol conversion functions which might necessarily be inherent in the ability efficiently to connect packet-switched

[3] See n. 6 *supra.* for a listing of the seven layer protocol classification established in the ISO/OSI model.

[4] In its comments during the course of the Computer II proceedings, AT&T had sought the result that basic service be permitted to include protocol processing on the first four levels of the ISO/OSI model. AT&T's request formed the basis for our request for comment on whether it might be appropriate to rely on this model as a basis for distinguishing various forms of protocols and protocol processing.

[5] It might be noted that in its comments in this proceeding, the initial sponsor of this approach, AT&T, abandoned its earlier advocacy in favor of use of the model, and argued in favor of a treatment of protocol processing which is not specifically addressed in the ISO/OSI model.

[6] AT&T claimed that certain such "control" functions are performed today as part of basic service although they might be thought of as within a broad conceptual definition of "protocol conversion," and that it is clear that we did not intend that such functions be restricted as a consequence of Computer II. Examples of this include tone-to-rotary dialing conversion and automatic identified inward and outward dialing arrangements for PBXs. Such operations might be thought of as within the literal scope of "processing applications which act on the * * * protocol or similar aspects of the subscriber's transmitted information," Section 64.702(a) of the rules. (We excluded from the definition of enhanced services operations which are intrinsic to the offering of basic services, else basic services could not be offered. *See,* Final Decision, 77 FCC2d at 419–20. In its comments, AT&T sought to generalize its concept of "control" functions broadly to encompass error correction, flow control, billing and routing information.)

networks with one another.[7] As was pointed out in comments,[8] if one such network is basic (i.e., produces at the output(s) unchanged information received at the input) protocol conversion issues are not raised in connection with that network; no protocol conversion is involved in such transparent transmission. And, if both such networks are enhanced, any protocol conversion function desired may be included by the vendors of such unregulated offerings. However, we were concerned with a related issue, specifically the issue of whether an otherwise basic packet-switched network should, specially for internetwork interconnection, be permitted to generate an output to another network in a different protocol than its normal user inputs and outputs, with its associated intra-network (or an alternative inter-networking protocol) intact—notwithstanding that such intermediate protocols are not part of the subscriber's transmitted information—to avoid inefficient double protocol conversion. Without this capability, there might be time delays in moving data across the network boundary, added costs, and preclusion of some types of transmission. Firms offering enhanced services which include protocol conversion capabilities were concerned with competitive ramifications of any approach which would permit AT&T to commingle protocol processing with its basic facilities. These firms argued that it is unnecessary to permit commingling of protocol conversion capabilities with the facilities that support the provision of basic services, that protocol processing capabilities are and will remain available from a variety of sources (other than the provider of the underlying basic services) if the existing constraints are maintained, and that to permit any such commingling would be more detrimental to the overall goals of *Computer II* than any benefits which might thereby be achieved.

12. And finally, the Department of Defense, as executive agent for the National Communications System[9] and for its own interests as a user, argued that it is to the advantage of users for basic services to include all forms of code and protocol conversion, to allow a single service vendor to assume end-to-end responsibility.

C. Discussion

13. As noted, upon review of the comments received in this proceeding and of pertinent comments filed during the course of *Computer II*, we conclude that a change is not warranted in the *Computer II* rules which address protocol processing. In this section we address those limited circumstances where clarification of the *Computer II* rules is desirable, and where flexibility may be desirable.

1. Network Processing

14. In the *Final Decision*, we defined "protocols" as follows:

> Protocols govern the methods used for packaging the transmitted data in quanta, the rules for controlling the flow of information, and the format of headers and trailers surrounding the transmitted information and of separate control messages.

77 FCC2d at 420, n. 33. The definition of enhanced service includes, *inter alia*, "processing applications that act on the * * * protocol of the subscriber's transmitted information." On reconsideration, we clarified that the definition of enhanced service does not reach protocol conversions which are performed internally to a carrier's network, and not manifested at the outputs of the network in end-to-end transmission, 84 FCC2d at 60–61. However, there are forms of processing within such networks which might be thoughts of as "processing" or "conversions" of protocols within the meaning of the definition of enhanced service, although they are not within the intent of the definition. For example, when the pulses or tones corresponding to an MTS dialed number are used to route a call through the network, they are often changed in a variety of ways. The electrical signals (pulses or tones) corresponding to the dialed number might be thought of as part of the "subscriber's transmitted information." These signals, which represent the dialed number, are not explicitly transmitted to the dialed party when an MTS call is made.[10] Obviously, we did not intend to classify this form of action on subscribers' transmitted dialing (routing) information as enhanced as we stated that processing in the nature of "functions necessary to route a message through the network," 77 FCC2d at 418, may properly be associated with basic service. Similar examples of a potential but unintended reach of the literal rule were provided in connection with AT&T's "control signals" proposal, (*e.g.*, tone-to-pulse dialing signal conversions, and automatic identified dialing arrangements for PBXs), n. 6 above.

15. To reiterate the concept established in the *Final Decision*, a basic switched service may properly include those forms of protocol processing which are necessary for a switched service to be offered. Specifically, the network may accept and utilize premises equipment-generated signals which alert the network that the terminal is ready to generate or to receive a call (i.e., off hook-type signals), signals which tell the network the destination of the call (i.e., dialing-type signals), and signals which alert the network that a call has ended (i.e., on hook-type signals). This principle applies to entire calls made on a switched network (e.g., to MTS and WATS calls in telephony and to TWX and telex calls in telegraphy), and to individual messages which are, in essence, individual calls themselves (e.g., to packets in a packet-switched network). It should be emphasized that these network functions which are intrinsic to the provision of switched services do not involve the creation, deletion, or modification of message information, nor subscriber interaction with stored information. They may properly be associated with basic service without changing its nature, or with an enhanced service without changing the classification of the latter as unregulated under Title II of the Act.

2. Transitional Introduction of Technology

16. A second area warranting discussion concerns the introduction of new technology in basic service. Oftentimes, such technology is introduced piecemeal, and appropriate conversion equipment is used within the network to maintain compatibility. For example, digital transmission technology has for some time been used within the telephone network to support voice transmission, but the network interfaces to subscriber equipment have continued to be analog. Requisite analog-to-digital and digital-to-analog conversion equipment has been used within the network, but the internal digital signals have not been manifested at subscribers' loop interfaces. However, there is currently a trend towards the use of digital loops which

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[7] An issue raised by the comments was whether carriers subject to structural separation are permitted to offer packet-switched services. This question was resolved in the context of our grant of authority under Section 214 of the Act to AT&T to offer Basic Packet Switched Service. *See*, AT&T (BPSS), —— FCC2d ——, FCC 83–221, released May 26, 1983.

[8] *E.g.*, comments of ADAPSO.

[9] The National Communications System, or "NCS," is a confederation of the federal government's telecommunications resources, as a user.

[10] When a ringing telephone is answered, the tone or pulse signals are not normally transmitted to the called party.

will interface with customer premises equipment using a digital protocol interface. A potential problem might arise if a call were placed between a user of equipment which employs such a digital interface and a user using the more traditional analog interface (with appropriate conversion equipment employed within the network): There would be a net protocol conversion within the network for such a call to proceed, i.e., from a digital to an analog protocol between the ends of that call. This could be thought of as invoking the definition of enhanced service, although the service itself would remain a switched message service otherwise unchanged except for the characteristics of the electrical interface.

17. We believe it important to ensure that this potential result does not create disincentives for introduction of new technology. Accordingly, in circumstances involving no change in an existing service, but merely a change in electrical interface characteristics to facilitate transitional introduction of new technology, we are prepared to act favorably and expeditiously on petitions for waiver of the *Computer II* rules to ensure that new technology to implement an existing service can and will be employed.

3. Other Forms of Protocol Conversion

18. Appropriate treatment of other forms of protocol conversion which carriers might seek to associate with basic service is less clear. In the *Notice*, we proposed to retain our Computer II treatment of protocol conversion as an enhanced service, but we raised the possibility that limitations on protocol conversion in the specific case of conversion to another protocol to facilitate interconnection of networks (*e.g.*, a conversion from X.25 to X.75 to facilitate interconnection of packet-switched networks) could result in undue inefficiency.[11] In light of this, we sought comment on whether protocol conversion to support interconnection between (and among) networks might be treated specially. A number of comments argue that any such conversions can be performed outside of carriers' basic service networks by unregulated service vendors offering a conversion service. As noted, conversions such as these are permitted internally in individual carriers' basic networks, but it is unclear whether in a multiple carrier (or combination of carrier and enhanced service vendor) service arrangement conversions such as these may be included in any common carrier basic network which may be involved, with the end result that there is no net protocol change between the ends of the basic common carrier service involved.

19. In a packet-switched network, subscribers' information is collected into individual bursts (or "packets") of information, to which routing information is attached at the source. The network utilizes the routing information on a packet by packet basis to route the packets to the chosen destination. This allows packets to take different routes through the network. Delays and other operational difficulties may be encountered when two packet-switched networks are interconnected. For the X.25 protocol, packets may have to be resequenced at the point of interconnection, adding to overall transmission delay. One approach to avoiding this is use of a special interworking protocol, X.75, that has been recommended as a standard by the CCITT to facilitate the efficient interconnection of X.25 packet-switched networks. However, if an otherwise basic packet-switched network, receiving subscribers' signals under the standard X.25 subscriber interface protocol, were to use the X.75 protocol for an interworking interface with another network, there would be net protocol conversion of the subscribers' transmitted information (i.e., from the X.25 protocol to the X.75 protocol). This would be an enhanced service under Section 64.702(a). Conversion equipment outside of a carrier's network would appear incapable of avoiding these inefficiencies.

20. Although we are concerned about this potential inefficiency, we shall not adopt general rules to address it. We have some appreciation for the potential X.25 and X.75 problem in the context of the current international recommendations defining these interfaces, and current packet-switching services. But, the foregoing may change over time in ways which may not be presently foreseeable,[12] and any general rule we were to adopt at this juncture might prove inadequate. Rather, as was urged by several parties in their comments in this proceeding, we shall address any such problems *ad hoc* through the waiver procedure outlined in our *Reconsideration Order*, 84 FCC2d at 57. In this way, we will be able to assess the issues raised by a specific proposal to employ protocol conversions in connection with basic service in a narrow manner, with full appreciation of the circumstances and ramifications involved in any such proposal.

21. AT&T has cautioned, however, that a waiver procedure could introduce uncertainties and possible inconsistencies which might hinder technological planning. We believe that this is a matter largely within the control of the carriers, which can seek waivers from the Commission at any stage of the planning process. In any event, an *ad hoc* approach allows for a fuller examination of the particular circumstances of a particular proposal. Our underlying premise is that the *Computer II* rules themselves create certainty, and that any waiver of these rules should properly be treated exceptionally. However, to minimize any uncertainty of an *ad hoc* decisional process, we shall identify below the principles which we shall apply to requests to associate protocol processing with basic service by a carrier which is subject to structural separation. We conclude that, with the guidance which will be provided through adoption of such principles, AT&T's concerns in this regard will be met. Furthermore, to ensure that such a waiver process does not introduce delay, under normal circumstances we are prepared to address waiver requests within sixty days. Accordingly, based upon the comments herein, and in *Computer II*, we are establishing the following general principles under which

[11] In the Notice, we suggested the possibility of treating link level (corresponding to the "link layer" of the ISO/OSI model) and other "low level" protocol conversions as inherent in basic service functions. These included modification of packet sizes in packet-switched networks. The last might be important to optimization of network utilization, but would imply a high level of processing by the network.

An additional specific conversion discussed was Baudot/Weitbrecht to ASCII/103 conversion, principally to support communications between equipments widely used by the hearing-impaired community. At this time, such a service is not being proposed to be offered as a common carrier service. Issues of possible exceptions to Computer II to implement provisions of the Telecommunications for the Disabled Act of 1982, Pub. L. 97-410, which include communications by the hearing-impaired, are being addressed in pending proceedings in C.C. Docket No. 83-427, Notice of Proposed Rulemaking, —— FCC2d ——, FCC 83-176, released May 14, 1983. Accordingly, we shall not address the Baudot/Weitbrecht to ASCII/103 conversion issues further in this proceeding.

[12] The FCC has strengthened its participation in CCITT deliberations during the past two years in part to monitor the treatment of issues such as these which evolve internationally. Also, we recently initiated an inquiry into the public interest ramifications of the evolving Integrated Digital Services Network recommendations of the CCITT, Notice of Inquiry, Gen. Docket No. 83-841, —— FCC2d ——, FCC 83-373, released Aug. 10, 1983. Based in part on the positive responses received in this proceeding to issue 3 (see Appendix), we have requested comment on an appropriate FCC role in the development of international ISDN recommendations. But, the point remains that the international recommendations may change in material respects, beyond the control or contemplation of the FCC.

any such waiver request will be analyzed.

22. First, a waiver request to permit association with basic service of protocol conversion to an intermediate internetworking protocol (*e.g.*, similar in principle to conversion to X.75 for network-to-network interconnection of packet-switched networks otherwise operating on the X.25 protocol) will be treated more favorably than other waiver requests seeking broader association of protocol conversion with basic service. A narrow waiver of this nature would tend to have a *de minimis* impact on the policies of *Computer II*, both in terms of the magnitude of protocol processing which might be involved and the number of entities which might be affected. However, we will carefully analyze whether any common carrier offering which might be permitted to have such protocol processing associated with it is indeed a truly general offering, to ensure that it is not specially (and in any sense anticompetitively) tailored to the carrier's own unregulated operations.[13]

23. This first principle may have particular applicability in the context of international services. While networks in individual countries may operate using domestic protocols (interface specifications), interconnection of national networks with one another to facilitate international transmission requires that, at the point of interconnection, common interface specifications be employed. Thus, there often is a requirement for conversion from the protocols employed nationally to protocols employed by another nation's network. Or, there may be an international interconnection protocol (in essence, a "common language" for international service) to which protocols in national networks are converted for international communications to proceed. In both cases, each national network may utilize one set of protocols for domestic communications, but there will be a conversion to another set of protocols at the point (or points) that communications is transferred from the national network for international communications.

24. Second, there is much merit in an underlying concern of various parties, expressed during *Computer II*, that if a carrier associates protocol conversion with its basic facilities others may therefore be limited in their ability to use such facilities. The carrier's protocol conversion may not be tailored efficiently to a given user's needs, or other service vendors might be able to perform such conversion more efficiently than the carrier. To ensure that any such protocol conversion which might be permitted to be associated with basic service does not become a limitation on others' efficiency, we will require that if any waiver is to be granted, it be granted solely on condition that underlying transparent transmission facilities, which are comparable in price, quality and conditions of service to that built into the offering to be associated with protocol processing, remain available generally and unencumbered by protocol conversion.[14]

25. Third, we will focus with particularity on specific proposals to ensure that what is being proposed is mere protocol conversion alone, and not processing which creates, deletes or changes information itself, nor processing involving subscriber interaction with stored information. We are prepared to address *ad hoc* specific requests for waiver of *Computer II* solely in behalf of services defined as enhanced under the first major clause of Section 64.702(a) of our rules; we are not prepared to permit this to become a vehicle for erosion of the demarcation between enhanced and basic service in overall principle, and specifically within the second and third major clauses of Section 64.702(a) of the rules.

26. And fourth, we are prepared to act more favorably on requests for waiver in circumstances where the performance of the basic network can be improved materially only by provision of protocol processing in the network, and not where others can do so outside the network.[15]

D. Summary and Conclusions

27. In sum, we conclude that the result of *Computer II* need not be changed. Experience gained since the *Computer II* decisions has demonstrated that the definition of enhanced service draws an appropriate line between enhanced and basic service, and the comments in this proceeding do not convince us otherwise, except in those circumstances which might be eligible for treatment *ad hoc* on a waiver basis under the principles outlined previously.

28. Clarification is warranted that protocol processing involved in the initiation, routing and termination of calls (or subelements of calls, e.g., packets) is inherent in switched transmission and is not within the definition of enhanced service, and we have done so herein. *See*, para. 15, *supra*. Such protocol processing or conversion may be associated either with basic or enhanced service without affecting the classfication of such service under Section 64.702(a) of our rules.

29. A literal application of the definition of enhanced service could have the effect of limiting the ability of carriers to introduce new technology in existing basic services during a transitional period when a new protocol is employed on some lines, but not others, and calls are desired to be made between both types of lines. We have resolved to treat such circumstances expeditiously in the context of an appropriate request for waiver of the *Computer II* requirements.

30. And finally, other protocol conversion issues will be addressed *ad hoc* in the context of requests for waiver. In this decision, we have adopted principles under which any such request will be treated. Such requests will be placed on public notice and interested parties will be given an opportunity to comment specifically on such requests. In this manner, we shall ensure that our underlying *Computer II* policies are not eroded through the long term effects of adopting rules of general applicability, but rather that special treatment of particular circumstances, if granted, is adopted in a manner which preserves these policies.

[13] Thus, under this principle we would treat more favorably association of protocol conversion capabilities to support interconnection of a basic network with other networks (enhanced or basic), than protocol conversion to support communications among disparate user terminals. The latter would probably not properly be characterizable as having *de minimis* impact on the goals of Computer II.

[14] There are additional reasons for the requirement that underlying basic services remain available unencumbered by protocol processing. First, basic services are those which are available generally to a broad class of customers, and which provide subscriber interfaces and services which are of broad utility. To achieve this objective, it is desirable that basic services conform to recognized standards (e.g., X.25 for packet-switched services) to which diverse equipment manufacturers may design products, so that subscribers have a range of equipment choices available to them to optimize their uses of basic services. A carrier's protocol processing might be "custom", and in the absence of a requirement that the general offering remain available, products of only those manufacturers which happen to manufacture a product tailored to the "custom" interface might improperly be promoted. Second, any necessary regulation of the underlying basic offering would be facilitated by ensuring that it is priced separately from any optional protocol processing which might be permitted.

[15] The X.25 to X.75 conversion to facilitate interconnection of packet-switched networks, addressed previously, appears to be such a circumstance, while protocol conversion to facilitate communication among large numbers of users' disparate terminals would appear not to be such a circumstance.

31. Accordingly, in view of the foregoing, it is hereby ordered, That pursuant to Sections 1, 4(i), 4(j) and 403 of the Communications Act of 1934 as amended, this proceeding is hereby terminated.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A: Summary of Comments

1. In the *Final Decision,* 77 FCC2d at 420–22, we described the inclusion of code and protocol conversion in the definition of enhanced service, and noted that comments then before us had not "address[ed] protocol conversion in any depth" nor whether "some flexibility should be afforded a basic service provider that is subject to the separation requirement, in view of the structure." *Id.,* 422 at n. 37. Comments filed in the course of reconsideration of the *Final Decision* thereafter discussed protocol conversion issues, and several comments argued in favor of a more flexible approach, particularly in the context of packet-switched services, while others argued in favor of maintenance of the enhanced services definition unchanged.

2. In the *Notice,* we summarized these views and sought comment generally on the public interest and efficiency ramifications of the adopted rule, as it applies to code and protocol processing. Our interest was in the potential effects on telecommunications users, on telecommunications services and their providers, and on data (and other enhanced) services and their providers, with respect to existing and reasonably foreseeable future service offerings. Comment was invited on six major code and protocol processing issues:

(1) Under what circumstances would the Final Decision inhibit efficient interconnection of packet-switched networks? If so, what would be the minimum degree of protocol conversion which might be permitted to allow efficient interconnection? Should carriers subject to structural separation be permitted to perform such conversion?

(2) Is the ISO/OSI model appropriate for classifying different levels of protocols? If so, is it appropriate to allow carriers subject to structural separation to utilize different "physical layer" protocols at the input and output of a connection? Is it appropriate to allow such carriers to perform "data link layer" protocol conversions? [1]

(3) To date the FCC has had a limited role in the formulation or recommendation of CCITT protocol standards such as X.25.[2] Should the Commission take a more active role in this area? If so, what should this role be?

(4) Should carriers subject to structural separation be permitted to offer the packet size modification features of the X.25 protocol standard?

(5) Should carriers subject to structural separation be permitted to offer protocol conversion capabilities within their networks for conversion of signals from Baudot/Weitbrecht terminals and ASCII/103 terminals? [3]

(6) What are the dynamic incentive effects on carriers subject to structural separation and on competitors of maintaining the present treatment of code and protocol conversion, or of changing such treatment?

3. In addition, the Notice invited submission of information not directly responsive to these questions, but relevant to the general subject matter of this inquiry. Pursuant to this less focused solicitation, comments were filed on a number of other issues:

(7) Should carriers subject to structural separation be permitted to offer packet-switched services? If so under what restrictions, if any, might they do so? [4]

(8) Should the waiver procedure described in the *Reconsideration Order,* 84 FCC2d at 57, be employed to resolve, *ad hoc,* specific code and protocol conversion issues as they may arise, rather than general rules?

(9) What type of conversions relating to compatibility of terminals should be permitted to be associated with basic services?

(10) What are appropriate definitions of "protocols" and of "conversion" for the purposes of this proceeding?

We briefly summarize the comments filed on the foregoing issues below.

Issue 1

4. In its comments, AT&T agrees with the Commission's observation that the internode device (or "gateway") is the only technically sound approach to internetwork connection because different protocols will likely be employed within different networks to improve their efficiency. To promote intranetwork efficiency, a special transmission protocol for connection of one network with another network may be desirable, although such an internetworking protocol will differ from that employed for end users' connections to each of the involved networks. AT&T argues that there should be a distinction made between subscriber information (within the meaning of Section 64.702(a)) and "control signals" (error correction, flow control, billing and routing information) in treating protocol conversion. When a basic network is interconnected with another network, in AT&T's view the basic network should be permitted to convert such "control signals" from one protocol to another. AT&T also states that it is important to have a high-speed specialized protocol for interconnection of networks, such as the X.75 standard for connection of packet-switched networks, and that any protocol conversion necessary to conform to such protocol standards should be permitted.

5. As executive agency for the National Communications System and for its own consumer interests, the Department of Defense (DOD) argues that it is to users' advantage to have basic services include code and protocol conversion, to allow a single vendor to

[1] The Open Systems Interconnection ("OSI") model of the International Standard Organization ("ISO") hierarchically classifies protocols at seven layers or levels as follows: (1) Physical; (2) link; (3) network; (4) transport (end-to-end); (5) session; (6) presentation; and (7) process. *See,* Zimmerman, "OSI Reference Model—the ISO Model of Architecture for Open Systems Interconnection", IEEE Trans'ns on Comm'ns, Vol. COM–28 No. 4, 425–32 (April 1980), cited in the Notice, 83 FCC2d at 320.

[2] The CCITT is a suborgan of the International Telecommunications Union. Among its activities is the adoption of recommended standards governing telecommunications facilities and services to facilitate the international interworking of service among carriers. X.25 is one such standard, governing subscriber interfaces with packet-switched service.

[3] The Baudot and ASCII codes originally were codes for transmission of teletypewriter-originated data, although they may be used for other purposes as well. The Baudot code is the original teletypewriter code, and is used generally for transmission of international (and domestic) telex messages, and by the hearing-impaired community. The ASCII code has more features than the older Baudot code, and is used for domestic (and Canadian) TWX messages and for many data processing applications. *See, e.g.,* Interconnection Arrangements Between and Among Domestic and International Record Carriers: Store-and-Forward and TWX/Telex Conversion, —— FCC2d ——, 48 FR 12372 (Mar. 24, 1983). A code conversion between these codes is one form of protocol conversion.

[4] This question has been resolved in the context of our grant of authority under Section 214 to AT&T to offer Basic Packet Switched Service. AT&T (BPSS), —— FCC2d ——, FCC 83–221, released May 26, 1983. This authorization provides for the installation and operation of appropriate equipment to support the provision of packet-switched service as a basic service within the meaning of Computer II. Under the granted certificate of convenience and necessity, service is limited to those subscriber interfaces described in the AT&T Technical Publication PUB4010 which was attached to the application. We determined that since all subscribers would use the same protocol, as described in the application, protocol conversion would not be performed as part of BPSS. Any changes in signals necessary for the routing of packets (e.g., address interpretation, error control, etc.) are internal to the network, and are therefore permissible.

maintain end-to-end responsibility. In DOD's view, higher costs and operational problems will result if a user subscribes to a basic service which does not provide protocol conversion.

6. The National Telecommunications and Information of the Department of Commerce (NTIA) agrees with AT&T's position that conversion of "control" information would allow interconnection of packet-switched networks, while leaving unchanged subscriber information, because interconnected networks must exchange information about their internal status to facilitate transfer of subscriber information. Interconnection of an X.25-based AT&T packet-switched network with another X.25 network via the X.75 internetworking protocol would, in NTIA's view, require protocol conversion within the AT&T network, and this should be permitted because the signals which must be converted are not subscriber information.

7. Southern Pacific Communications Company (SPCC), United States Telephone (UST) and GTE/Telenet argue that any necessary protocol conversions can be provided through facilities external to basic networks. UST notes that since AT&T's network is the only one which is prohibited from providing protocol conversion, any network interconnection will necessarily involve at least one "enhanced" service provider (i.e., the other network involved) which could provide any needed protocol conversion. GTE/Telenet agrees with this position, and notes further that the enhanced services involved will ordinarily have multiple protocol conversion capabilities inherently, which can be used for any necessary internetworking protocol conversion. Tymnet, Inc. argues that it is concerned that if protocol conversion is permitted to be associated with basic services, additional costs will be incurred by subscribers unnecessarily.

8. The Association of Data Processing Service Organizations (ADAPSO) generally agrees with the positions of SPCC, UST and GTE/Telenet, and it argues further that interconnection of networks presents technical difficulties only when the networks involved are not transparent and operate internally according to different protocols. ADAPSO notes that while the *Notice* raises a potential efficiency problem when packets are fragmented into smaller segments for transmission and reassembled in every gateway, alternatives involving common hosts outside the packet-switched networks can avoid such inefficiencies, and that such common hosts can be provided by enhanced service vendors or others outside communications networks. ADAPSO exemplifies this approach by the PUP architecture developed by the Xerox Corporation. And, even if some delay is inherent in this approach, ADAPSO argues that it does not necessarily follow that a common host would be inefficient in all applications. According to ADAPSO, mailbox or database management applications would not suffer from the delays which are attributed in the *Notice* to such an approach.

9. ADAPSO notes further that a disadvantage of a gateway approach is that it would be difficult to select a universal internetworking protocol which would be efficient for all applications. A gateway would be required to perform two conversions: one from the first network's protocol to an internetworking protocol, and a second from the internetworking protocol to the second network's protocol. Conversely, the common host approach involves only one such protocol conversion, from that of the first network to that of the second network directly. Thus, in ADAPSO's view, the gateway and common host approaches are not synonomous.

10. In response to CBEMA (see below), ADAPSO argues that AT&T was not permitted in the *Final Decision* to offer X.25-based packet-switched services; rather, AT&T was only permitted to utilize packet-switching technology within its networks in a manner which remains transparent to subscribers to basic services. In this context, ADAPSO agrees with CBEMA that AT&T should be permitted to "hand off" (transfer) to another carrier (or presumably, to an enhanced service vendor) messages in its internal intranetwork protocol. ADAPSO argues that, "If AT&T wishes to interconnect two of its own basic packet switched networks, or to interconnect its network with another carrier's network to provide basic service on a joint or 'through' basis, nothing should prohibit any number of intra- or inter-network protocol conversions by the two carriers. In other words, AT&T should be able to 'hand off' a message to a second carrier in AT&T's internal network protocol without returning the message to the protocol in which it first entered the network." Reply, 8–9.

11. The Computer and Business Equipment Manufacturers Association (CBEMA) supports ADAPSO's discussion of the differences between the gateway and common host approach to interconnection of networks with disparate protocols. Furthermore, CBEMA proposes that conversions between two basic networks—albeit involving an intermediate protocol for interconnection which differs from the protocol employed by a subscriber at its point of interconnection with one of these networks—be permitted under the general principle that protocol conversions internal to a carrier's network, which are not manifested to subscribers at their interfaces, are allowed. In CBEMA's view, use of the X.75 protocol for interconnection of X.25 packet-switched networks, would be permissible under this approach. Moreover, CBEMA argues that an approach which would allow AT&T to offer basic services encumbered by a limited number of specific protocols, e.g., X.25, would severely limit the usefulness of the basic network as a service "building block." The supported standard might not meet the needs of an enhanced service vendor, who must then bear the overhead costs of protocol support in the basic network and the costs of conversion to the supported standard unnecessarily.

12. International Business Machines Corporation (IBM), the Computer and Communications Industry Association (CCIA) and Satellite Business Systems (SBS) argue that it would be unwise to adopt general rules addressing protocols in the absence of specific service proposals, and that such issues should be addressed *ad hoc,* and only in the context of specific proposals.

Issue 2

13. In its Petition for Reconsideration of the *Final Decision,* AT&T had originally raised the issue of possibly utilizing the ISO/OSI seven layer protocol model as a reference for distinguishing the treatment of various types of protocols. Its specific request was that the Commission allow any protocol processing associated with the first four levels of the ISO/OSI model to be associated with basic services. In its comments in this proceeding, however, AT&T argues that the ISO/OSI model is inappropriate for regulatory determinations of basic/enhanced distinctions, and it rather argues in favor of a flexible approach to what it terms "control signal," and to the X.75 protocol standard.

14. DOD argues in favor of utilization of the ISO/OSI model because, in its view, the model is rapidly becoming an internationally accepted standard, and all future communications systems (and specifically, Integrated Services Digital Networks, or "ISDN") will be based on the model.

15. The remaining comments argue that the ISO/OSI model does not, of itself, aid in the making of basic/enhanced distinctions and that it should not be considered further in this proceeding. Many comments argue that the model commingles basic and enhanced functions at each of the seven levels. Several comments make the point that the model, while useful as a reference for analysis, is too "fluid" and imprecise to serve as a regulatory tool, and that it is ambiguous and subject to interpretation. SBS, UST and IBM note that the data link layer protocols are enhanced. ADAPSO argues that the functions performed at each layer of the model should be focused upon if the model is to be used, and that while it would not argue against simple physical layer protocol conversions (such as two to four pronged jack conversions), any conversions performed for the direct benefit of the user should continue to be considered enhanced. ADAPSO lists code conversion, speed conversion,[5] formatting, error detection and correction, and protocol conversion, as functions which should be encompassed in the definition of enhanced service. CBEMA argues that it can foresee problems with conversions performed even at the physical layer, as under the ISO/OSI model physical layer protocols provide for functions more complex than the level four-type functions identified by AT&T in previous pleadings. GTE/Telenet argues, however, that since physical-electrical level conversions do not depend upon computer processing, the basic/enhanced dichotomy does not apply to such conversions.

Issue 3

16. There was general agreement among the comments that the FCC should be more involved in international efforts to standardize protocols, however, many commenters argue that the FCC itself should not promulgate or enforce such standards. Rather, they argue that the FCC should be aware of and monitor developments in this area. AT&T states that the federal government is generally already well represented, but it argues that the FCC should monitor standards activities to ensure that its own policies are based on a full awareness of evolving standards. SBS argues that the FCC should participate directly in standard setting to avoid adoption of standards which might limit opportunities for competitive carriers. There was also some concern expressed by several parties that the FCC does not have adequate resources to participate effectively in standards activities.

Issue 4

17. AT&T argues that the packet size modification feature of the CCITT X.25 protocol standard is one of the specific conversions which must be performed in a basic network; in AT&T's view, short packets make inefficient use of network resources, and modifications which allow users to optimize transmission on their user-network access links are essential. AT&T argues that packet size modifications are not protocol conversions, and therefore that they are associable with basic services. Finally, AT&T argues that if packet size modification capabilities may only be offered by enhanced service vendors, additional equipment would be necessary in the basic network (because of claimed inefficiencies), thereby increasing costs.

18. GTE/Telenet states that it is not clear why the Commission singled out packet size changes in the *Notice* as this is only one of several features available in the X.25 protocol. In Telenet's view, if packet size modifications are allowed this might form a basis for argument about higher level protocol conversions, which would engender additional uncertainty.

19. CBEMA notes that packet size modification is often performed in premises terminal equipment separate from communications networks, and it argues that there is no evidence to demonstrate that cost savings or efficiency would result if such functions were performed within facilities providing basic service. CBEMA argues that if the X.25 packet size modification capabilities were included by AT&T, this would provide for compatibility among terminal equipments of different specifications which, in CBEMA's view, is clearly an enhanced service. Both ADAPSO and the Alarm Industry conclude that the packet size modification feature specified in X.25 covers elements defined as enhanced services.

Issue 5

20. The hearing-impaired community argues generally that allowing Baudot/ASCII conversion capabilities to be associated with basic services would be beneficial for cost savings reasons, and that it should be permitted.

21. Potential providers of Baudot/ASCII conversion services argue that such conversion is not appropriate for association with basic service. Several parties note that lower cost alternatives to in-network conversions are readily available, and that it need not be associated with basic service. Some comments argue that the long-term interests of the hearing-impaired community would better be served by the use of standard ASCII equipment, and by a phasing-out of obsolete Baudot equipment.[6] Finally, comments were received to the effect that Baudot/ASCII conversion might best be treated under waiver procedures, rather than through adoption of general rules.

Issue 6

22. AT&T argues that consumer options will be increased in the long run if protocol conversion is allowed in the basic network. According to AT&T, by allowing such protocol conversion the Commission would encourage enhanced service providers to adopt new, improved, better and more competitive services without fear of losing customers as standards change. In AT&T's view, vendors of terminal equipment would be aided by creation of a market for lower cost terminals (if functions otherwise performable in the terminals could be performed in the network), and users would be able to access a variety of enhanced services without necessarily having compatible terminal equipment if the network were permitted to perform protocol conversion. Cross-subsidization of protocol conversion offerings would, in AT&T's view, be prevented by tariffing of such offerings.

23. DOD argues that the nationwide compatibility which is possible if the basic network contains protocol conversion capabilities is attractive to users. DOD claims that the development of Integrated Services Digital Networks ("ISDN") will, in its view, require additional forms of conversion in basic networks, and that this issue should be addressed.

24. Most other comments express concern about increased opportunities for cross-subsidization if protocol conversion capabilities are permitted to be associated with basic services. Control Data, Tymnet, CBEMA, IBM and others express concern about potentially anticompetitive consequences of AT&T's market power, and about *de facto* control over protocol standards which could be exercised by AT&T if it were permitted to perform protocol processing as part of basic service.[7]

[5] It should be noted that "speed" is not contained in the Section 64.702(a) definition of enhanced service.

[6] These comments fail to acknowledge, however, that the "obsolete" Baudot equipment continues to be used worldwide for telex service, and that telex terminal equipment remains available.

[7] In response, AT&T argues that it would be in AT&T's best interest to offer a number of different

Continued

They claim that this would jeopardize the service diversity, innovation, and technical fluidity which characterize the enhanced service market, and that it would affect innovation in protocol development. Telenet argues that if the *Computer II* structural separation approach is "immediately riddled with exceptions * * * it will fail to achieve its announced objectives."

Additional Issues Raised

May AT&T offer packet-switched services? 25. AT&T argues that the outcome of this inquiry will have an impact on the degree to which regulatory barriers might restrict the evolution of the nationwide network from circuit switching to packet switching, and other advanced switching methods, and it states that it intends to introduce packet-switched capabilities in the basic network.[8] In AT&T's view, if it is to be permitted to offer packet-switched services, it would be inconsistent for the Commission to prevent the nationwide network from implementing the network control functions of X.25, which include: packetizing and statistical multiplexing, addressing, packet size modification, packet sequence numbering, call connect, disconnect, billing, level of service selection, functions required for error control, flow control, link utilization and framing.

26. ADAPSO argues that any AT&T packet-switched service must be a pure transmission capability, transparent in terms of interaction with customer-supplied information. ADAPSO predicts that AT&T's proposed packet-switching service will neither be basic nor transparent, and that to be a basic service it would be required to be configured so that information leaves the network with the same code, protocol, speed, signal strength and other characteristics with which it entered the network. SPCC argues that packet switching is not a transparent method of transmitting information, and that it requires computer processing for implementation which makes it an enhanced service.

27. GTE/Telenet posits three conditions for basic networks: (1) That they have the same transmission speed at each end; (2) that the same protocol, format and procedure is employed at each end; and (3) that the same packet size and format is employed at each end. In Telenet's view, the X.25 protocol does not meet any of these tests because users at each end may select different X.25 options. Thus, in Telenet's view, an X.25 packet-switched service is enhanced. Tymnet argues that a packet-switched service could be basic, so long as the information which exits the network is identical to the information which enters the network. IBM argues that AT&T is not prevented from adopting an interface which would allow a basic transmission service for X.25-mode terminals, but that further consideration of the basic/enhanced dichotomy might be required in the future if the AT&T basic X.25 network is to remain compatible as standards change. CBEMA argues that packet switching, as such, is not properly at issue in this proceeding, and that it can only be addressed in the context of a specific proposed service offering.

Use of Waivers, Rather Than Rules

28. A number of comments urge that *ad hoc* waiver procedures, rather than general rules, be used to address specific protocol conversion issues as they arise in the context of specific service proposals. AT&T, however, argues that the issues of this proceeding are "too large" to be considered by waiver, and that technological planning and investment decisions would be hindered if a waiver process were employed, due to the uncertainties and potential inconsistencies which might be associated with such a process.

Protocol Conversion for Terminal Compatibility

29. AT&T and DOD argue in favor of association with basic services of "data conversions" between originating and terminating premises terminal equipments which differ in physical, electrical, and logical control structure. They argue that terminal-specific protocol conversions are beneficial and necessary in basic networks. Virtually all other comments disagree and argue that terminal-specific protocol conversions are clearly enhanced services under *Computer II* which can be (and are being) performed outside basic networks.

Definition of "Protocol" and "Conversion"

30. NTIA suggests that protocol be defined as "a set of rules, defining syntax, semantics and timing for controlling interactions across the logical or physical boundary between two or more peer or adjacent communicating entities." GTE/Telenet and ADAPSO argue that physical layer protocol conversions (i.e., the physical layer of the ISO/OSI model) are not protocol conversion within the meaning of *Computer II* as they do not involve computer or intelligent processing. NTIA in its reply urges that processing by a network of an input without output is not conversion, and it suggests a definition of "conversion" as "transformation of basic network input into a basic network output which carries the same information but purposely represents that information in a different physical, electrical, syntactic or semantic form."

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user interfaces so that access to the network would not be restricted.

[8] Subsequent to the filing of the comments in this proceeding, AT&T was authorized to provide BPSS.

Proposed Rules

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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 932

Olives Grown in California; Proposed Amendment of Subpart-Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites comments on a proposal which would require that advertising by handlers under the olive marketing order must include a reference to the California origin of the olives advertised to qualify for credit against a handler's assessment. The proposal would also terminate two provisions concerning size requirements and reserve funds, which are obsolete.

DATE: Comments must be received not later than December 22, 1983.

ADDRESS: Send two copies of comments to: Hearing Clerk, U.S. Department of Agriculture, Room 1077-South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

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 proposed 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 proposal is issued under the Marketing Order No. 932 (7 CFR Part 932), regulating the handling of olives grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is based upon the recommendations and information submitted by the California Olive Committee and upon other available information.

Section 932.140 establishes a reserve in an amount not to exceed approximately one crop year's expenses. That section, however, is now obsolete and the proposal is that it should be terminated. Section 932.40 was amended in 1982 (47 FR 32908) and changed the procedures with respect to reserves.

Section 932.45(a)(2) authorizes, and § 932.145 implements, procedures whereby handlers may receive credit against their assessment obligations for certain media expenses incurred in placing their paid advertising. To insure that such advertising promotes the sale and consumption of California olives, and applies only to such olives, the proposal is to amend § 932.145(a) to provide that creditable advertising must include a verbal or visual reference, acceptable to the Committee, with respect to the California origin of the olives advertised. The Committee recommended that any rule be made effective January 1, 1984, the beginning of the next fiscal year.

Finally, the proposal is to terminate § 932.156. That section established procedures for handler exemption from outgoing size requirements and is no longer applicable.

It is further foung that it is impracticable and contrary to the public interest to provide 60 days for public comment in that: (1) Some of the proposals delete provisions no longer authorized under the order; and (2) the proposal with respect to assessment crediting would apply to the 1984 fiscal year and handlers need adequate time to make any required changes.

List of Subjects in 7 CFR Part 932

Marketing agreements and orders, Olives, California.

PART 932—[AMENDED]

Therefore, the proposal is to amend Subpart-Rules and Regulations (7 CFR 932.108-932.161) as follows:

§ 932.140 [Removed]

1. Remove § 932.140.

2. Paragraph (5) is added to § 932.145(a) (48 FR 9633) to read as follows:

§ 932.145 Marketing promotion, including paid advertising and crediting for handler paid advertising.

(a) * * *

* * * * * *

(5) To be creditable, each advertisement must include a visual or verbal reference, acceptable to the Committee, with respect to the California origin of the olives advertised. This provision is effective beginning January 1, 1984.

* * * * * *

§ 932.156 [Removed]

3. Remove § 932.156.

Dated: November 29, 1983.

Russell L. Hawes,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 83-32262 Filed 12-1-83; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1910, 1924, 1930, 1941, and 1945

Implementation of Coordinated Financial Statements

Correction

In FR Doc. 83-30101, beginning on page 51312 in the issue of Tuesday, November 8, 1983, the date appearing in the third from last line of the first column of page 51312 should read, "January 9, 1984."

BILLING CODE 1505-01-M

Food Safety and Inspection Service

9 CFR Parts 307, 350, 351, 354, 355, 362, and 381

[Docket No. 83-035P]

Fee Increase for Inspection Service

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat and poultry inspection regulations to increase fees charged by FSIS to provide overtime inspection, identification, certification, or laboratory services to meat and poultry establishments. The fees would

reflect the increased costs of providing these services due to the increase for salaries of Federal employees allocated by Congress under the Federal Pay Comparability Act of 1970.

DATE: Comments must be received on or before January 3, 1984.

ADDRESS: Written comments to Regulations Office, Attention: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Oral comments as provided under the Poultry Products Inspection Act should be directed to Ms. Eppie Daproza (202) 382–0072. (See also "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Ms. Eppie Daproza, Acting Director, finance Division, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 382–0072.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effects on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because the fees provided for in this document are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain inspection services.

Comments

Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Regulations Office and should bear a reference to the docket number located in the heading of this document. Any person desiring an opportunity for oral presentation of views must make such request to Ms. Daproza so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. Comments submitted pursuant to this document will be made available for public inspection in the Regulations Office between 9:00 a.m. and 4:00 p.m., Monday through Friday.

Background

On September 30, 1983, the FSIS published a final rule in the **Federal Register** (48 FR 44763) to increase fees charged by FSIS to provide overtime inspection, identification, or certification services to meat and poultry establishments. The fees for laboratory services were not increased at that time. The increases were the result of increased costs of providing these services in fiscal year 1984. The fee increases did not, however, include the increase resulting from a pay raise for Federal employees under the Federal Pay Comparability Act of 1970. Although the pay raise is normally effective at the beginning of each fiscal year, Congress delayed the pay raise until January 1984. As a result, FSIS stated in its September 30, 1983, final rule that when Congress enacts a pay raise, FSIS will engage in further rulemaking prior to raising fees.

Based on the Agency's analysis of the increased costs in providing these services, incurred as a result of a January 1984 pay raise of 3.5 percent for Federal employees, the fees relating to such services would be amended as listed below.

Mandatory inspection by U.S. Government inspectors of meat and poultry slaughtered and/or processed at official establishments is provided for under the Federal Meat Inspection Act (21 U.S.C. 451 *et seq.*) and the Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*). Such inspection is required to ensure the safety, wholesomeness, and proper labeling of meat and poultry products and the ordinary costs of providing it are borne by the U.S. Government. However, other than ordinary costs for these inspection services may be incurred to accommodate the business needs of particular establishments. These costs are recoverable by the Government.

Currently section 307.5 (9 CFR 307.5) of the meat inspection regulations provides that FSIS shall be reimbursed for the cost of meat inspection on holidays or on an overtime basis at the rate of $19.76 per inspector hour. Similarly, section 381.38 (9 CFR 381.38) of the poultry products inspection regulations provides that FSIS will be reimbursed at the rate of $19.76 per inspector hour for overtime and holiday poultry inspection services. These fees would be increased to $20.44 per inspector hour.

FSIS also provides a range of voluntary inspection services, the costs of which are totally recoverable by the Government. These services, provided under Subchapter B—Voluntary Inspection and Certification Service of Meat and Poultry, are provided under various statutes to assist in the orderly marketing of various animal products and byproducts not covered by the Federal Meat Inspection Act or the Poultry Products Inspection Act.

The basic hourly rate for providing such certification and inspection services is currently $17.12 per inspector hour (sections 350.7, 351.8, 351.9, 354.101, 355.12, and 362.5). The overtime and holiday hourly rate is currently $19.76. The rate for laboratory services is currently $31.00 per hour. These hourly rates for these services would be increased to $17.72, $20.44, and $31.28, respectively.

List of Subjects

9 CFR Part 307

Meat inspection, Reimbursable services.

9 CFR Part 350

Meat inspection, Reimbursable services, Voluntary inspection, Certification service.

9 CFR Part 351

Meat inspection, Certification service, Reimbursable services.

9 CFR Part 354

Meat inspection, Reimbursable services.

9 CFR Part 355

Meat inspection, Reimbursable services.

9 CFR Part 362

Poultry products inspection, Reimbursable services.

9 CFR Part 381

Poultry products inspection, Reimbursable services.

The amendments to the Federal meat and poultry products inspection regulations would be as follows:

PART 307—[AMENDED]

1. The authority citation for Part 307 reads as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 34 Stat. 1264, as amended; 21 U.S.C. 621; 62 Stat. 334; 21 U.S.C. 695, 7 CFR 2.15(a), 2.92.

2. Section 307.5(a) would be revised to read as follows:

§ 307.5 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $20.44 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday as specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

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PART 350—[AMENDED]

3. The authority citation for Part 350 reads as follows:

Authority: 41 Stat. 241, 7 U.S.C. 394; 60 Stat. 1087, as amended, 7 U.S.C. 1622; 60 Stat. 1090, as amended, 7 U.S.C. 1624; 34 Stat. 1264, as amended, 21 U.S.C. 621; 62 Stat. 334, 21 U.S.C. 695; 7 CFR 2.15(a) 2.92.

4. Section 350.7(c) would be revised to read as follows:

§ 350.7 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $17.72 per hour for base time, $20.44 per hour for overtime including Saturdays, Sundays, and holidays, and $31.28 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service. Where appropriate, this time will include but will not be limited to the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 351—[AMENDED]

5. The authority citation for Part 351 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2,92.

6. Section 351.8 would be revised to read as follows:

§ 351.8 Charges for surveys for plants.

Applicants for the certification service shall pay the Department for salary costs at the rate of $17.72 per hour for base time, $20.44 per hour for overtime, travel and per diem allowances at rates currently allowed by the Federal Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

7. Section 351.9(a) would be revised to read as follows:

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examination shall be $17.72 per hour for base time and $20.44 per hour for overtime including Saturdays, Sundays, and holidays, as provided for in § 351.14 and $31.28 per hour for any laboratory service required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

* * * * *

PART 354—[AMENDED]

8. The authority citation for Part 354 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 6122, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

9. Section 354.101 (b) and (c) would be revised to read as follows:

§ 354.101 On a fee basis.

* * * * *

(b) The charges for inspection service will be based on the time required to perform such services. The hourly rate shall be $17.72 for base time and $20.44 for overtime or holiday work.

(c) Charges for any laboratory analysis or laboratory examination of rabbits under this part related to inspection service shall be $31.28 per hour.

PART 355—[AMENDED]

10. The authority citation for Part 355 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a), 2.92.

11. Section 355.12 would be revised to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $17.72 per hour for base time, $20.44 per hour for overtime, including Saturdays, Sundays, and holidays, and $31.28 per hour for laboratory services to reimburse the Service for the cost of the inspection service furnished.

PART 362—[AMENDED]

12. The authority citation for Part 362 reads as follows:

Authority: 60 Stat. 1087, as amended, 7 U.S.C. 1622, 60 Stat. 1090, as amended, 7 U.S.C. 1624; 7 CFR 2.15(a) 2.92.

13. Section 362.5(c) would be revised to read as follows:

§ 362.5 Fees and charges.

* * * * *

(c) The fees to be charged and collected for service under the regulations in this Part shall be at the rate of $17.72 per hour for base time, $20.44 per hour for overtime including Saturdays, Sundays, and holidays, and $31.28 per hour for laboratory service to cover the costs of the service and shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.

* * * * *

PART 381—[AMENDED]

14. The authority citation for Part 381 reads as follows:

Authority: 71 Stat. 447, 448, as amended, 21 U.S.C. 463, 468; 7 CFR 2.15(a) 2.92.

15. Section 381.38(a) would be revised to read as follows:

§ 381.38 Overtime and holiday inspection service.

(a) The management of an official establishment, an importer, or an exporter shall pay the Food Safety and Inspection Service $20.44 per hour per Program employee to reimburse the Program for the cost of the inspection service furnished on any holiday specified in paragraph (b) of this section; or for more than 8 hours on any day, or more than 40 hours in any administrative workweek Sunday through Saturday.

* * * * *

Done at Washington, DC, on: November 23, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-32324 Filed 12-1-83; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 161

[Docket No. 83N-0357]

Quick-Frozen Fillets of Cod and Haddock; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

Correction

In FR Doc. 83-30700 beginning on page 51932 in the issue of Tuesday, November 15, 1983, make the following correction in column three: In the **DATE** line, "Comments by January 15, 1984" should read "Comments by January 16, 1984".

BILLING CODE 1505-01-M

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21 CFR Parts 436 and 442

[Docket No. 83N-0358]

High-Pressure Liquid Chromatographic Assay for Cephradine

Correction

In FR Doc. 83-31318 beginning on page 52750 in the issue of Tuesday, November 22, 1983, make the following correction in the heading: In column two, line five, "[Docket No. 83-0358]" should read "[Docket No. 83N-0358]".

BILLING CODE 1505-01-M

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21 CFR Parts 436, 440, 442, 444, 446, 448, 450, 452, and 455

[Docket No. 83N-0301]

Clarification of Potency Standards for Certain Antibiotic Drugs

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations to clarify the potency standards for certain antibiotic drugs. The agency is taking this action to ensure antibiotic drug quality.

DATES: Comments by January 31, 1984; request for an informal conference by January 3, 1984.

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

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

SUPPLEMENTARY INFORMATION: The current antibiotic regulations (monographs) specify potency standards for certain bulk drugs packaged for repacking or for use in the manufacture of another drug and for bulk drugs packaged for dispensing. The principal potency standard specified for these drugs is stated as micrograms or units per milligram of bulk drug and is a definitive indication of the purity of the antibiotic drug substance. For the latter category, however, those bulk drugs packaged for dispensing, an additional specified potency standard is stated in terms of minimum and, in some cases, maximum percentages of the number of milligrams that the container is represented to contain. In accordance with the expiration dating requirements of 21 CFR 211.137 of the agency's current good manufacturing practice regulations, these potency standards must be met, when applicable, throughout the expiration dating period prescribed for the drug.

FDA has become aware, however, that the wording of the monographs providing for the potency standards for these drugs has been incorrectly construed to imply that the potency standard of micrograms or units per milligram of bulk drug is not applicable to a bulk drug packaged for dispensing. The potency standard of micrograms or units per milligram is essential for a bulk drug packaged for dispensing to limit the amount of degradation products resulting from the expected deterioration of the pure antibiotic drug substance in the container over the approved expiration dating period. Therefore, FDA is proposing editorial changes in the antibiotic drug regulations (monographs) to clarify that both potency standards apply to a bulk drug packaged for dispensing.

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

The agency has considered the economic impact of this proposed rulemaking and has determined that it does not require a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the proposal provides for an editorial clarification that maintains current regulatory requirements. Accordingly, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities.

List of Subjects

21 CFR Part 436

Antibiotics.

21 CFR Part 440

Antibiotics, penicillin.

21 CFR Part 442

Antibiotics, cepha.

21 CFR Part 444

Antibiotics, oligosaccharide.

21 CFR Part 446

Antibiotics, tetracycline.

21 CFR Part 448

Antibiotics, peptide.

21 CFR Part 450

Antibiotics, antitumor.

21 CFR Part 452

Antibiotics, macrolide.

21 CFR Part 455

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (e), (f), and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (e), (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 436, 440, 442, 444, 446, 448, 450, 452, and 455 be amended as follows:

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

1. Part 436 is amended in § 436.334 by revising paragrpah (d)(2) to read as follows:

§ 436.334 High-pressure liquid chromatographic assay for piperacillin.

* * * * *

(d) * * *

(2) *Sample solution*—(i) *Product not packaged for dispensing (micrograms of piperacillin per milligram).* Place approximately 20 miligrams of the sample, accurately weighed, into a 50-milliliter volumetric flask. Add 25 to 30 milliliters of mobile phase. Shake until dissolved. Dilute to volume with mobile phase.

(ii) *Product packaged for dispensing.* Determine both micrograms of piperacillin per milligram of the sample and milligrams of piperacillin per

container. Use separate containers for preparation of each sample solution as described in paragraph (d)(2)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of piperacillin per milligram.* Place approximately 20 milligrams of the sample, accurately weighed, into a 50-milliliter volumetric flask. Add 25 to 30 milliliters of mobile phase. Shake until dissolved. Dilute to volume with mobile phase.

(*b*) *Milligrams of piperacillin per container.* Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Further dilute an aliquot of this solution with mobile phase to a concentration of 0.4 milligram of piperacillin per milliliter.

* * * * *

PART 440—PENICILLIN ANTIBIOTIC DRUGS

2. Part 440 is amended:

a. In § 440.9a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 440.9a Sterile ampicillin sodium.

(a) * * *

(1) * * *

(i) If the ampicillin sodium is not packaged for dispensing, its ampicillin content is not less than 845 micrograms and not more than 988 micrograms of ampicillin per milligram on an anhydrous basis. If the ampicillin sodium is packaged for dispensing, its ampicillin content is not less than 845 micrograms and not more than 988 micrograms of ampicillin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of ampicillin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency* (i) *Sample preparation*—(*a*) *Product not packaged for dispensing (micrograms of ampicillin per milligram).* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated), for the microbiological agar diffusion assay and in 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the iodometric assay or for the hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both micrograms of ampicillin per milligram of sample and milligrams of ampicillin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of ampicillin per milligram.* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution containing 0.1 milligram of ampicillin per milliliter (estimated), for the microbiological agar diffusion assay and in 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), for the iodometric assay or for the hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*2*) *Milligrams of ampicillin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with either sterile distilled water or solution 1 to obtain a stock solution as specified in paragraph (b)(1)(i)(*b*)(*1*) of this section.

* * * * *

b. In § 440.13a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 440.13a. Sterile carbenicillin disodium.

(a) * * *

(1) * * *

(i) If the carbenicillin disodium is not packaged for dispensing, its potency is not less than 770 micrograms of carbenicillin per milligram on an anhydrous basis. If the carbenicillin disodium is packaged for dispensing, its potency is not less than 770 micrograms of carbenicillin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of carbenicillin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of carbenicillin per milligram).* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20.0 micrograms of carbenicillin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of carbenicillin per milligram of sample and milligrams of carbenicillin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of carbenicillin per milligram.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20.0 micrograms of carbenicillin per milliliter (estimated).

(*b*) *Milligrams of carbenicillin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20.0 micrograms of carbenicillin per milliliter (estimated).

* * * * *

c. In § 440.19a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 440.19a Sterile dicloxacillin sodium monohydrate.

(a) * * *

(1) * * *

(i) If the dicloxacillin sodium monohydrate is not packaged for dispensing, its potency is not less than 850 micrograms of dicloxacillin per milligram. If the dicloxacillin sodium monohydrate is packaged for dispensing, its potency is not less than 850 micrograms of dicloxacillin per milligram and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of dicloxacillin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation*—(*a*) *Product not packaged for dispensing (micrograms of dicloxacillin per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay and the hydroxylamine colorimetric assay or in distilled water for the iodometric assay, to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both micrograms of dicloxacillin per milligram of sample and milligrams of dicloxacillin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*) (*1*) and (*2*) of this section.

(*1*) *Micrograms of dicloxacillin per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay and the hydroxylamine colorimetric assay or in distilled water for the iodometric assay to obtain a stock solution of convenient concentration.

(*2*) *Milligrams of dicloxacillin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with either solution 1 or distilled water, as specified above, to obtain a stock solution of convenient concentration.

* * * * *

d. In § 440.29a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 440.29a Sterile hetacillin potassium.

(a) * * *

(1) * * *

(i) If the hetacillin potassium is not packaged for dispensing, its potency is not less than 735 micrograms of ampicillin per milligram. If the hetacillin potassium is packaged for dispensing, its potency is not less than 735 micrograms of ampicillin per milligram and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, using the ampicillin working standard as the standard of comparison and preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of ampicillin per milligram).* Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of ampicillin per milligram of sample and milligrams of ampicillin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii)(*a*) and (*b*) of this section.

(*a*) *Micrograms of ampicillin per milligram.* Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of convenience concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(*b*) *Milligrams of ampicillin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 3 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

* * * * *

e. In § 440.37a by revising paragraphs (a)(1)(i) and (b)(1)(i)(*c*) to read as follows:

§ 440.37a Sterile mezlocillin sodium monohydrate.

(a) * * *

(1) * * *

(i) If the mezlocillin sodium monohydrate is not packaged for dispensing, its potency is not less than 838 micrograms and not more than 978 micrograms of mezlocillin per milligram on an anhydrous basis. If the mezlocillin sodium monohydrate is packaged for dispensing, its potency is not less than 838 micrograms and not more than 978 micrograms of mezlocillin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of mezlocillin that it is represented to contain.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(*c*) *Preparation of sample solution*—(*1*) *Product not packaged for dispensing (micrograms of mezlocillin per milligram).* Dissolve an accurately weighed sample in sufficient distilled water to obtain a stock solution of convienient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.0 milligrams of mezlocillin per milliliter (estimated).

(*2*) *Product packaged for dispensing.* Determine both micrograms of mezlocillin per milligram of sample and milligrams of mezlocillin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*c*)(*2*)(*i*) and (*ii*) of this section.

(*i*) *Micrograms of mezlocillin per milligram.* Dissolve an accurately weighed sample in sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.0 milligrams of mezlocillin per milliliter (estimated).

(*ii*) *Milligrams of mezlocillin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.0 milligrams of mezlocillin per milliliter (estimated).

* * * * *

f. In § 440.80a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 440.80a Sterile penicillin G potassium.

(a) * * *

(1) * * *

(i) If the penicillin G potassium is not packaged for dispensing, its potency is not less than 1,440 units and not more than 1,680 units of penicillin G per milligram. If the penicillin G potassium is packaged for dispensing, its potency is not less than 1,440 units and not more than 1,680 units of penicillin G per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the number of units of penicillin G that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation*—(*a*) *Product not packaged for dispensing (units of penicillin G per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both units of penicillin G per milligram of sample and units of penicillin G per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Units of penicillin G per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration.

(*2*) *Units of penicillin G per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration.

* * * * *

g. In § 440.81a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 440.81a Sterile penicillin G sodium.

(a) * * *

(1) * * *

(i) If the penicillin G sodium is not packaged for dispensing, its potency is not less than 1,500 units and not more than 1,750 units of penicillin G per milligram. If the penicillin G sodium is packaged for dispensing, its potency is not less than 1,500 units and not more than 1,750 units of penicillin G per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the number of units of penicillin G that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation*—(*a*) *Product not packaged for dispensing (units of penicillin G per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both units of penicillin G per milligram of sample and units of penicillin G per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*) (*1*) and (*2*) of this section.

(*1*) *Units of penicillin G per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration.

(*2*) *Units of penicillin G per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration.

* * * * *

h. In § 440.83a by revising paragraph (a)(1)(i) to read as follows:

§ 440.83a Sterile piperacillin sodium.

(a) * * *

(1) * * *

(i) If the piperacillin sodium is not packaged for dispensing, its piperacillin content is not less than 863 micrograms and not more than 1,007 micrograms of piperacillin per milligram on an anhydrous basis. If the piperacillin sodium is packaged for dispensing, its piperacillin content is not less that 863 micrograms and not more than 1,007 micrograms of piperacillin per milligram on an anhydrous basis and also, each container contains not less than 90.0 percent and not more than 120.0 percent of the number of milligrams of piperacillin that it is represented to contain.

* * * * *

i. In § 440.90a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 440.90a Sterile ticarcillin disodium.

(a) * * *

(1) * * *

(i) If the ticarcillin disodium is not packaged for dispensing, its ticarcillin content is not less than 800 micrograms of ticarcillin per milligram on an anhydrous basis. If the ticarcillin disodium is packaged for dispensing, its ticarcillin content is not less than 800 micrograms of ticarcillin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of ticarcillin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of ticarcillin per milligram).* Dissolve and accurately weighed sample in sufficient 1.0 percent postassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of ticarcillin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of ticarcillin per milligram of sample and milligrams of ticarcillin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of ticarcillin per milligram.* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of ticarcillin per milliliter (estimated).

(*b*) *Milligrams of ticarcillin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a

single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 5.0 micrograms of ticarcillin per milliliter (estimated).

* * * * *

PART 442—CEPHA ANTIBIOTICS DRUGS

3. Part 442 is amended:

a. In § 442.11a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 442.11a Sterile cefazolin sodium.

(a) * * *

(1) * * *

(i) If the cefazolin sodium is not packaged for dispensing, its potency is not less than 850 micrograms and not more than 1,050 micrograms of cefazolin per milligram on an anhydrous basis. If the cefazolin sodium is packaged for dispensing, its potency is not less than 850 micrograms and not more than 1,050 micrograms of cefazolin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of cefazolin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation—(a) Product not packaged for dispensing (micrograms of cefazolin per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both micrograms of cefazolin per milligram of sample and milligrams of cefazolin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*) (*1*) and (*2*) of this section.

(*1*) *Micrograms of cefazolin per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration.

(*2*) *Milligrams of cefazolin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration.

* * * * *

b. In § 442.13a by revising paragraphs (a)(1)(i), and (b)(1)(i) and (ii)(*b*) to read as follows:

§ 442.13a Sterile cefotaxime sodium.

(a) * * *

(1) * * *

(i) If the cefotaxime sodium is not packaged for dispensing, its potency is not less than 855 micrograms and not more than 1,002 micrograms of cefotaxime per milligram on an anhydrous basis. If the cefotaxime sodium is packaged for dispensing, its potency is not less than 855 micrograms and not more than 1,002 micrograms of cefotaxime per milligram on an anhydrous basis and also, each container not less than 90 percent and not more than 110 percent of the number of milligrams of cefotaxime that it is represented to contain.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter preparing the sample for assay as follows:

(*a*) *Product not packaged for dispensing (micrograms of cefotaxime per milligram*). Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.0 micrograms of cefotaxime per milliliter (estimated).

(*b*) *Product packaged for dispensing.* Determine both micrograms of cefotaxime per milligram of the sample and milligrams of cefotaxime per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of cefotaxime per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.0 micrograms of cefotaxime per milliliter (estimated).

(*2*) *Milligrams of cefotaxime per container.* Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 2.0 micrograms of cefotaxime per milliliter (estimated).

(ii) * * *

(*b*) *Preparation of sample solution.* Prepare the sample solution as described in paragraph (b)(1)(i)(*a*) and (*b*)(*1*) and (*2*) of this section, except use distilled water in lieu of solution 1 and dilute to a concentration of 1 milligram of cefotaxime per milliliter (estimated).

* * * * *

c. In § 442.14a by revising paragraphs (a)(1)(i), and (b)(1)(i) and (ii)(*b*) to read as follows:

§ 442.14a Sterile cefoxitin sodium.

(a) * * *

(1) * * *

(i) If the cefoxitin sodium is not packaged for dispensing, its potency is not less than 850 micrograms and not more than 1,000 micrograms of cefoxitin per milligram. If the cefoxitin sodium is packaged for dispensing, its potency is not less than 850 micrograms and not more than 1,000 micrograms of cefoxitin per milligram and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of cefoxitin that it is represented to contain.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *Product not packaged for dispensing (micrograms of cefoxitin per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20 micrograms of cefoxitin per milliliter (estimated).

(*b*) *Product packaged for dispensing.* Determine both micrograms of cefoxitin per milligram of sample and milligrams of cefoxitin per container. Use separate

containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of cefoxitin per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20 micrograms of cefoxitin per milliliter (estimated).

(*2*) *Milligrams of cefoxitin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 20 micrograms of cefoxitin per milliliter (estimated).

(ii) * * *

(*b*) *Preparation of sampling solutions.* Prepare the sample solution as described in paragraph (b)(1)(i)(*a*) and (*b*)(*1*) and (*2*) of this section, except use distilled water in lieu of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), and dilute to a concentration of 1 milligram of cefoxitin per milliliter (estimated).

* * * * *

d. In § 442.23a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 442.23a Sterile cephaloridine.

(a) * * *

(1) * * *

(i) If the cephaloridine is not packaged for dispensing, its potency is not less than 900 micrograms of cephaloridine per milligram. If the cephaloridine is packaged for dispensing, its potency is not less than 900 micrograms of cephaloridine per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephaloridine that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation*—(*a*) *Product not packaged for dispensing (micrograms of cephaloridine per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both micrograms of cephaloridine per milligram of sample and milligrams of cephaloridine per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of cephaloridine per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*2*) *Milligrams of cephaloridine per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 or distilled water as specified above to obtain a stock solution of convenient concentration.

* * * * *

e. In § 442.25a by revising paragraphs (a)(1)(i) and (b)(1)(i) to read as follows:

§ 442.25a Sterile cephalothin sodium.

(a) * * *

(1) * * *

(i) If the cephalothin sodium is not packaged for dispensing, its potency is not less than 850 micrograms of cephalothin per milligram on an anhydrous basis. If the cephalothin sodium is packaged for dispensing, its potency is not less than 850 micrograms of cephalothin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephalothin that it is represented to contain.

* * * * *

(b) *Tests and methods of assays*—(1) *Potency*—(i) *Sample preparation*—(*a*) *Production not packaged for dispensing micrograms of cephalothin per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both micrograms of cephalothin per milligram of sample and milligrams of cephalothin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*) and (*2*) of this section.

(*1*) *Micrograms of cephalothin per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*2*) *Milligrams of cephalothin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 or distilled water as specified above to obtain a stock solution of convenient concentration.

* * * * *

f. In § 42.29a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 442.29a Sterile cephapirin sodium.

(a) * * *

(1) * * *

(i) If the cephapirin sodium is not packaged for dispensing, its potency is not less than 855 micrograms and not more than 1,000 micrograms of cephapirin per milligram on an "as is" basis. If the cephapirin sodium is packaged for dispensing, its potency is not less than 855 micrograms and not more than 1,000 micrograms of cephapirin per milligram on an "as is" basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephapirin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation*—(*a*) *Product not packaged for dispensing*

(micrograms of cephapirin per milligram). Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometirc assay or hydroxylamine colorimetric assay to obtain a stock solution of convenient concentration.

(*b*) *Product packaged for dispensing.* Determine both micrograms of cephapirin per milligram of sample and milligrams of cephapirin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of cephapirin per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), for the microbiological agar diffusion assay, distilled water for the iodometric assay or hydroxylamine colormetric assay to obtain a stock solution of convenient concentration.

(*2*) *Milligrams of cephapirin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-does container; or, if the labeling specifes the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 or distilled water as specified above to obtain a stock solution of convenient concentration.

(ii) *Assay procedures.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.* Proceed as directed in §436.105 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 microgram of cephapirin per milliliter (estimated).

(*b*) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, diluting an aliquot of the stock solution to the prescribed concentration.

(*c*) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter, diluting an aliquot to the prescribed concentration.

* * * * *

g. In § 442.40a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 442.40a Sterile cephradine.

(a) * * *

(1) * * *

(i) If the cephradine is not packaged for dispensing, its potency is not less than 900 micrograms and not more than 1,050 micrograms of cephradine per milligram on an anhydrous basis. If the cephradine is packaged for dispensing, its potency is not less than 900 micrograms and not more than 1,050 micrograms of cephradine per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of cephradine that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(*a*) *Product not packaged for dispensing (micrograms of cephradine per milligram).* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of cephradine per milliliter (estimated).

(*b*) *Product packaged for dispensing.* Determine both micrograms of cephradine per milligram of sample and milligrams of cephradine per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of cephradine per milligram.* Dissolve an accurately weighed sample in sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of cephradine per milliliter (estimated).

(*2*) *Milligrams of cephradine per container.* Reconstitute as directed in the labeling, except use distilled water in lieu of reconstituting fluid. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration. Further dilute an ailquot of the stock solution with solution 1 to the reference concentration of 10 micrograms of cephradine per milliliter (estimated).

(ii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 442.40(b)(1)(ii), preparing the sample solution as described in paragraph (b)(1)(i)(*a*) and (*b*) (*1*) and (*2*), except use distilled water in lieu of solution 1 and dilute to a concentration of 1 milligram of cephradine per milliliter (estimated).

(iii) *Liquid chromatographic assay.* Proceed as directed in § 442.40(b)(1)(iii), preparing the sample solution as described in paragraph (b)(1)(i)(*a*) and (*b*) (*1*) and (*2*), except use distilled water in lieu of solution 1 and dilute to a concentration of 1 milligram of cephradine per milliliter (estimated).

* * * * *

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

4. Part 444 is amended:

a. In § 444.42a by revising paragraphs (a)(1)(i) and (b)(1)(i)(*d*) and by amending the last sentence in (b)(i)(ii) to read as follows:

§ 444.42a Sterile neomycin sulfate.

(a) * * *

(1) * * *

(i) If the neomycin sulfate is not packaged for dispensing, its potency is not less than 600 micrograms of neomycin per milligram on an anhydrous basis.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(*d*) *Preparation of sample—(1) Product not packaged for dispensing (micrograms of neomycin per milligram).* Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*2*) *Product packaged for dispensing.* Determine both micrograms of neomycin per milligram of sample and milligrams of neomycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i)(*d*) (*1*) and (*2*) of this section.

(*i*) *Micrograms of neomycin per milligram.* Dissolve an accurately

weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution of covenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(*ii*) *Milligrams of neomycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specified the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 3 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

* * * * *

(ii) * * * If it is packaged for dispensing, its potency is not less than 600 micrograms of neomycin on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of neomycin that it is represented to contain.

* * * * *

b. In § 44.70a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 44.70a Sterile streptomycin sulfate.

(a) * * *

(1) * * *

(i) If the streptomycin sulfate is not packaged for dispensing, its potency is not less than 650 micrograms and not more than 850 micrograms of streptomycin per milligram. If the streptomycin sulfate is packaged for dispensing, its potency is not less than 650 micrograms and not more than 850 micrograms of streptomycin per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of streptomycin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of streptomycin per milligram).* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of streptomycin per milligram of sample and milligrams of streptomycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of streptomycin per milligram.* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

(*b*) *Milligrams of streptomycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 30 micrograms of streptomycin per milliliter (estimated).

* * * * *

c. In § 444.81a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 444.81a Sterile tobramycin sulfate.

(a) * * *

(1) * * *

(i) If the tobramycin sulfate is not packaged for dispensing, its potency is not less than 634 micrograms and not more than 739 micrograms of tobramycin per milligram on an "as is" basis. If the tobramycin sulfate is packaged for dispensing, its potency is not less than 634 micrograms and not more than 739 micrograms of tobramycin per milligram on an "an is" basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of tobramycin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of tobramycin per milligram).* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of tobramycin per milligram of sample and milligrams of tobramycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of tobramycin per milligram.* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(*b*) *Milligrams of tobramycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

* * * * *

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

5. Part 446 is amended in § 446.81a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 446.81a Sterile tetracycline hydrochloride.

(a) * * *

(1) * * *

(i) If the tetracycline hydrochloride is not packaged for dispensing, its potency

is not less than 900 micrograms of tetracycline hydrochloride per milligram. If the tetracycline hydrochloride is packaged for dispensing, its potency is not less than 900 micrograms of tetracycline hydrochloride per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of tetracycline hydrochloride per milligram).* Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a stock solution containing 1,000 micrograms of tetracycline hydrochloride per milliliter (estimated). Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 0.24 microgram of tetracycline hydrochloride per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of tetracycline hydrochloride per milligram of sample and milligrams of tetracycline hydrochloride per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii)*(a)* and *(b)* of this section.

(a) Micrograms of tetracycline hydrochloride per milligram. Dissolve an accurately weighed sample in sufficient 0.1*N* hydrochloric acid to obtain a stock solution containing 1,000 micrograms of tetracycline hydrochloride per milliliter (estimated). Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 0.24 microgram ot tetracycline hydrochloride per milliliter (estimated).

(b) Milligrams of tetracycline hydrochloride per container. Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient 0.1*N* hydrochloric acid to obtain a stock solution of convenient concentration containing not less than 150 micrograms of tetracycline hydrochloride per milliliter (estimated). Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 0.24 microgram of tetracycline hydrochloride per milliliter (estimated).

* * * * *

PART 448—PEPTIDE ANTIBIOTIC DRUGS

6. Part 448 is amended:

a. In § 448.10a by revising paragraph (a)(1)(i) and (b)(1) to read as follows:

§ 448.10a Sterile bacitracin.

(a) * * *

(1) * * *

(i) If the bactitracin is not packaged for dispensing, its potency is not less than 50 units of bacitracin per milligram. If the bacitracin is packaged for dispensing, its potency is not less than 50 units of bacitracin per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the number of units of bacitracin that it is represented to contain.

* * * * *

(b) *Test and methods of assay*—(1) *Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (units of bacitracin per milligram).* Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Remove an aliquot of the stock solution, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both units of bacitracin per milligram of sample and units of bacitracin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) *(a)* and *(b)* of this section.

(a) Units of bacitracin per milligram. Dissolve an accurately weighed sample in sufficient 1.0 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a stock solution of convenient concentration. Remove an aliquot of the stock solution, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute an aliquot of the stock solution with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(b) Units of bacitracin per container. Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 1 to obtain a stock solution of convenient concentration. Remove an aliquot of the stock solution, add sufficient hydrochloric acid so that the amount of acid in the final solution will be the same as in the reference concentration of the working standard and further dilute with solution 1 to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

* * * * *

b. In § 448.15a by revising paragraphs (a)(1)(i) and (b)(1) to read as folows:

§ 448.15a Sterile capreomycin sulfate.

(a) * * *

(1) * * *

(i) If the capreomycin sulfate is not packaged for dispensing, its potency is not less than 700 micrograms and not more than 1,050 micrograms of capreomycin per milligram on an "as is" basis. If the capreomycin sulfate is packaged for dispensing, its potency is not less than 700 micrograms and not more than 1,050 micrograms of capreomycin per milligram on an "as is" basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of capreomycin that is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of capreomycin per milligram).* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 100 micrograms of capreomycin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of capreomycin per milligram of sample and milligrams of capreomycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1) (ii) (*a*) and *b*) of this section.

(*a*) *Micrograms of capreomycin per milligram.* Dissolve an accurately weighed sample in sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 100 micrograms of capreomycin per milliliter (estimated).

(*b*) *Milligrams of capreomycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient sterile distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with sterile distilled water to the reference concentration of 100 micrograms of capreomycin per milliliter (estimated).

* * * * *

c. In § 448.20a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 448.20a Sterile colistimethate sodium.

(a) * * *

(1) * * *

(i) If the colistimethate sodium is not packaged for dispensing, its potency is not less than 390 micrograms of colistin base equivalent per milligram. If the colistimethate sodium is packaged for dispensing, its potency is not less than 390 micrograms of colistin base equivalent per milligram and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of colistin base equivalent that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of colistin base equivalent per milligram).* Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water and further dilute with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the refrence concentration of 1.0 microgram of colistin base equivalent per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of colistin base equivalent per milligram of sample and milligrams of colistin base equivalent per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of colistin base equivalent per milligram.* Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water and further dilute with sufficient 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 1.0 microgram of colistin base equivalent per milliliter (estimated).

(*b*) *Milligrams of colistin base equivalent per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 6 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 1.0 microgram of colistin base equivalent per milliliter (esitmated).

* * * * *

d. In § 448.30a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 448.30a Sterile polymyxin B sulfate.

(a) * * *

(1) * * *

(i) If the polymyxin B sulfate is not packaged for dispensing, its potency is not less than 6,000 units of polymyxin B per milligram on an anhydrous basis. If the polymyxin B sulfate is packaged for dispensing, its potency is not less than 6,000 units of polymyxin B per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of polymyxin B that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (units of polymyxin B per milligram).* Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water for each 5 milligrams of weighed sample. Further dilute an aliquot of this solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both units of polymyxin B per milligram of sample and units of polymyxin B per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(a) *Units of polymyxin B per milligram.* Dissolve an accurately weighed sample in 2 milliliters of sterile distilled water for each 5 milligrams of weighed sample. Further dilute an aliquot of this solution with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(*b*) *Units of Polymyxin B per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 6 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

* * * * *

PART 450—ANTITUMOR ANTIBIOTIC DRUGS

7. Part 450 is amended in § 450.10a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 450.10a Sterile bleomycin sulfate.

(a) * * *

(1) * * *

(i) If the bleomycin sulfate is not packaged for dispensing, its potency is not less than 1.5 units and not more than 2.0 units of bleomycin per milligram. If the bleomycin sulfate is packaged for dispensing, its potency is not less than 1.5 units and not more than 2.0 units of bleomycin per milligram and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of bleomycin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (units of bleomycin per milligram).* Dissolve an accurately weighed sample in sufficient 0.1*M* potassium phosphate buffer, pH 7.0 (solution 16), to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 16 to the reference concentration of 0.04 unit of bleomycin activity per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both units of bleomycin per milligram of sample and units of bleomycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii)(*a*) and (b) of this section.

(*a*) *Units of bleomycin per milligram.* Dissolve an accurately weighed sample in sufficient) 0.1*M* potassium phosphate buffer, pH 7.0 (solution 16), to obtain a stock-solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 16 to the reference concentration of 0.04 unit of bleomycin activity per milliliter (estimated).

(*b*) *Units of bleomycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 16 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 16 to the reference concentration of 0.04 unit of bleomycin activity per milliliter (estimated).

* * * * *

PART 452—MACROLIDE ANTIBIOTIC DRUGS

8. Part 452 is amended in § 452.30a by revising paragraph (a)(1) (i) and (b)(1) to read as follows:

§ 452.30a Sterile erythromycin gluceptate.

(a) * * *

(1) * * *

(i) If the erythromycin gluceptate is not packaged for dispensing, its potency is not less than 600 micrograms of erythromycin per milligram on an anhydrous basis. If the erythromycin gluceptate is packaged for dispensing, its potency is not less than 600 micrograms of erythromycin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of erythromycin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of erythromycin per milligram).* Dissolve an accurately weighed sample in sufficient methyl alcohol to obtain a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Dilute this solution further with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution containing 1.0 milligram of erythromycin base per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of erythromycin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of erythromycin per milligram of sample and milligrams of erythromycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii) (*a*) and (*b*) of this section.

(*a*) *Micrograms of erythromycin per milligram.* Dissolve an accurately weighed sample in sufficient methyl alcohol to obtain a concentration of 10 milligrams of erythromycin base per milliliter (estimated). Dilute this solution further with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to obtain a stock solution containing 1.0 milligram of erythromycin base per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(*b*) *Milligrams of erythromycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount o potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 3 to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

9. Part 455 is amended:

a. In § 455.12a by revising paragraphs (a)(1) (i) and (b)(1)(ii) and by adding (b)(1)(iii) to read as follows:

§ 455.12a Sterile chloramphenicol sodium succinate.

(a) * * *

(1) * * *

(i) If the chloramphenicol sodium succinate is not packaged for dispensing, its potency is not less than 650 micrograms and not more than 765 micrograms of chloramphenicol per milligram. If the chloramphenicol sodium succinate is packaged for dispensing, its potency is not less than 650 micrograms and not more than 765 micrograms of chloramphenicol per milligram and also, each container contains not less than 90 percent and not more than 115 percent of the numbe of milligrams of chloramphenicol that it is represented to contain.

* * * * *

(b) * * *

(1) * * *

(ii) *Preparation of sample solutions—(a) Product not packaged for dispensing (micrograms of chloramphenicol per milligram).* Dissolve an accurately weighed sample in sufficient distilled water to obtain a solution containing 30 micrograms of sample per milliliter.

(b) Product packaged for dispensing. Determine both micrograms of chloramphenicol per milligram of the sample and milligrams of chloramphenicol per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii)(*b*)(*1*) and (*2*) of this section.

(*1*) *Micrograms of chloramphenicol per milligram.* Dissolve an accurately weighed sample in sufficient distilled water to obtain a solution containing 30 micrograms of sample per milliliter.

(*2*) *Milligrams of chloramphenicol per container.* Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Further dilute an aliquot of this solution with distilled water to obtain a solution containing 20 micrograms of chloramphenicol per milliliter.

(iii) *Procedure.* Using a suitable spectrophotometer and distilled water as the blank, determine the absorbance of this solution in a 1-centimeter cell at a wavelength of 276 nanometers. Calculate the micrograms per milligram of the dry powder as follows:

* * * * *

b. In § 455.80a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 455.80a Sterile spectinomycin hydrochloride.

(a) * * *

(1) * * *

(i) If the spectinomycin hydrochloride is not packaged for dispensing, its spectinomycin content is not less than 603 micrograms of spectinomycin per milligram. If the spectinomycin hydrochloride is packaged for dispensing, its spectinomycin content is not less than 603 micrograms of spectinomycin per milligram and also, each container contains not less than 90 percent and not more than 120 percent of the number of milligrams of spectinomycin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Spectinomycin content (vapor phase chromatography).* Proceed as directed in § 436.307 of this chapter; and also if the batch is packaged for dispensing, prepare the sample for assay as follows: Determine both micrograms of spectinomycin per milligram of sample and milligrams of spectinomycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(i) and (ii) of this section.

(i) *Micrograms of spectinomycin per milligram.* Proceed as directed for bulk antibiotic solutions in § 436.307(d)(1) of this chapter.

(ii) *Milligrams of spectinomycin per container.* Reconstitute the sample as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute the sample with water to a concentration equivalent to about 20 milligrams per milliliter of spectinomycin. Transfer 1.0 milliliter of the diluted sample to a 25-milliliter glass-stoppered Erlenmeyer flask and dry by lyophilization. Proceed as directed in § 436.307(d)(1)(ii) of this chapter. Calculate the spectinomycin content as follows:

* * * * *

c. In § 455.85a by revising paragraphs (a)(1)(i) and (b)(1) to read as follows:

§ 455.85a Sterile vancomycin hydrochloride.

(a) * * *

(1) * * *

(i) If the vancomycin hydrochloride is not packaged for dispensing, its potency is not less than 900 micrograms of vancomycin per milligram on an anhydrous basis. If the vancomycin hydrochloride is packaged for dispensing, its potency is not less than 900 micrograms of vancomycin per milligram on an anhydrous basis and also, each container contains not less than 90 percent and not more than 115 percent of the number of milligrams of vancomycin that it is represented to contain.

* * * * *

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows:

(i) *Product not packaged for dispensing (micrograms of vancomycin per milligram).* Dissolve an accurately weighed sample of approximately 30 milligrams in sufficient sterile distilled water to obtain a stock solution of 1 milligram per milliliter. Further dilute a aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of vancomycin per milliliter (estimated).

(ii) *Product packaged for dispensing.* Determine both micrograms of vancomycin per milligram of sample and milligrams of vancomycin per container. Use separate containers for preparation of each sample solution as described in paragraph (b)(1)(ii)(*a*) and (*b*) of this section.

(*a*) *Micrograms of vancomycin per milligram.* Dissolve an accurately weighed sample of approximately 30 milligrams in sufficient sterile distilled water to obtain a stock solution of 1 milligram per milliliter. Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 10 micrograms of vancomycin per milliliter (estimated).

(*b*) *Milligrams of vancomycin per container.* Reconstitute as directed in the labeling. Then using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. If it is a single-dose container, use a separate needle and syringe for each container. Dilute with sufficient solution 4 to obtain a stock solution of 1 milligram per milliliter. Further dilute an aliquot of the stock solution with solution 4 to the reference concentration of 10 micrograms of vancomycin per milliliter (estimated).

* * * * *

Interested persons may, on or before January 31, 1984, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. The comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Interested persons may also, on or before January 31, 1984, submit to the Dockets Management Branch a request for an informal conference. The participants in an informal conference, if one is held, will have until January 31, 1984 or 30 days from the date of the conference, whichever is later, to submit their comments.

Dated: November 21, 1983.

Philip L. Paquin,

Acting Associate Director for Regulatory Affairs.

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 11, 20, and 25

[LR-85-80]

Revision of Actuarial Tables and Interest Factors 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 relating to tables for valuing annuities, life estates, terms for years, remainders, and reversions for purposes of Federal income, estate, and gift taxation.

DATES: The public hearing will be held on Thursday, January 12, 1984, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Friday, December 30, 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, Attention: CC:LR:T (LR-85-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, telephone 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations to the Income Tax Regulations (26 CFR Part 1) under sections 52, 101, 170, 642, and 664; the Temporary Income Tax Regulations under the Employee Retirement Income Security Act of 1974 (26 CFR Part 11) under section 414; the Estate Tax Regulations (26 CFR Part 20) under sections 2031, 2032, and 2055; and the Gift Tax Regulations (26 CFR Part 25) under sections 2512, 2522, and 2523 of the Internal Revenue Code of 1954. The proposed regulations appeared in the Proposed Rules Section of the **Federal Register** for Monday, October 31, 1983 (48 FR 50087).

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 submit written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing should submit not later than Friday, December 30, 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 the 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. 83-32286 Filed 11-30-83; 10:37 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Virginia Permanent Regulatory Program; Review of State Program Amendment

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

ACTION: Reopening and extension of public comment period.

SUMMARY: OSM is reopening the period for review and comment on a proposed amendment consisting of statutory and regulation revisions submitted by the State of Virginia to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment relates to the State's Coal Surface Mining Reclamation Fund which is an alternative bonding system. Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on clarifying material submitted by Virginia on November 23, 1983, concerning its proposed amendment initially submitted on May 20, 1983, and minutes of a meeting held between OSM and the State on November 16, 1983. The meeting concerned preliminary findings made by OSM as a result of review and public comments on the State's amendment set forth in OSM's letters of August 4 and October 31, 1983, and the State's response of October 6, 1983.

DATE: Written comments not received on or before 4:00 p.m. on December 19, 1983, will not necessarily be considered.

ADDRESS: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219.

See **"SUPPLEMENTARY INFORMATION"** for addresses where copies of the Virginia program amendment and administrative record on the Virginia program are available.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219; Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION: Copies of the Virginia program amendment, the Virginia program and the administrative record on the Virginia program are available for public review and copying at the OSM offices and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street, NW., Room 5315, Washington, D.C. 20240, telephone: (202) 343-7896

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Big Stone Gap, Virginia 24219

The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications and amendments to the proposed permanent program

submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register**. Information pertinent to the previous amendments submitted by Virginia concerning reclamation bonding can be found in the September 21, 1982 **Federal Register** (47 FR 41556), in the January 18, 1983 **Federal Register** (48 FR 2123) and in the February 28, 1983 **Federal Register** (48 FR 8271).

On May 20, 1983, Virginia submitted a proposed State program amendment consisting of an act, which amends and reenacts Sections 45.1–270.2—45.1–270.4 of the Code of Virginia, passed by the 1983 Virginia General Assembly relating to the State's Coal Surface Mining Reclamation Fund (Fund) and a draft copy of proposed regulations developed to implement the statutory amendment (Administrative Record No. VA 480). The statutory amendment, referred to as Chapter 131, modifies the statutory amendment creating the Fund submitted by Virginia on July 8, 1982, and approved by the Director, OSM, on September 21, 1982 (47 FR 41556). Chapter 131 and its implementing regulations would become effective upon approval by OSM. The State also provided a side-by-side compariosn of the original program amendment of July 8, 1982, and the proposed Chapter 131 amendment.

On June 16, 1983, OSM published a notice in the **Federal Register** to announce receipt of the amendment, public comment period and opportunity for public hearing (48 FR 27552). The public comment period closed on July 18, 1983. A public hearing scheduled for July 11, 1983, was not held because no one expressed an interest in participating. Following this opportunity for a public hearing and the public comment period, OSM sent a letter to the State on August 4, 1983, which set forth OSM's tentative findings on the proposed amendment (Administrative Records No. VA. 498). On October 6, 1983, Virginia responded to OSM's letter in order to resolve any potential deficiencies (Administrative Record No. VA. 508).

In light of Virginia's response of October 6, 1983, OSM again sent a letter to the State on October 31, 1983, regarding the adequacy of the proposed amendment (Administrative Record No. VA. 509). On November 1983, OSM met with the State to discuss the amendment and the prior correspondence between OSM and the State (Administrative Record No. VA. 510). In response to that meeting, the State, on Novembver 23, 1983 submitted clarifying material to resolve OSM's questions about the amendment (Administrative Record No. VA. 511).

In accordance with the provisions of 30 CFR 732.15, OSM is reopening the public comment period and is seeking comments on the substantive adequacy of the proposed amendment in light of the correspondence and the meeting that have transpired since the amendment was submitted initially.

Authority: Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.).

Dated: November 28, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 83-32214 Filed 12-1-83; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2468-6]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: On November 15, 1982 (47 FR 51398), EPA took final action approving Michigan Air Pollution Control Commission Rules R336.1371 and R336.1372, and three letters from the Michigan Department of Natural Resources (MDNR) pertaining to and clarifying the State's intended application of those rules, as a revision to Michigan's State Implementation Plan (SIP) for total suspended particulates (TSP). Rules 371 and 372 provide for control of industrial fugitive emissions sources,[1] and were approved as representing the application of reasonably available control technology (RACT), as required by Section 172(b) of the Clean Air Act (the Act), 42 U.S.C. 7602(b).

Today's action proposes to withdraw EPA's final approval action of November 15, 1982, and to disapprove Rules 371 and 372. The basis for this proposed action is receipt of information, subsequent to approval, that despite commitments contained in the three letters, Michigan has not applied the rules to significant fugitive emissions sources impacting the Wayne County TSP nonattainment area.

Therefore, EPA believes that the rules, even in conjunction with the submitted letters, have neither resulted in additional fugitive dust control programs nor resulted in control of major fugitive dust sources in Wayne County.

ADDRESSES: Copies of documents related to this proposed rulemaking are available for review at the following addresses:

U.S. Environmental Protection Agency, Air and Radiation Branch, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments on this action should be sent to: Gary Gulezian, Regulatory Analysis Section, Air and Radiation Branch (AR–26), Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis Section, Air and Radiation Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886–6037.

SUPPLEMENTARY INFORMATION: On May 6, 1980 (45 FR 29790), and on May 22, 1981 (46 FR 27923), EPA conditionally approved Michigan's TSP SIP for nonattainment areas required by Part D of the Act, 42 U.S.C. 7601, *et seq.* One of the conditions for final approval was that the State adopt and submit industrial fugitive dust regulations representing application of RACT for at least the Wayne County primary TSP nonattainment area.

On March 6, 1981, Michigan submitted Rules 371 and 372 as a revision to its SIP. Rule 371 establishes a procedure by which the Michigan Air Pollution Control Commission (Commission) may "notify" persons operating certain facilities with fugitive particulate emissions (emissions from other than a stack or vent) and request them to prepare and submit to the Commission for approval, a fugitive dust control program (program). Rule 372 establishes control measures for specified categories of fugitive emission sources to be included in the control programs.

[1] EPA approved on May 6, 1980 (45 FR 29790), Michigan Rule 336.1301 which limits visible emissions generally, including industrial process fugitive emissions. On May 22, 1981 (46 FR 27923), EPA conditionally approved Michigan rules R336.1350–1357 which regulate fugitive emissions from certain iron and steel-making processes. Rules 371 and 372 may apply to any fugitive dust source, including iron and steel processes.

EPA communicated to Michigan concerns about the applicability provision of Rule 371 (see discussion below). In response, the DNR submitted three letters to EPA. A January 25, 1982 letter contained general criteria to be used in identifying significant fugitive emissions sources; a commitment to evaluate all companies with potentially significant fugitive emissions problems located in or near the Wayne County nonattainment area and to compile a list of companies which have significant fugitive dust problems; and a commitment to request control programs from all sources impacting the Wayne County nonattainment area. A May 3, 1982 letter contained a list of eight companies located within the Wayne County nonattainment area with currently existing fugitive dust control programs incorporated into Wayne County permits or orders, and committed to make revisions in these programs to improve their legal enforceability.

On June 29, 1982 (47 FR 28112), EPA proposed to approve Rules 371 and 372. The Notice of Proposed Rulemaking stated that Rule 371 on its face, was "not specific enough to determine exactly what sources will be covered." The proposed approval was therefore based on the additional commitments contained in the January 25, 1982, and May 3, 1982 letters.

On August 24, 1982, Michigan submitted a third letter with a list of companies having potentially significant fugitive dust problems located in or near the Wayne County nonattainment area, and describing the current status of the Wayne County Air Pollution Control Division's (WCAPCD) evaluation of these companies regarding the need to request fugitive dust control programs under Rule 371.

On November 15, 1982 (47 FR 51398), EPA took final action approving R336.1371 and 1372, and the three letters as revisions to the Michigan SIP.

EPA's approval was challenged by NRDC in January 1983, *NRDC* v. *EPA*, No. 83-3027 (6th Cir.). NRDC's challenge has caused EPA to reevaluate its approval of the Michigan SIP, and for the reasons discussed below, EPA is proposing to withdraw that approval, and also proposes to disapprove Rule 371 and 372. However, until EPA takes a final action disapproving R336.371 and R336.372 and the State's commitment letters, the rules remain in effect as the applicable Federal and State SIP requirements.

Michigan Rule 371 does not, on its face, establish an enforceable program for any facility. First, the requirement in Rule 371 to submit a fugitive dust control program applies only to persons notified by the Commission, but Rule 371 does not require the Commission to notify anyone. Second, a person who challenges the Commission's notification under Rule 371(4) seems to have an indefinite time in which to submit a program. Third, if a person submits no program or an inadequate program, the Commission "may," but need not, establish an approvable program, under Rule 371 (5) and (6). Fourth, under Rule 371(7), a person need implement a program only after it has been approved by the Commission, but the Commission is not required to approve or disapprove any programs within a specified time period. If read literally, the rule imposes no obligation on a source to implement a control program if the commission fails to take action to approve it. In sum, Rule 371, on its face, is so discretionary that EPA cannot conclude that it will result in control of significant sources of fugitive dust as required by Section 172(b)(3) of the Act.

The MDNR's letters of January 25, May 3, and August 24, 1982, were intended to cure this deficiency by showing that significant sources of fugitive dust have been, or will be, controlled, notwithstanding the discretionary nature of Rule 371. The August 24, 1982, letter identifies one facility that has a program approved by the Commission under the Michigan rules and two other facilities from which programs had been requested. Since that time, EPA has learned that no other facilities have been requested to submit control programs to the Commission. The criteria listed in the January 25, 1982, letter either were not applied, or are too general to identify significant fugitive emission sources. Moreover, the criteria are not clearly binding on the Commission, which is the only body empowered to act under the Rules. In light of the Commission's failure to request any programs beyond the three identified in the August 24, 1982, letter, EPA believes that the Michigan Rules, even in conjunction with the January 25, May 3 and August 24, 1982, letters, have not resulted in control of significant sources of fugitive dust.

NRDC also urges others grounds for withdrawing the approval of the Michigan SIP revision. First, NRDC argues that Michigan did not submit, and EPA did not supply, a technical or economic analysis showing that the measures in Rule 372 constitute RACT, and that EPA therefore could not approve it as RACT. On this point, EPA notes that it based its approval of Rule 372 in part on EPA studies of fugitive dust control techniques generally. Second, NRDC argues that EPA improperly failed to require that programs that do not include measures in Rule 372 be submitted to EPA as SIP revisions. EPA thought it had required this by so stating in the notice of proposed rulemaking, 47 FR 28113. EPA will consider comment on whether its approval of the SIP revision should be withdrawn on these grounds as well as the grounds previously discussed. If EPA withdraws its approval of the SIP revision, it will then issue Michigan a notice under Section 110(a)(2)(H) advising that the SIP is substantially inadequate to comply with the requirements of the Act.

A 30-day public comments period is being provided on this notice of proposed rulemaking. Public comment received on or before (30 days from the date of publication) will be considered in EPA's final rulemaking. When possible, comments should be provided in triplicate. All comments will be available for inspection during normal business hours at the Region V office listed at the beginning of this notice. Please call the contact person listed at the beginning of this notice, before visiting the Region V office.

Pursuant to 5 U.S.C. 605(b), EPA has determined that today's action would not, if promulgated, have a significant economic impact on a substantial number of small entities. This action would withdraw approval of Michigan regulations as a revision to its TSP SIP, but the regulations remain in force as a matter of state law.

Today's action is not "Major", for purposes of Exective Order 12291 (46 FR 134139). It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA, and any EPA response, are available for public inspection at the EPA Region V office listed above.

List of Subjects in 40 CFR Part 52

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

(Sec. 110, 172 of the Clean Air Act, as amended 42 U.S.C. 7410 and 7602)

Dated: September 14, 1983.

Alan Levin,

Acting Regional Administrator.

[FR Doc. 83-32223 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

48 CFR Ch. 5

GSA Implementation of the Federal Acquisition Regulation (FAR), General Services Administration Acquisition Regulations (GSAR); Request for Comments

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice invites written comments on the General Services Administration proposal to establish the General Services Administration Acquisition Regulations (GSAR) as Chapter 5 of the Federal Acquisition Regulations System. The GSAR will implement and supplement the Federal Acquisition Regulations. The new GSAR will supersede the current General Services Administration Procurement Regulations. The following Parts of the proposed GSAR are available for review and comment:

Part 543 Contract Modifications
Part 534 Major System Acquisition

DATE: Comments are due not later than December 19, 1983.

ADDRESS: Requests for copies of the proposals and comments should be addressed to the Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, Room 4026, 18th & F Streets, NW, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Ida Ustad, Office of GSA Acquisition Policy and Regulations, Office of Acquisition Policy, (202) 523–4754.

SUPPLEMENTARY INFORMATION:

Impact

The Director, Office of Management and Budget (OMB), by memorandum dated October 4, 1982, exempted agency procurement regulations from Executive Order 12291. The General Services Administration (GSA) certifies that these documents will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The rule does not contain information collection requirements which require approval by OMB under 44 U.S.C. 3501 et seq. This rule provides uniformity with other Federal agencies and reduces the administrative impact on bidders as set forth in OFPP Policy Letter 83–2.

List of Subjects in 48 CFR Chapter 5

General Services Administration Acquisition Regulations, Government procurement.

Dated: November 4, 1983.

Richard H. Hopf, III,

Director, Office of GSA Acquisition Policy and Regulation.

[FR Doc. 83–30925 Filed 12–1–83; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[Docket No. 64e; Notice 83–19]

Participation by Minority Business Enterprise in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department's existing minority business enterprise regulation encourages recipients of Federal financial assistance from the Department and their contractors to use minority financial institutions. However, the regulation permits the use of these institutions to count toward recipients' or contractors' goals for the use of minority, disadvantaged, or women-owned businesses only where the service they provide are eligible for reimbursement under a Federally-assisted contract. Representatives of two minority-owned financial institutions have requested that the Department adopt their proposal to permit the crediting of financial services of minority financial institutions toward these goals, regardless of eligibility for reimbursement. This notice asks for comment on their proposal and on questions and issues which the proposal raises.

ADDRESS: Comments should be sent to Docket Clerk, Docket 64e, Department of Transportation, Room 10105, 400 7th Street, SW., Washington D.C. 20590. Comments will be available for review by the public at this addresss from 9:00 a.m. through 5:30 p.m., Monday through Friday. Commenters wishing acknowledgment of their comments should include a stamped, self-addressed postcard with their comment. The docket clerk will time and date stamp the card and return it to the commenter.

DATES: Comments should be received by January 31, 1984.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Room 10105, 400 7th Street, SW., Washington, D.C., 20590. (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Background

The Department of Transportation (DOT) first published a Department-wide minority business enterprise regulation (49 CFR Part 23) on March 31, 1980 (45 FR 21172). This regulation is intended to ensure equal opportunity for businesses owned and controlled by members of minority groups (MBEs) and businesses owned and controlled by women (WBEs) in programs receiving Federal financial assistance from DOT.

On July 21, 1983, the Department added a new Subpart D to carry out the provisions of section 105(f) of the Surface Transportation Assistance Act of 1982 (48 FR 33432). This new subpart, which applies only to the Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA) programs, changed the way recipients of funds from UMTA and FHWA establish overall goals and substituted for the MBE category a new category called "disadvantaged business" (DBE). FHWA and UMTA recipients will now set DBE and WBE overall and contract goals. Recipients in other DOT financial assistance programs will continue to set MBE and WBE goals.

The basis requirement of the regulation is for recipients to create MBE/DBE/WBE programs. Under these programs, recipients must set separate overall goals for MBEs or DBEs and WBEs. These overall goals are statements of the recipient' reasonable expectation for participation by MBEs, DBEs and WBEs, respectively, in its DOT-assisted programs within a given period of time (usually a fiscal year). The recipient must also set separate contract goals for MBEs or DBEs and WBEs in each contract in which there are subcontracting opportunities for MBE or DBE and WBE participation. The apparent successful competitor for a contract must either meet these goals or demonstrate to the recipient that it made good faith efforts to do so. The recipient must certify the eligibility of each firm that seeks to participate in its programs as an MBE, DBE or WBE.

Section 23.45(d) of the Department's regulation concerns opportunities for the use of banks owned and controlled by minorities or women. It provides as follows:

The recipient shall thoroughly investigate the full extent of services offered by banks owned and controlled by minorities or women in its community and make the greatest feasible use of these banks. Recipients shall also encourage prime contractors to use the services of banks owned and controlled by minorities or women. (45 FR 21187)

The preamble to the rule makes the following comment about this provision:

Paragraph (d) encourages recipients and contractors to use banks owned and controlled by minorities and women. While commenters wanted this to count toward meeting MBE goals, we disagree. The Department recognizes that successful minority and women-owned banks are necessary for the growth of a viable minority business community. However, the services that banks offer are very different from the types of contracting services (e.g., construction) which MBE goals are designed to foster. Thus, we have decided to encourage the use of MBE banks but not to count this toward meeting any goals. Using MBE banks, as such, is not required by the regulation. However, failure to investigate the opportunities to use MBE banks in good faith may cause a recipient to be in noncompliance with the regulation. (45 FR 21177)

The ANPRM concerns a proposal to change this situation and permit credit toward goals for the use of services of financial institutions even where these services are not otherwise eligible for reimbursement under a given Federally-assisted contract.

The Bankers' Proposal

Recently, officials of two minority-owned banks presented a proposal to the Department of Transportation to permit the use of minority financial institutions to count toward goals in areas that would not currently be counted. The proposal would apply to commercial banks and savings and loan associations which are minority-owned or minority-controlled. The proposal would allow a credit toward goals for use of virtually any financial service provided by these institutions—checking accounts, federal or state tax accounts, escrow/trust accounts, credit related services, cash management services, etc.—whether or not Federal funds were actually paid to the recipient or contractor for use of the services.

With respect to financial services used by contractors, the value of the bank's services attributable to a particular contract could be counted toward a goal for that contract. If the entire value of a given service could be attributed to a given contract (e.g., a contractor obtained a loan solely for the purpose of financing its work on a DOT-assisted contract), then that entire value of the service could be credited to the goal. If less than the entire value of a given service could be attributed to a particular contract (e.g., a contractor kept in a checking account funds relating to a DOT-assisted contract and several other projects) only the portion of the value of the service allocable to the DOT-assisted contract could be counted.

For loans and other cost-bearing services, the amount of money that could be credited toward the goal would be the total amount of interest payments or other fees actually paid to the financial institution. For non-interest bearing depository accounts (e.g., a standard checking account), the "average daily net collected balance" of the account over the entire term of the contract could be counted toward the goals. That is, if a contract ran for 60 days, one would take the balance in the account at the end of each day, add these figures, and divide by 60. The result could be counted toward the goal. The purpose of this provision is to prevent a deposit remaining in an account for only a short time from counting disproportionately toward a goal.

Another safeguard to ensure that a disproportionate share of contract goals are not met through the use of financial institutions would limit credit for the use of financial institutions to ten percent of any contract goal. That is, if a contract goal for a contract were $100,000, the use of financial institutions could count for no more than $10,000 of that amount. This would be true even if the value of the financial services, calculated according to the proposal, substantially exceeded $10,000.

The same proposal has been presented to the Small Business Administration (SBA) for use in meeting goals in subcontracting plans established by prime contractors in direct Federal agency procurement under Pub. L. 95-507. SBA has adopted it for use in direct procurement. There has also been some Congressional support for the implementation of a proposal of this kind in DOT's financial assistance programs.

The Department of Transportation believes that support of minority financial institutions is a worthwhile objective. The question facing the Department is whether the bankers' proposal, or a modification or refinement of it, would offer a practicable way to meet this objective in the context of the Department's financial assistance programs. The remainder of this ANPRM explores some of the issues and questions that have occurred to us as we have thought about the proposal, and asks for comment from the public to help us resolve these issues and questions. We hope that the responses to this request for comments will help us to decide what, if any, provisions we should add to 49 CFR Part 23 to permit the use of financial institutions to count toward MBE, DBE, and WBE goals.

We want to point out any DOT rulemaking based on this proposal would apply only to financial services used by recipients and contractors in connection with DOT-assisted programs and projects. DOT would not attempt to apply such a regulation to the banking practices of recipients and contractors not connected with Federal financial assistance.

1. The Reimbursable Expenditures Issue

Under the bankers' proposal, credit toward goals would be allowed for activities that do not involve actual expenditures of DOT funds and for items of expenditure that are not eligible for reimbursement with DOT funds. This raises the issue of whether and how the proposal can be implemented consistent with the Department's MBE/DBE/WBE program, which gives credit toward goals for expenditures of DOT funds with MBE/DBE/WBE firms that are eligible for reimbursement.

The Department's MBE/DBE/WBE program is based on overall and individual contract goals for recipients and contractors. In order to meet these goals, recipients and contractors make efforts to ensure that a certain percentage of funds received from the Department end up in the hands of MBEs, DBEs, or WBEs.

Suppose that the Federal share of a recipient's contract will be $1 million, and that the recipient sets a 15 percent DBE contract goal. In order to get the contract, the low bidder on the prime contract will have to demonstrate that $150,000 of the contract amount will be spent with DBEs (or that the contractor has made good faith efforts to this end). If the prime contractor meets the goal, $150,000 of the $1 million in Federal funds paid to the recipient for the work of the contract will end up in the hands of the contractor's DBE subcontractors, suppliers, etc.

This system is based on the receipt by DBE firms of a certain portion of Federal funds that DOT pays to the recipient for work necessary on a DOT-assisted contract. DOT provides to recipients—and recipients pass on to contractors—only funds for the performance of services and provision of products which are eligible for reimbursement as part of the work of a Federally-assisted contract. In the absence of a payment of

Federal funds to a DBE for services or products eligible for reimbursement under a DOT-assisted contract, it is unclear how any credit toward a DBE goal could be given.

When a recipient or a contractor puts money in a checking account at a minority-owned bank, the recipient or contractor does not incur an expense or perform a service eligible for reimbursement under a DOT-assisted contract. Generally, when a recipient or contractor pays interest on a loan from a minority bank, the expense it incurs is is not a cost eligible for reimbursement under a DOT-assisted contract. Consequently, *Federal* funds do not flow to a minority bank as they flow to a DBE contractor who performs work on a DOT-assisted project. While the DOT assistance for a project may create an opportunity for a bank to make profitable use of a recipient's or contractor's money, DOT funds are not provide permanently to the bank in payment for services the bank performs on a DOT-assisted contract. By contrast, when a contractor performs services required by a DOT-assisted contract, the contractor receives DOT funds which become its property.

Under these circumstances, there is a conceptual problem in allowing credit toward MBE/DBE/WBE goals for the use of minority banks' services, as the bankers have proposed. That is, the proposal would permit counting toward goals for the payment of Federal dollars to MBEs, DBEs, or WBEs something other than the payment of Federal dollars to MBEs, DBEs, or WBEs. The Department has been asked, despite this conceptual problem, to go ahead and allow credit toward goals for the use of MBE/DBE/WBE financial institutions. There is little question that DOT assistance creates business opportunities for banks and other businesses that do not perform services eligible for reimbursement under DOT-assisted contracts. An important question on which the Department seeks comment is whether, in order to help MBE/DBE/WBE banks and other such businesses, DOT should alter the concept on which meeting goals has always been based.

This problem is particularly important in the context of section 105(f). The statute requires that, except to the extent the Secretary determines otherwise, ten percent of the funds authorized by the Act be expended with disadvantaged businesses. It can be argued that if we adopt the bankers' proposal, then a portion of the ten percent goal could be met without Federal dollars actually being expended in contracts with DBEs. Up to ten percent of the reported goal attainment might not reflect an expenditure of Federal funds with DBEs. Under these circumstances, it might be argued that the Department and its recipients would not be acting consistently with the statute. In addition to expressing their views on this overall question we ask that commenters make suggestions concerning how, if the Department proceeds with a rulemaking based on the bankers' proposal, we should handle this problem in the regulation.

A very similar question arises in contexts other than banking. For example, contractors, sometimes retain professionals (e.g., lawyers, accountants) and purchase goods or services (e.g., janitorial or food services, equipment, stationery), the costs of which are normally allocated as indirect or overhead costs. Under present DOT policy, if this work is not eligible for reimbursement under a DOT-assisted contract, payments for these services are not counted toward MBE/DBE/WBE contract goals. If the Department permits the use of banking services not required by DOT-assisted contract to count toward goals, the question arises whether the Department should grant similar status to the services of these other businesses. Is this a good idea? What are the likely effects of such a change in policy?

We would reemphasize that under present DOT policy, no type of business or profession is categorically excluded from counting toward MBE/DBE/WBE goals. A construction firm or a law firm is never excluded or included just because it is a construction firm or a law firm. If the firm performs work eligible for reimbursement under a DOT-assisted contract, payments to the firm can count toward goals.

2. Certification

Under the DOT regulation, a firm must be certified by a recipient as an eligible MBE, DBE or WBE before contracts with the firm can be counted toward goals. In order to be eligible, the firm must be an independent firm, it must be a small business defined in section 3 of the Small Business Act, it must be at least 51 percent owned by minorities, women, or disadvantaged individuals, and its management and operations must be controlled by the minorities, women, or disadvantaged individuals who own it. The purpose of this requirement is to ensure that "fronts"—firms that purport to be MBEs, DBEs, or WBEs, but which in fact are not owned and controlled by minorities, women, or disadvantaged individuals—cannot take advantage of the Department's programs.

The ownership and control of financial institutions may be organized differently from the ownership and control of other businesses. Are any such differences likely to cause problems for recipients as they make certification decisions about banks? If so, what are the problems and how might they be surmounted? Do standards in addition to those of the Department's existing rule need to be developed in order to assess the eligibility of financial institutions? Are there particular kinds of information that recipients need to obtain from financial institutions in order to determine their eligibility that a rule should specify?

One way of avoiding some of these problems, suggested by the bankers' proposal, would be to use a roster of minority financial organizations compiled by the Department of Treasury. About 160 institutions currently appear on this list. The Treasury Department determines eligibility to appear on this list by using a self-certification process in which the banks certify that they meet eligibility criteria. Using this list would have some advantages. In particular, it would avoid the necessity for each bank to seek certification from a variety of different recipients. On the other hand, the Treasury Department certification standards differ from those of DOT. For example, only ownership *or* control (and at a 50 rather than 51 percent level), not both, is required by the Treasury Department. Control, as the Treasury Department uses the term in its program, does not necessarily include the day-to-day management of the firm. The list does not clearly distinguish between MBE, DBE, and WBE institutions.

Self-certification is not permitted for DBE/MBE/WBE firms seeking to participate in DOT financial assistance programs, because the Department has regarded self-certification as inadequate protection against fronts. We seek comments on the advisability of using the Treasury Department list, as well as on any modifications or additions that DOT should make to the list if it is used.

3. Application to Recipients

Because it was developed in the context of direct Federal procurement, the bankers' proposal speaks in terms of the use of financial services of minority banks by contractors. Apart from MBE/DBE/WBE credit that recipients would get toward their overall goals as the result of contractors' use of minority banks, should recipients get credit toward their own overall goals for their own use of minority banks?

There is a potential obstacle to recipients' use of minority banks' services in way that could contribute toward goals under the bankers' proposal. The Intergovernmental Cooperation Act (42 U.S.C. 4213), Attachments G and J to Office of Management and Budget Circular A–102, and Treasury Circular 1075 all require that procedures be developed and used that minimize the time elapsing between the transfer of funds from the United States Treasury and their disbursement by a recipient. As a matter of policy, DOT also seeks to minimize the time during which Federal funds are retained by recipients. This means that recipients are not intended to have large sums of money available for deposit in bank accounts for significant periods of time. The Department seeks comment on this matter as it affects the bankers' proposal.

4. Other Institutions

The bankers' proposal speaks to banks and savings and loan associations owned and controlled by minorities. It would seem that if we count minority banks toward MBE goals; we should also count women-owned banks towards WBE goals and banks owned by disadvantaged individuals towards DBE goals. In addition are there kinds of financial institutions other than banks and savings and loan associations the service of which should be allowed to count toward goals?

5. Interest Bearing Depository Accounts

The bankers' proposal would allow credit toward goals based on contractors' use of non-interest bearing depository accounts (e.g., standard checking accounts). Given the wide availability of interest bearing depository accounts (e.g., NOW accounts), some recipients and contractors may prefer to use these types of services. Should credit toward goals be given for these as well? If so, how should the use of such accounts be valued? If not, do we put contractors in the unfair position of having to choose between getting interest on their deposited funds and getting credit toward goals for using minority banks?

6. Attribution to DOT Contracts and Projects

Many contractors who work on DOT-assisted projects also work on other kinds of projects. It is probable that, in some cases, a contractor would keep funds pertaining to DOT and non-DOT projects (or different DOT projects) in the same account. In order to award credit toward the goal on a particular DOT-assisted project, it would be necessary to determine what portion of the average daily net collected balance of a bank account or the amount of interest on a loan was attributable to the particular project or contract. Is it feasible to do so, and, if so, how? Would it make any sense to require a contractor to have a dedicated account for each DOT-assisted project or contract on which it wished to claim credit for the use of minority banks?

7. Prospective Character of Contract Goals

Under DOT regulations, a contractor must meet contract goals or demonstrate good faith efforts to do so *before* the contract is signed. Is it possible for a bank, a contractor, or a recipient to know, before the contract is signed, what interest payments the contractor will be making to a minority bank or what the average daily net collected balance of a checking account will be over the life of the contract? Is there any reasonable way of making an estimate? If not, what commitment to the future use of minority banks' services by a contractor should be considered sufficient for purposes of claiming credit toward a contract goal?

8. Double-Counting

Suppose that an MBE firm is awarded a prime contract by a recipient. The entire amount of the contract is counted toward overall goals. If the MBE prime contractor then puts some of its funds in a minority bank, should the recipient get credit toward its overall goal for this use of minority banking services? If so, the recipient would get credit for 100 percent of the amount of the contract to the minority prime plus up to ten percent of the amount of the contract goal, since the minority prime used a minority bank. If the contract goal were ten percent, the recipient would get overall goal credit for 101 percent of the amount of the contract. Prime contractors could get "extra credit" toward contract goals in a similar way, if their minority subcontractors used minority banks. Such "extra credit" would appear contrary to the Department's policy against double-counting in meeting goals. If "extra credit" were not permitted, however, then the proposal would seem to give an incentive only to non-minority contractors to use minority banks. We request comments on how to handle this situation.

9. Average Daily Net Collected Balance

While this concept may be very commonplace in the banking industry, it may be less familiar to people who work for the Department, recipients and contractors. Should we define the term in a regulation? If so, how? Are there other options for valuing the contribution of depository accounts toward goals that the Department should consider? For example, would it make more sense to count toward goals the interest the bank earns by loaning out the deposited funds to other customers generally, or specifically to other DBE or WBE firms? If so, how would the credit toward goals be determined?

10. Effects of the Bankers' Proposal

The proposal in question would appear to help minority banks, by providing an incentive for recipients and contractors to use their services. The proposal would also appear to help recipients and non-minority contractors, by adding a new method by which they could meet part of their existing overall and contract goals. On the other hand, the effect of the proposal on other MBE/WBE/DBE contractors is less clear. It appears that the part of a goal a recipient or contractor meets through using a minority bank is a part of the goal that would not need to be met through use of an additional minority contractor.

The Department seeks comment on whether this preliminary assessment of the effects of the proposal is reasonable. If our concern about potential effects of the proposal on other minority firms appears to be well-founded, are there ways of mitigating the problem that the Department should consider? For example, should the Department consider some way of linking a bank's participation in DOT programs for MBE/DBE/WBE credit to its assistance to minority businesses generally? If so, how could this be done in a regulation? Would it make sense to limit the credit that could be counted toward goals with a particular minority bank if that bank's investment portfolio heavily emphasized, for example, Federal securities as opposed to commercial loans to small businesses?

The bankers' proposal does not suggest, and the Department has no estimate of, the amount of funds that might become available to minority banks as the result of the proposal. The Department seeks information to help it judge the probable impact of the proposal.

11. Other Alternatives

There may be other means by which the Department could provide for the participation of minority financial institutions in DOT financial assistance programs. We seek comments on potential approaches other than the one

discussed in this ANPRM that interested parties may want to advance concerning the issue of minority financial institutions. For example, would it make sense to have goals for the use of minority banks separate from the existing goals for the payment of Federal dollars to MBEs? Such a goal could be expressed as a percentage of the financial services used by a receipient or contractor, who would be obligated to make good faith efforts to meet the goal.

Rulemaking Process Matters

This advance notice of proposed rulemaking discusses what, if further regulatory action is taken, would be a significant proposed or final rule under the Department's Regulatory Policies and Procedures. The Deparetment would be obligated to prepare a regulatory evaluation for such a proposed or final rule. The Department has not prepared a regulatory evaluaton at the ANPRM stage. At the present time, the Department does not have sufficient information to evaluate fully the economic effects of or policy alternatives to the bankers' proposal. Consequently, the Department is not in a position to prepare a meaningful regulatory evaluation. A major purpose of this ANPRM is to request information that will enable use to make such an evaluation.

Executive Order 12291 does not require the Department to obtain the approval of the Office of Management and Budget (OMB) for an advance notice of proposed rulemaking. Any proposed or final rule resulting from the ANPRM would be subject to the Executive Order's OMB coordination requirements, however. At this time, we do not anticipate that a proposed or final rule resulting from this ANPRM would be a major rule under the Executive Order, but we will consider, based on the comments we receive, whether a subsequent rulemaking action should be regarded as major.

The Department requests comment on whether a proposed or final rule resulting from this ANPRM would have a significant economic effect on a substantial number of small entities. Comments on this point will help the Department to determine whether a regulatory flexibility analysis would be required under the Regulatory Flexibility Act for any subsequent rulemaking on this subject.

List of Subjects in 49 CFR Part 23

Administrative practice and procedure, Government contacts, Mass transportation, Minority businesses, Reporting and recordkeeping requirement.

Issued this 21st day of November 1983 at Washington, D.C.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-32212 Filed 12-1-83; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 31108-220]

Tanner Crab Off Alaska; Establishment and Deletion of Certain Pot Storage Areas

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

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to amend regulations under the Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska by establishing new and deleting certain current crab pot storage areas in the Eastern Bering Sea and Gulf of Alaska. These changes result from a need expressed by U.S. Tanner crab fishermen for certain new shallow water areas to store their crab pots during closed seasons of the Tanner crab fishery. Establishment of the new pot storage areas in the Bristol Bay Pot Storage Sanctuary will eliminate conflicts between foreign fishing gear and U.S.-owned stored crab pots and should reduce transportation time and costs expended by most U.S. fishermen in storing and retrieving their pots.

DATES: Written comments must be received on or before January 16, 1984.

ADDRESSES: Comments shoud be mailed to Mr. Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or delivered to Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist), 907-586-7221.

SUPPLEMENTARY INFORMATION:

Background

The Fishery Management Plan for the Commercial Tanner Crab Fishery Off the Coast of Alaska (FMP) was developed by the North Pacific Fishery Management Council (Council) and approved and implemented by the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), under the Magnuson Fishery Conservation and Management Act, Pub. L. 94-265 as amended, 16 U.S.C. 1801-1887 (Magnuson Act). The FMP was published in the **Federal Register** on May 16, 1978 (43 FR 21170). Following initial implementation of the FMP in December 1978, eight amendments to the FMP have been implemented that had been developed by the Council.

This regulatory amendment falls within the scope of existing FMP management measures. NOAA Is proposing this regulatory amendment in response to recommendations from the Council, following study by the Council's Ad Hoc Pot Storage Committee and public testimony.

New Bristol Bay pot storage area

The current pot storage area in Bristol Bay is defined in 50 CFR 671.26(f)(3) as those waters bounded on the north by 58° N. latitude, on the south by 57° N. latitude, on the east by 164° W. longitude, and on the west by 166° W. longitude. This storage area has not been satisfactory, because some pots have been lost to foreign trawlers, and increases in fuel costs have made it more difficult for the U.S. crab fleet to use it.

The Council asked its crab pot storage committee to examine and develop solutions to the problems which have been encountered. In evaluating different pot storage alternatives the committee used the following five criteria set out in the proposed "Bering Sea/Aleutian Islands King Crab Fishery Management Plan":

1. The bilogical impacts of storing gear at sea;
2. The enforcement costs of determining whether fishing gear stored at sea is in a non-fishing condition;
3. The costs borne by the fleet to store gear;
4. Availability of on-land or at-sea storage areas; and
5. Possible gear conflicts.

The committee agreed that there are not adequate storage and dock loading and unloading facilities available on land and that present storage costs are too high. The committee also concluded that gear conflicts with foreign trawlers make the current pot storage area undesirable. The committee recommended an area located within the Bristol Bay pot sanctuary where foreign trawling is prohibited year-round. The sanctuary is described in the Council's fishery management plan for the Groundfish Fishery of the Bering Sea

and Aleutian Islands Area and is located in the Southeastern Subdistrict of the Bering Sea District. The proposed new storage area (figure 2) should eliminate conflicts with foreign trawlers and reduce the fleet's operating costs. Use of the new area would neither increase enforcement costs nor pose any identifiable biological harm to the crab resource. The Alaska Board of Fisheries and the Council have both endorsed this storage area and the elimination of the existing pot storage area in Bristol Bay.

New Pribilof Islands pot storage restriction

The proposed rule would forbid storage of Tanner crab pots around the Pribilof Islands within 25 fathoms from June 1 through August 31. This measure will prevent the preemption of productive halibut grounds by stored Tanner crab gear during these dates.

New South Peninsula pot storage restriction

The proposed rule would forbid storage of Tanner crab pots at sea in the South Peninsula District starting 72 hours after the closure of the Tanner crab season until the opening of the king crab season to avoid preemption of productive shrimp grounds.

Consolidation of pot storage regulations

The proposed rule would consolidate all regulations on pot storage of Tanner crab gear into a single paragraph. These provisions are currently scattered in separate paragraphs.

Classification

The Assistant Administrator has determined that this proposed rule is necessary and appropriate for conservation and management of fishery resources, and that it is consistent with the Magnuson Act and other applicable law. This rule is proposed under section 305 of the Magnuson Act. An environmental impact statement is not required under the National Environmental Policy Act because the Assistant Administrator has determined that this action will not have a significant impact on the quality of the human environment. An environmental assessment on this action was filed with the Environmental Protection Agency on March 14, 1983.

The Assistant Administrator also has determined that approval and implementation of this rule will be carried out in a manner that 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 regulation at 15 CFR Part 930, Subpart C. The State Division of Policy Development and Planning concurred with this determination on June 27, 1983.

The NOAA Administrator determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination was based on the analysis in the environmental assessment which is discussed below.

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analyis (RFA) is not required.

A summary of the socioeconomic analysis upon which the determinations of non-major and nonsignificant were based follows:

Bristol Bay pot storage area. Numbers of vessels in the crab fisheries were 177 in 1979, 236 in 1980 and 1981, and 90 in 1982. Depending on when fishing actually occurs, 90 fishermen (vessels) could spend 6,030 hours of travel time and $150,750 in fuel by storing pots in the old area, but would spend 4,590 hours of travel time and $114,750 in fuel by storing pots in the new area, a savings (benefit) of 1,440 hours of travel time and $36,000 in fuel.

In contrast with the old area, use of the new pot storage area could benefit U.S. crab fishermen in terms of travel time, fuel costs, and reduced gear loss or damage. Actual fishing practices would influence how much of a benefit is gained.

Pribilof Islands Subdistrict of the Bering Sea District. The costs and benefits of this measure are unquantified for the Pribilof Subdistrict of the Bering Sea District. Pribilof Island halibut fishermen would benefit from this restriction because they would be able to set longline fishing gear shoreward of 25 fathoms between June 1 and August 31 without fear of gear conflicts or ground preemption. The number of Tanner crab fishermen who would prefer to store pots in the affected area during this three-month period is unknown but is believed small. Their number may be reduced by the fact that Tanner crab fishing may continue in the area for most of this period. The closest alternative site for at-sea pot storage would be the new Bristol Bay pot storage area.

South Peninsula District. Approximately 55 local fishermen fish Tanner crab in the South Peninsula District but all store their pots on land because storage costs are relatively small, about $5 per pot per year. About 10 fishermen who fish Tanner crab in the Bering Sea, however, stored about 2,000 pots (200 pots per boat), in the South Peninsula District in 1981. The costs per fisherman to store pots on land in 1981 could have been about $1,000. All 10 fishermen could have spent $10,000 to store pots on land.

Alternatives to storing on land include at-sea storage in the Chignik and Kodiak Districts or the new Bristol Bay pot storage area. The Bristol Bay pot storage area is closest, about 130 miles away from the middle of the fishing grounds in the South Peninsula District. The round trip distance of 260 miles, however, could require of each fisherman an expenditure of 26 hours and about $650 for fuel. The costs of travel time and potential for loss of and damage to gear probably offset the benefit of the $350 savings that storing pots in the new pot storage area would have over on-land storage.

Finally, this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

List of Subjects in 50 CFR Part 671

Fish, Fishing, Reporting requirements.

Dated: November 28, 1983.

Carmen J. Blondin,

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

For the reasons set forth in the preamble, 50 CFR Part 671 is proposed to be amended as follows:

PART 671—TANNER CRAB OFF ALASKA

1. The authority citation for Part 671 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 671.26 paragraph (f)(3) is removed, paragraph (b)(3)(iii) is redesignated as paragraph (b)(3)(vi), and new paragraphs (b)(3) (iii) through (v) are added to read as follows:

§ 671.26 Season and gear restrictions.

* * * * *

(b) * * *

(3) * * *

(iii) Except as provided in paragraph (b)(3)(ii) of this section, in the Southeastern Subdistrict of the Bering Sea District of Registration Area J, Tanner crab pots may be stored only in

an area bounded by a line connecting the following points in the order listed (figure 2):

55°53′ N. latitude, 164°20′ W. longitude;
56°20′ N. latitude, 163° W. longitude;
56°20′ N. latitude, 162°10′ W. longitude;
56°03′ N. latitude, 162°10′ W. longitude;
55°18′ N. latitude, 164°20′ W. longitude; and
55°53′ N. latitude, 164°20′ W. longitude.

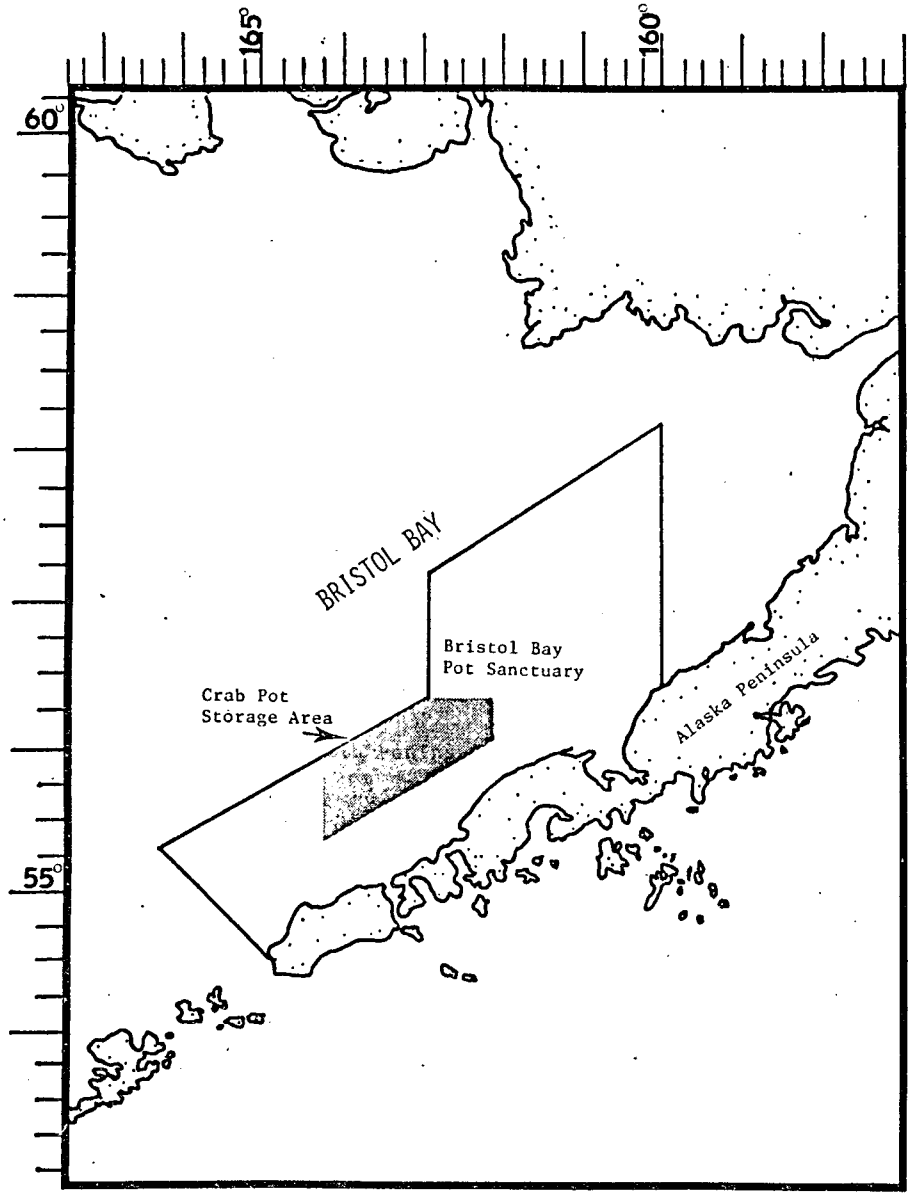

Figure 2. Crab pot storage area within the Bristol Bay Pot Sanctuary

(iv) In the Pribilof Subdistrict of the Bering Sea District of Registration Area J, Tanner crab pots may not be stored in the water from June 1 through August 31, except as provided for by paragraph (b)(3)(ii) of this section.

(v) In the South Peninsula District of Registration Area J, Tanner crab pots may not be stored in the water from 72 hours after the closure of the Tanner crab season for that District until the opening of the king crab season.

* * * * *

[FR Doc. 83-32184 Filed 12-1-83; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 48, No. 233
Friday, December 2, 1983

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

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Little Lost River Flood Control RC&D Measure, Idaho; Environmental Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FUR FURTHER INFORMATION CONTACT: Stanley N. Hobson, State Conservationist, Soil Conservation Service, Room 345, 304 North 8th Street, Boise, Idaho 83702, telephone (208) 554–1601.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Little Lost River Flood Control RC&D Measure, Butte County, Idaho.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Stanley N. Hobson, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

Little Lost River Flood Control RC&D Measure, Idaho

Notice of Intent To Prepare an Environmental Impact Statement

The project concerns a plan for winter flood prevention. Alternatives under consideration to reach this objective include a flood control structure, a diversion with infiltration trenches, a diversion with infiltration ponds and a diversion to Stevens Reservoir.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. Meetings will be held at Howe, Idaho on November 7, 1983 and January 27 of 1983, and in Idaho Falls, Idaho on June 15, 1983, to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or the scoping meetings may be obtained from Stanley N. Hobson, State Conservationist, at the address on the first page or telephone (208) 554–1601.

(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: November 23, 1983.

Stanley N. Hobson,

State Conservationist.

[FR Doc. 83–32243 Filed 12–1–83; 8:45 am]
BILLING CODE 3410–16–M

CIVIL AERONAUTICS BOARD

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended November 25, 1983

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.

Date filed	Docket No.	Description
Nov. 21, 1983	41835	Cook Inlet Aviation, Inc., c/o Robert W. Gruber, P.O. Box 175 Homer, Alaska 99603. Application of Cook Inlet Aviation, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests a certificate of public convenience and necessity for an indefinite term to perform scheduled interstate air transportation of persons, property and mail within the State of Alaska between the terminal point Homer, the intermediate points: Seldovia; Port Graham; English Bay; Halibut Cove; and Kasitsna Bay. Conforming Applications, Motions to Modify Scope and Answers may be filed by December 19, 1983.
Nov. 22, 1983	41840	Tower Air, Inc., c/o Stephen L. Gelband, Hewes, Morella, Gelband & Lamberton, 1010 Wisconsin Avenue, NW., Suite 640, Washington, D.C. 20007. Application of Tower Air, 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 to provide scheduled foreign air transportation of persons, property and mail over Route 401 to add Zurich, Geneva and Basel, Switzerland as additional intermediate points. Conforming Applications, Motions to Modify Scope and Answers may be filed by December 19, 1983.
Nov. 23, 1983	41843	Transamerica Airlines, Inc., c/o Jeffrey A. Manley, Burwell, Hansen, Manley & Peters, 1706 New Hampshire Avenue, NW., Washington, D.C. 20009. Application of Transamerica Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to provide scheduled service between Detroit, Michigan, and London (Gatwick), England. Answers may be filed by December 7, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–32270 Filed 12–1–83; 8:45 am]
BILLING CODE 6320–01–M

[Docket 41841]

Commuter Fitness Investigation; Ryan Aviation Corp.; Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated Washington, D.C., November 28, 1983.

Elias C. Rodriguez,

Chief Administrative Law Judge.

[FR Doc. 83-32271 Filed 12-1-83; 8:45 am]

BILLING CODE 6320-01-M

International Cargo Rate Flexibility Policy; Establishment

The Board, by Policy Statement PS-109, effective February 27, 1983, adopted a policy of not suspending international cargo rate changes within a specified zone, except in extraordinary circumstances. That policy, implemented by Regulation ER-1322, effective February 27, 1983 (14 CFR Part 221), eliminates the requirement of economic justification for international cargo rates which are within Board established zones of flexibility. As stated in ER-1322, the Board has taken action to allow air carriers to respond more quickly to changing costs and competitive conditions.

In establishing the SFRL for the two-month period starting December 1, 1983 we have projected nonfuel costs based on the year ended September 30, 1983 and have determined fuel prices on the basis of experienced monthly fuel cost levels and reported weekly fuel cost trends.

By Order 83-11-99 cargo rates may be increased by the following adjustment factors over the April 1, 1982, level:

Atlantic	1.0033
Western Hemisphere	1.0415
Pacific	.9305

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: John D. Coakley (202) 673-5196.

By the Civil Aeronautics Board: November 28, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-32268 Filed 12-1-83; 8:45 am]

BILLING CODE 6320-01-M

Standard Foreign Fare Level; Establishment

The International Air Transportation Competition Act (IATCA), Pub. L. 96-192, requires that the Board establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile. The SFFL thus computed becomes the benchmark for measuring the statutory nonsuspend zone similar to the zone of reasonableness established by the Airline Deregulation Act and set forth in sec. 1002(d) of the Federal Aviation Act of 1958, as amended. Order 80-2-69 established the first interim SFFL and subsequent Order 83-10-8 established the curently effective two-month SFFL applicable through November 30, 1983.

In establishing the SFFL for the two-month period starting December 1, 1983, we have projected nonfuel costs based on the year ended September 30, 1983 and have determined fuel prices on the basis of experienced monthly fuel cost levels as reported to the Board.

By Order 83-11-98 fares may be increased by the following adjustment factors over the October 1, 1979, level:

Atlantic	1.1777
Western Hemisphere	1.1976
Pacific	1.1312
Canada	1.2110

Copies of the Board's order are available from the C.A.B. Distribution Section, Room 100, 1925 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request.

For Further Information Contact: Robert I. Stein, (202) 673-5116.

By the Civil Aeronautics Board: November 28, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-32269 Filed 12-1-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Amendments to Draft Request for Proposals for the U.S. Civil Space Remote Sensing Satellite Systems To Delete Meteorological Satellites

AGENCY: Office of the Secretary, Commerce.

ACTION: The draft Request for Proposals (RFP) for the U.S. civil space remote sensing satellite systems is amended to delete requests for proposals involving the commercialization of U.S. meterological satellite systems.

SUMMARY: The Source Evaluation Board for Civil Space Remote Sensing (SEB/CSRS) released a draft Request for Proposals (RFP) for public comment on October 21, 1983. This draft RFP covered transfer to the private sector of the polar and geostationary meterological satellites and the land remote sensing satellite (Landsat). This is a notice that, in response to Congressional action, the SEB/CSRS is deleting consideration of the polar and geostationary meteorological satellites from the scope of the RFP. The resultant RFP will request proposals only for the transfer to the private sector of the Landsat system.

SUPPLEMENTARY INFORMATION: The SEB/CSRS was established by the Secretary of Commerce to evaluate the transfer of the operational civil weather and land remote sensing satellite systems to the private sector. Reference **Federal Register** Notice/Vol. 48, No. 157, page 36639/Friday, August 12, 1983. The SEB/CSRS is in the process of restructuring the RFP, which it released in draft form on October 21, 1983, to eliminate references to commercialization of the meteorological satellites.

The objective of the RFP with respect to the Landsat system, to receive proposals for assuming responsibility for U.S. remote sensing as a commercial enterprise, remains unchanged. The final RFP will reflect this more limited objective.

This modification to the RFP will not alter the basic structure of the overall request concerning the Landsat system. Therefore, the Department does not intend to issue another draft RFP for additional comments. The final RFP—addressing Landsat only—is still expected to be released during December 1983. Comments received by November 21, 1983, which concern the Landsat portion of the RFP, will be considered in preparing of the final RFP.

FOR FURTHER INFORMATION CONTACT: E. Larry Heacock, Source Evaluation Board, 11420 Rockville Pike, NBOC 1, Room 300, Rockville, Maryland 20852. Telephone: (301) 443-3925. (This is not a toll free number.)

Dated: November November 21, 1983.

Raymond G. Kammer, Jr.,

Chairman, Source Evaluation Board for Civil Space Remote Sensing.

[FR Doc. 83-32232 Filed 12-1-83; 8:45 am]

BILLING CODE 3510-12-M

Bureau of the Census

Annual Wholesale Trade; Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct in 1984 the Annual Wholesale Trade Survey. This survey will be conducted under Title 13, United States Code, Sections 182, 224, and 225 and will provide data for 1983 covering year-end inventories, purchases, and annual sales of firms engaged in wholesale trade. This survey is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing estimates of wholesale sales and inventories. Such a survey, if conducted, shall begin not earlier than December 31, 1983.

Information and recommendations received by the Bureau of the Census show that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of merchant wholesale firms operating in the United States, with probability of selection based on sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the data items covered in this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census, on or before December 16, 1983.

Dated: November 28, 1983.

C. L. Kincannon,

Deputy Director, Bureau of the Census.

[FR Doc. 83-32202 Filed 12-1-83; 8:45 am]

BILLING CODE 3510-07-M

Service Annual Survey; Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct in 1984 the Service Annual Survey. This survey will be conducted under Title 13, United States Code, Sections 182, 224, and 225, and will collect data on the 1983 operating receipts of selected service industries. With its introduction last year, this annual survey reestablished a continuing and timely source of service operating receipts. Such a survey if conducted, shall begin not earlier than December 31, 1983.

Information and recommendations received by the Bureau of the Census show that the data will hae significant application to the needs of the public, the service industries, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources on a continuing basis.

Reports will be required only from a selected sample of service firms operating in the United States, with probability of selection based on receipts size. The sample will provide, with measurable reliability, statistics on the subject specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the data items covered in this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census, on or before December 16, 1983.

Dated: November 28, 1983.

C. L. Kincannon,

Deputy Director, Bureau of the Census.

[FR Doc. 83-32204 Filed 12-1-83; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

[A-580-007]

Antidumping; Certain Circular Welded Carbon Steel Pipes and Tubes From the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of final determination.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for all of the respondents that the final determination be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Since the respondents in this case account for approximately 90 percent of the exports to the United States during the period of investigation, the Department has decided to postpone its final determination as to whether sales of certain circular welded carbon steel pipes and tubes from the Republic of Korea (Korea) have occurred at less than fair value until not later than March 12, 1984. The five companies under investigation and requesting extension of the final determination are: Union Steel Manufacturing Co., Ltd.; Pusan Steel Pipe Co., Ltd.; Hyundai Pipe Co., Ltd; Korea Steel Pipe Co., Ltd; and Dong Jin Steel Co., Ltd.

EFFECTIVE DATE: December 2, 1983.

FOR FURTHER INFORMATION CONTACT: Holly Kuga, Agreements compliance Division, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-3833.

SUPPLEMENTARY INFORMATION: On May 11, 1983, the Department of Commerce published notice in the **Federal Register** (48 FR 22179) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether certain circular welded carbon steel pipes and tubes from Korea were being, or were likely to be, sold at less than fair value. On October 28, 1983, the Department published an affirmative preliminary determination (48 FR 49900). The notice stated that if this investigation proceeded normally we would make our final determination by January 9, 1984. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination of sales at less than fair value if exporters who account for a significant proportion of the merchandise which is the subject of the investigation request in writing an extension after an affirmative preliminary determination. Counsel for the respondents requested such an extension on October 25, 1983. Accordingly, the Department will issue a final determination in this case not later than March 12, 1984.

The hearing originally scheduled for December 21, 1983, has been postponed. The hearing will now take place at 10:00 a.m. on January 18, 1984, in Room 6802. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3059B, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, within 10 days of the publication of this notice. 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. The prehearing briefs are due January 11, 1984. All written views should be filed in accordance with 19 CFR 353.46, within ten days of this hearing date to the

Deputy Assistant Secretary for Import Administration in at least 10 copies.

This notice is published pursuant to section 735(a)(2)(A) of the Act.

Dated: November 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-32237 Filed 12-1-83; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of issuance of export trade certificate of review.

SUMMARY: The Department of Commerce has issued an export trade certificate of review to Universal Trading Group, Ltd. (UTG). This notice summarizes the conduct for which certification has been granted.

ADDRESS: The Department requests public comments on this certificate. Interested parties should submit their written comments, original and five (5) copies, to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 5618, Washington, D.C. 20230.

Comments should refer to the certifications as "Export Trade Certificate of Review, application number 83-00005."

FOR FURTHER INFORMATION CONTACT: Charles S. Warner, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131, or Eleanor Roberts Lewis, Assistant General Counsel for Export Trading Companies, Office of General Counsel, 202/377-0937. These are not tollfree numbers.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. No. 97-290) authorizes the Secretary of Commerce to issue export trade certificates of review. The regulations implementing the Act are found at 48 FR 10595-604 (March 11, 1983) (to be codified at 15 CFR Part 325). A certificate of review protects its holder and the members identified in it from private treble damage actions and government criminal and civil suits under federal and state antitrust laws for the export conduct specified in the certificate and carried out during its effective period in compliance with its terms and conditions.

Standards for Certification

Proposed export trade, export trade activities, and methods of operation may be certified if the applicant establishes that such conduct 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 goods, wares, merchandise, or services of the class exported by the applicant;

3. Not constitute unfair methods of competition against competitors 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 comsumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

The Secretary will issue a certificate if he determines, and the Attorney General concurs, that the proposed conduct meets these four standards. For a further discussion and analysis of the conduct eligible for certification and of the four certification standards, see "Guidelines for the Issuance of Export Trade Certificates of Review," 48 FR 15937-40 (April 13, 1983).

Description of Certified Conduct

UTG—Application No. 83-00005

The Office of Export Trading Company Affairs received an application for an export trade certificate of review from UTG on June 13, 1983. The application was deemed submitted on June 15,1983. A summary of the application was published in the **Federal Register** on June 19, 1983 (48 FR 29934 (1983)). Based on analysis of the information contained in the application, the response to supplementary questions, and other information in their possession, the Department of Commerce has determined, and the Department of Justice concurs, that the following export trade, export trade activities, and methods of operation specified by UTG meet the four standards of the Act:

Export Trade

1. Health care goods and services, in the following categories:

a. The design and construction of hospitals, clinics, and other health care facilities,

b. The staffing, management and operation of health care facilities (including the training of health care facilities personnel to perform these functions),

c. The sale and/or leasing of health care products, equipment and supplies related to the design, construction, equipment and management of health care facilities,

d. The provision of data processing and general consultation services related to health care facilities, and

e. The provision of hospital and medical insurance plans in conjunction with health care facilities.

2. Foodstuffs of all types.

3. Passenger and commercial vehicle tires and tubes.

Export Markets

Worldwide, including the Mid-East, Africa, Far East, Latin America and Europe, but not including the United States (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).

Export Trade Activities and Methods of Operation

1. UTG may enter into any number of nonexclusive agreements with individual buyers in the Export Markets to act as a purchasing agent in Export Trade, or with individual U.S. suppliers to act as a sales representative or broker in Export Trade. UTG may enter into such agreements with U.S. suppliers regardless of whether the suppliers produce or sell similar or substitutable goods and services in Export Trade.

2. With respect to dental, medical, hospital or other health care products or services, UTG may enter into exclusive agreements with individual U.S. suppliers of the products or services whereby UTG would act as the exclusive sales representative or broker for the products or services in the Export Markets and/or the supplier would agree not to export through any other intermediary. UTG may enter into such agreements with U.S. suppliers regardless of whether the suppliers produce or sell similar or substitutable goods and services in Export Trade.

3. UTG may enter into exclusive agreements with individual U.S. suppliers of foodstuffs and tires in which UTG would act as the exclusive sales representative or broker for the products or services in the Export Markets and/or the supplier would agree not to export through any other export intermediary. The term of such agreements will not exceed three years and will be renewable by mutual consent of the supplier and UTG. UTG may enter into such agreements with

U.S. suppliers regardless of whether the suppliers produce or sell similar or substitutable goods and services in Export Trade.

4. UTG may enter into nonexclusive agreements appointing distributors or sales agents in the Export Markets.

5. UTG may enter into, refuse to enter into, and from time to time terminate, exclusive or nonexclusive agreements with individual distributors, sales agents, and/or customers in the Export Markets in which UTG would deal in the Export Market only through its representative and/or the representative would not represent UTG's competitors in the Export Market, unless authorized by UTG. With respect to these agreements UTG may do any or all of the following:

(a) Designate the price at which goods or services in Export Trade will be sold or resold in the Export Markets;

(b) Restrict the quantities of goods or services in Export Trade to be sold in the Export Markets;

(c) Limit the territories in the Export Market in which the distributors or sales agents may sell;

(d) Limit the customers to which a distributor or sales agent can sell, or allocate customers among UTG's distributors, sales agents, or UTG itself.

6. As UTG becomes aware of invitations to bid or sales opportunities in the Export Markets, UTG may contact individual U.S. suppliers of the various or similar products and services specified in the invitation to bid or the purchase specifications, invite the suppliers to provide independent quotations to UTG for the products or services, and enter into agreements with the individual suppliers whereby UTG will submit a response to the bid invitation or request for quotation.

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.5(c), which requires the Department of Commerce to publish a summary of a certificate in the **Federal Register.** Under Section 305(a) of the Act and 15 CFR 325.10(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

A copy of the certificate will be kept in the International Trade Administration's 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 certificate may be inspected and copied in accordance with regulations published in 15 CFR Part 4. Information about the inspection and copying of records at this 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.

Dated: November 28, 1983.

Irving P. Margulies,

Deputy General Counsel.

[FR Doc. 83–32248 Filed 12–1–83; 8:45 am]

BILLING CODE 3510–DR–M

President's Export Council; Cancellation of Meeting

On November 23, 1983 a notice dated November 21, 1983 was published in the **Federal Register** (48 FR 52955), announcing a meeting of the President's Export Council's Export Promotion Subcommittee on December 8, 1983 at 9:00 a.m. at the Herbert C. Hoover Building, Room 4830, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The purpose of this notice is to announce that this meeting has been cancelled and will be rescheduled at a later date.

Dated: November 28, 1983.

Henry P. Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 83–32239 Filed 12–1–83; 8:45 am]

BILLING CODE 3510–DR–M

President's Export Council; Change of Time for Open Session

On November 23, 1983 a notice dated November 21, 1983 was published in the **Federal Register** (48 FR 52955), announcing a full Council Meeting of the President's Export Council on December 8, 1983 at 11 a.m. in the Indian Treaty Room, at the Old Executive Office Building, Washington, D.C.

The purpose of this notice is to announce that the time for the open session of the meeting has been rescheduled for 10 a.m.–1 p.m. The executive session, to be held from 2:30–3:30 p.m., dealing with international finance issues, will be closed to the public due to the discussion of topics properly classified under Executive Order 12356.

For further information, contact Angela Knapp at (202) 377–1125.

Dated: November 28, 1983.

Henry P. Misisco,

Acting Director, Office of Planning and Coordination.

[FR Doc. 83–32240 Filed 12–1–83; 8:45 am]

BILLING CODE 3510–DR–M

[A–580–010]

Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Korea

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of final determination.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received a request from counsel for Union Mfg. Co., Ltd. (Union) of the Republic of Korea (Korea) that the final determination be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)). Since Union accounts for approximately 97 percent of the exports to the United States during the period of investigation, the Department has decided to postpone its final determintion as to whether sales of certain rectangular welded carbon steel pipes and tubes (RWPT) from Korea have occurred at less than fair value, until not later than March 14, 1984.

EFFECTIVE DATE: December 2, 1983.

FOR FURTHER INFORMATION CONTACT: Terry Link, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington,D.C. 20230, Telephone: (202) 377–0189.

SUPPLEMENTARY INFORMATION: On August 11, 1983, the Department of Commerce published notice in the **Federal Register** (48 FR 36502) that it was initiating, under section 732(b) of the Act (19 U.S.C. 1673a(b)), an antidumping investigation to determine whether RWPT from Korea were being, or were likely to be, sold at less than fair value. On October 31, 1983, the Department published an affirmative preliminary determination (48 FR 50132). The notice stated that if this investigation proceeded normally we would make our final determination by January 9, 1983. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination of sales at less than fair value if exporters

who account for a significant proportion of the merchandise which is subject to the investigation request an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than March 14, 1984.

The hearing originally scheduled for December 15, 1983, has been postponed. If requested by December 19, 1983, the Department will hold a hearing on January 19, 1984, at 10 a.m. in Room 6802. The prehearing briefs will be due on January 13, 1984. All written views should be filed in accordance with 19 CFR 353.46, within ten days of this hearing date to the Deputy Assistant Secretary for Import Administration in at least 10 copies.

This notice is published pursuant to section 735(a)(2)(A) of the Act.

Dated: November 28, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-32238 Filed 12-1-83; 8:45 am]

BILLING CODE 3510-DS-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Cancellation of Meeting

AGENCY: National Advisory Council on Women's Educational Programs, Ed.

ACTION: Notice of cancellation of meeting.

SUMMARY: This document is intended to notify the general public that the joint meeting of the National Advisory Council on Women's Educational Programs Executive Committee and the Committee on Standing Committees scheduled for December 7–8, 1983, at the Sheraton Meridan Hotel, 2820 N. Meridan, Indianapolis, Indiana is cancelled. The meeting will be rescheduled.

FOR FURTHER INFORMATION CONTACT: Sharon Petersen, Special Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 425 13th Street, NW., Suite 416, Washington, D.C. 20004, (202) 376–1038.

(Pub. L. 95–561)

Signed at Washington, D.C. on November 28, 1983.

Rosemary Thomson,

Executive Director.

[FR Doc. 83-32187 Filed 12-1-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Office of Civilian Radioactive Waste Management

Payment Charges for Federal Interim Storage, Calendar Year 1984

AGENCY: Department of Energy.

ACTION: Notice of Payment Charges for Federal Interim Storage of Spent Nuclear Fuel from Civilian Nuclear Power Plants in the United States for Calendar Year 1984.

SUMMARY: This notice sets forth charges to be levied against users of Federal Interim Storage (FIS) services for spent nuclear fuel as required by section 136(a)(2) of the Nuclear Waste Policy Act of 1982, Pub. L. 97–425, 42 U.S.C. sec. 10101 *et seq.* (Act). These payment charges have been developed to ensure full recovery of all costs incurred by the Department of Energy (Department) in providing these services.

EFFECTIVE DATE: The payment charge will be effective on January 1, 1984, and will remain effective for a period of 12 months from the effective date.

FOR FURTHER INFORMATION CONTACT: Robert H. Bauer, Associate Director, Storage and Systems Development, Office of Civilian Radioactive Waste Management (RW-30), Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6842.

SUPPLEMENTARY INFORMATION: The fees set forth below in Table 1 were developed by the Department to comply with the requirement of section 136 of the Act which requires each user to pay its pro rata share of costs in order to ensure complete recovery of costs incurred by the Department in supplying FIS services. The Department examined alternative methods for structuring charges for FIS services, as reported in *Payment Charges for Federal Interim Storage of Spent Nuclear Fuel From Civilian Nuclear Power Plants in the United States,* (DOE/S–0022) July 1983; and *Federal Interim Storage Fee Study for Civilian Spent Nuclear Fuel: A Technical and Economic Analysis,* (DOE/S–0023) July, 1983 (FIS Fee Study). Based on this examination, the Department concluded that the combined interests of the Department and the users would be best served, and costs would be most appropriately recovered, by a two-part payment consisting of an Initial Payment upon execution of a contract for FIS services followed by a Final Payment upon delivery of the spent fuel to the Department. In addition, each user will be invoiced by the Department for the actual costs of transportation of its spent fuel from the reactor site to the FIS facility.

The calculation of the payment charges is set forth in the FIS Fee Study. The fees shown in Table 1 have been increased from those reported in the FIS Fee Study by a factor of 4.8% to account for cost escalation from 1983 to 1984, in accordance with *Treasury and OMB Mid-Session Review of the 1984 Budget* (June 29, 1983).

TABLE I.—FEES FOR FIS SERVICES FURNISHED BY THE DEPARTMENT OF ENERGY, DOLLARS PER KGU (A) (B)

Capacity of FIS facility (MTU)	Initial payment	Final payment	Total fee
100	290	375	665
300	105	190	295
800	45	135	180
1,500	30	120	150
1,900	25	115	140

(a) The cost of transportation of spent fuel will be specific to each reactor site and destination, and will be separately billed to each user after delivery of the fuel.

(b) The weight of uranium is that contained in fresh fuel assemblies at the time of insertion into the reactor.

The initial capacity of the FIS facility shall be determined by the commitments to fuel storage services covered by the first contract or contracts entered into by the Department in accordance with the provisions of section 135(b) of the Act. The Initial Payment shall be made within 30 days after execution of the contract for FIS service; it is an advance payment covering the pro rata share of the preoperational costs including:

(1) The capital costs of the transfer facilities and storage area required to accommodate the initial storage service commitments, including design and construction costs;

(2) Development costs;

(3) Government administrative costs, including storage fund management; and

(4) Impact aid payments made in accordance with section 136(e) of the Act.

In addition, it will provide for pro rata repayment of interest on any funds borrowed from the Treasury Department to conduct preliminary work.

The Final Payment shall be billed to the user within 60 days after delivery of the spent fuel to the Department and shall be payable within 60 days thereafter. It will be calculated to cover the sum of the following:

(1) Any under- or over-estimation in the costs used to calculate the Initial Payment of the fee (including any savings due to rod consolidation);

(2) Module costs (i.e., storage casks, drywells, or silos) which will have been accurately determined by that time; and

(3) The total estimated cost of operation and decommissioning of the

FIS facilities (including Government administrative costs, storage fund management and impact aid).

In addition, the Department will bill each individual user for the actual costs the Department incurs in the transportation of that user's spent fuel to the FIS facilities including, but not limited to, cask lease, freight charges, handling and security. Billing and payment will be on the same schedule as for the Final Payment.

Any payments not made on a timely basis will be subject to a penalty charge of 6% above the quarterly Treasury rate.

In order to factor the time value of money into the revenue/expenditure schedules which defined the fees needed to ensure full cost recovery, the Department made several assumptions concerning the schedule of constructing and operating FIS facilities:

Assumption 1: Design and construction of FIS facilities would commence in 1984 and be completed so that storage operations could commence in mid 1987.

Assumption 2: The FIS facility would receive spent fuel during the three-year period between mid-1987 and mid-1990. It would ship spent fuel to a Monitored Retrievable Storage facility or waste repository during the three-year period commencing at the beginning of 1998 and terminating at the end of 2000. One-third of the storage capacity of the FIS facility would be received each year during the receiving period, and one-third would be shipped each year during the shipping period.

Assumption 3: Decontamination and decommissioning of FIS facilities would be conducted in the year 2001.

The Department has also assumed that canistered consolidated spent fuel rods would be acceptable for storage at the FIS facilities. However, consolidation would not be a criterion for acceptance, nor would the disassembly and consolidation of spent fuel be included in the capabilities of the FIS facilities. The Department will collect the same fee for storage of canistered consolidated spent fuel rods as for intact fuel assemblies until the cost effects of storing consolidated fuel can be accurately determined. At that time, any savings in operational costs which may result from receipt and handling of consolidated fuel rods will be factored into the annual recalculation of the fee, and a separate fee for receipt, handling, and storage of consolidated rods will be published. If these fees are lower than any previously collected for consolidated fuel, adjustments will be made in the manner described below. Any savings in transportation costs that result from shipping consolidated rods would be realized immediately.

The Department plans to expend no funds other than the minimal expenses for planning in connection with the FIS program, in accordance with the constraints imposed by the Act, until clear evidence of a need exists. At that time, the Department will commence the design of the FIS facilities on the basis of the contractual commitments that then exist for FIS services. These facilities will have the capacity for only that amount of spent fuel which is committed to storage under the then-existing contracts.

The quantity of spent fuel committed to storage under these first contract(s) will determine the fee in effect for FIS services until subsequent revision of the Fee Schedule. If the quantity of fuel covered by the first contracts is less than 100 MTU, the Initial Payment will be the product of the quantity of fuel to be stored and the fee shown in Table 1 for 100 MTU storage capacity. If the quantity of fuel covered by the first contracts exceeds 100 MTU, the Initial Payment will be recalculated by the Department for the exact quantity of spent fuel committed to storage under these first contracts. (Note that Table 1 shows the appropriate payment charges for discrete storage capacity levels, from 100 MTU to 1900 MTU. Payment charges for storage capacities falling between those shown in the table would be recalculated.) The Initial Payment defined by the first contracts will then be charged to all subsequent users of FIS services until the Fee Schedule is next revised.

To ensure that the payments are equitable among the users of FIS services, the Department will make annual adjustments in the fees (both the Initial and Final Payment) to reflect changes in the costs for providing FIS Services, as the amount of fuel under contract increases or as additional FIS facilities are activated. These adjustments will be made in the following manner:

The Department will determine the total costs incurred in connection with the preoperational activities (i.e., design, safety reviews, construction, and associated activities) and will determine the difference between the Initial Payments made by each user and the subsequently revised Initial Payments that take into account the increased quantities of spent fuel being committed to FIS. Upon completion of preoperational activities, the Department will determine the total costs incurred and will credit or debit the Final Payment of each user with the difference between the amounts paid as Initial Payments and its then pro rata share of the revised total preoperational costs (net of its pro rata share of interest earned on advance payments made) (DOE/S-0022).

In addition to the adjustment described above, the Department will make a final adjustment for each user after the decommissioning of the FIS facilities, or December 31, 2001, whichever is earlier. This adjustment will be based on a determination of the total costs incurred in design, construction, operation and decommissioning of the FIS system through December 31, 2001. The Department will make final adjustments to the extent that there is a difference betweent the total amounts paid by each user in Initial and Final Payments and the user's pro rata share of these total costs (net of its pro rata share of interest earned on advanced payments made).

Further information as to the Department's FIS services and charges is available in the cited reports, DOE/S-0022 and DOE/S-0023.

Issued in Washington, D.C. on November 29, 1983.

Robert L. Morgan,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 83-32283 Filed 12-1-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Estate of S. H. Killingsworth; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that is has adopted a Consent Order with the Estate of S. H. Killingsworth (Killingsworth) as a final order to the DOE.

EFFECTIVE DATE: December 2, 1983.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Dallas Office, Economic Regulatory Administration, Department of Energy, 1341 W. Mockingbird Lane, Room 200E, Dallas, Texas 75247, 214/767-7401.

SUPPLEMENTARY INFORMATION: On September 8, 1983, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Killingsworth on July 15, 1983,

which would not become effective sooner than 30 days after publication of that notice. 48 FR 40543. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Comments were received from four entities. None of the comments objected to the proposed Consent Order. They focused on the proposed distribution of funds into the "Injection Well Litigation Escrow Account" maintained under the supervision of the United States District Court in Wichita, Kansas. Two comments advocated that the Consent Order proceeds, after payment to identifiable injured customers, should be distributed on a pro rata basis to the various states to finance energy-related projects. Two other commentors asserted that the funds should be distributed directly to the states without attempting to identify injured customers.

Under the proposed Consent Order, the Killingsworth funds, $2,800,000, plus accrued interest, are to be deposited into the "Injection Well Litigation Escrow Account." DOE determined that that was the most appropriate disposition of the funds given the matters at issue. The ultimate distribution of these funds will depend upon the final decision made by the Court, which referred the task of determining what parties bore the cost of overcharges and in what amounts to DOE's Office of Hearings and Appeals (OHA). *In Re: The Department of Energy Stripper Well Exemption Litigation,* MDL 378 (D. Kan. Sept. 13, 1983), Slip Op. at 20. Any determination by the OHA is subject to the Court's approval. *ibid.*

Since the distribution of the funds will be subject to judicial determination and there were no objections to the Consent Order, the DOE believes that it is appropriate to adopt the proposed Consent Order as a final order of the DOE. Accordingly, after having considered all comments submitted, DOE has determined that the proposed Consent Order with Kilingsworth should be made final without modification.

Issued in Washington, D.C. on the 22nd day of November 1983.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 83-32256 Filed 12-1-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2245-001]

City of Vanceburg, Kentucky, Intent To Terminate License

December 2, 1983

Take notice that the Federal Energy Regulatory Commission intends to terminate the license for Project No. 2245 for failure to commence construction, under the provisions of the Federal Power Act, 16 U.S.C. 791a *et seq.*, the Commission's regulations, 18 CFR § 6.3 (1983); and Article 44 of the license for the project.

In 1976 a license was issued to the City of Vanceburg, Kentucky to construct, operate, and maintain the Cannelton Project No. 2245 to be located at the U.S. Army Corps of Engineers (Corps) Cannelton Locks and Dam on the Ohio River. The project would consist of a powerhouse with an installed capacity of 70,560 kW; a bridge connecting the powerhouse to an access road; an earthen dam between the Corps' Cannelton Dam and the powerhouse; and other appurtenant facilities.

Article 44 of the license requires that construction of the project not commence later than March 1, 1980. The Commission has stated that the work completed at the project does not constitute construction within the meaning of Article 44 and the Federal Power Act. Accordingly, the Commission gives notice of its intent to terminate the license for Project No. 2245.

Anyone desiring to be heard or to make any protest about this action should file a motion to intervene or a protest with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's Rule of Practice and Procedure, 18 CFR 385.211 or 385.214 (1983). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 385.211 for protests. To become a party, or to participate in any hearing that might be held, a person must file a motion to intervene in accordance with the Commission's Rules. Any comments, protest, or motion to intervene must be filed with the Secretary of the Commission on or before March 1, 1984. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32247 Filed 12-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6463-001]

Energenics Systems, Inc.; Surrender of Preliminary Permit

November 29, 1983.

Take notice that Permittee for the proposed Cagles Mill Hydro Project No. 6463, has requested that its preliminary permit be terminated. The permit was issued on November 16, 1982, and would have expired April 30, 1984. The project would have been located on the Mill Creek in Putnam County, Indiana.

The Permittee filed its request on November 3, 1983, and the surrender of the preliminary permit for Project No. 6463 is deemed accepted 30 days from the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32248 Filed 12-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7225-000]

Little Salmon River Estates, Inc.; Notice Suspending 120 Day Period for Action on Small Hydro-Exemption

November 29, 1983.

The Little Salmon River Estates, Inc. filed an application for exemption for the Fall Creek Hydroelectric Project No. 7225-000 located on Fall Creek, Adams County, Idaho. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.103 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to insure full consideration of all information and comments that have been received, the 120 day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32249 Filed 12-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4872-003]

Modesto Irrigation District; Surrender of Preliminary Permit

November 29, 1983.

Take notice that Modesto Irrigation District, Permittee for the Adams and Bush Creeks Project, FERC No. 4872, has requested that its preliminary permit be terminated. The preliminary permit for Project No. 4872 was issued on March 22, 1983, and would have expired on September 30, 1984. The project would have been located on Adams and Bush Creeks, in Butte County, California.

Modesto Irrigation District filed the request on October 3, 1983, and the surrender of the preliminary permit for Project No. 4872 is deemed accepted as of October 3, 1983, and effective as of 30 days after the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32250 Filed 12-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6846-001]

Rowell Power Co.; Surrender of Preliminary Permit

November 29, 1983.

Take notice that Rowell Power Company, Permittee for the proposed Rowell Power Hydro Project No. 6846, has requested that its preliminary permit be terminated. The permit was issued on May 12, 1983, and would have expired on April 30, 1986. The project would have been located on the Catawba River in Lancaster County, South Carolina.

The Permittee filed its request on October 24, 1983, and the surrender of the preliminary permit for Project No. 6846 is deemed accepted 30 days after issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-32251 Filed 12-1-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL 2472-8]

Availability of Environmental Impact Statements Filed November 7 Through November 10, 1983 Pursuant to 46 CFR Part 1506.9

Correction

In FR Doc. 83-31150, appearing on page 52508, in the issue of Friday, November 18, 1983, in the third column, in the entry "EIS No. 830593", in the third line "Apr. 2" should read "Jan. 2."; in the entry for "EIS No. 830601", in the third line "Jan. 19" should read "Dec. 19".

BILLING CODE 1505-01-M

[OPTS-51495; TSH-FRL 2481-1]

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 the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of eight PMNs and provides a summary of each.

DATES: CLOSE OF REVIEW PERIOD:

PMN 84-215, 84-216 and 84-217—Feb. 15, 1984.

PMN 84-218, 84-219 and 84-220—Feb. 19, 1984.

PMN 84-221 and 84-222—Feb. 20, 1984.

Written comments by:

PMN 84-215, 84-216 and 84-217 Jan. 16, 1983.

PMN 84-218, 84-219 and 84-2220—Jan. 20, 1984.

PMN 84-221, 84-222—Jan. 21, 1984

ADDRESS: Written comments, identified by the document control number "[OPTS-51495]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460, (202-382-3532).

FOR FURTHER INFORMATION CONTACT: Matrgaret Stasikowski, 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, D.C. 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 at the above address.

PMN 84-215

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (S) 2-Butenedioic (E)-, ditridecyl ester.

Use/Production. (S) Industrial reactive intermediate. Prod. range: Confidential.

Toxicity Data. No data sumitted.

Exposure. Manufacture: dermal, a total of 13 workers, up to 2.0 hrs/da, up to 46 da/yr.

Environmental Release/Disposal. 2.0×10^{-5}—7.4×10^{-3} kg/batch released to air, $1.2\times10-^{10}$—136 kg/batch to water, with 24 kg/batch to land. Disposal by publicly owned treatment works (POTW) and approved landfill.

PMN 84-216

Manufacturer. Confidential.

Chemical. (G) Phosphate ester.

Use/Production. (G) Additive for termosplastic. Prod. range: Confidential.

Toxicity Data. Acute oral: >5,000 mg/kg; Acute dermal: >2,000 mg/kg; Irritation: Skin—Minimal, Eye—Minimal; Ames Test: Non-mutagenic; Skin sensitization: Non-sensitizer; BOD_5—2 mg/L; hr 48 LC_{50} (Daphnia Magna)—1 mg/l.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-217

Manufacturer. Confidential.

Chemical. (G) Phosphonium catalyst.

Use/Production. (G) Catalyst—contained use. Prod. range: Confidential.

Toxicity Data. Acute oral: >2,000 mg/kg; Acute dermal: 2,000 mg/kg; Irritation: Skin—Not a primary irritant, Eye—Irritant; Inhalation: Irritant.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-218

Manufacturer. Confidential.

Chemical. (G) Modified polyester.

Use/Production. (G) Used in the formulation of a coating applied in an industrial setting. Prod. range: 500-10,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 21 workers, up to 6 hrs/da, up to 8 da/yr.

Environmental Release/Disposal. 2—5 kg/batch released to land. Disposal by incineration and landfill.

PMN 84-219

Manufacturer. Confidential.

Chemical. (G) Modified alkyd polymer.

Use/Production. (G) Polymer for use in coating formulations having a highly

dispersive use. Prod. range: 340,000 kg/yr.

Toxicity Data: No data submitted.

Exposure. Manufacture: dermal, a total of 29 workers, up to 15 hrs/da, up to 180 da/yr.

Environmental Release/Disposal. 25 kg/batch released to land. Disposal by incineration and landfill.

PMN 84-220

Importer. Confidential.

Chemical. (G) Benzenesulfonic acid, 4-[[4-substituted]-3-methyl-5-oxo-2-pyrazolin-1-yl]-, salt.

Use/Import. (G) Open, non-dispersive use. Prod. range: 4,500-5,000 kg/yr.

Toxicity Data. Acute oral: 10,000 mg/kg.

Exposure. Import: dermal, a total of 5 workers, up to 2 hrs/wk, 400 manhours/yr.

Environmental Release/Disposal. No data submitted.

PMN 84-221

Manufacturer. Confidential.

Chemical. (G) Ethoxylated alkyl quarternary amine.

Use/Production. (G) Thickening agent. Prod. range: Confidential.

Toxicity Data. Acute oral: 5,000 mg/kg; Irritation: Skin—Non-corrosive.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 84-222

Importer. Confidential.

Chemical. (G) Urethane bisoxazolidine.

Use/Import. (S) Industrial hardener in one-component sealant. Import range: 200,000-550,000 kg/yr.

Toxicity Data. Acute oral: 5.0 mg/kg; Irritation: Skin—Non-irritant, Eye—Mild.

Exposure. Clean-up: dermal, a total of 2 workers, up to 4 hrs/da, up to 2 da/yr.

Environmental Release/Disposal. No release.

Dated: November 25, 1983.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 83-32111 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59140; BH-FRL 2480-8]

(Napthoquinone-(1,2)-Diazide-(1)-Sulfonic (5)-Acid Ester); Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by: December 19, 1983.

ADDRESS: Written comments, identified by the document control number "[OPTS-59140]" and the specific TME number should be sent to: Document Control Officer (TS-793), Management Support Division, Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Margaret Stasikowski, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington D.C. 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107 at the above address.

TME 84-15

Close of Review Period. January 4, 1984.

Importer. Molecular Rearrangement, Inc.

Chemical. (G) (Napthoquinone-(1,2)-diazide-(1)-sulfonic (5)-acid ester).

Use/Import. (G) Photosensitizers in positive-working lithographic plates. Import range: 12 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing limited.

Environmental Release/Disposal. No data submitted.

Dated: November 25, 1983.

V. Paul Fuschini,

Acting Director, Information Management Division.

[FR Doc. 83-32110 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

Availability of Environmental Impact Statements Filed October 31 Through November 4, 1983 Pursuant to 40 CFR 1506.9

Correction

In FR Doc. 83-30466 appearing on page 51684 in the issue of Thursday, November 10, 1983, make the following corrections:

1. The third digit of each of the EIS numbers which reads "9" should read "0".

2. In correctly designated EIS No. 830586, in the first line, "CDE" should read "COE".

3. In correctly designated EIS No.830587, in the first line,"IRR" should read "IBR".

4. In correctly designated EIS No. 830590, in the third line, "440" should read "448".

5. In correctly designated EIS No. 830592, in the first line, "CDR" should read "CDB".

6. In correctly designated EIS No. 830566, in the first line, "PRD" should read "PRO".

7. In correctly designated EIS No. 830548, in the first line, "MV" should read "NV".

BILLING CODE 1505-01-M

[Docket No. 503, et al. AAA-FRL 2481-5]

Pesticide Products Containing Ethylene Dibromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of objections and request for hearing.

SUMMARY: Notice is hereby given, pursuant to section 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*) that objections and requests for a hearing were filed by registrants and users of pesticide products containing Ethylene Dibromide in connection with the Administrator's notice of intent to cancel registrations dated September 28, 1983, 48 FR 46234 (Oct. 11, 1983). These proceedings have been consolidated for hearing by order of the Chief Administrative Law Judge dated November 15, 1983.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency (Mail Code A-110), Room 3708, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460 (202-382-4865).

FOR FURTHER INFORMATION CONTACT: Richard Johnson 557-7400.

Dated: November 28, 1983.

Gerald Harwood,

Administrative Law Judge.

[FR Doc. 83-32220 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2481-8]

Availability of Environmental Impact Statements Filed November 21 Through November 25, 1983, Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities General Information, (202) 382-5075 or (202) 382-5076.

EIS No. 830613, Final, FHW, ID, Banks-Lowman Hwy/ID FH-24 Upgrading, Sweet Creek to Lowman, Bosie Co., Due: Jan. 2, 1984.

EIS No. 830614, Final, MMS, AK, 1984 Navarin Basin OCS Oil/Gas Sale, Leasing Bering Sea, Due: Jan. 2, 1984.

EIS No. 830615, Final, BLM, NM, New Mexico Coal Fired Steam Electric Generating Station, Right-of-Way, Due: Apr. 8, 1984.

EIS No. 830616, Draft, CDB, MI, Superior Technology Center Development, UDAG/CDBG, Washtenaw County, Due: Jan. 16, 1984.

EIS No. 830617, Final, COE, SEV, OR WA Columbia River Navigation Channel Improvement at the Mouth, Due: Jan. 2, 1984.

EIS No. 830618, Draft, BOP, MN, Rochester State Hospital Activation, Federal Medical Center, Due: Jan. 16, 1984.

EIS No. 830619, Final, BLM, SEV, WY MT Billings Resource Area, Resource Management Program, Due: Jan. 2, 1984.

EIS No. 830620, Final, BLM, MT, Headwaters Resource Area, Resource Management Program, Due: Jan. 2, 1984.

EIS No. 830621, Draft, EPA, OH, Cleveland SW Planning Area, WWT Facilities Improvements, Grant, Due: Jan. 16, 1984.

EIS No. 830622, Draft, SCS, NC, Swan Quarter Watershed Flood Protection, Hyde County, Due: Jan. 19, 1984.

EIS No. 830623, Final, BLM, WY, Riley Ridge Natural Gas Project, Right-of-Way Permit (DOI/USDA), Due: Jan. 2, 1984.

EIS No. 830624, Final, AFS, WY, Riley Ridge Natural Gas Project, Right-of-Way Permit (USDA/DOI), Due: Jan. 2, 1984.

Dated: November 29, 1983.

Allan Hirsch,

Director, Office of Federal Activities.

[FR Doc. 83-32264 Filed 12-1-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Central Service Corp.; Merger of Bank Holding Companies

Central Service Corporation, Enid, Oklahoma, parent of Central National Bank and Trust Company of Enid, Enid, Oklahoma, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge with Nichols Hills Bancorporation, Inc., Oklahoma City, Oklahoma, parent of Nichols Hills Bank, Nichols Hills, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank not later than December 27, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32190 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

General Bancshares Corporation of Illinois; Merger of Bank Holding Companies

General Bancshares Corporation of Illinois, Belleville, Illinois, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge with Mid-Central Bancshares, Inc., Charleston, Illinois. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to be received by the Reserve Bank not later than December 28, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32191 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

Grant Bancshares, Inc.; Proposed Acquisition of Service Insurance Agency, Inc.

Grant Bancshares, Inc., Grant, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire the assets of the Grant, Nebraska, office of Service Insurance Agency, Inc.

Applicant states that the proposed subsidiary would engage in general insurance agency activities in a town of under 5,000 population, in conformance with 12 CFR 225.4(a)(9)(ii). These activities would be performed from offices of Applicant's subsidiary in Grant, Nebraska and the geographic area to be served is Perkins County, Nebraska. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompained by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than December 28, 1983.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32192 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

Maryland National Corporation, et al., Proposed De Novo Nonbank Activities by Bank Holding Companies

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR § 225.4(b)(1)), for permission to engage *de nova* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Maryland National Corporation,* Baltimore, Maryland (mortgage banking and credit insurance activities; Maryland): To engage through its subsidiary, Maryland National Mortgage Corporation in the following activities: Conducting business generally such as would be conducted by a mortgage banker, mortgage broker and mortgage servicing firm; originating, buying, selling and otherwise dealing in mortgate loans as principal or agent; servicing mortgage loans for affiliated or non-affiliated entities; acting as adviser in mortgage loans transactions; and selling as agent credit life, credit disability and credit accident and health insurance in connection with extensions of credit by bank and non-bank subsidiaries of the holding company. These activities would be conducted from an office in Severna Park, Maryland serving the southern portion of Maryland including but not limited to the counties of Anne Arundel and Howard. Comments on this application must be received not later than December 16, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Atlanta Corporation,* Atlanta, Georgia (financing and insurance activities; Marshall County, Alabama): To engage, through an indirect subsidiary, First Family Financial Services, Inc., in consumer finance activities, including but not limited to the extension of direct loans to consumers both secured and unsecured, the discount of retail and installment notes or contracts; and acting as agent for the sale of life, accident and health, and physical damage insurance directly related to extensions of credit. These activities would be conducted from an office located in Marshall County, serving Marshall County, contiguous counties, and the State of Alabama. Comments on this application must be received not later than December 28, 1983.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas Texas 75222:

1. *Gulf Southwest Bancorp, Inc.,* Houston, Texas (data processing; Texas): To engage, through its subsidiary, Omni-Net, Inc., in providing processing and data transmission services, data bases or facilities (including data processing and data transmission hardware, software, documentation and operating personnel) for the internal operations of Gulf Southwest Bancorp, Inc. and its subsidiaries; providing to others data processing and transmission services, facilities, data bases or access to such services, facilities, or data bases by any technologically feasible means, where; data to be processed or furnished will consist solely of financial, banking or economic data, and the services will be provided pursuant to written agreements so describing and limiting the services; the facilities are designed, marketed and operated for the processing and transmission of financial, banking or economic data; and any hardware offered in connection with such service will be offered only in conjunction with software designed and marketed for the processing and transmission of financial, banking or economic data, and where the general hardware does not constitute more than 30 percent of the cost of any packaged offering. The geographic area to be served is the State of Texas. Comments on this application must be received not later than December 28, 1983.

2. *Western Bancshares of Truth or Consequences, Inc.,* Truth or Consequences, New Mexico (financing; New Mexico and Texas): To make or acquire for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortage, finance, credit card, or factoring company serving Mexico and Texas. Comments on this application must be received not later than December 23, 1983.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; Mississippi, Louisiana and Tennessee): To engage, through its two indirect subsidiaries, FinanceAmerica Corporation and FinanceAmerica Industrial Plan Inc., both Mississippi corporations, in the activities of making, acquiring and servicing for their own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will be offered by the Jackson and Picayune offices of both corporation in the states of Mississippi and Louisiana. Credit-related property insurance will be offered by the Tupelo office of both corporations in the State of Mississippi. However, neither corporation will offer credit-related property insurance in the State of Tennessee. The aforementioned credit-

related insurance activities are permissible under Section 4(c)(8) (A) and/or (D) of the Bank Holding Company Act of 1956, as amended by the Garn-St Germain Depository Institutions Act of 1982. Such activities will include, but not be limited to, making loans and other extensions of credit to consumer and businesses, making loans secured by real and personal property, purchasing installment sales finance contracts, and offering credit-related life, credit-related accident and health, and credit-related property insurance directly related to extensions of credit made or acquired by both corporations. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of both corporations. These activities will be conducted from three existing offices of both corporations located in Jackson, Mississippi, serving the entire States of Mississippi and Louisiana; Picayune, Mississippi, serving the entire States of Mississippi and Louisiana; and Tupelo, Mississippi, serving the entire States of Mississippi and Tennessee. Comments on this application must be received not later than December 27, 1983.

2. *BankAmerica Corporation,* San Francisco, California (financing, servicing, and insurance activities; Illinois): To engage, through its indirect subsidiary, FinanceAmerica Corporation, a Delaware corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and othe extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Such activities will include, but not be limited to, making loans and other extensions of credit to consumers and businesses, making loans and other extensions of credit secured by real and personal property, purchasing installment sales finance contracts, and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insurance Company, Inc., an affiliate of FinanceAmerica Corporation. These activities will be conducted from a *de novo* office located in Peoria, Illinois, serving the entire State of Illinois. Comments on this application must be received not later than December 28, 1983.

3. *Home Interstate Bancorp,* Signal Hill, California (lending; leasing of personal property; financing and financial advisory services, California): To engage through its subsidiary, Home Interstate Financial Services, Inc., in making or acquiring, for its own account or for the account of others, loans or other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made, for example, by a mortage, finance, credit card, or factoring company; acting as investment or financial advisor to the extent of furnishing general economic information and advice, general economic statistical forecasting services, and industry studies to business concerns seeking help with such matters; acting as investment or financial advisor to the extent of providing portfolio investment advice exclusively to Bancorp Venture Capital, Inc., a subsidiary corporation of Home Interstate Bancorp; and leasing personal property or acting as agent, broker, or advisor in leasing such property in accordance with Regulation Y. The foregoing services will be provided principally to emerging small business concerns. Leasing activities will include leases for capital equipment, for example, trade fixtures, production equipment, and rolling stock. The lease transactions arranged by Home Interstate Financial Services, Inc., will be with privately owned businesses in the retailing, wholesaling, and manufacturing industries. These activities will be performed in the State of California. Comments on this application must be received not later than December 19, 1983.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32196 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

Peoples Bank Corporation, et al.; Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St Louis, Missouri 63166:

1. *Peoples Bank Corporation,* Mountain Home, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank & Trust Company, Mountain Home, Arkansas. Comments on this application must be received not later than December 28, 1983.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Vermillion Bancshares, Inc.,* Vermillion, Minnesota; to become a bank holding company by acquiring 85.3 percent of the voting shares of Vermillion State Bank, Vermillion, Minnesota. Comments on this application must be received not later than December 28, 1983.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Geary Corporation,* Geary, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of Geary Bancshares, Inc., Gary, Oklahoma parent of First National Bank, Geary, Oklahoma. Comments on this application must be received not later than December 21, 1983.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *BancHills BanCorp, Inc.,* Austin, Texas; to become a bank holding company by acquiring 80.7 percent of the voting shares of Bank of the Hills, Austin, Texas. Comments on this application must be received not later than December 28, 1983.

E. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551

1. *Marble Falls National Bancshares, Inc.,* Marble Falls, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Marble Falls National Bank, Marble Falls, Texas. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application

must be received not later than December 28, 1983.

2. *New Nevada National Bancorporation, Inc.,* Reno, Nevada; to become a bank holding company by acquiring 100 percent of the voting shares of Nevada National Bancorporation, Inc., and its wholly-owned subsidiary, Nevada National Bank, both of Reno, Nevada. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of San Francisco. Comments on this application must be received not later than December 28, 1983.

3. *Security Shares, Inc.,* Mankato, Minnesota; to become a bank holding company by acquiring 81.04 percent of the voting shares of Security State Bank of Mankato, Mankato, Minnesota. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Minneapolis. Comments on this application must be received not later than December 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32193 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

[Docket No. R-0485]

Private Sector Adjustment Factor; Extension of Comment Period

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Extension of comment period.

SUMMARY: The Board of Governors of the Federal Reserve System has extended the period of receipt of public comments on the methodology for calculating the Private Sector Adjustment Factor ("PSAF") for 1984. The comment period is being extended through December 20, 1983.

DATE: Comments must be received by December 20, 1983.

ADDRESS: Comments, which should refer to Docket No. R-0485, may be mailed to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR § 261.6(a).

FOR FURTHER INFORMATION CONTACT: Earl Hamilton, Assistant Director (202/452-3264), Division of Federal Reserve Bank Operations; Gilbert T. Schwartz, Associate General Counsel (202/452-3625) or Robert G. Ballen, Attorney (202/452-3625), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: On October 13, 1983 (48 FR 48288, October 18, 1983), the Board of Governors requested public comment on the methodology used by the Federal Reserve to calculate the PSAF that is appropriate for the pricing of services provided by the Federal Reserve Banks.

Comment was requested on the proposal by November 30, 1983. Requests have been received for additional time in which to submit comments. In view of the issues involved in the proposal and in order to provide interested parties with additional time in which to present their views, the comment period has been extended through December 20, 1983.

By order of the Board of Governors, acting through its Secretary under delegated authority, November 28, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-32189 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

South Carolina National Corp. Proposed Acquisition of Union Finance Corporation—Emporia, Virginia Branch

South Carolina National Corporation, Columbia, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Union Finance Corporation—Emporia, Virginia Branch, Emporia, Virginia.

Applicant states that the proposed subsidiary would perform the activities of making or acquiring loans or other extensions of credit as would be made by a consumer finance company, servicing loans and other extensions of credit for the account of others, and acting as agent for life, accident and health insurance directly related to the extension of credit. These activities would be performed through Applicants' indirect subsidiary, Provident Finance Company of Virginia, Inc., from offices in Emporia, Virginia and the geographic areas to be served are Emporia, Virginia and surrounding areas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than December 28, 1983.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32194 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

Southwest Bancshares, Inc., et al.; Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *General Bancshares Corporation,* St. Louis, Missouri; to acquire indirect control of The Charleston National Bank, Charleston, Illinois, and Ashmore State Bank, Ashmore, Illinois. Comments on this application must be received not later than December 28, 1983.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Southwest Bancshares, Inc.,* Houston, Texas; to acquire 100 percent of the voting shares or assets of Bank of the Southwest National Association, Las Colinas, Irving, Texas. Comments on this application must be received not later than December 28, 1983.

2. *Victoria Bankshares, Inc.,* Victoria, Texas; to acquire 100 percent of the voting shares or assets of Mercantile National Bank of Kingsville, Kingsville, Texas. Comments on this application must be received not later than December 28, 1983.

Board of Governors of the Federal Reserve System, November 28, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-32195 Filed 12-1-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

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 published on November 25.

Public Health Service

National Institutes of Health

Subject: District of Columbia Perinatal Study—New
Respondents: Individuals
OMB Desk Officer: Fay S. Iudicello

Health Resources and Services Administration

Subject: Health Resources and Services Administration Competing Training Grant Application and Supplement (Graduate Traineeship in Health Administration) (0915-0060)—Revision
Respondents: Not for profit institutions
Subject: Health Resources and Services Administration Competing Training Grant Application and Supplement (Grant for Graduate Programs in Health Administration) (0915-0060)—Revision
Respondents: Not for profit institutions
OMB Desk Officer: Fay S. Iudicello

Centers for Disease Control

Subject: Report of Illness Following Vaccination (0920-0039)—Extension/No Change
Respondents: State or local governments
OMB Desk Officer: Fay S. Iudicello

Office of the Secretary

Subject: Cost Allocation Plans Submitted by State Public Assistance Agencies (0990-0073)—Extension/No Change
Respondents: States
OMB Desk Officer: Milo Sunderhauf

Social Security Administration

Subject: Placement and Progress Reports for Unaccompanied Minors (0960-0309)—Revision
Respondents: State or local governments, not for profit institutions
Subject: Program Reporting for Mutual Assistance Associations (MAAs) Incentive Grants—New
Respondents: State or local governments
OMB Desk Officer: Milo Sunderhauf

Health Care Financing Administration

Subject: Information Requirement Relating to Regulations BPP-504, Medicaid Program Contracts with Health Maintenance Organizations and Prepaid Health Plans—New
Respondents: State or local governments; businesses or other for-profit organizations
Subject: Information Collection Requirements in BERC-504 F, Medicaid Contracts with Health Maintenance Organizations and Prepaid Health Plans—New
Respondents: State or local governments; small businesses or other for-profit organizations
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 the appropriate OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503, Attn: (name of OMB Desk Officer).

Dated: November 28, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-32174 Filed 12-1-83; 8:45 am]

BILLING CODE 4150-04-M

Centers for Disease Control

Mine Health Research Advisory Committee, Respirator Subcommittee; Meeting

In accordance with Section 10(a)(2) of the Federal advisory Committee Act (Public Law 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) Committee meeting:

Name: Respirator Subcommittee of the Mine Health Research Advisory Committee.

Date: December 19, 1983.

Time: 8:30 a.m. to 4:30 p.m.

Place: Room 303-305A Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.

Type of Meeting: Open.

Contact Person: Glen Provost, Office of the Director, National Institute for Occupational Safety and Health, Centers for Disease Control, 1600 Clifton Road NE., Atlanta, Georgia 30333, Telephones: FTS: 236-3343, Commercial: 404/329-3343.

Purpose: To obtain comments and discuss the appropriateness of the use of end-of-service-life-indicators (ESLI) with respirators.

The Mine Health Research Advisory Committee (MHRAC) was established by the Federal Mine Safety and Health Act of 1977. At the October 27-28, 1983, MHRAC meeting, NIOSH requested that the Committee provide to the Director, NIOSH, recommendations concerning the appropriateness of the use of respiratory protective devices equipped with active or passive ISLI and the appropriateness of such equipment for use against gases and vapors with poor warning properties as well as those with adequate warning properties.

Viewpoints and suggestions from manufacturers and users of respirators, industry, organized labor, academia, other government agencies, and any other interested parties are invited. Interested parties wishing to participate in the meeting are requested to contact Mr. Glen Provost at the address above in order to be assured appropriate time for presentation. Four copies of the text of the presentation should be provided to the subcommittee chairperson, Mr. John B. Moran, Post Office Box 42, Boyds, Maryland 20841, prior to or at the subcommittee meeting.

The subcommittee will present its report on this subject to the MHRAC at

their next meeting currently scheduled for February 2–3, 1984. The final subcommittee report, as approved by the MHRAC, will be available subsequent to the February meeting.

Dated: November 25, 1983.

Gary R. Noble,

Acting Director, Centers for Disease Control.

[FR Doc.83–32244 Filed 12–1–83; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 83N–0297]

Interstate Shipment of Interferon for Investigational Use in Laboratory Research Animals or Tests in Vitro

Correction

In FR Doc. 83–31203 beginning on page 52644, in the issue of Monday, November 21, 1983, in the third column, in the second line from the bottom, "§ 312.9(a)(1)" should read "§ 312.9(a)(2)".

BILLING CODE 1505–01–M

[Docket No. 83N–0354]

Allergenic Products; Notice of Public Workshop

Correction

In FR Doc. 83–31319 beginning on page 52772 in the issue of Tuesday, November 22, 1983, make the following correction in the heading: In column three, line two, "[Docket No. 83N–0345]" should read "[Docket No. 83N–0354]".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

National Park Service

Santa Monica Mountains National Recreation Area; Meeting

Notice is hereby given that three public hearings for the Santa Monica Mountains National Recreation Area will be held. They are scheduled for the following dates, times, and locations:

Monday, December 5, 1983—7:30 p.m.

Vista Room A, Sportsman Lodge, 12825 Ventura Boulevard, Studio City, CA

Wednesday, December 7, 1983—7:30 p.m.

Thousand Oaks City Council Chambers, 401 W. Hillcrest Drive, Thousand Oaks, CA

Thurday, December 8, 1983—7:30 p.m.

Elkins Auditorium, Pepperdine University, 24255 Pacific Coast Highway, Malibu, CA

The topic for discussion will be the Draft Land Protection Plan.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreation Area, 22900 Venture Boulevard, Suite 140, Woodland Hills, California 91364.

A summary of public comment will be available by January 10, 1984.

Dated: November 4, 1983.

Daniel R. Kuehn,

Superintendent.

Dated: November 21, 1983.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 83–32234 Filed 12–1–83; 8:45 am]

BILLING CODE 4310–70–M

Santa Monica Mountains National Recreation Advisory Commission; Meeting

Notice is hereby given that the Santa Monica Mountains National Recreation Area Advisory Commission will hold a public meeting on Wednesday, December 14, 1983 at 7:30 p.m. in the auditorium of Daniel Webster Junior High School, 11330 West Graham Place, Los Angeles, California.

The topics for discussion will include:

Superintendent's Status Report of the Santa Monica Mountains National Recreation Area

Draft Land Protection Plan

Development Concept Plan for Rancho Sierra Vista

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact the Superintendent, Santa Monica Mountains National Recreational Area, 229900 Ventura Boulevard, Suite 140, Woodland Hills, California 91364.

A summary of public comment will be available by January 30, 1984.

Dated: November 14, 1983.

Dated: November 21, 1983.

John J. Reynolds,

Acting Superintendent

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 83–32233 Filed 12–1–83; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701–TA–204 through 207 (Preliminary) and 731–TA–153 and 154 (Preliminary)]

Certain Carbon Steel Products From Brazil

AGENCY: United States International Trade Commission.

ACTION: Termination of investigation No. 701–TA–204 (Preliminary) and addition of those pickled or cold-rolled carbon steel products provided for in item 607.8320 of the Tariff Schedules of the United States Annotated (TSUSA) to the list of products included in investigations Nos. 701–TA–206, 701–TA–207, 731–TA–153, and 731–TA–154 (Preliminary).

EFFECTIVE DATE: November 28, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence Rausch (telephone 202–523–0286) or Ms. Judith Zeck (telephone 202–523–0339), Office of Investigations, U.S. International Trade Commission, 701 E St. NW., Washington, D.C. 20436.

SUMMARY: Effective, November 10, 1983, the United States International Trade Commission instituted the following preliminary countervailing duty and antidumping investigations under sections 703(a) or 733(a) of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil of the specified flat-rolled carbon steel products upon which bounties or grants are alleged to be paid or which are alleged to be sold in the United States at less than fair value:

Carbon steel plate, provided for in TSUSA items 607.6615, 607.8320, 607.9400, 608.0710, or 608.1100 (investigation No. 701–TA–204 (Preliminary));

Carbon steel products in coils, provided for in TSUSA item 607.6610 (investigation No. 701–TA–205 (Preliminary));

Hot-rolled carbon steel sheet, provided for in TSUSA items 607.6710, 607.6720, 607.6730, 607.6740, or 607.8342 (investigations Nos. 701–TA–206 and 731–TA–153 (Preliminary)); and

Cold-rolled carbon steel sheet, provided for in TSUSA items 607.8350, 607.8355, or 607.8360 (investigations Nos. 701–TA–207 and 731–TA–154 (Preliminary)).

On November 21, 1983, the Commission received notification from the petitioner, the United States Steel Corp., that it was withdrawing its countervailing duty petitions concerning

imports from Brazil of carbon steel plate in cut lengths (as provided for in items 607.6615, 607.8320, 607.9400, 608.0710, or 608.1100 of the TSUSA), and was amending its petition concerning imports from Brazil of hot-rolled carbon steel sheet (invs. Nos. 701-TA-206 and 731-TA-153 (Preliminary)) and cold-rolled carbon steel sheet (invs. Nos. 701-TA-207 and 731-TA-154 (Preliminary)) to include those carbon steel products provided for in item 607.8320 of the TSUSA.

Accordingly, the Commission hereby terminates investigation No. 701-TA-204 (Preliminary) and, in conformity with Commerce Department practice as reflected in the product descriptions utilized by Commerce in its 1982 antidumping and countervailing duty investigations, amends the scope of investigations Nos. 701-TA-206, 701-TA-207, 731-TA-153, and 731-TA-154 (Preliminary) to include those carbon steel products provided for in item 607.8320 of the TSUSA.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: November 29, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-32241 Filed 12-1-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-52 (Sub-No. 23)]

The Atchison, Topeka and Santa Fe Railway Company; Abandonment in Cochran County, TX; Findings

The Commission has issued a certificate authorizing The Atchison, Topeka and Santa Fe Railway Company to abandon its 24.2-mile rail line between Whiteface, TX (milepost 39.2) and Bledsoe, TX (milepost 63.4) in Cochran County, TX. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offered must be filed with the Commission and the applicant no later than 10 days from publication of this Notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR Part 1152.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32217 Filed 12-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-No. 3)]

Intrastate Rail Rate Authority-Colorado; Extension of Time for Filing

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing.

SUMMARY: The Commission grants the Public Utilities Commission of Colorado an extension of time to issue and file: (1) Proposed rules, and (2) final standards and procedures (in the form of rules). However, if either of these submissions is not filed by the date required in the decision, provisional certification will be automatically withdrawn.

DATES: Colorado's proposed rules must be issued and filed with the Commisison on January 31, 1984. Colorado's final standards and procedures must be filed with the Commission by March 1, 1984. Comments will be due on March 31, 1984, and replies will be due on April 20, 1984.

ADDRESSES: Send an original and, if possible, 15 copies of all comments referring to Ex Parte No. 388 (Sub-No. 3) to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

Ralph H. Knull, Colorado Public Utilities Commission, 1525 Sherman St., Denver, CO 80203

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commisison's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: November 22, 1983.

By the Commisison, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Chairman Taylor dissented in part with a separate expression.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32218 Filed 12-1-83; 8:45 am]

BILLING CODE 7035-01-M

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 to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office:

Contico International, Inc. (Missouri Corporation), 1101 Warson Rd., St. Louis, MO 63132

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Pol-Tex International (Texas Corporation), 13830 Hatcherville Rd., Mont Belvieu, TX 77580

(b) Puro Corp. (Missouri Corporation), 54 Penrose, St. Louis, MO 63115, Highway Z, Box 2, Columbia, MO 65201

James H. Bayne,

Acting Secretary.

[FR Doc. 83-32216 Filed 12-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30300]

CSX Corp.; Control; American Commercial Lines, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 6 accepting application and setting procedural schedule.

SUMMARY: The Commission accepts for consideration the application for CSX Corporation to acquire control of American Commercial Lines, Inc. and its water carrier subsidiary, and sets a schedule for the proceeding.

DATES: Written comments must be served and filed with the Commission no later than January 3, 1984. Preliminary comments by intervening public parties must be filed by January 18, 1984. Responsive applications and opposition evidence must be filed no later than January 31, 1984. Additional scheduling information is included in the Commission's decision.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

ADDRESSES: An original and 20 copies of all pleadings, referring to Finance Docket No. 30300, should be sent to:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, D.C. 20423.

Applicants' Representatives:

Mark G. Aron, General Counsel—Special Projects, CSX Corporation, 1500 Federal Reserve Building, 701 E. Byrd Street, Richmond, VA 23219

Michael L. Harris, Vice President and General Counsel, American Commercial Lines, Inc., Box 610, Jeffersonville, IN 47130

G. Paul Moates, Sidney & Austin, 1722 Eye Street NW., Washington, D.C. 20006

Charles H. White Jr., Arnall, Golden & Gregory, 1000 Potomac Street NW., Suite 501, Washington, D.C. 20007.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, D.C. 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: November 29, 1983.

By the Commission, Chairman Taylor, Vice Chariman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 83–32310 Filed 12–1–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

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 collections, revisions, extensions, 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 OMB and Agency form numbers, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small businesses or organizations 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

Occupational Safety and Health Administration

Material Safety Data Sheet

1218–0001; OSHA 20

On occasion

Businesses or other for-profit; federal agencies or employees; small businesses or organizations

700 responses 3,200 hours; 1 form

This information is needed so that employees can be made aware of the hazards presented and the safeguards to be utilized with the materials they use in their work at shipyards. The suppliers of hazardous materials and shipyards are affected by this requirement.

Signed at Washington D.C. this 29th day of November 1983.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 83–32266 Filed 12–1–83; 8:45 am]

BILLING CODE 4510–26–M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; United States Fuel Co. et al.

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance issued, each of the group eligibility requirments of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–14,847; United States Fuel Co., Hiawatha, UT

TA–W–14,936; Isaacson Steel Co., Seattle, WA

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–14,763; Ingalls Marine, Incl., Decatur, AL

TA–W–14,968; Southern Appalachian Coal Co., Julian, WV

TA–W–14,753; Jones & Laughlin Steel, Inc., McKinley Operations, McKinley & Aurora, MN

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,771; Big Mountain Coals, Inc., Prenter, WV

Aggregate U.S. imports of steam coal are negligible.

TA-W-14,764; Scotts Branch Co., Scotts Branch Mine, Pikeville, KY

Aggregate U.S. imports of steam & metallurgical coal are negligible.

I hereby certify that the aforementioned detreminations were issued during the period November 21, 1983-November 25, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 29, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-32267 Filed 12-1-83; 8:45 am]

BILLING CODE 4510-30-M

Employment Transfer and Business Competition Determinations Under the Rural Development Act; National Restaurant Corp.; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1942(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and here is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street NW., Room 8000, Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C. this 29th day of 1983.

Joseph Seiler,

Director, Office of Program Operations.

Applications received during the week ending December 3, 1983.

Name of applicant and location of enterprise	Principal product or activity
National Restaurant Corporation, Brentwood, Gallatin, Dickson, Pulaski, and Fayetteville, Tennessee.	Food Service-Pizza Restaurants.
Washington Court House, Circleville, Bellefontaine, Delaware, Urbana, and Wilmington, Ohio.	
Decatur, Muscle Shoals, Athens, Florence, Scottsboro, Russellville, Guntersville, and Arab, Alabama.	
McLane Company, Inc., Temple, Texas.	Distribution of groceries and non-food items to convenience stores and supermarkets.

[FR Doc. 83-32265 Filed 12-1-83; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefit Programs

Alaska Laborers Employees Retirement Fund, et al.; Grant of Individual Exemptions

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) 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).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, 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 proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the

Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

The Alaska Laborers Employees Retirement Fund (the Plan) Located in Anchorage, Alaska

[Exemption Application No. D-2553; Prohibited Transaction Exemption 83-183]

Exemption

The sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to CKC and its partners, Roland J. Cherrier, Earl S. King and Wayne Cherrier (the Partners), by reason of the Plan's participation in a mortgage loan originated by the National Bank of Alaska to CKC for the period beginning June 9, 1976 through December 31, 1980.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on August 12, 1983 at 48 FR 36705.

Effective Date: This exemption is effective from June 9, 1976 through December 31, 1980.

Limited Scope of Exemption: Based upon the record submitted, the Department is granting an exemption from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, with respect to CKC and the Partners. Thus, CKC and the Partners are relieved of their excise tax liability arising as a result of this transaction. The Department is not granting exemptive relief for any other aspect of this transaction, or for any other parties to the extent such parties may have engaged in prohibited transactions. In this connection, the Department is not providing exemptive relief from the restrictions of Title I of the Act to any fiduciary who caused the Plan to enter into this transaction, nor is the Department herein providing any exemptive relief from Title I or Title II of the Act for any financial institution which may have sold a participation in the subject loan to the Plan.

Notice of Interested Persons: The applicants informed the Department that they were unable to notify interested persons within the time set forth in their application. By agreement with the Department, the applicants notified all interested persons that they would have 30 days from receipt of notice in which to comment on the proposed exemption. Accordingly, the comment period was extended until November 24, 1983. The Department has received no comments on the proposed exemption.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Pension Plan for Salaried Employees of the Dayton-Walther Corporation and Subsidiaries and the Pension Agreement Between the Dayton Division of the Dayton-Walther Corporation and Subsidiaries (Collectively, the Plans) Located in Dayton, Ohio

[Exemption Application Nos. D-3483 and D-3484; Prohibited Transaction Exemption 83-184]

Exemption

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, effective June 30, 1984, to the continued leasing by the Plans to the Dayton-Walther Corporation of two certain parcels of real property (the Properties) pursuant to certain proposed amendments to the current leases of the Properties, provided that the terms and conditions of such amendments and leases are at least as favorable to the Plans as those which would be obtainable by the Plans in similar transactions with unrelated parties.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46878.

For Further Information Contact: Ms. Katherine D. Lewis of the Department, telephone (202) 523-8972. (This is not a toll-free number.)

Bozell and Jacobs, Inc., Profit Sharing Retirement Plan (the Plan) Located in Omaha, Nebraska

[Exemption Application No. D-4021, Prohibited Transaction Exemption 83-185]

Exemption

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: (1) the purchase of a certain sublease from Bozell and Jacobs, Inc. (the Employer), the sponsor of the Plan, by the First Bozell Company, a partnership in which the Plan is a partner, provided that the price paid for such sublease is no greater than its fair market value; and (2) the guarantee by the Employer of all of the sublessee's monetary obligations under such sublease.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on Tuesday, June 21, 1983 at 48 FR 28367.

Comments and Hearing Requests: The applicant notified the Department that the notice of proposed exemption contained an error in the summary of facts and representations in that the address of the subject property was printed as 10250 Regency Circle, Omaha, Nebraska. The correct address of the subject property is 10250 Regency Circle, New York, New York. The Department notes the correction and has determined that the proposed exemption should be granted as corrected.

Effective Date: This exemption is effective June 23, 1983.

For Further Information Contact: Ronald Willett of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Lanson Industries, Inc. Profit Sharing Plan (the Plan) Located in Birmingham, Alabama

[Exemption Application No. D-4196, Prohibited Transaction Exemption 83-186]

Exemption

The restrictions of section 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 the June 9, 1979 extension of credit by the Plan to Lanson Industries, Inc. (the Employer), in connection with the Employer's acquisition of certain stock from the Plan, provided the terms and conditions of the transaction were at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

Effective Date: The effective date of this exemption is June 9, 1979.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46880.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

First Railroad & Banking Company of Georgia Retirement Plan (the Plan) Located in Augusta, Georgia

[Exemption Application No. D-4307; Prohibited Transaction Exemption 83-187]

Exemption

The restrictions of section 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 the cash sale by the Plan of 9,249 shares of stock of First Georgia Bancshares, Inc. to First Railroad & Banking Company of Georgia, for the higher of $8.50 per share or the "Asked" price quoted on the National Association of Securities Dealers Automated Quotations System on the date of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46889.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Pension Plan for Employees of Georgia Power Company (the Plan) Located in Atlanta, Georgia

[Exemption Application No. D-4435; Prohibited Transaction Exemption 83-188]

Exemption

The restrictions of section 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 the sale by the First National Bank of Atlanta Collective Timberland Trust of an easement to the Georgia Power Company, the employer maintaining the Plan, provided the price paid is no less than the fair market value of the easement on the date of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983, at 48 FR 46895.

For Further Information Contact: Mrs. Miriam Freund of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

The Rome Radiology Group, P.A. Money Purchase Pension Plan (the Plan) Located in Rome, Georgia

[Exemption Application No. D-4457; Prohibited Transaction Exemption 83-189]

Exemption

The restrictions of section 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: (1) A loan (the Loan) of $285,000 by the Plan to Rome Financial Group (the Partnership), provided the terms of the transaction are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated third party; and (2) the guarantee of repayment of the Loan by the partners of the Partnership who are shareholders of Rome Radiology Group, P.A.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46896.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Herbert E. Hatcher, D.D.S., P.A. Pension Plan and Trust (the Plan) Located in Cary, North Carolina

[Exemption Application No. D-4513; Prohibited Transaction Exemption 83-190]

Exemption

The restrictions of section 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 the sale by the Plan of certain real and personal property (the Property) for $114,346 in cash to Dr. Herbert E. Hatcher, provided the price paid for the Property is not less than its fair market value on the date of the sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46898.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Hy-Vee Employees' Trust Located in Chariton, Iowa

[Exemption Application No. D-4545; Prohibited Transaction Exemption 83-191]

Exemption

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: (1) the proposed purchase by the Plan of certain real property (the Property) from Hy-Vee Food Stores, Inc. (the Employer), the sponsor of the Plan, for cash in the amount of $1,100,000, provided that this amount is not greater than the fair market value of the Property at the time of sale; and (2) the subsequent leaseback (the Leaseback) of the Property to the Employer, provided that the terms and conditions of the Leaseback are at least as favorable to the Plan as those which the Plan could receive in a similar transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46899.

For Further Information Contact: Richard Small of the Department, telephone (202) 523-7222. (This is not a toll-free number.)

Gerald D. Capoot, M.D., P.C., Pension Plan (the Plan) Located in Denver, Colorado

[Exemption Application No. D-4614; Prohibited Transaction Exemption 83-192]

Exemption

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 sale of a certain parcel of unimproved real property (the Property) by the Plan to Dr. Gerald D. Capoot (Dr. Capoot), a disqualified person with respect to the Plan, provided that the price paid is not less than the greater of (1) the fair market value of the Property on the date of the sale; or (2) the Plan's total cash outlay with respect to the Property as of the date of the sale plus the outstanding balance of the mortgage on the Property.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46900.

For Further Information Contact: Ms. Linda M. Hamilton of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Farnsworth Realty and Development Company Profit Sharing Thrift Plan (the Plan) Located in Mesa, Arizona

[Exemption Application No. D-4668; Prohibited Transaction Exemption 83-193]

Exemption

The restrictions of section 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 the cash sale, for $526,200, of certain real property (the Real Property) by the Plan to Farnsworth Realty and Development Company, provided the price paid for the Real Property is not less than its fair market value at the time the sale is consummated.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on October 14, 1983 at 48 FR 46901.

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 participants 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) These exemptions are 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.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 29th day of November 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, Department of Labor.

[FR Doc. 83-32263 Filed 12-1-83; 8:45am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-94]

NASA Advisory Council; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Adminstration announces a forthcoming meeting of the NASA Advisory Council (NAC) Informal Earth System Sciences Committee.

Date and Time

December 19, 1983, 1:00 p.m. to 5:00 p.m.; December 20, 1983, 8:30 a.m. to 5:00 p.m.; and December 21, 1983, 8:30 a.m. to 12:00 noon.

ADDRESS: University Corporation for Atmospheric Research, Fleischman Building, 1850 Table Mesa Drive; Boulder, Colorado 80303.

FOR FURTHER INFORMATION CONTACT: Mr. Ray J. Arnold, Code EE, National Aeronautics and Space Adminstration, Washington, DC 20546, (202) 755-8282.

SUPPLEMENTARY INFORMATION: The NASA Advisory Council, Informal Earth System Sciences Committee has been formed to provide advice and counsel on the future role, responsibilities, and implementation strategies for the Earth Science and Applications program. This committee is chaired by Dr. Frances L. Bretherton and has a total of 14 members.

The meeting will be closed to the public from 1:00 p.m. to 5:00 p.m. on December 20, 1983, because of a discussion of the types of candidates that should be considered in augmenting the committee to counsel NASA on its appropriate role and implementation strategy in the earth sciences. Specific individuals and their characteristics will be discussed in establishing the criteria for membership on the committee, as well as a possible list of candidates. Because this session involves matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this session should be closed to the public.

For the open session, visitors will be admitted to the meeting room up to its capacity, which is approximately 35 persons, including Committee members and other participants. Visitors will be requested to sign a visitor's register.

TYPE OF MEETING: Open—except for the closed session as noted in the following agenda.

Agenda

December 19, 1983

1 p.m.—Introduction, Charter of Committee, Goals.

3 p.m.—Historical Perspective of U.S. Government Activities.

5 p.m.—Adjourn.

December 20, 1983

8:30 a.m.—Overview of Theoretical Models for Earth System Sciences.

1 p.m.—Membership Session. (closed)

5 p.m—Adjourn.

December 21, 1983

8:30 a.m.—Future work plans for the Committee.

12 noon—Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

November 25, 1983.

[FR Doc. 83-32186 Filed 12-1-83; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Import/Export Nuclear Facilities or Materials

Correction

In FR Doc. 83-29040 appearing on page 49397 in the issue of Tuesday, October 25, 1983, make the following correction. In the first column of the table, the last line of the fourth entry (Transnuclear, Inc.), the application number reading "XSNM83021" should read "ISNM83021".

BILLING CODE 1505-01-M

Applications for Licenses To Export and Import Nuclear Facilities or Materials

Correction

In FR Doc. 83-31509 appearing on page 52992 in the issue of Wednesday, November 23, 1983, make the following corrections.

In the table under the heading "Name of applicant, date of application, date received, application number", in the three applications of the "Braunkohle Transport USA", change "Dec." to read "Nov." each time it appears.

BILLING CODE 1505-01-M

[ASLBP Nos. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329-OL, 50-330 OL, 50-329-OM, 50-330 OM]

Consumer Power Co. (Midland Plant, Units 1 and 2); Order

(Further Evidentiary Hearings)

As previously announced, a further evidentiary hearing in the consolidated OM-OL proceeding will be held on December 3, 1983, commencing at 9 a.m., at Room P-118, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland. The hearing previously tentatively scheduled for Friday, December 2, 1983, has been cancelled.

It is ordered.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-32292 Filed 11-30-83; 11:01 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Privacy Act of 1974; Report of New Matching Program

AGENCY: Office of Personnel Management.

ACTION: Notice of new matching program.

SUMMARY: In accordance with the Office of Management and Budget's "Revised Supplemental Guidance for Conducting Matching Programs" (47 FR 21656, May 19, 1982), the Office of Personnel Management (OPM) is hereby issuing public notice of its intent to conduct a matching program with the Veterans Administration (VA).

EFFECTIVE DATE: December 2, 1983. Data exchanges, beginning after September 1, 1983, will take place on dates mutually agreed upon by the VA and OPM. The matches will be performed on a recurring basis until one of the parties advises the other, in writing, to reevaluate and/or modify the agreement.

ADDRESS: Interested individuals may comment on this proposal by writing to Jerome D. Julius, Assistant Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, 1900 E Street, NW., Washington, D.C. 20044, or comments may be delivered to Room 4351. All comments will be available for public inspection in Room 4336 at the above address.

FOR FURTHER INFORMATION CONTACT: R. Bruce Hughes. (202) 632-4684.

SUPPLEMENTARY INFORMATION: The matching program which will be undertaken between the VA and OPM will involve comparison between OPM's Civil Service Retirement and Insurance Records (OPM/CENTRAL-1) (48 FR 37116, August 16, 1983) and VA's Compensation and Pension (C & P) master file (47 FR 372, January 5, 1982). OPM pays annuities and survivor benefits to individuals who may also receive VA income dependent benefits. The VA and OPM will use the data generated by the matching operations to update the beneficiary data maintained in the agencies' master records and to adjust the benefit payments disbursed under the programs administered by the agencies.

Currently, the necessary information is obtained through voluntary reporting by the beneficiaries. It is, by nature, an inadequate means of keeping the records accurately updated. Timeliness is essential in maintaining an accurate system for ensuring appropriate offset of benefits, wherever necessary, thereby preventing overpayments to beneficiaries.

By obtaining the information through the proposed computer matching program between the VA and OPM on a recurring basis, the agencies will be able to maintain a timely and more accurate computation of benefits. In addition to the prevention of overpayments, the matching program will serve to lower administrative costs by virtually eliminating the necessity of recontacting beneficiaries to ascertain whether there have been changes in their benefit entitlements.

Additional information relating to the proposed matching program is set out below, including a description of the matches, the records involved, security arrangements for protection of the integrity of the records, and their ultimate disposition following completion of the matches.

Office of Personnel Management.

Donald J. Devine,

Director.

Matching of Records Between Veterans Administration and Office of Personnel Management

Authority: 5 U.S.C. 8347 and 38 U.S.C. 3006.

Description of the Matching Program

1. Purpose—The Office of Personnel Management (OPM) pays annuities and survivor benefits to individuals who may also receive benefits from the Veterans Administration (VA). The purpose of the proposed exchanges of data between the VA and OPM is to provide civil service retirement (CSR) benefit data to the VA's Dependency and Indemnity Compensation (DIC) benefits program. Additionally, the exchanges will provide VA benefit payment data to OPM which may be used in the offset determinations involving OPM's payment of Guaranteed Minimum Annuity. (Pub. L. 93-273, effective August 1, 1974.) A matching program will enable the participating agencies to obtain an accurate overview of their respective beneficiary records. Currently, information regarding an individual's entitlement to any other periodic payment from the Government is obtained on a voluntary basis from reporting by the beneficiary. The proposed matching program will enable the participating agencies to ensure accurate recording of payment data on their respective beneficiary records.

2. Procedure—Four separate data exchanges will occur between the participating agencies:

(a) Under the first exchange, OPM will furnish payment data to the VA on CSR beneficiaries who are receiving income dependent benefits as well as CSR annuity payments. On or about the date of a scheduled legislative increase in CSR annuity payments, the VA will prepare an extract file from the VA's Compensation and Pension (C&P) master file. An extract record will be prepared for each VA beneficiary who is receiving income dependent benefits (Pension or Parent DIC) and whose master record contains a valid Social Security number. An extract record also will be made for dependents of VA beneficiaries if the dependent's income is a factor in determining the beneficiary's payment status and the Social Security number of the dependent is a part of the record. The extract file will be sorted sequentially according to Social Security number and processed against OPM's Social Security number index file to obtain the CSR identification number. In turn, resulting

identification numbers will be processed against the CSR payment file.

If a payment record is matched, the gross amount, reduced by any apportionment, will be inserted into the VA extract record. Processing of the extract file against the CSR payment file will be completed after the records have been updated following each legislative increase. The VA will use the information to update the beneficiaries' master records and to adjust the VA benefits payments as prescribed by law. The matching operations will occur following the cost-of-living adjustment affecting CSR benefits, currently once yearly.

(b) Under the second exchange, the VA will furnish benefits data relating to OPM beneficiaries who are receiving payments under OPM's Guaranteed Minimum Annuity. OPM will prepare an extract file containing a record for each beneficiary who is receiving Guaranteed Minimum Annuity payments. The VA will process the extract file against their beneficiary file to obtain the VA identification number. Records identified as representing active VA Compensation and Pension cases will be entered in the OPM record. This operation will be completed annually.

(c) Under the third data exchange, OPM will receive VA death information and process it against its beneficiary files. VA will prepare an extract file containing the dates of death of former VA beneficiaries, sorted in Social Security number sequence. OPM will process the VA file against their Social Security index file to obtain the CSR identification number. Resulting identification numbers will be processed against the CSR file. The information obtained will be used to prevent payments to deceased CSR beneficiaries. This operation will be completed semiannually.

(d) Under the fourth data exchange, the VA will receive OPM information relating to deceased CSR beneficiaries (former annuitants and survivor annuitants). OPM will prepare an extract file containing the dates of death of annuitants and survivor annuitants, sorted in Social Security number sequence. The data will be processed against the VA's Compensation and Pension master file. This operation will be completed semiannually.

These data exchanges will help prevent erroneous payments of CSR annuity and VA benefits. The disclosures of data by each agency are made in accordance with the "routine use" concept of the Privacy Act of 1974, codified in section 552a(b)(3) of title 5, United States Code.

Personal records To Be Matched

The VA will match the MBR (system name: Master Beneficiary Record) (47 FR 372, January 5, 1982) which contains all data pertinent to the payment to recipients under the VA's Compensation and Pension master file to the OPM Annuity Master File (system name: OPM/CENTRAL-1) (48 FR 37116, August 16, 1983) which contains payment data on recipients of CSR benefits disbursed by OPM.

Dates

Data exchanges will begin during calendar year 1983 at a mutually agreeable time and will be an ongoing process until one of the parties to the agreement advises the other, by written request, that it proposes to re-evaluate and/or modify the agreement. The data exchanges described under paragraphs 2 (a) and (b) will occur annually, while the data exchanges described under paragraphs 2 (c) and (d) will occur approximately at six month intervals.

Privacy Safeguards and Security

The personal privacy of the individuals whose names are included in the tapes is protected by strict adherence to the provisions of the Privacy Act of 1974 (codified in 5 U.S.C. 552a) and the Office of Management and Budget's "Supplemental Guidance for Conducting Matching Programs" (47 FR 21656, May 19, 1982). Security safeguards include limiting access only to the extract files previously agreed to and only to agency personnel having a "need to know." The files will not be used to extract information concerning non-matched individuals for any purpose, nor will it be duplicated or disseminated within or outside the matching agency unless authorized in writing by the source agency. Generally, file areas are locked after normal duty hours and the offices and centers are protected from outside access by the Federal Protective Service or other security personnel.

Disposition of Source Records and Hits

The extract files will remain the property of the respective source agencies and all records, including those not containing matches, will be returned to the source agency for destruction. Records relating to matched individuals (frequently referred to as "hits") will be kept during such time as the administative investigation is active and will be disposed of in accordance with the requirements of the Privacy Act and the Federal Record schedule. Specific data obtained from hits will be entered in the claims file, subject to release only under the provisions of the Privacy Act.

[FR Doc. 83-32245 Filed 12-1-83; 8:45 am]

BILLING CODE 6325-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Hydropower Assessment Steering Committee; Meeting

AGENCY: Hydropower Assessment Steering Committee of the Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting held pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix I, 1-4.

SUMMARY: Activities included:

- Discussion of members' comments on alternative proposals for cumulative effects and protected areas.
- Update on cumulative effects and critical habitat protection studies.
- Discussion of existing state fish and wildlife criteria.
- Discussion of candidate parameters for national hydropower survy update on FERC projects.
- Other.
- Public comment.

Status: Open.

The Northwest Power Planning Council hereby announces a meeting of its Hydropower Assessment Steering Committee. A notice and agenda of the meeting were mailed to the Council's fish and wildlife and stering committee mailing lists on November 16, 1983. Minutes of the meeting will be available for public review.

DATE: November 30, 1983. 9:30 a.m.

ADDRESS: The meeting was held at the Council Hearing Room in Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Peter Paquet, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 83-32207 Filed 12-1-83; 8:45 am]

BILLING CODE 0000-00-M

DEPARTMENT OF STATE

[Public Notice 886]

Magnuson Fishery Conservation and Management Act; Applications for Permits to Fish in the United States Fishery Conservation Zone

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) requires all foreign vessels fishing

in the U.S. Exclusive Economic Zone to have a permit. Section 204 of the Magnuson Act requires the Secretary of State to publish a summary of applications received.

Individual vessel applications for fishing in 1984 have been received from the Governments of the Union of Soviet Socialist Republics, Spain, Japan, Korea, the German Democratic Republic, the Federal Republic of Germany, the Netherlands and Taiwan.

If additional information regarding any application is desired, it may be obtained from: Fees, Permits, and Regulations Division (F/M12), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (Telephone: (202) 634–7432).

Dated: November 30, 1983.

James A. Storer,

Director, Office of Fisheries Affairs.

Fishery codes and designation of Regional Councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks	New England; Mid-Atlantic; South Atlantic; Gulf of Mexico; Caribbean.
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet.	North Pacific.
CRB	Crab (Bering Sea)	North Pacific.
GOA	Gulf of Alaska	North Pacific.
NWA	Northwest Atlantic	New England; Mid-Atlantic.
SMT	Seamount Groundfish (Pacific Ocean).	Western Pacific.
SNA	Snails (Bering Sea)	North Pacific.
WOC	Washington, Oregon, California Trawl.	Pacific.
PBS	Pacific Billfish and Sharks	Western Pacific.

Activity codes specify categories of fishing operations applied for are as follows:

Activity code	Fishing operations
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

JOINT VENTURES

Nation/vessel name/vessel type	Application No.	Fishery	Activity
U.S.S.R.:			
Sulak, factory ship	UR–84–0238	BSA, GOA	2, 3
Mys Krylova, Stern Trawler	UR–84–0624	BSA, GOA	2, 3
Mys Lazareva, Stern Trawler	UR–84–0013	BSA, GOA	2, 3
Tigil, large stern trawler	UR–84–0162	BSA, GOA	2, 3
Korenga, large stern trawler	UR–84–0215	BSA, GOA	2, 3
Mys Grotovyi, stern trawler	UR–84–0092	BSA, GOA	2, 3
Novaya Era, stern trawler	UR–84–0065	BSA, GOA	2, 3
The U.S.S.R. and Marine Resources Co. (MRC), 192 Nickerson #307, Seattle, Washington 98109, Phone: (206) 285–6424, have applied to engage in a joint venture fishery aimed at producing 13,000 metric tons (mt) of Pollock, 11,500 mt Pacific Cod, 14,000 mt Atka Mackerel, 35,000 mt Sole/Flounder, 2,000 mt Pacific Ocean Perch, 2,000 mt Rockfish and 3,475 mt of other Groundfish, in the Bering Sea and Aleutian Islands. In the Gulf of Alaska the joint venture fishery is aimed at producing 5,000 mt of Pollock, 4,700 mt of Pacific Cod, 1,500 mt Atka Mackerel, 4,000 mt Flounders and 760 mt of other Groundfish. This will take place from January through to December, 1984.			
Amurskiy Bereg, cargo/transport vessel	UR–84–0750	GOA, BSA, WOC	3
Bereg Mechty, cargo/transport vessel	UR–84–0753	GOA, BSA, WOC	3
Kamchatskiy Bereg, cargo/transport vessel	UR–84–0755	GOA, BSA, WOC	3
Khrustalnyi Bereg, cargo/transport vessel	UR–84–0732	GOA, BSA, WOC	3
Chukotskyi Bereg, cargo/transport vessel	UR–84–0749	GOA, BSA, WOC	3
Altayskie Gory, cargo/transport vessel	UR–84–0259	GOA, BSA, WOC	3
Kamchatskie Gory, cargo/transport vessel	UR–84–0260	GOA, BSA, WOC	3
Sakhalinskie Gory, cargo/transport vessel	UR–84–0261	GOA, BSA, WOC	3
Sajanskie Gory, cargo/transport vessel	UR–84–0262	GOA, BSA, WOC	3
Ostrov Karaginskiy, cargo/transport vessel	UR–84–0255	GOA, BSA, WOC	3
Ostrov Lisyanskogo, cargo/transport vessel	UR–84–0254	GOA, BSA, WOC	3
Ostrov Shokalskogo, cargo/transport vessel	UR–84–0257	GOA, BSA, WOC	3
Ostrov Shmidta, cargo/transport vessel	UR–84–0256	GOA, BSA, WOC	3
Ostrov Ushakova, cargo/transport vessel	UR–84–0258	GOA, BSA, WOC	3
These vessels are cargo/transport vessels which will conduct operations during the year 1984 in support of processing vessels of the U.S.S.R., authorized to conduct fishery operations in support of U.S. vessels harvesting fish in the GOA, BSA and WOC Groundfish fishery.			
Samara, large stern trawler	UR–84–0047	GOA, BSA	2, 3
Kontaika, large stern trawler	UR–84–0076	GOA, BSA	2, 3
Mys Egorova, large stern trawler	UR–84–0097	GOA, BSA	2, 3
The U.S.S.R. and Marine Resources Co. (MRC), 192 Nickerson #307, Seattle, Washington 98109, Phone: (206) 285–6424, have applied to engage in a joint venture fishery aimed at producing 13,000 mt of Pollock, 11,500 mt Pacific Cod, 14,000 mt Atka Mackerel, 35,000 mt Sole/Flounders, 2,000 mt Pacific Ocean Perch, 2,000 mt Rockfish and 3,475 mt of other Groundfish in the Bering Sea and Aleutian Islands. In the Gulf of Alaska they will engage in producing 5,000 mt of Pollock, 4,700 mt Pacific Cod, 1,500 mt Atka Mackerel, 4,000 mt Flounders and 760 mt of other Groundfish. This will take place during the months of January through December 1984.			
Spain:			
Bahia de Los Bascos, stern trawler/processor	SP–84–0175	GOA, BSA	2
Bacalader Vasca, Alto de Arreche, Apt. 95, Irun, Spain and Alaska Salt Fish Corp., 880 "H" Street, Suite 200, Anchorage, Alaska 99501, Phone: (907) 276–2272, have applied to engage in a joint venture fishery aimed at producing 8,000 mt (round weight) of Cod and 4,000 mt (round weight) of Pollock, beginning in January or February, 1984, and will continue for the remainder of the year.			
Pescapuerta Tercero, stern trawler/freezer	SP–84–0020	NWA:	1, 2
Pescapuerta Segundo, stern trawler/freezer	SP–84–0112	NWA	1, 2
Tasarte, stern trawler/freezer	SP–84–0114	NWA	1, 2
Farpesca IV, stern trawler/freezer	SP–84–0093	NWA	1, 2
Spain and Stonavar Offshore Processing, Inc., P.O. Box 748, Narragansett, Rhode Island 02882, Phone: (401) 783–3310, have applied to engage in a joint venture fishery. The purpose of this fishery is to provide for the harvest of Loligo Squid during the months of January 1st through March 31st, 1984.			
Japan:			
Daishinmaru No. 28, stern trawler/factory ship	JA–84–0569	BSA, GOA	1, 2, 3
Japan and Whitney-Fidalgo Seafoods, Inc., 2360 West Commodore Way, P.O. Box 99008, Seattle, WA, 98199, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Cod and bycatch species from the end of January 1984 after reaching agreement between U.S. fishermen and Whitney-Fidalgo Seafoods, Inc.			
Tenyo Maru, large stern trawler	JA–84–0352	BSA, GOA	1, 2, 3
Tenyo Maru No. 3, large stern trawler	JA–84–0333	BSA, GOA	1, 2, 3
Tenyo Maru No. 5, large stern trawler	JA–84–0334	BSA, GOA	1, 2, 3
Zuiyo Maru No. 2, large stern trawler	JA–84–0351	BSA, GOA	1, 2, 3
Zuiyo Maru No. 3, large stern trawler	JA–84–0331	BSA, GOA	1, 2, 3

JOINT VENTURES—Continued

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Japan and Westward Trawlers, Inc., 1520 Norton Avenue, Everett, Washington 98201, have applied to engage in a joint venture fishery during the year 1984.			
Tsuda Maru, large stern trawler/factory ship	JA-84-0337	GOA	1, 2, 3
Japan and Mr. Clinton E. Atkinson, 800 Crest Drive NE, Seattle, WA. 98115, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Cod, Yellowfin Sole and Flounder approximately one month from early February, 1984.			
Akebono Maru No. 72, stern trawler/factory ship	JA-84-0338	BSA, GOA	1, 2, 3
Japan and Peter Pan Seafoods, Inc., 1000 Denny Building, 6th and Blanchard, Seattle, Washington. 98121, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Cod, and bycatch species during the period from January to April, 1984.			
Kongo Maru, stern trawler/factory ship	JA-84-0341	BSA, GOA	1, 2, 3
Haruna Maru, stern trawler/factory ship	JA-84-0350	BSA, GOA	1, 2, 3
Koyo Maru No. 3, stern trawler/factory ship	JA-84-0343	BSA, GOA	1, 2, 3
Rikuzen Maru, stern trawler/factory ship	JA-84-0340	BSA, GOA	1, 2, 3
Yamato Maru, stern trawler/factory ship	JA-84-0339	BSA, GOA	1, 2, 3
Japan and Universal Seafoods, Ltd., P.O. Box 94, 15110 N.E. 90th Street, Redmond, Washington 98052, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Cod, Ocean Perch, bycatch species, etc., during the period from January through May, 1984.			
Taiwan:			
Golden Dragon No. 1, large stern trawler	TW-84-0004	BSA, GOA	1, 2
Chief Dragon 101, medium stern trawler	TW-84-0001	GOA, BSA	1, 2
Chief Dragon 737, medium stern trawler	TW-84-0055	GOA, BSA	1, 2
Taiwan and Alaska Contact Ltd., 750 West Second Avenue, Suite 203, Anchorage, Alaska 99501, Phone: (907) 279-8313—(GOA) and St. George Tanaq Corp., 2604 Fairbank Street, Anchorage, Alaska 99503—(BSA), have applied to engage in a joint venture fishery from January through to December, 1984			
Korea:			
Yuyan Ho, large stern trawler	KS-84-0104	BSA	2, 3
Dongsan-Ho, large stern trawler	KS-84-0139	GOA	2, 3
Dongwan Industries Co Ltd., Seoul, Korea and Joint Venture Fisheries Ltd., Seattle, Washington, have applied to engage in a joint venture fishery aimed at producing 4,185 mt of Yellowfin Sole, Pacific Ocean Perch, Pacific Cod and Alaska Pollock, during the period from February 27th to October 25, 1984.			
Shin An Ho, large stern trawler	KS-84-0047	GOA, BSA	2, 3
Han Kil Ho, medium stern trawler	KS-84-0044	GOA, BSA	2, 3
Han Jin Ho, medium stern trawler	KS-84-0045	GOA, BSA	2, 3
Han Il Ho, medium stern trawler	KS-84-0107	GOA, BSA	2, 3
Dae Jin No. 52 large stern trawler	KS-84-0037	GOA, BSA	2, 3
Korea and Joint Venture Fisheries Ltd., Canal Place Office Park, 192 Nickerson, Suite 309, Seattle, Washington 98109, have applied to engage in a joint venture fishery aimed at producing 9,670 mt of Pollock, Pacific Cod, Atka Mackerel, Yellowfin Sole, Flounder, Ocean Perch, Squid and other species during the months of February 20 to September 30, 1984.			
No. 70 Oyang Ho, large stern trawler	KS-84-0084	BSA	2, 3
Oyang Ho, large stern trawler	KS-84-0006	BSA, GOA	2, 3
Korea and Joint Venture Fisheries, Ltd., Seattle, Washington, have applied to engage in a joint venture fishery aimed at producing Pollock, Yellowfin Sole and Pacific Cod during the months of February to August, 1984.			
No. 7 Sang Won, stern trawler	KS-84-0041	BSA, GOA	2, 3
Korea and R. Richard Schwindt, NOHPAC Seafood Corp., 4204 Meridian, Suite No. 108, Bellingham, Washington 98225, have applied to engage in a joint venture fishery aimed at producing 8,650 mt of Pollock, Pacific Cod, Ocean Perch, other Rockfish, Atka Mackerel and other species during the months of March, April, August, September and October, 1984.			
Nam Bug, stern trawler	KS-84-0033	GOA	2, 3
Korea and Joint Venture Fisheries Ltd., Seattle, Washington, have applied to engage in a joint venture fishery aimed at producing 3,000 mt of Pollock and other bottom fish during the month of March 1st to March 31, 1984.			
Gaeyang Ho, stern trawler	KS-84-0001	GOA	2, 3
Cheogyang No, stern trawler	KS-84-0003	GOA	2, 3
Pungyang Ho, stern trawler	KS-84-0004	GOA	2, 3
Kyungyang Ho, stern trawler	KS-84-0085	GOA	2, 3
Gae Cheog Ho, stern trawler	KS-84-0112	GOA	2, 3
Korea and Fish producers Associates, Inc., (F.P.A.), P.O. Box 273, Vancouver, Washington 98660, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Cod, Flounders and other Groundfish, during the period from March 1st to April 30, 1984.			
No. 29 Tae Baek, factory ship	KS-84-0091	GOA, BSA	2, 3
Book Neung, factory ship	KS-84-0079	GOA, BSA	2, 3
Tae Baek Ho, large stern trawler	KS-84-0042	GOA, BSA	2, 3
No. 215 Tae Baek, medium stern trawler	KS-84-0105	GOA, BSA	2, 3
No. 315 Tae Baek, medium stern trawler	KS-84-0117	GOA, BSA	2, 3
Korea and Alaska Joint Venture Fisheries, Homer, Alaska 99603, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Cod, Flounders, Atka Mackerel, Pacific Ocean Perch, and other Groundfish during the time period from February 15th to August 15th, 1984.			
Dae Sung Ho, large stern trawler	KS-84-0051	GOA, BSA	2, 3
No. 1 Hansing, large stern trawler	KS-84-0106	GOA, BSA	2, 3
Korea and Alaska Contact, Ltd., 750 West Second Ave., Suite #203, Anchorage, Alaska 99501, Phone: (907) 279-8313, have applied to engage in a joint venture fishery aimed at producing Pollock, Pacific Ocean Perch, Flounders/Flatfish, Atka Mackerel and other species during the period from March through July, 1984.			
German Democratic Republic:			
Junge Garde, mother ship	GC-84-0025	NWA	2
Hanno Gunther, stern trawler	GC-84-0049	NWA	1
Hertha Lindner, stern trawler	GC-84-0015	NWA	1
Carlo Schonhaar, stern trawler	GC-84-0037	NWA	1
Grete Walter, stern trawler	GC-84-0017	NWA	1
Heinz Priess, stern trawler	GC-84-0029	NWA	1
Eugen Schonhaar, stern trawler	GC-84-0019	NWA	1
Erich Steinfurth, stern trawler	GC-84-0038	NWA	1
Magnus Poser, stern trawler	GC-84-0050	NWA	1
Rudolph Leonhard, stern trawler/factory ship	GC-84-0048	NWA	1, 2
Stubnitz, factory ship	GC-84-0047	NWA	2
Granitz, factory ship	GC-84-0051	NWA	2
Breitling, transport ship	GC-84-0012	NWA	3
The German Democratic Republic and Joint Trawlers (North America) Ltd., P.O. Box 1209, Gloucester, Massachusetts 01930, have applied to engage in a joint venture fishery aimed at producing Atlantic Mackerel, 4,600 tons—1983-84, and 3,400 tons—1984-85 (U.S. Harvests) and 4,600 tons—1983-84 and 3,400 tons 1984-85 (GDR Harvests).			
The Netherlands:			
Alida, stern trawler	NL-84-0006	NWA	1, 2
Prinz Bernhard, stern trawler	NL-84-0007	NWA	1, 2

JOINT VENTURES—Continued

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Willem Van Der Zwan, stern trawler	NL-84-0008	NWA	1, 2
Ariadne, stern trawler	NL-84-0009	NWA	1, 2
Franziska, stern trawler	NL-84-0010	NWA	1, 2
Ondernemimg I, stern trawler	NL-84-0012	NWA	1, 2
Ondernemimg II, stern trawler	NL-84-0013	NWA	1, 2
Cornelis Vrolijk Fzn, stern trawler	NL-84-0014	NWA	1, 2
Frank Vrolijk, stern trawler	NL-84-0015	NWA	1, 2
The Netherlands and Scan Ocean, Inc., 42 Rogers Street, Gloucester, Massachusetts 01930, have applied to engage in a joint venture fishery aimed at producing 40,000 mt of Mackerel during the period January through December, 1984.			
Federal Republic of Germany:			
Mond, large stern trawler	GE-84-0015	BSA	1, 2
Friedrich Busse, large stern trawler	GE-84-0010	BSA	1, 2
The Federal Republic of Germany and Jeff Hendriks and Associates, Commercial Ocean Fisheries, P.O. Box 190, Anacortes, Washington 98221, have applied to engage in a joint venture fishery aimed at producing 500 mt of Pacific Cod, and 3,500 mt of Alaska Pollock during the approximate period of June/July, 1984.			

[FR Doc. 83-32360 Filed 12-1-83; 8:45 am]
BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on "Protection of Aircraft Fuel Systems Against Fuel Vapor Ignition Due to Lightning"; Availability and Request for Comments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular (AC) Availability and Request for Comments.

SUMMARY: This AC provides design guidance information on protection of aircraft fuel systems against fuel vapor ignition due to lightning as required by FAR 23.954 and 25.954.

DATE: Commenters must identify File AC 20-53A; Subject: Protection of Aircraft Fuel Systems Against Fuel Vapor Ignition Due to Lightning, and comments must be received on or before January 31, 1984.

ADDRESS: Send all comments on the draft AC to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Richard F. Yotter, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas city, Missouri 64106; Commercial Telephone (816) 374-6941, or FTS 758-6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft AC by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

Background

Airplanes flying in and around thunderstorms are often subjected to direct lightning strikes as well as to nearby lightning strikes which may produce corona and streamer formations on the airplane. Each airplane must be evaluated to assure that fuel vapors will not be ignited when exposed to a lightning strike. The attached AC provides acceptable criteria for assuring a safe installation with respect to lightning strikes.

Comments Invited

Interested parties are invited to submit comments on the draft AC. The draft AC and comments received may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4:00 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, November 18, 1983.

James O. Robinson,

Acting Director, Central Region.

[FR Doc. 83-32197 Filed 12-1-83; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplmnt. To Dept. Cir. Public Debt Series—No. 35-83]

Treasury Notes of Series AB-985; Interest Rates

Washington, November 23, 1983.

The Secretary announced on November 22, 1983, that the interest rate on the notes designated Series AB-1985, described in Department Circular—Public Debt Series—No. 35-83 dated November 21, 1983, will be 10½ percent. Interest on the notes will be payable at the rate of 10½ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-32185 Filed 12-1-83; 8:45 am]
BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 233
Friday, December 2, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 10 a.m., December 1, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Interest payments on subsidy and compensation claims. (Memo 2108, OGC, BDA, OC)
3. Docket 41217, Direct Flights Petition; Options. (OGC, BDA, OCCCA, BIA, OEA)
4. Dockets 41416 and 41347, Scheduled Airlines Traffic Office (SATO) Agreements Show-Cause Proceeding, Petition for Reconsideration of Order 83-4-32, and Agreements Among Members of the Air Traffic Conference of America amending the SATO Agreement CAB 19994 A-44, A-49 and A-50 (ATC Resolution 5.53). (Memo 2112, BDA, OGC)
5. Docket 40807, Notice of Wien Air Alaska to suspend service at Wainwright, Alaska. (Memo 1500-L, BDA, OCCCA)
6. Dockets EAS-385, 386, 387 and Docket 39843, Review of Essential Air Service Determinations for Hana, Kamuela and Lanai, Hawaii and Notice of Hawaiian Airlines to terminate service at Kamuela, Hawaii. (BDA, OCCCA, OGC)
7. Commuter carrier fitness determination of Clearwater Flying Service, Inc., d.b.a. Empire Airways. (BDA)
8. Docket 41149, Final subsidy payment under the Special Subsidy Payments Program, (Memo 1726-A, BDA, OC, OCCCA)
9. Docket 37294, *Priority and Nonpriority Domestic Service Mail Rates Investigation.* (BIA)
10. Docket 38623, Agreements CAB 29092 and 29094, IATA agreements concerning fare construction rules, currency, baggage, and other matters. (Memo 2106, BIA)
11. Docket 35634, Agreements CAB 29100 and 29115, IATA agreements proposing increased minimum cargo rates from Denmark/Sweden and new container rates in the U.S.-Brazil market. (Memo 2107, BIA)
12. Docket 35634, Agreement CAB 29109, IATA agreement introducing optional premium rates for guaranteed priority service into the current agreed U.S.-Australia cargo rate structure. (Memo 2109, BIA)
13. Dockets 41750 and 41770, *United States-Venezuela All-Cargo Proceeding;* Applications of The Flying Tiger Line and Arrow Air for all-cargo exemption authority (U.S.-Venezuela). (Memo 2111, BIA, OGC, BALJ)
14. Report on El Salvador Negotiations. (BIA)
15. Report on Canada Negotiations. (BIA)
16. Undocketed—Application of Air Canada for a statement of authorization to conduct a series of Fifth Freedom cargo charters between the United States and Scotland. (BIA, OGC)
17. Report on Trinidad and Tobago Negotiations. (BIA)
18. Report on Switzerland Negotiations. (BIA)
19. Report on Ireland Negotiations. (BIA)
20. Discussion of Brazil-Flying Tiger-IATCA Complaint. (BIA)
21. Discussion of Upcoming Japan Negotiations. (BIA)

STATUS: January 12 open and December 21 closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1677-83 Filed 11-29-83; 4:51 pm]
BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 227, Wednesday, November 23, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, December 6, 1983.

CHANGES IN THE MEETING:

Delete from the agenda the consideration of the proposed contract market designation for the Chicago Mercantile Exchange in S&P Energy Subindex
Change the starting time of the meeting to 9:30 a.m.
Add to the agenda a presentation by the Securities and Exchange Commission on the proposed contract market designation for the Chicago Mercantile Exchange in S&P Energy Subindex

[S-1680-83 Filed 11-30-83; 11:12 am]
BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2 p.m. on Monday, November 28, 1983, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of First Savings Company of Lexington, Inc., an operating noninsured industrial bank located at 1220 North Adams, Lexington, Nebraska, for Federal deposit insurance.
Memorandum and Resolution re: Proposed Change in Section 7.4 of the Net Worth Assistance Agreement under Section 13(i) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matters of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 28, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1675-83 Filed 11-29-83; 4:20 pm]
BILLING CODE 6714-01-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., December 7, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10475: Cooperative working arrangement between ABC International, Inc. and Davies Turner & Co., Inc.
2. Status of Controlled Carriers: Malaysian International Shipping Corporation.

Portions closed to the public:

1. Pooling agreements in the United States and Brazilian and Argentine Trades.
2. Docket No. 82-30: Contract Marine Carriers, Inc.—Consideration of the record.
3. Docket No. 82-54: Space Charter and Cargo and Revenue Pooling Agreements in the United States/Japan Trades—Further consideration of outstanding petitions.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1681-83 Filed 11-30-83; 1:07 pm]

BILLING CODE 6730-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

November 29, 1983.

TIME AND DATE: 10 a.m., Wednesday, December 7, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Peabody Coal Company, Docket No. KENT 80-318-R (Issues include whether the judge erred in concluding that an MSHA investigator did not need a search warrant in order to obtain from the operator certain accident and injury reports).

* * * * *

TIME AND DATE: Following oral argument.

STATUS: Closed (Pursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the above case. It was determined by a majority vote of Commissioners that this meeting be closed.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, Agenda Clerk (202) 653-5632.

[S-1679-83 Filed 11-30-83; 11:09 am]

BILLING CODE 6735-01-M

6

FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:30 a.m., Wednesday, December 7, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 29, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1676-83 Filed 11-29-83; 4:42 pm]

BILLING CODE 6210-01-M

7

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 9:30 a.m., Wednesday, December 7, 1983.

PLACE: Seventh Floor Board Room, 1776 G Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Review of Central Liquidity Facility Lending Rate.
3. Proposed Final Rule: Partial Deregulation of Section 701.37-1 of NCUA Rules and Regulations—Treasury Tax and Loan Accounts.
4. Regulatory Review of Section 701.19 of NCUA Rules and Regulations: Retirement Benefits for Employees of Federal Credit Unions.
5. Final Rule: Deletion of Part 706, Conversion from Federal to State and Part 707, State to Federal Credit Union.

Recess: 10:30 a.m.

* * * * *

TIME AND DATE: 10:45 a.m., Wednesday, December 7, 1983.

PLACE: Seventh Floor Board Room, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meeting.
2. Personnel Actions. Closed pursuant to exemptions (2) and (6).
3. Special Assistance to Prevent Liquidation Under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
4. Pursuit of claims acquired in Federal credit union merger. Closed pursuant to exemptions (8), (9)(B) and (10).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[S-1682-83; Filed 11-30-83; 1:31 pm]

BILLING CODE 7535-01-M

8

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Previously Held Emergency Meeting

TIME AND DATE: 1:15 p.m., Tuesday, November 29, 1983.

PLACE: Sixth Floor, 1776 G Street NW., Washington, D.C.

STATUS: Closed.

MATTERS CONSIDERED:

1. Merger.
2. Request from a Federally insured credit union for special assistance under Section 208(a)(1) of the Federal Credit Union Act.

The Board unanimously voted that the Agency business required that a meeting be held with less than the seven days advance notice.

The Board voted to close the meeting under exemptions (8) and (9)(A)(ii). The General Counsel certified that the meeting could be closed under those exemptions.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

Rosemary Brady,

Secretary of the Board.

[S-1683-83; Filed 11-30-83; 1:31 pm]

BILLING CODE 7535-01-M

9

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10:30 a.m., Wednesday, November 30, 1983.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue NW.

STATUS: Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Discussion on position of Regional Director for Region 18, Minneapolis, Minnesota.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, telephone: (202) 254-9430.

Dated: Washington, D.C., November 29, 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-1678-83 Filed 11-30-83; 10:15 am]

BILLING CODE 7545-01-M

federal register

Friday
December 2, 1983

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA83–5118	Sept. 16, 1983.
Connecticut: CT83–3021	June 3, 1983.
Iowa:	
IA83–4050	July 15, 1983.
IA83–4056	July 29, 1983.
Nevada:	
NV83–5103	Mar. 18, 1983.
NV83–5121	Sept. 23, 1983.
Oklahoma:	
OK83–4067	Sept. 16, 1983.
OK83–4068	Do.
Pennsylvania:	
PA82–3007	Feb. 26, 1982.
PA82–3008	Do.
PA83–3009	May 10, 1983.
Texas: TX83–4042	June 3, 1983.

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.

Ohio:	
OH83–2041 (OH83–5123)	May 13, 1983.
OH83–2040 (OH83–5124)	Do.

Signed at Washington, D.C., this 25th day of November 1983.

James L. Valin,

Assistant Administrator.

BILLING CODE 4510–27–M

DECISION NO. CA83-5118 - Mod. #3
(48 FR 41695 - September 16, 1983)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 1:		
Electricians	$23.15	$3.78+ 3%
Cable Splicers	23.60	3.78+ 3%
Area 5:		
Electricians	22.79	4.13+ 3%
Cable Splicers	23.29	4.13+ 3%
Area 8:		
Electricians	23.70	3.18+ 3%
Cable Splicers	25.20	3.18+ 3%
Area 10:		
Electricians	27.45	3.18+ 3%
Cable Splicers	28.95	3.18+ 3%
Line Construction:		
Area 9:		
Groundman	21.53	3.15+ 4%
Lineman; Equipment Operators	27.45	3.15+ 4%
Cable Splicers	28.95	3.15+ 4%
Area 11:		
Groundman	17.78	3.15+ 4%
Lineman; Equipment Operators	23.70	3.15+ 4%
Cable Splicers	25.20	3.15+ 4%
Painters:		
Area 3:		
Brush	14.90	4.12
Brush or Roller (Swing Stage); Paperhangers; Tapers (Sheet Rock)	15.40	4.12
Spray; Sandblaster	15.90	4.12
Steeplejack	16.90	4.12
Plasterers' Tenders:		
Area 4:		
All work except residential	$14.14	$7.66
Residential Work	12.14	7.66
Power Equipment Operators:		
Dredging - entirely; and Power Equipment Operators - Groups 1 through 9 - Change FRINGE BENEFITS ONLY		7.05
Truck Drivers:		
Group 1	17.03	4.95
Group 2	17.11	4.95
Group 3	17.17	4.95
Group 4	17.26	4.95
Group 5	17.29	4.95
Group 6	17.31	4.95
Group 7	17.35	4.95
Group 8	17.36	4.95
Group 9	17.41	4.95
Group 10	17.44	4.95
Group 11	17.49	4.95
Group 12-A	17.51	4.95
Group 12-B	17.54	4.95
Group 13	17.56	4.95
Group 14	17.81	4.95
Group 15	18.06	4.95
Group 16	18.16	4.95
Group 17	18.26	4.95
Group 18	18.56	4.95
Group 19	19.06	4.95
Change Group 12 classification to read Group 12-A		
Add:		
Truck Drivers - classifications - Group 12-B: Driver of Oil Spreader Truck		
Omit:		
Road Oil Spreader Truck from Group 5 Truck Drivers Classifications		

DECISION NO. CT83-3021 - MOD. #9
(48 FR 25090 - June 3, 1983)
STATEWIDE

CHANGE:

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
Area 3	17.63	4.13
BRICKLAYERS; CEMENT MASONS; CEMENT FINISHERS; MARBLE MASONS; PLASTERERS; STONE MASONS; TERRAZZO WORKERS; TILE SETTERS:		
Area 2	16.50	2.68
Area 3	16.38	2.55
CARPENTERS; MILLWRIGHTS; PILEDRIVERMEN; RESILIENT FLOOR LAYERS:		
BUILDING CONSTRUCTION:		
Area 4	15.05	2.40
Area 6:		
Carpenters	15.70	1.68
Millwrights	16.20	1.68
PAINTERS:		
Area 7:		
Brush, tapers Paperhangers, riggers, swing stage, boatswain chair	16.10	2.73
Riding steel, steam cleaning, sandblasting, tanks, towers and similar hazardous work	16.60	2.73
Spray	16.68	2.73
PLUMBERS:	19.10	2.73
Area 6:		
Jobs where total mechanical work exceeds $200,000	17.00	3.83
Jobs where total mechanical work is $200,000 or less	12.75	3.83
ROOFERS:		
Area 2:		
Composition	14.15	2.875
Slate, Tile	14.65	2.875

DECISION NO. IA83-4050 - MOD. #3
(48 FR 32455 - 7/15/83)
Woodbury Co., Iowa

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Painters - Group 1	$10.00	2.30
Group 2	10.50	2.30

DECISION NO. IA83-4056 - MOD. #6
(48 FR 34611 - 7/29/83)
Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Cement masons -Zone 5	12.68	
Ironworkers-Zones 2 & 8	13.67	2.61

MODIFICATIONS P. 3

DECISION NO. NV83- 5103 - Mod. #7
(48 FR 11629 - March 18, 1983)
Statewide (Does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Area 1:		
Electricians; Technicians	$22.88	$5.29+3%
Cable Splicers	23.21	5.29+3%

DECISION NO. NV83-5121 - Mod. #3
(48 FR 43532 - September 23, 1983)
Clark County (Does not include the Nevada Test Site), Nevada

	Basic Hourly Rates	Fringe Benefits
Change:		
Electricians:		
Electricians; Technicians	$22.88	$5.29+3%
Cable Splicers	23.21	5.29+3%

DECISION NO. TX83-4042 - MOD. #7
(48 FR 25106 - 6/3/83)
Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas

		Basic Hourly Rates	Fringe Benefits
CHANGE:			
Painters:			
Zone 2 -	Group 1	$16.47	1.37
	Group 2	16.72	1.37
	Group 3	17.72	1.37
	Group 4	16.845	1.37

MODIFICATIONS P. 4

DECISION #OK83-4067-MOD#3
(48 FR 41710-September 16, 1983)
Adair, Atoka, Bryan, Coal, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, LeFlore, Latimer, McIntosh, Mayes, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Pushmataha, Rogers, Tulsa, Sequoyah, Wagoner & Washington Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits
CHANGE		
Carpenters: Area 4		
Carpenters	$14.08	$1.72
Piledrivermen	14.38	1.72
Carpenters: Area 6		
Carpenters	12.19	1.57
Millwrights; piledrivermen	12.69	1.57
Electricians: Area 1		
Zone 1:		
Electricians	14.55	3¾+.80
Cable Splicers	14.95	3¾+.80
Zone 2:		
Electricians	14.95	3¾+.80
Cable Splicers	15.35	3¾+.80
Ironworkers: Area 1	16.19	2.92
Carpenters: Area 2		
Carpenters	12.88	.85
Millwrights; Piledrivermen	14.33	.85
Carpenters: Area 8		
Carpenters	12.27	1.50
Millwrights, Piledrivermen	12.52	1.50

DECISION #OK83-4068-MOD#3
(48 FR 41714-September 16, 1983)
Alfalfa, Beckham, Blaine, Caddo, Canadian, Carter, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, McClain, Major, Marshall, Murray, Noble, Oklahoma, Payne, Pontotoc, Roger Mills, Pottawatomie, Seminole, Stephens, Tillman, Washita, Woods & Woodward Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters: Area 3		
Carpenters	$10.95	$1.74
Millwrights; Piledrivermen	14.25	1.74
Ironworkers: Area 3	14.30	3.00
Area 4	16.19	2.92
Carpenters: Area 4	12.20	1.50
Carpenters: Area 11		
Carpenters	12.88	.85
Millwrights; Piledrivermen	14.33	.85

DECISION NO. PA82-3007
MOD. NO. 18
(47 FR 8529 - February 26, 1982)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers		
Zone 1	$17.91	2.93
LABORERS:		
All Other Work		
Class I	12.80	3.05
Class II	12.90	3.05
Class III	12.95	3.05
Class IV	13.10	3.05
Class V	13.20	3.05
Class VI	12.74	3.05
Cement Masons		
All Other Cork	13.00	6.04
POWER EQUIPMENT OPERATORS		
Group 1	16.56	25.6% + a
Group 2	16.30	"
Group 3	15.02	"
Group 4	14.71	"
Group 5	13.74	"
Group 6	13.23	"

DECISION NO. PA82-3008 - MOD. NO. 10
(47 FR 8487 - February 26, 1982)
Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Carpenters	14.97	5.01
Cement masons	13.00	6.04
LABORERS:		
Group 1	12.80	3.10
Group 2	12.60	3.10
Group 3	12.50	3.10
Group 4	12.65	3.10
Group 5	12.40	3.10
Group 6	13.05	3.10
Group 7	12.90	3.10
Group 8	12.75	3.10
POWER EQUIPMENT OPERATORS:		
Heavy Construction:		
Wage Group 1	16.56	25.6% + d
Wage Group 2	16.30	"
Wage Group 3	15.02	"
Wage Group 4	14.71	"
Wage Group 5	13.74	"
Wage Group 6	13.23	25.6% + d
POWER EQUIPMENT OPERATORS: Highway Construction, and Water Lines Construction (Off Plant Site)		
Wage Group 1	16.31	25.6%+ d
Wage Group 2	16.08	"
Wage Group 3	14.75	"
Wage Group 4	14.38	"
Wage Group 5	13.58	"
Wage Group 6	13.23	"

DECISION NO. PA83-3009
MOD. NO. 2
(48 FR 20610 - May 10, 1983)
Erie County, Pennsylvania

CHANGE:

	Basic Hourly Rates	Fringe Benefits
Asbestos Workers	$18.44	2.83
Boilermakers	18.755	3.805
Sprinkler Fitters	16.92	3.23

STATE: Ohio COUNTIES: Mahoning and Trumbull
DECISION NUMBER: OH83-5123 DATE: Date of Publication
Supersedes Decision No. OH83-2041 dated May 13, 1983, in 48 FR 21792
DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.44	$2.83
BOILERMAKERS	18.755	3.805
BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; and STONEMASONS:		
Area 1	17.10	2.80
Area 2	17.05	2.85
CARPENTERS; LATHERS:		
Commercial Building	16.20	3.44
Residential	14.58	3.44
CEMENT MASONS:		
Area 1	16.13	1.95+ a
Area 2	16.56	1.46+ a
ELECTRICIANS:		
Area 1	19.11	1.51+ 9.7%
Area 2	18.24	1.30+ 15-1/2%
Area 3:		
Family Residences, not to exceed 4 units, whether or not under the same roof and not exceeding 2 stories with the exception of a single family residence which may be more than 2 stories	12.19	2.30+ 3.3%
All Other Work	17.59	2.85+ 10.8%
ELEVATOR CONSTRUCTORS:		
Mechanics	17.23	2.69+ b+c
Helpers	70%JR	2.69+ b+c
Probationary Helpers	50%JR	
GLAZIERS:		
Area 1	15.85	3.01
INSULATORS:		
Residential	9.95	3.44
IRONWORKERS	17.51	3.31
LINE CONSTRUCTION:		
Area 1:		
Linemen; Cable Splicer; Operator - Pole Digging Equipment	$18.95	$ .85+ 10-1/2%
Groundmen	15.16	.85+ 10-1/2%
Area 2:		
Linemen	17.59	2.85+ 10.8%
Cable Splicer	16.48	2.85+ 10.8%
Line Equipment Operators	15.33	2.85+ 10.8%
Groundman; Truck Driver	11.73	2.85+ 10.8%
MARBLE SETTERS; TERRAZZO WORKERS; and TILE SETTERS:		
Area 1	19.34	
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; and TILE SETTERS' FINISHERS:		
Area 1	14.405	
MILLWRIGHTS; PILEDRIVERMEN	17.11	3.44
PAINTERS:		
Brush; Dipping; Hydro Jet Cleaning; Paperhangers; Roller; Steamcleaning; Wall Washing; and Waterproofing	15.54	3.16
Spray; Epoxy-mastic (Brush and Roller)	16.04	3.16
Drywall Taping	15.69	3.16
Open Structural Steel	15.75	3.16
PLASTERERS:		
Area 1:		
Commercial	15.61	.83
Residential	13.27	.83
Area 2:		
Commercial	16.52	.93
Residential	12.95	.83

DECISION NO. OH83-5123	Basic Hourly Rates	Fringe Benefits
PLUMBERS; STEAMFITTERS; and PIPEFITTERS:		
Area 1	$18.13	$2.72
Area 2	16.64	4.63
ROOFERS	16.82	2.78
SHEET METAL WORKERS	16.86	2.66
SOFT FLOOR LAYERS:		
Commercial	15.56	3.44
Residential	14.00	3.44
SPRINKLER FITTERS	17.67	3.23
LABORERS:		
Group 1	13.60	2.70
Group 2	13.72	2.70
Group 3	13.84	2.70
Group 4	13.90	2.70
Group 5	13.92	2.70
Group 6	13.97	2.70
Group 7	14.00	2.70
Group 8	14.10	2.70
Group 9	14.20	2.70

Page 2	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Commercial Building:		
Group 1	$17.28	$3.56
Group 2	16.49	3.56
Group 3	15.73	3.56
Group 4	15.26	3.56
Group 5	15.16	3.56
Group 6	17.55	3.56
Group 7	17.78	3.56
Group 8	18.28	3.56
Residential:		
Group 1	15.37	3.56
Group 2	14.63	3.56
Group 3	13.93	3.56
Group 4	13.49	3.56
Group 5	13.39	3.56
Group 6	15.64	3.56
Group 7	15.87	3.56
TRUCK DRIVERS:		
Group 1	14.54	1.41+ d
Group 2	14.76	1.41+ d
Group 3	15.01	1.41+ d
Group 4	15.11	1.41+ d

WELDERS: Receive rate prescribed for craft performing operation to which Welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. $25.00 per Employee per Year
b. 7 Paid Holidays: A through F, and Day after Thanksgiving
c. Employer contributes 8% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in business more than 5 years, and 6% for employee in business less than 5 years
d. $51.00 per employee per week

AREA DESCRIPTIONS

BRICKLAYERS; CAULKERS; CLEANERS; POINTERS; and STONEMASONS:
Area 1: Mahoning County and City of Youngstown
Area 2: Trumbull (Remainder of County)

CEMENT MASONS:
Area 1: Mahoning and Trumbull (Townships of Hubbard and Liberty) Counties
Area 2: Trumbull County (Remainder of County)

ELECTRICIANS:
Area 1: Mahoning (Milton Township) and Trumbull (excluding Hubbard and Liberty Townships) Counties
Area 2: Mahoning (excluding Milton and Smith Townships) and Trumbull (Hubbard and Liberty Townships) Counties
Area 3: Mahoning County (Smith Township)

GLAZIERS:
Area 1: Except South of Route #224 in Mahoning County

LINE CONSTRUCTION:
Area 1: Mahoning (excluding Smith Township) and Trumbull Counties
Area 2: Mahoning County (Smith Township)

MARBLE SETTERS; TERRAZZO WORKERS; and TILE SETTERS:
Area 1: Mahoning County

MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS and TILE SETTERS' FINISHERS:
Area 1: Mahoning (excluding Smith Township) and Trumbull Counties

PLASTERERS:
Area 1: Mahoning and Trumbull (Liberty and Hubbard Townships) Counties
Area 2: Trumbull County (Remainder of County)

PLUMBERS; STEAMFITTERS; and PIPEFITTERS:
Area 1: Mahoning and Trumbull (Hubbard and Liberty Townships) Counties
Area 2: Trumbull County (excluding Hubbard and Liberty Townships)

LABORERS CLASSIFICATIONS

Group 1: Asphalt Paving; Building and Construction; Carpenters Tenders and Railroad Construction Laborers

Group 2: All Machine Driven Tools, Electric, Gas, or Air and Operation of all; Pumps under 4"; All Men working in Concrete such as Pouring, Puddling, Raking and Conveying; Scaffold Help; Jackhammer Operator; Mason Tender; Mortar Mixer (Hand or Machine); Scrap Iron Burning and Spikers

Group 3: All Work done by Laborers 7 ft. or more in Depth; Hod Carrier

Group 4: Laborers (except Jackhammer) Working on Repair of Blast Furnaces or Coke Plant and Auxiliary Facilities

LABORERS CLASSIFICATIONS (Cont'd)

Group 5: Jackhammer Operator in Trench or Shaft; Jack Hammer on Blast Furnace or Coke Plant; Laser Beam Operator; Muckers; Pipelayers; Powder and Dynamite; and Tunnel and Caisson

Group 6: Ram Tight

Group 7: Gunniting and Sandblasting; Miner Air Tool; Pump Crete Operations; and Wrench Man

Group 8: Lancing

Group 9: Bellman; Hook Up Men

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

Group 1: Asphalt Planer Heater; Austin Western and similar type; Backhoe; Batch Plant, Central Mix; Batch Plant, Portable Concrete; Berm Builder, Automatic; Backfiller with Drag Attachments; Boat Derricks; Boat Tug; Boring Machine attached to Tractor; Bullclam; Bulldozer; C.M.I. Road Builder and similar types; Cable Placer and Layer; Carrier, Straddle; Carryall, Scraper or Scoop; Chicago Boom; Compactor with Blade attached; Concrete Spreader Finisher Combination, Crane; Crane, Stationary or Climbing; Crane, Electric Overhead; Crane, Side Boom; Crane Truck; Crane, Tower; Derrick, Boom; Derrick, Car; Diggers, Wheel (not Trencher or Road Widener); Double Nine; Drag Line; Dredge; Drill, Kenny or similar type; Electromatic; Fork Lift; Frankie Pile; Gradall; Grader, Power; Gurry; Gurry, Self-propelled; High Lift; Hoist, Monorail; Hoist, Stationary and Mobile Tractor; Hoists, 2 or 3; Jackall; Jumbo Machine; Kocal or Kuhlman; Land-Seagoing Vehicle; Loader, Elevating; Loader, Front End; Locomotive; Mechanic as Welder; Metro Chip Harvester with Boom; Mucking Machine; Paving, Asphalt Finishing Machine; Paver, Road Concrete; Paver, Slip Form; Place Crete Machine; Post Driver; Power Driven Hydraulic Pumps and Jacks; Pump Crete Machine; Regulator, Ballast; Reigs, Drilling; Shovels; Spikemaster; Stonecrusher; Tie Puller and Loader; Tie Tamper; Tractor, Double Boom; Tractor with Attachments; Truck, Boom; Truck, Tire assigned to Job; Trench Machine; Tunnel Machine (Mark 21 Java or similar); Whirley

Group 2: Asphalt Plant; Bending Machine; Boring Machine; Chip Harvester without Boom; Cleaning Machine, Pipeline type; Coating Machine, Pipeline type; Concrete Belt Placer; Concrete Finisher; Concrete Planer or Asphalt; Concrete Spreader; Elevator; Fork Lift Walk Behind; Form Line Machine; Greaser Truck Operator; Grout Pump; Gunnite Machine; Huck Bolting Machine; Hydraulic Scaffold; Paving Breaker; Pipe Dream; Pot Firemen; Power Broom; Refrigeration Plant; Sasgen Derricks; Seeding Machine; Self-propelled Mobile Vibrator Compactor or Roller; Hoist, Single Drum; Soil Stabilizer (Pump type); Spray Cure Machine, Self-propelled; Straw Blower Machine; Sub-grader; Tube Finisher or Broom C.M.I. or similar type; Tugger Hoist

POWER EQUIPMENT OPERATORS CLASSIFICATIONS (Cont'd)

Group 3: Batch Plant, Job related; Boiler Operator; Compressor (125 CFM or over); Curb Builder (self-propelled); Generator, Steam; Jack, Hydraulic Driver; Mixer, Concrete; Mulching Machine, Pin Puller; Pulverizer; Pump; Road Finishing Machine (Pulltype); Roller; Saw, Concrete, Self-propelled; Spray Cure Machine, Motor Powered; Spreader (Side Driver Shoulder attachment); Tractor; Trencher, Form; Water Blaster

Group 4: Brake Man; Compressor under 125 CFM; Conveyor; Conveyor 12 ft. or under other than servicing Bricklayers; Deck Hand; Drill Wagon; Generator Sets; Heaters, Portable Power (2 to 5); Mechanic; Jacks Hydraulic (Railroad); Ladavator; Roller (Walk Behind 1 ton or over); Steam Jenny; Syphons; Tenders; Vibrator, Gasoline; Welding Machines (2) (Fuel Burning)

Group 5: Oiler

Group 6: Rigs, Pile Driving or Caisson type; Rigs (Pile Hydraulic Unit attached)

Group 7: Lead Engineer

Group 8: Placecrete Machine (Commercial Building only)

TRUCK DRIVERS CLASSIFICATIONS

Group 1: Dumps; Stake Body; Batch; Flat Bottom; and Pickups

Group 2: Semis; Tandems

Group 3: Carryalls; Euclid Wagon; D.W. 10 Caterpillar (or equivalent)

Group 4: Tractor Trailer (Low Boy)

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: Ohio COUNTY: Lucas
DECISION NUMBER: OH83-5124 DATE: Date of Publication
Supersedes Decision No. OH83-2040 dated May 13, 1983, in 48 FR 21791
DESCRIPTION OF WORK: Building and Residential Construction Projects

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$18.45	$2.73
BOILERMAKERS	20.075	3.23
BRICKLAYERS; MARBLE SETTERS; and STONEMASONS	17.385	3.25
CARPENTERS; LATHERS; MILLWRIGHTS; and PILEDRIVERMEN	18.81	2.73
CEMENT MASONS	17.73	2.86
ELECTRICIANS:		
Residential up to and including 3 story apartments	12.13	3.00+ 3.3%
All Other Work:		
Electricians	20.40	3.00+ 3.3%
Cable Splicers	23.46	3.00+ 3.3%
ELEVATOR CONSTRUCTORS:		
Mechanics	18.87	3.00+ a+b
Helpers	70%JR	3.00+ a+b
Probationary Helpers	50%JR	
GLAZIERS	16.49	2.37
IRONWORKERS	18.74	3.44
LINE CONSTRUCTION:		
Linemen	19.97	.85+ 8½%+c
Cable Splicers	22.97	.85+ 8½%+c
Technicians	19.37	.85+ 8½%+c
Operators - Class 1	15.98	.85+ 8½%+c
Operator - Class 2	13.98	.85+ 8½%+c
Groundman	11.98	.85+ 8½%+c
MARBLE SETTERS' FINISHERS; TERRAZZO WORKERS' FINISHERS; and TILE SETTERS' FINISHERS	14.42	1.06
PAINTERS:		
Commercial:		
Brush; Drywall Tapers and Finishers; and Paperhangers	$14.90	$3.36
Bridge; Railings; Powerhouse; Refinery Tanks	15.15	3.36
Pressure Cleaning; Sandblasting; and Spray	15.45	3.36
Residential	13.56	3.36
PLASTERERS	18.02	.71
PLUMBERS; STEAMFITTERS; and PIPEFITTERS	18.90	3.42
ROOFERS	17.00	3.09
SHEET METAL WORKERS	17.475	3.785
SOFT FLOOR LAYERS:		
Commercial	16.99	2.91
Residential	13.41	2.36
SPRINKLER FITTERS	17.67	3.23
TERRAZZO WORKERS and TILE SETTERS	18.00	1.36
LABORERS:		
Group 1: Unskilled	14.93	2.71
Group 2: Mason Tenders	15.01	2.71
Group 3: Gunnite Pot Men	15.13	2.71
Group 4: Mortar Mixers	15.08	2.71
Group 5: Concrete Pump Nozzle Men; All Power Driven Tools; and Power Buggies	15.085	2.71
Group 6: Pipe Layers; Bellmen; Bottom Men for Fire Brick Work only; Bottom Man over 6 ft.; Shoring and Cribbing	15.185	2.71
Group 7: Nozzle Operators for Gunnite Work; Miners without Pressure	15.84	2.71
Group 8: Plasterers' Tenders and Mixers	14.30	2.71

	Basic Hourly Rates	Fringe Benefits
LABORERS: (Cont'd)		
Group 9: Car Pushers	$15.27	$2.71
Group 10: Winch Operators	15.06	2.71
Group 11: Caisson over 25 ft.	15.39	2.71
Group 12: Muckers without Pressure	15.37	2.71
POWER EQUIPMENT OPERATORS:		
Group 1	17.24	3.02
Group 2	17.08	3.02
Group 3	16.73	3.02
Group 4	15.92	3.02
Group 5	15.59	3.02
Group 6	13.38	3.02
POWER EQUIPMENT OPERATORS (Cont'd)		
Well and Pump Work (including Drilling and Repair of All Water Wells; Test Holes and Wells; and Installation and Repair of Deep Well Type of Shallow Well Pumps on Water Wells):		
Well Driller and Pump Installer	$8.10	$ .61+ d+e

WELDERS: Receive rate prescribed for craft performing operation to which Welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; and F-Christmas Day

FOOTNOTES:
a. 7 Paid Holidays: A through F, and Day after Thanksgiving
b. Employer contributes 8% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 6% of Regular Hourly Rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
c. 10 Paid Holidays: A through F, Good Friday, Day after Thanksgiving Day, Christmas Eve, and New Year's Eve
d. 9 Paid Holidays: New Year's Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving; Christmas Eve; and Christmas Day
e. Employees who have been in continuous employment of the company for less than 1 year as of January 1 will receive pro-rated vacation based on 5/12 day per full month of employment, but not exceeding 5 days' vacation; 3rd continuous calendar year - 2 weeks' paid vacation; 11th continuous calendar year - 3 weeks' paid vacation

[FR Doc. 83-32085 Filed 12-1-83; 8:45 am]
BILLING CODE 4510-27-C

POWER EQUIPMENT OPERATORS CLASSIFICATIONS

Group 1: A-Frame; Rotary Drills used on Caisson Work for Foundations and Substructure Work; Boiler or Compressor Operator mounted on Crane (Piggyback Operation); Boom Truck (all types); Cableways; Cherry Pickers; Combination Concrete Mixer and Tower; Concrete Pumps; Cranes (all types); Derricks (all types); Draglines; Dredge (Dipper, Clam or Suction) 3 Man Crew; Elevating Grader or Euclid Loader; Floating Equipment; Gradalls; Helicopter Operator and Helicopter Winch Operator when Hoisting Builders Materials; Hoes (all types); Hoisting Engines (two or more Drums); Lift Slab or Panel Jack Operator; Locomotives (all types); Maintenance Engineer (Mechanic or Welder); Mixers Paving (Multiple Drum); Mobile Concrete Pumps with Boom; Panelboard (all types on Site); Pile Driver; Power Shovels; Side Booms; Slip Form Pavers; Straddle Carriers (Building Construction on Site); Hammerhead Tower Cranes; Trench Machines (over 24" wide); Tug Boat

Group 2: Asphalt Paver; Bulldozer; C.M.I. type Equipment; Endloaders; Kohlman type Loaders (Dirt Loading); Lead Greaseman; Mucking Machines; Power Grader; Power Scoops; Power Scrapers; Push Cat

Group 3: Air Compressor (Pressurizing Shafts or Tunnels); Asphalt Rollers; Fork Lifts; Hoist (one Drum); House Elevators; Man Lift; Power Boilers (over 15 lbs. Pressure); Pump Operators Installing Well Points or other type of Dewatering System; Pumps (4" and over discharge); Submersible Pumps (4" and over discharge); Trenchers 24" and under

Group 4: Compressors on Building Construction; Conveyors (Building Material) Generators; Gunnite Machines; Mixers (capacity more than one bag); Mixers (one bag capacity, Side Loader); Post Driver; Post Hole Diggers; Pavement Breaker (Hydraulic or Cable); Road Widening Trencher; Rollers; Welder Operator

Group 5: Backfillers and Tampers; Batch Plant; Bar and Joint Installing Machines; Bullfloats; Burlap and Curing Machines; Cleftplanes; Concrete Spreading Machines; Crushers; Deck Hands; Drum Firemen (Asphalt); Farm type Tractors pulling Attachments; Finishing Machines; Form Trenchers; High Pressure Pumps over ½" discharge; Hydro Seeders; Self-propelled Power Spreader; Self-propelled Subgrader; Tire Repairmen; Tractors pulling Sheeps Foot Roller or Grader; Vibratory Compactors (with Integral Power)

Group 6: Oiler; Tenders; Inboard and Outboard Motor Boat Launch; Light Plant Operator; Power Driven Heaters (oil fired); Power Boilers (less than 15 lbs. Pressure); Pumps under 4" discharge; Submersible Pumps under 4" discharge

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
December 2, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the National Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 1009]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: November 29, 1983.

The following notices of determination were received from the indicated juridictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS — VOLUME 1009

ISSUED NOVEMBER 29, 1983

KENTUCKY DEPARTMENT OF MINES & MINERALS

-COLUMBIA GAS TRANSMISSION CORP — RECEIVED: 10/31/83 — JA: KY

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8404621	505631	1615900000		108		A E AUXIER ETAL 808145	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404620	505630	1615900000		108		A E AUXIER TR #40 808351	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404688	505698	1607100000		108		A L MEAD 804545	KENTUCKY AREA B	10.0	COLUMBIA GAS TRAN
8404557	505567	1619500000		108		ADDIE KEEN #3 808345	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404558	505568	1619500000		108		ADDIE KEEN #3 808347	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8404556	505566	1619500000		108		ADDIE KEENE 808187	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404624	505634	1611900000		108		ALICE SMITH ETAL 804557	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8404667	505677	1619500000		108		B F WILLIAMSON #2 808313	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404564	505574	1619500000		108		B F WILLIAMSON ETAL 808235	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404573	505583	1619500000		108		B F WILLIAMSON ETAL 808286	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8404561	505571	1619500000		108		B F WILLIAMSON ETAL 808288	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404594	505604	1619500000		108		B F WILLIAMSON ETAL 808593	KENTUCKY AREA C	20.0	COLUMBIA GAS TRAN
8404595	505605	1619500000		108		B F WILLIAMSON 808350	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404627	505637	1607100000		108		B K AKERS 804564	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8404653	505663	1611900000		108		B L GAYHEART 804744	KENTUCKY AREA B	10.0	COLUMBIA GAS TRAN
8404638	505648	1615900000		108		B W CASSADY ETAL 805663	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404610	505620	1619500000		108		B. F. WILLIAMSON ETAL 808595	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8404609	505619	1619500000		108		B. F. WILLIAMSON ETAL 808631	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404524	505534	1619500000		108		BALLARD WEDDINGTON 806885	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404527	505537	1619500000		108		BALLARD WEDDINGTON 808076	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404647	505657	1607100000		108		BELLE PORTER 804720	KENTUCKY AREA B	1.0	COLUMBIA GAS TRAN
8404693	505703	1611900000		108		C E ALLEN 804398	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8404678	505688	1615900000		108		CALLIE BLACKBURN 2 804379	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404680	505690	1615900000		108		CALLIE BLACKBURN 3 804530	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404677	505687	1615900000		108		CALLIE BLACKBURN 4 804553	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404676	505686	1615900000		108		CALLIE BLACKBURN 5 804602	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404679	505689	1615900000		108		CALLIE BLACKBURN 804366	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404663	505673	1619500000		108		CLARENCE SMITH ETAL 809043	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404642	505652	1615900000		108		CONG CHR BLDG SOC 804662	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404611	505621	1619500000		108		D. F WILLIAMSON ETAL 808594	KENTUCKY AREA C	33.0	COLUMBIA GAS TRAN
8404625	505635	1607100000		108		DAKOTA NEWSON 804567	KENTUCKY AREA B	1.0	COLUMBIA GAS TRAN
8404533	505543	1615900000		108		DOLLIE CLINE 808228	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404626	505636	1611900000		108		EDGAR PERKINS ETAL 804590	KENTUCKY AREA B	15.0	COLUMBIA GAS TRAN
8404614	505624	1611900000		108		ELBERT WARD ETAL 808492	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8404637	505647	1607100000		108		ELKHORN COAL CORP 61 805281	KENTUCKY AREA B	19.0	COLUMBIA GAS TRAN
8404665	505675	1607100000		108		ELKHORN COAL CORP 62 805294	KENTUCKY AREA B	1.0	COLUMBIA GAS TRAN
8404696	505706	1607100000		108		ELKHORN COAL CORP 804525	KENTUCKY AREA B	9.0	COLUMBIA GAS TRAN
8404699	505709	1607100000		108		ELKHORN COAL CORP 804527	KENTUCKY AREA B	2.0	COLUMBIA GAS TRAN
8404695	505705	1607100000		108		ELKHORN COAL CORP 804991	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8404698	505708	1607100000		108		ELKHORN COAL CORP 804992	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8404697	505707	1607100000		108		ELKHORN COAL CORP 804993	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8404666	505676	1607100000		108		ELKHORN COAL CORP 805099	KENTUCKY AREA B	2.0	COLUMBIA GAS TRAN
8404590	505600	1619500000		108		ESTHER LOWE ETAL 808612	KENTUCKY AREA C	20.0	COLUMBIA GAS TRAN
8404589	505599	1619500000		108		ESTHER LOWE ETAL 808622	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8404646	505656	1607100000		108		F W NEWSOM 804718	KENTUCKY AREA B	3.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8404565	505575	1619500000		108		FED GAS OIL & COAL CO 808404	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404555	505565	1615900000		108		FED GAS OIL & COAL 79 808225	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404560	505570	1619500000		108		FED GAS OIL & COAL 80 808227	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404585	505595	1619500000		108		FED GAS OIL & COAL 808635	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8404559	505569	1615900000		108		FED GAS OIL & COAL 82 808316	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8404605	505615	1619500000		108		FED GAS OIL & COAL 87 808255	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8404635	505645	1615900000		108		FEDERAL GAS OIL & COAL CO 805254	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404636	505646	1615900000		108		FEDERAL GAS OIL & COAL CO 805255	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404700	505710	1615900000		108		FEDERAL GAS OIL & COAL 804615	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8404659	505669	1611900000		108		FERRELL SLONE 804845	KENTUCKY AREA B	3.0	COLUMBIA GAS TRAN
8404615	505625	1619500000		108		FRANK DOTSON 808522	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404531	505541	1615900000		108		G A RUMSEY ETAL 2 808119	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8404532	505542	1615900000		108		G A RUMSEY ETAL 808101	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404631	505641	1619500000		108		G C BEVINS #2 806727	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404619	505629	1619500000		108		G C BEVINS ETAL 808258	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404618	505628	1619500000		108		G C BEVINS ETAL 808582	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404632	505642	1619500000		108		G C BEVINS 805200	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404563	505573	1619500000		108		G C ROWE 808325	KENTUCKY AREA C	19.0	COLUMBIA GAS TRAN
8404591	505601	1619500000		108		G C ROWE 808632	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404525	505535	1611900000		108		G STAMPER ETAL 808057	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8404649	505659	1607100000		108		G W MAYO 804722	KENTUCKY AREA B	1.0	COLUMBIA GAS TRAN
8404658	505668	1611900000		108		GEORGE CLARK ETAL 804837	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8404687	505697	1607100000		108		GRANT WEDDINGTON 804546	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8404675	505685	1611900000		108		H H SMITH ETAL 804534	KENTUCKY AREA B	18.0	COLUMBIA GAS TRAN
8404674	505684	1611900000		108		H H SMITH ETAL 804645	KENTUCKY AREA B	11.0	COLUMBIA GAS TRAN
8404673	505683	1611900000		108		H H SMITH ETAL 804661	KENTUCKY AREA B	11.0	COLUMBIA GAS TRAN
8404617	505627	1615900000		108		HENRY MAYNARD ETAL 808482	KENTUCKY AREA C	20.0	COLUMBIA GAS TRAN
8404681	505691	1619500000		108		HENRY MOORE 804563	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404601	505611	1619500000		108		HERBERT MAYNARD ETAL 808738	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404600	505610	1619500000		108		HERBERT MAYNARD 808739	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404664	505674	1619500000		108		IRVIN LOWE ETAL 805352	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8404622	505632	1607100000		108		J B BUSH ETAL 805613	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8404584	505594	1615900000		108		J B GOFF HEIRS 808673	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404640	505650	1619500000		108		J E CHILDERS ETAL 804516	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404652	505662	1615900000		108		J R FAIRCHILD ETAL 804728	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404648	505658	1611900000		108		J W DUKE 804721	KENTUCKY AREA B	5.0	COLUMBIA GAS TRAN
8404608	505618	1619500000		108		J. F. CHARLES ETAL 808575	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8404607	505617	1619500000		108		J. F. CHARLES 808474	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404612	505622	1619500000		108		J. M. & C. DAVIS HEIRS 808344	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404599	505609	1619500000		108		JACK KEENE 808608	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8404645	505655	1611900000		108		JASPER PRATT 804709	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8404685	505695	1607100000		108		JERRY HALL 804565	KENTUCKY AREA B	10.0	COLUMBIA GAS TRAN
8404655	505665	1611900000		108		JOE NEWLAND 804746	KENTUCKY AREA B	6.0	COLUMBIA GAS TRAN
8404634	505644	1619500000		108		JOE TAYLOR ETAL 805246	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404654	505664	1611900000		108		JOE TIGNOR 804745	KENTUCKY AREA B	9.0	COLUMBIA GAS TRAN
8404623	505633	1607100000		108		JOHN B BUSH ETAL 804595	KENTUCKY AREA B	15.0	COLUMBIA GAS TRAN
8404583	505593	1619500000		108		JOHN T ALLEY 808777	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8404582	505592	1619500000		108		JOHN T ALLEY 808809	KENTUCKY AREA C	23.0	COLUMBIA GAS TRAN
8404566	505576	1619500000		108		JOHN T PHILLIPS 808323	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404567	505577	1619500000		108		JOHN T PHILLIPS 808380	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404657	505667	1607100000		108		JOHN W HARRIS 804719	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8404526	505536	1611900000		108		JOSEPH B SMITH 808073	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8404575	505585	1619500000		108		K J BEVIERS 808382	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404576	505586	1619500000		108		K J BEVINS ETAL 808581	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8404577	505587	1619500000		108		K J BEVINS ETAL 808959	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404518	505528	1619500000		108		KENTLAND C & C #102 808753	KENTUCKY AREA C	17.0	COLUMBIA GAS TRAN
8404519	505529	1619500000		108		KENTLAND C & C #103 808754	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404520	505530	1619500000		108		KENTLAND C & C #105 808758	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404521	505531	1619500000		108		KENTLAND C & C #108 808759	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404500	505510	1619500000		108		KENTLAND C & C #110 808412	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404512	505522	1619500000		108		KENTLAND C & C #159 808671	KENTUCKY AREA C	25.0	COLUMBIA GAS TRAN
8404535	505545	1619500000		108		KENTLAND C & C #6 805381	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404496	505506	1619500000		108		KENTLAND C & C #61 808289	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404499	505509	1619500000		108		KENTLAND C & C #65 808407	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404498	505508	1619500000		108		KENTLAND C & C #66 808406	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404502	505512	1619500000		108		KENTLAND C & C #70 808487	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404501	505511	1619500000		108		KENTLAND C & C #72 808467	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404497	505507	1619500000		108		KENTLAND C & C #75 808377	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404503	505513	1619500000		108		KENTLAND C & C #77 808553	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404504	505514	1619500000		108		KENTLAND C & C #84 808609	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404506	505516	1619500000		108		KENTLAND C & C #85 808620	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404508	505518	1619500000		108		KENTLAND C & C #87 808643	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404511	505520	1619500000		108		KENTLAND C & C #88 808668	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404510	505520	1619500000		108		KENTLAND C & C #89 808667	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404509	505519	1619500000		108		KENTLAND C & C #90 808666	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8404513	505523	1619500000		108		KENTLAND C & C #95 808696	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404514	505524	1619500000		108		KENTLAND C & C #96 808705	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404515	505525	1619500000		108		KENTLAND C & C #97 808706	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8404516	505526	1619500000		108		KENTLAND C & C #98 808707	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404517	505527	1619500000		108		KENTLAND C & C #99 808709	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404534	505544	1619500000		108		KENTLAND C & C 804381	KENTUCKY AREA C	20.0	COLUMBIA GAS TRAN
8404505	505515	1619500000		108		KENTLAND C & C 808619	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404507	505517	1619500000		108		KENTLAND C & C 808633	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404539	505549	1619500000		108		KENTLAND C&C #10 805385	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404602	505612	1619500000		108		KENTLAND C&C #100 808710	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404540	505550	1619500000		108		KENTLAND C&C #11 805386	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8404541	505551	1619500000		108		KENTLAND C&C #12 805453	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404495	505505	1619500000		108		KENTLAND C&C #125 808259	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404484	505494	1619500000		108		KENTLAND C&C #2 806903	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404542	505552	1619500000		108		KENTLAND C&C #21 806140	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404543	505553	1619500000		108		KENTLAND C&C #24 806295	KENTUCKY AREA C	23.0	COLUMBIA GAS TRAN
8404476	505486	1619500000		108		KENTLAND C&C #28 806579	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404477	505487	1619500000		108		KENTLAND C&C #29 806674	KENTUCKY AREA C	20.0	COLUMBIA GAS TRAN
8404544	505554	1619500000		108		KENTLAND C&C #30 806675	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404478	505488	1619500000		108		KENTLAND C&C #31 806711	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404479	505489	1619500000		108		KENTLAND C&C #33 806718	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404480	505490	1619500000		108		KENTLAND C&C #34 806719	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404481	505491	1619500000		108		KENTLAND C&C #35 806720	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404546	505556	1619500000		108		KENTLAND C&C #36 806754	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404482	505492	1619500000		108		KENTLAND C&C #37 806821	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404483	505493	1619500000		108		KENTLAND C&C #39 806823	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404548	505558	1619500000		108		KENTLAND C&C #40 806890	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8404485	505495	1619500000		108		KENTLAND C&C #42 806908	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404486	505496	1619500000		108		KENTLAND C&C #43 806921	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8404487	505497	1619500000		108		KENTLAND C&C #45 808041	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404489	505499	1619500000		108		KENTLAND C&C #47 808084	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404550	505560	1619500000		108		KENTLAND C&C #49 808081	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404488	505498	1619500000		108		KENTLAND C&C #50 808082	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404551	505561	1619500000		108		KENTLAND C&C #51 808083	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404491	505501	1619500000		108		KENTLAND C&C #52 808088	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404490	505500	1619500000		108		KENTLAND C&C #54 808087	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404492	505502	1619500000		108		KENTLAND C&C #55 808089	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404493	505503	1619500000		108		KENTLAND C&C #56 808170	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404547	505557	1619500000		108		KENTLAND C&C #58 806370	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404552	505562	1619500000		108		KENTLAND C&C #59 808168	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404553	505563	1619500000		108		KENTLAND C&C #60 808232	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404574	505584	1619500000		108		KENTLAND C&C #62 808408	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404569	505579	1619500000		108		KENTLAND C&C #63 808410	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8404494	505504	1619500000		108		KENTLAND C&C #68 808253	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404568	505578	1619500000		108		KENTLAND C&C #69 808346	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8404536	505546	1619500000		108		KENTLAND C&C #7 805382	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404554	505564	1619500000		108		KENTLAND C&C #71 808485	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404570	505580	1619500000		108		KENTLAND C&C #76 808552	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8404537	505547	1619500000		108		KENTLAND C&C #8 805383	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8404571	505581	1619500000		108		KENTLAND C&C #81 808577	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8404603	505613	1619500000		108		KENTLAND C&C #82 808578	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404538	505548	1619500000		108		KENTLAND C&C #9 805384	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8404598	505608	1619500000		108		KENTLAND C&C #91 808664	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404572	505582	1619500000		108		KENTLAND C&C #94 808695	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404604	505614	1619500000		108		KENTLAND C&C NO. 83 808579	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8404545	505555	1619500000		108		KENTLAND C&C 806717	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404549	505559	1619500000		108		KENTLAND C&C 808029	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404562	505572	1619500000		108		KERRY W PHILLIPS ETAL 808190	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8404613	505623	1615900000		108		KIZZIE TRIPLETT ETAL 808290	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404662	505672	1619500000		108		L F HARDIN #1 808874	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404671	505681	1612700000		108		L V S CURRY 804352	KENTUCKY AREA A	8.0	COLUMBIA GAS TRAN
8404670	505680	1612700000		108		L V S CURRY 804356	KENTUCKY AREA A	1.0	COLUMBIA GAS TRAN
8404683	505693	1612700000		108		L V S CURRY 804357	KENTUCKY AREA A	15.0	COLUMBIA GAS TRAN
8404682	505692	1612700000		108		L V S CURRY 804358	KENTUCKY AREA A	21.0	COLUMBIA GAS TRAN
8404669	505679	1612700000		108		L V S CURRY 804359	KENTUCKY AREA A	14.0	COLUMBIA GAS TRAN
8404668	505678	1612700000		108		L V S CURRY 804360	KENTUCKY AREA A	9.0	COLUMBIA GAS TRAN
8404656	505666	1611900000		108		LAURA FRAZIER 804755	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8404690	505700	1607100000		108		LEE HOWELL 804552	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8404643	505653	1611900000		108		LESTER DAY 804839	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8404660	505670	1611900000		108		LUTITIA HAYS ETAL 804868	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8404629	505639	1607100000		108		M T BUSH 804597	KENTUCKY AREA B	2.0	COLUMBIA GAS TRAN
8404641	505651	1615900000		108		MABEL S AGASSIZ ETAL 804623	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404651	505661	1607100000		108		MALCOLM WARD 804725	KENTUCKY AREA B	2.0	COLUMBIA GAS TRAN
8404633	505643	1611900000		108		MARABA HALL 804639	KENTUCKY AREA B	1.0	COLUMBIA GAS TRAN
8404639	505649	1611900000		108		MARY E PIGMAN 804635	KENTUCKY AREA B	12.0	COLUMBIA GAS TRAN
8404684	505694	1607100000		108		MARY FITZPATRICK 804560	KENTUCKY AREA B	17.0	COLUMBIA GAS TRAN
8404616	505625	1615900000		108		MARY J EVANS ETAL 808483	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8404650	505660	1607100000		108		MAUDIE CLARK 804723	KENTUCKY AREA B	6.0	COLUMBIA GAS TRAN
8404581	505591	1615900000		108		MT STERLING LD #1 808623	KENTUCKY AREA C	21.0	COLUMBIA GAS TRAN
8404579	505589	1615900000		108		MT STERLING LD #3 808656	KENTUCKY AREA C	25.0	COLUMBIA GAS TRAN
8404578	505588	1615900000		108		MT STERLING LD #5 808670	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404580	505590	1615900000		108		MT STERLING LD NO 4 808655	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8404694	505704	1607100000		108		NOAH MARTIN 804399	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8404691	505701	1607100000		108		NOAH MARTIN 804522	KENTUCKY AREA B	2.0	COLUMBIA GAS TRAN
8404686	505696	1607100000		108		NOAH MARTIN 804548	KENTUCKY AREA B	12.0	COLUMBIA GAS TRAN
8404593	505603	1619500000		108		O R LOWE 808648	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8404592	505602	1619500000		108		O R LOWE 808650	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404692	505702	1611900000		108		OCTAVIA COMBS 804396	KENTUCKY AREA B	17.0	COLUMBIA GAS TRAN
8404630	505640	1607100000		108		R B CLARK 804596	KENTUCKY AREA B	5.0	COLUMBIA GAS TRAN
8404628	505638	1607100000		108		R P STRATTON 804581	KENTUCKY AREA B	19.0	COLUMBIA GAS TRAN
8404661	505671	1611900000		108		S D MAGGARD #2 804995	KENTUCKY AREA B	5.0	COLUMBIA GAS TRAN
8404523	505533	1615900000		108		S FREDERICK ETAL 806780	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8404588	505598	1619500000		108		SARAH DESKINS #1 808787	KENTUCKY AREA C	26.0	COLUMBIA GAS TRAN
8404587	505597	1619500000		108		SARAH DESKINS #2 808788	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404586	505596	1619500000		108		SARAH DESKINS #3 808799	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404522	505532	1611900000		108		SEYMORE AMBURGEY A1 808032	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8404689	505699	1607100000		108		TIPTON HALL 804537	KENTUCKY AREA B	8.0	COLUMBIA GAS TRAN
8404528	505538	1619500000		108		W H C JOHNSON #2 806865	KENTUCKY AREA C	17.0	COLUMBIA GAS TRAN
8404529	505539	1619500000		108		W H C JOHNSON 806867	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8404530	505540	1619500000		108		W H C JOHNSON 806962	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404644	505654	1607100000		108		WESLEY BOYD HEIRS 804669	KENTUCKY AREA B	17.0	COLUMBIA GAS TRAN
8404606	505616	1619500000		108		WILDA B. HARRIS 808490	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404597	505607	1619500000		108		WILLIE BALL ETAL 808607	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8404596	505606	1619500000		108		WILLIE BALL 808541	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404672	505682	1607100000		108		WM AKERS 804550	KENTUCKY AREA B	3.0	COLUMBIA GAS TRAN
********** WEST VIRGINIA DEPARTMENT OF MINES **********									
-BROWNING OIL LTD 82-2				RECEIVED:	10/31/83	JA: WV			
8404722		4708506081		107-DV		MARY WELCH #2	GRANT	17.0	CONSOLIDATED GAS
-CENTRAL PACIFIC GROUP				RECEIVED:	10/31/83	JA: WV			
8404716		4708506100		107-DV		WINCE #1	CLAY	0.0	CONSOLIDATED GAS
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	10/31/83	JA: WV			
8404759		4705901025		107-DV		COLE & CRANE 821071	WEST VIRGINIA FIELD A	19.2	COLUMBIA GAS TRAN
8404758		4705901024		107-DV		COLE & CRANE 831070	WEST VIRGINIA FIELD A	38.4	COLUMBIA GAS TRAN
8404757		4705900289		107-DV		HENRY CLOSTERMAN 806833	WEST VIRGINIA FIELD A	19.2	COLUMBIA GAS TRAN
8404760		4705900289		103		HENRY CLOSTERMAN 806833	WEST VIRGINIA FIELD A	12.0	COLUMBIA GAS TRAN
8404720		4709901741		103		NOAH ROBINSON HEIRS 820256	WEST VIRGINIA FIELD A	90.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	10/31/83	JA: WV			
8404762		4704101647		108		A W WOODFORD 11036	HACKERS CREEK	20.0	GENERAL SYSTEM PU
8404713		4704500550		108		BOONE COUNTY COAL CORPORATION 9261	LOGAN	17.0	GENERAL SYSTEM PU
8404711		4704700649		108		CROZIER LAND ASSOC #549 12092	BROWNS CREEK	20.0	GENERAL SYSTEM PU
8404707		4704101652		108		DANIEL QUEEN 10061	HACKERS CREEK	17.0	GENERAL SYSTEM PU
8404704		4703300993		108		ESTHER R PHILLIPS 12222	SARDIS	15.0	GENERAL SYSTEM PU
8404706		4703301419		108		J M THRASH 4591	UNION	16.0	GENERAL SYSTEM PU
8404712		4704102281		108		LEWIS COUNTY FARM 4928	HACKERS CREEK	2.0	GENERAL SYSTEM PU
8404725		4710900129		108		LOUP CREEK COLLIERY COMPANY 8982	OCEANA	21.0	GENERAL SYSTEM PU
8404703		4700100460		108		MARTHA D STRADER 10923	UNION	16.0	GENERAL SYSTEM PU
8404705		4703301084		108		MATHENY & CALKINS 12383	UNION	16.0	GENERAL SYSTEM PU
8404714		4704700411		108		OLGA COAL COMPANY 11012	SANDY RIVER	19.0	GENERAL SYSTEM PU
8404709		4710300673		108		PETER GLOVER 642	CENTER	0.3	GENERAL SYSTEM PU
8404702		4704700613		108		POCAHONTAS LAND CORP 11709	NORTH FORK	13.0	GENERAL SYSTEM PU
8404701		4705500036		108		POCAHONTAS LAND CORP 11768	ROCK	10.0	GENERAL SYSTEM PU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8404710		4710900695		108		POCAHONTAS LAND CORPORATION 11319	BARKERS RIDGE	19.0	GENERAL SYSTEM PU
8404785		4704700114		108		VERA POCAHONTAS COAL CO 9679	BROWNS CREEK	12.0	GENERAL SYSTEM PU
8404708		4704101756		108		W E CARPENTER 11277	FREEMANS CREEK	20.0	GENERAL SYSTEM PU
-FOX DRILLING CO INC				RECEIVED:	10/31/83	JA: WV			
8404789		4700101570		107-DV		BIG OAK #2	GLADE	10.0	TENNESSEE GAS TRA
8404804		4700101570		103		BIG OAK ENERGY #2	GLADE	10.0	TENNESSEE GAS TRA
8404797		4704900693		103		GOOCH-WEST	MANNINGTON	10.0	
8404790		4709100216		107-DV		HARBERT #2	BOOTH CREEK	10.0	
8404803		4709100216		103		HARBERT #2	BOOTH CREEK	10.0	
8404800		4700101630		103		LOHR #1	COVE	10.0	TENNESSEE GAS TRA
8404787		4700101878		107-DV		MARSH #1	GLADE	0.0	TENNESSEE GAS TRA
8404802		4700101878		103		MARSH #1	GLADE	0.0	TENNESSEE GAS TRA
8404791		4709100201		107-DV		ONEACRE #1	BOOTH CREEK	10.0	
8404799		4709100201		103		ONEACRE #1	BOOTH CREEK	10.0	
8404788		4700101656		107-DV		POE #E1	BARKER	10.0	TENNESSEE GAS TRA
8404798		4704900742		103		SATTERFIELD #1	MANNINGTON	10.0	
8404801		4700101635		103		WILT #2	GLADE	10.0	TENNESSEE GAS TRA
-HAUGHT INC				RECEIVED:	10/31/83	JA: WV			
8404793		4708506225		107-DV		M MOATS H-1377	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8404808		4708506225		103		M MOATS H-1377	GRANT	15.0	CONSOLIDATED GAS
-JENKINS ENERGY CORP				RECEIVED:	10/31/83	JA: WV			
8404761		4707301564		103		JAMES MASTON #1	JEFFERSON DISTRICT	48.0	CONSOLIDATED GAS
-L & B OIL CO INC				RECEIVED:	10/31/83	JA: WV			
8404724		4707301577		107-DV		HOLDREN #5	ST MARYS	20.0	
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	10/31/83	JA: WV			
8404817		4708504664		108		A F KEHRER #1	PULLMAN POOL	28.0	CONSOLIDATED GAS
8404773		4704102531		108		C O DENNISON #1	ASPINALL-FINSTER	76.0	CONSOLIDATED GAS
8404774		4704102535		108		C O DENNISON #3	ASPINALL-FINSTER	20.0	CONSOLIDATED GAS
8404765		4704102536		108		C O DENNISON #4	ASPINALL-FINSTER	41.0	CONSOLIDATED GAS
8404777		4703302256		108		EZRA GARTHROP #1	WOLF SUMMIT	37.0	CONSOLIDATED GAS
8404768		4703302000		108		F FAHEY #1	ROCK CAMP RUN	2.5	CONSOLIDATED GAS
8404731		4703302210		108		F FAHEY #2	ROCK CAMP RUN	40.0	CONSOLIDATED GAS
8404772		4704102545		108		F PUMPHREY #1	ASPINALL-FINSTER	37.0	CONSOLIDATED GAS
8404763		4704102546		108		F PUMPHREY A#1	ROANOKE	0.4	CONSOLIDATED GAS
8404811		4704102547		108		F PUMPHREY B#1	ROANOKE	57.0	CONSOLIDATED GAS
8404779		4703302214		108		FRANK FAHEY #3	ROCK CAMP RUN	80.0	CONSOLIDATED GAS
8404783		4703302176		108		G RAPP #1	BRIDGEPORT	23.0	CONSOLIDATED GAS
8404764		4703301716		108		G RAPP #2	BRIDGEPORT	9.4	CONSOLIDATED GAS
8404767		4703301925		108		G RAPP #3	BRIDGEPORT	56.5	CONSOLIDATED GAS
8404794		4708506170		107-DV		GRIFFIN PRODUCING C#2	GRIFFIN	13.0	CONSOLIDATED GAS
8404807		4708506170		103		GRIFFIN PRODUCING C#2	GRIFFIN	13.0	CONSOLIDATED GAS
8404795		4708506134		107-DV		GRIFFIN PRODUCING CO A#2	GRIFFIN	87.6	CONSOLIDATED GAS
8404806		4708506134		103		GRIFFIN PRODUCING CO A#2	GRIFFIN	87.6	CONSOLIDATED GAS
8404813		4704102862		108		H BURKE #1	ASPINALL-FINSTER	27.0	CONSOLIDATED GAS
8404815		4704103033		108		H BURKE #2	ASPINALL-FINSTER	43.0	CONSOLIDATED GAS
8404819		4709500780		108		JAMES DOAN A #1	LINCOLN	75.0	CONSOLIDATED GAS
8404821		4709500816		108		JAMES DOAN A #2	LINCOLN	0.0	CONSOLIDATED GAS
8404782		4703302249		108		JOHN MORRIS #1	ROCK CAMP RUN	11.0	CONSOLIDATED GAS
8404766		4704102538		108		JOSEPH WORKMAN #1	ROANOKE	35.0	CONSOLIDATED GAS
8404814		4704102863		108		JOSEPH WORKMAN A#1	ASPINALL-FINSTER	43.0	CONSOLIDATED GAS
8404769		4703302044		108		MARY LAWSON #1		54.0	CONSOLIDATED GAS
8404778		4703302435		108		NATHAN GOFF #28	LAMBERT RUN	175.0	CONSOLIDATED GAS
8404818		4708505058		108		NOBLE ROGERS #1	GRANT	91.0	CONSOLIDATED GAS
8404805		4708505110		103		NOBLE ROGERS #7	CISKO POOL	30.0	CONSOLIDATED GAS
8404812		4704102749		108		OLETA TURNER #1	ASPINALL-FINSTER	71.0	CONSOLIDATED GAS
8404820		4704102915		108		OLETA TURNER #2	ASPINALL-FINSTER	84.0	CONSOLIDATED GAS
8404770		4703302254		108		UNION LAND CO #1	ELK CREEK	20.0	PETRO-LEWIS CORP
8404771		4703302255		108		UNION LAND CO #2	ELK CREEK	23.0	PETRO-LEWIS CORP
8404775		4703302277		108		UNION LAND CO #3	ELK CREEK	11.0	PETRO-LEWIS CORP
8404816		4706100589		108		W O BARB #1	STEWARTS RUN	34.0	CONSOLIDATED GAS
8404784		4703302177		108		WILLIAM ALLEN #1	BRIDGEPORT	85.0	CONSOLIDATED GAS
8404780		4703302252		108		WILLIAM ALLEN #2	BRIDGEPORT	28.0	CONSOLIDATED GAS
8404776		4703302253		108		WILLIAM ALLEN #3	GLADE RUN	30.0	CONSOLIDATED GAS
-PRIOR JOHN				RECEIVED:	10/31/83	JA: WV			
8404792		4708506261		107-DV		SNYDER - MOSSOR 1-A	UNION DISTRICT	0.0	CONSOLIDATED GAS
8404796		4708506261		103		SNYDER-MOSSOR 1-A	UNION DISTRICT	0.0	CONSOLIDATED GAS
-ST MARYS EASTERN ENERGY INC				RECEIVED:	10/31/83	JA: WV			
8404721		4707315810		107-DV		CUNNINGHAM E E #115	MCKIM	12.0	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	10/31/83	JA: WV			
8404718		4701502196		103		APPALACHIAN ROYALTIES #784	OTTER DISTRICT	5.6	
8404717		4701502194		103		SPINKS #540	OTTER DISTRICT	5.2	
-SWIFT ENERGY CO				RECEIVED:	10/31/83	JA: WV			
8404742		4701703143		107-DV		DUDLEY #1	MCCLELLAND DISTRICT	50.0	
8404747		4701703143		103		DUDLEY #1	MCCLELLAND DISTRICT	50.0	
8404743		4701703124		107-DV		JENNINGS CAMP #2	MCCLELLAND	25.0	
8404746		4701703124		103		JENNINGS CAMP #2	MCCLELLAND DISTRICT	25.0	
8404753		4709100306		102-0		MURPHY #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8404744		4701703113		107-DV		POSTLETHWAIT #1	GRANT DISTRICT	100.0	
8404745		4701703113		103		POSTLETHWAIT #1	GRANT DISTRICT	100.0	
8404748		4701703192		103		STEWART #1	NEW MILTON DISTRICT	50.0	
8404756		4701703192		107-DV		STEWART #1	NEW MILTON DISTRICT	50.0	
8404751		4709100272		102-2		WARDER #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8404754		4709100272		107-DV		WARDER #2	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8404750		4709100300		107-DV		WATKINS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8404752		4709100300		102-0		WATKINS #1	FETTERMAN DISTRICT	25.0	TENNESSEE GAS PIP
8404749		4709702495		103		ZICKEFOOSE #3	WASHINGTON DISTRICT	50.0	
8404755		4709702495		107-DV		ZICKEFOOSE #3	WASHINGTON DISTRICT	50.0	
-UNION DRILLING INC				RECEIVED:	10/31/83	JA: WV			
8404726		4709702432		107-DV		ELSIE YOUNG (AGENT) #1 1531	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8404730		4709702249		107-TF		FOSTER-SETTLE #2 1696	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8404728		4709702277		107-DV		GARRY SAYRE #1 1643	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8404786		4709702020		107-DV		GLADYS KESLING #1 1555	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
8404731		4709702198		107-DV		HAROLD MAXSON #1 1638	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
8404732		4708300321		107-DV		HARRY MCMULLAN #10 1585	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8404738		4708300522		107-DV		HARRY MCMULLAN #13B 1694	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404729		4709702260		107-DV		HARRY MCMULLAN #2C 1700	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8404737		4708300539		107-DV		HARRY MCMULLAN #20B 1717	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404736		4708300638		107-DV		HARRY MCMULLAN #22B 1772	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404733		4708300489		107-DV		HARRY MCMULLAN #3B 1690	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404741		4708300501		107-DV		HARRY MCMULLAN #5B 1704	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404739		4708300506		107-DV		HARRY MCMULLAN #6B 1705	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404734		4708300314		107-DV		HARRY MCMULLAN #8 1550	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8404740		4708300505		107-DV		HARRY MCMULLAN #8B 1683	ROARING CREEK DISTRIC	0.0	TENNESSEE GAS PIP
8404735		4708300301		107-DV		HARRY MCMULLAN JR EST #2 1554	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8404727		4709702325		107-DV		UDI - BURNSIDE #1 1701	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED OPERATING COMPANY				RECEIVED:	10/31/83	JA: WV			
8404719		4702103969		103		HARDMAN #1	TANNER CREEK	0.0	CONSOLIDATED GAS
-UNITED PETRO LTD				RECEIVED:	10/31/83	JA: WV			
8404810		4701303313		108		MAUDE BAILEY #2	MINNORA GAS	6.0	CONSOLIDATED GAS
8404809		4701303312		108		VIRGINIA STARCHER #1	MINNORA GAS	6.0	CONSOLIDATED GAS
-WEVA OIL CO				RECEIVED:	10/31/83	JA: WV			
8404723		4710500527		107-DV		P G MARKS #12	CRESTON	18.0	CONSOLIDATED GAS
-YEAGER OLEY				RECEIVED:	10/31/83	JA: WV			
8404715		4704302583		108		D G BEHLER #3	D G BEHLER	0.0	PENNZOIL CO

[FR Doc. 83-32257 Filed 12-1-83; 8:45 am]
BILLING CODE 6717-01-C

[Volume 1010]

Determinations by Jurisdiction Agencies Under the Natural Gas Policy Act of 1978

Issued: November 29, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in a million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, VA 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease.
Section 102–2: New Well (2.5 Mile rule)
Section 102–3: New Well (1000 Ft rule)
Section 102–4: New onshore reservoir
Section 102–5: New reservoir on old lease
Section 107–DP: 15,000 feet or deeper
Section 107–GB: Geopressured brine
Section 107–CS: Coal Seams
Section 107–DV: Devonian Shale
Section 107–PE: Production enhancement
Section 107–TF: New tight formation
Section 107–RT: Recompletion tight formation
Section 108 Stripper well
Section 108–SA: Seasonally affected
Section 108–ER: Enhanced recovery
Section 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS
ISSUED NOVEMBER 29, 1983
VOLUME 1010

KENTUCKY DEPARTMENT OF MINES & MINERALS

-COLUMBIA GAS TRANSMISSION CORP RECEIVED: 10/31/83 JA: KY

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8404971	505711	1607100000		108		A P CLINE 804650	KENTUCKY AREA B	11.0	COLUMBIA GAS TRAN
8405001	505741	1615900000		108		ARTHUR WARD NO 2 8001595	KENTUCKY AREA C	15.0	COLUMBIA GAS TRAN
8405043	505783	1619500000		108		BRIAR MT C&C CO 12 808423	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8405044	505784	1619500000		108		BRIAR MT COAL & COKE 4 808318	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8405002	505742	1615900000		108		COLLINGSWORTH & MART 801862	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8405033	505773	1613300000		108		COLLINS HARVEY LD CO 808923	KENTUCKY AREA A	9.0	COLUMBIA GAS TRAN
8404981	505721	1619500000		108		CORA B BEVINS ETAL 808969	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405016	505756	1615900000		108		DAVID WARD #2 805060	KENTUCKY AREA C	18.0	COLUMBIA GAS TRAN
8405035	505775	1619500000		108		DEWEY HUNT ETAL 808755	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404994	505734	1611900000		108		DR OWEN PIGMAN 806859	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8405031	505771	1611500000		108		E W HINKLE ETAL 808618	KENTUCKY AREA A	0.8	COLUMBIA GAS TRAN
8405052	505792	1619500000		108		ELIAS DOTSON 808832	KENTUCKY AREA C	8.0	COLUMBIA GAS TRAN
8405036	505776	1615900000		108		ELSIE FERRELL 808769	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8405026	505766	1619500000		108		FEDERAL GAS OIL & COAL CO 809064	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8405034	505774	1619500000		108		FEDERAL GAS OIL & COAL 84 808584	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405027	505767	1619500000		108		FEDERAL GAS OIL & COAL 91 809004	KENTUCKY AREA C	0.1	COLUMBIA GAS TRAN
8404982	505722	1615900000		108		FLAT TOP NATIONAL BANK 808932	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8404996	505736	1611900000		108		G C AMBURGEY 806858	KENTUCKY AREA B	1.0	COLUMBIA GAS TRAN
8405038	505778	1619500000		108		G C BEVINS ETAL 808814	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8405037	505777	1619500000		108		G C BEVINS 808913	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404992	505732	1619500000		108		G C ROWE #4 806668	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405003	505743	1607100000		108		G W AKERS 801911	KENTUCKY AREA B	19.0	COLUMBIA GAS TRAN
8405055	505795	1619500000		108		GEORGE LITZ ESTATE 2 808244	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8405069	505809	1619500000		108		GEORGE W LITZ EST 3	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405057	505797	1619500000		108		GEORGE W LITZ EST 808466	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8404983	505723	1615900000		108		GOFF HEIRS ETAL 808956	KENTUCKY AREA C	20.0	COLUMBIA GAS TRAN
8405053	505793	1615900000		108		GOFF HEIRS 808130	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8404980	505720	1619500000		108		GOFF HEIRS 808812	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404979	505719	1619500000		108		GOFF HEIRS 809003	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8405056	505796	1619500000		108		GREEN WOLFORD 808823	KENTUCKY AREA C	0.4	COLUMBIA GAS TRAN
8405009	505749	1615900000		108		H H PREECE 804255	KENTUCKY AREA C	17.0	COLUMBIA GAS TRAN
8405007	505747	1607100000		108		HELEN JUSTICE 804045	KENTUCKY AREA B	13.0	COLUMBIA GAS TRAN
8405019	505759	1615900000		108		J E CASSADY #5 805847	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8405030	505770	1619500000		108		J F CHARLES ETAL 808888	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405015	505755	1615900000		108		J F PORTER 804750	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8404989	505729	1615900000		108		J H HOWARD 806757	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404988	505728	1619500000		108		J N DAVIS #2 806338	KENTUCKY AREA C	9.0	COLUMBIA GAS TRAN
8404997	505737	1611900000		108		J R & M COLLINS 806860	KENTUCKY AREA B	4.0	COLUMBIA GAS TRAN
8405068	505808	1619500000		108		JACK KEENE 806909	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404978	505718	1619500000		108		JACKSON ROWE 809439	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8405010	505750	1615900000		108		JAMES RATLIFF 804609	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405029	505769	1619500000		108		JANE BURRIS 808968	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405028	505768	1619500000		108		JANE BURRIS 808970	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404998	505738	1615900000		108		JOSEPH STEPP 800592	KENTUCKY AREA C	16.0	COLUMBIA GAS TRAN
8405004	505744	1607100000		108		JULIAN MARTIN 801969	KENTUCKY AREA B	16.0	COLUMBIA GAS TRAN

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8405072	505812	1619500000		108		KENTLAND C&C #106 808760	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405047	505787	1619500000		108		KENTLAND C&C #111 808763	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405050	505790	1619500000		108		KENTLAND C&C #112 808765	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405073	505813	1619500000		108		KENTLAND C&C #113 808783	KENTUCKY AREA C	17 0	COLUMBIA GAS TRAN
8405074	505814	1619500000		108		KENTLAND C&C #115 808785	KENTUCKY AREA C	19.0	COLUMBIA GAS TRAN
8405075	505815	1619500000		108		KENTLAND C&C #116 808786	KENTUCKY AREA C	14 0	COLUMBIA GAS TRAN
8405049	505789	1619500000		108		KENTLAND C&C #117 808791	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405076	505816	1619500000		108		KENTLAND C&C #119 808827	KENTUCKY AREA C	6 0	COLUMBIA GAS TRAN
8404976	505716	1619500000		108		KENTLAND C&C #121 808831	KENTUCKY AREA C	29.0	COLUMBIA GAS TRAN
8404973	505713	1619500000		108		KENTLAND C&C #127 808892	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8404975	505715	1619500000		108		KENTLAND C&C #128 808894	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8404974	505714	1619500000		108		KENTLAND C&C #129 808887	KENTUCKY AREA C	24.0	COLUMBIA GAS TRAN
8405078	505818	1619500000		108		KENTLAND C&C #132 808886	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8405079	505819	1619500000		108		KENTLAND C&C #133 808890	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8405080	505820	1619500000		108		KENTLAND C&C #134 808898	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8405081	505821	1619500000		108		KENTLAND C&C #136 808900	KENTUCKY AREA C	10.0	COLUMBIA GAS TRAN
8405082	505822	1619500000		108		KENTLAND C&C #139 808904	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8405083	505823	1619500000		108		KENTLAND C&C #141 808906	KENTUCKY AREA C	2 0	COLUMBIA GAS TRAN
8405084	505824	1619500000		108		KENTLAND C&C #142 808921	KENTUCKY AREA C	14.0	COLUMBIA GAS TRAN
8405086	505826	1619500000		108		KENTLAND C&C #144 809000	KENTUCKY AREA C	17.0	COLUMBIA GAS TRAN
8405095	505835	1619500000		108		KENTLAND C&C #148 809071	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8405090	505830	1619500000		108		KENTLAND C&C #150 809036	KENTUCKY AREA C	0.7	COLUMBIA GAS TRAN
8405091	505831	1619500000		108		KENTLAND C&C #152 809038	KENTUCKY AREA C	10 0	COLUMBIA GAS TRAN
8405092	505832	1619500000		108		KENTLAND C&C #153 809039	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8405093	505833	1619500000		108		KENTLAND C&C #154 809040	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8405094	505834	1619500000		108		KENTLAND C&C #155 809041	KENTUCKY AREA C	1.0	COLUMBIA GAS TRAN
8405097	505837	1619500000		108		KENTLAND C&C #156 809099	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8405098	505838	1619500000		108		KENTLAND C&C #158 809100	KENTUCKY AREA C	18.0	COLUMBIA GAS TRAN
8405085	505825	1619500000		108		KENTLAND C&C #160 809963	KENTUCKY AREA C	26.0	COLUMBIA GAS TRAN
8405087	505827	1619500000		108		KENTLAND C&C #161 809001	KENTUCKY AREA C	6 0	COLUMBIA GAS TRAN
8405089	505829	1619500000		108		KENTLAND C&C #170 809022	KENTUCKY AREA C	7 0	COLUMBIA GAS TRAN
8405096	505836	1619500000		108		KENTLAND C&C #172 809075	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8405088	505828	1619500000		108		KENTLAND C&C #178 809017	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8404977	505717	1619500000		108		KENTLAND C&C #64 808399	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405048	505788	1619500000		108		KENTLAND C&C #79 808544	KENTUCKY AREA C	0.5	COLUMBIA GAS TRAN
8405051	505791	1619500000		108		KENTLAND C&C CO #122 808833	KENTUCKY AREA C	2.0	COLUMBIA GAS TRAN
8405100	505840	1619500000		108		KENTLAND C&C NO 166 809179	KENTUCKY AREA C	33.0	COLUMBIA GAS TRAN
8405077	505817	1619500000		108		KENTLAND C&C 808828	KENTUCKY AREA C	7.0	COLUMBIA GAS TRAN
8405099	505839	1619500000		108		KENTLAND C&C 809119	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405000	505740	1615900000		108		LEWIS DEMPSEY 8001487	KENTUCKY AREA C	14 0	COLUMBIA GAS TRAN
8404999	505739	1615900000		108		LEWIS DEMPSEY 800890	KENTUCKY AREA C	15 0	COLUMBIA GAS TRAN
8405005	505745	1607100000		108		LEWIS MARSHALL 803860	KENTUCKY AREA B	18.0	COLUMBIA GAS TRAN
8405008	505748	1611900000		108		LIZA J MARTIN 804210	KENTUCKY AREA B	12.0	COLUMBIA GAS TRAN
8404972	505712	1607100000		108		MABEL S AGASSIZ ETAL 804001	KENTUCKY AREA B	5 0	COLUMBIA GAS TRAN
8405024	505764	1615900000		108		MAGGIE CLINE ETAL 2 808275	KENTUCKY AREA C	14 0	COLUMBIA GAS TRAN
8405065	505805	1619500000		108		MAJ COLL & HURR MIN 4 808402	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405064	505804	1619500000		108		MAJ COLL & HURR MIN 5 808403	KENTUCKY AREA C	0.1	COLUMBIA GAS TRAN
8405063	505803	1619500000		108		MAJ COLL & HURR MIN 6 808419	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405062	505802	1619500000		108		MAJ COLL & HURR MIN 8 808420	KENTUCKY AREA C	0 0	COLUMBIA GAS TRAN
8405061	505801	1619500000		108		MAJ COLLIERIES & HURR MIN NO 7	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405066	505806	1619500000		108		MAJ COLLIERIES & HURR MIN 2 808400	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405060	505800	1619500000		108		MAJ COLLIERIES #11 808826	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405059	505799	1619500000		108		MAJ COLLIERIES #11 808864	KENTUCKY AREA C	0.1	COLUMBIA GAS TRAN
8404984	505724	1619500000		108		MAJ COLLIERIES #14 808918	KENTUCKY AREA C	4.0	COLUMBIA GAS TRAN
8405067	505807	1619500000		108		MAJ COLLIERIES CORP 808078	KENTUCKY AREA C	0 0	COLUMBIA GAS TRAN
8405041	505781	1619500000		108		MARTHA V ALLEY 808776	KENTUCKY AREA C	3.0	COLUMBIA GAS TRAN
8405011	505751	1615900000		108		MARY F CASSADY 804681	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405040	505780	1619500000		108		MILLARD MAYNARD 808875	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405070	505810	1615900000		108		MT STERLING LAND #2 808624	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405039	505779	1615900000		108		MT STERLING LD #6 808674	KENTUCKY AREA C	12.0	COLUMBIA GAS TRAN
8405006	505746	1607100000		108		N O ALLEN 804016	KENTUCKY AREA B	14.0	COLUMBIA GAS TRAN
8405014	505754	1615900000		108		NANCY C LAYNE 804727	KENTUCKY AREA C	0 0	COLUMBIA GAS TRAN
8405042	505782	1619500000		108		OCTAVIA EVANS ETAL 808781	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8405046	505786	1615900000		108		S H GOODLOE ETAL 808625	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405013	505753	1615900000		108		S J ROBINSON ETAL 804708	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8404995	505735	1611900000		108		S N STACY ETAL 806514	KENTUCKY AREA B	7.0	COLUMBIA GAS TRAN
8404987	505727	1615900000		108		SALLIE SCALF ETAL 806671	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405032	505772	1619500000		108		SARAH DESKINS #4 808789	KENTUCKY AREA C	19.0	COLUMBIA GAS TRAN
8404985	505725	1619500000		108		SHELBY CREEK COAL #2 806609	KENTUCKY AREA C	5.0	COLUMBIA GAS TRAN
8404986	505726	1619500000		108		SHELBY CREEK COAL #3 806699	KENTUCKY AREA C	1 0	COLUMBIA GAS TRAN
8405071	505811	1619500000		108		SIDNEY HOWARD ETAL 806882	KENTUCKY AREA C	11.0	COLUMBIA GAS TRAN
8404990	505730	1619500000		108		SOPHIA & G C ROWE 806672	KENTUCKY AREA C	6.0	COLUMBIA GAS TRAN
8405021	505761	1615900000		108		T J HARDIN #2 806605	KENTUCKY AREA C	14 0	COLUMBIA GAS TRAN
8405020	505760	1615900000		108		T J HARDIN 806505	KENTUCKY AREA C	13 0	COLUMBIA GAS TRAN
8405012	505752	1615900000		108		TAMSEY CASSADY 804701	KENTUCKY AREA C	0.0	COLUMBIA GAS TRAN
8405022	505762	1615900000		108		TCO FEE 806726	KENTUCKY AREA C	13.0	COLUMBIA GAS TRAN
8405054	505794	1615900000		108		TILDA MURPHY ETAL 808779	KENTUCKY AREA C	7 0	COLUMBIA GAS TRAN
8405058	505798	1619500000		108		VICTOR LANE ETAL 806141	KENTUCKY AREA C	0 0	COLUMBIA GAS TRAN
8405045	505785	1615900000		108		W B TAYLOR ETAL #1 808856	KENTUCKY AREA C	25 0	COLUMBIA GAS TRAN
8405018	505758	1615900000		108		WARFIELD NATURAL GAS #10 805451	KENTUCKY AREA C	0 0	COLUMBIA GAS TRAN
8405017	505757	1615900000		108		WARFIELD NATURAL GAS #3 805191	KENTUCKY AREA C	17 0	COLUMBIA GAS TRAN
8405025	505765	1615900000		108		WARFLD NAT GAS #32 805574	KENTUCKY AREA C	11 0	COLUMBIA GAS TRAN
8405023	505763	1611900000		108		WILLIAM BLAIR 808074	KENTUCKY AREA B	6 0	COLUMBIA GAS TRAN
8404991	505731	1615900000		108		WILLIAM Z PREECE 806789	KENTUCKY AREA C	14 0	COLUMBIA GAS TRAN
8404993	505733	1611900000		108		WM BLAIR 806900	KENTUCKY AREA B	5 0	COLUMBIA GAS TRAN
						OKLAHOMA CORPORATION COMMISSION			
-ALTA ENERGY CORP				RECEIVED:	10/31/83	JA: OK			
8404866	24355	3508321999		103		GAFFNEY #1	MISSISSIPPIAN FORMATI	16 0	EASON OIL CO
8404950	24308	3508322229		103		MORGAN #1	MISSISSIPPIAN FORMATI	217 2	EASON OI CO
-AMCANA OIL CORP				RECEIVED:	10/31/83	JA: OK			
8404863	24390	3510920678		103		ANDERSON #3-2	WILDCAT	20 0	CHAMPLIN PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	10/31/83	JA: OK			
8404879	24371	3509322675		103		FISHER UNIT A #1	RINGWOOD-MISSISSIPPI	182 0	PHILLIPS PETROLEU
8404969	24437	3509322674		103		MORGAN UNIT "A" #2	RINGWOOD	109 0	PHILLIPS PETROLEU
-ANADARKO RESOURCES CORP				RECEIVED:	10/31/83	JA: OK			
8404871	24413	3505520554		103		PUCKETT #3 ARC	S E ERICK	365 0	NORTH BLOOMINGTON
-ANADOR RESOURCES INC				RECEIVED:	10/31/83	JA: OK			
8404965	24435	3515121362		103		WORLEY #1-27	ALVA	70 0	TENNESSEE GAS PIP
-ARCO OIL AND GAS COMPANY				RECEIVED:	10/31/83	JA OK			
8404903	24100	3504721901		108		MABEL ESTILL #1	HILLSDALE	7 3	PANHANDLE EASTERN
-ARRINGTON PROPERTIES INC				RECEIVED:	10/31/83	JA: OK			
8404884	21683	3511921333		102-4		GREINER #2	LAKE BLACKWELL EAST	10 0	ARCO OIL & GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8404883	21679	3511921334		102-4		HESS #2	LAKE BLACKWELL EAST	10.0	ARCO OIL & GAS CO
8404948	21678	3511921726		102-4		HESS #3	LAKE BLACKWELL EAST	10.0	ARCO OIL & GAS CO
8404947	21677	3511922004		102-4		HESS #4	LAKE BLACKWELL EAST	10.0	ARCO OIL & GAS CO
-ARROW OIL & GAS INC				RECEIVED:	10/31/83	JA: OK			
8404867	24356	3508720842		103		BURKHEAD #1	EAST CRIPER	35.0	SUN EXPLORATION &
-ATWELL GORDON				RECEIVED:	10/31/83	JA: OK			
8404893	24412	3505300000		103		PAT WILKENS 1A-16		0.0	UNION TEXAS PETRO
-BARBOUR ENERGY CORP				RECEIVED:	10/31/83	JA: OK			
8404963	22063	3508322192		102-4		R J FRUENDT #1-30		0.0	BUCKEYE NATURAL G
-BARTEX EXPLORATION INC				RECEIVED:	10/31/83	JA: OK			
8404833	23998	3501521332		103		CAROL SUE #1	NORTH BENGER	37.0	
8404861	24361	3501521208		103		PHIFER #1-13	NORTH BENGER	118.0	
-BETA EXPLORATION CO				RECEIVED:	10/31/83	JA: OK			
8404960	20673	3511123834		102-4	103	LESLIE #1		0.0	PHILLIPS PETROLEU
8404968	20672	3511123835		102-4	103	LESLIE #2		0.0	PHILLIPS PETROLEU
-BLAIK OIL COMPANY				RECEIVED:	10/31/83	JA: OK			
8404822	24051	3504700000		108		A G TOEWS #1	SOONER TREND	2.0	CHAMPLIN PETROLEU
8404848	24050	3500320133		108		WHITMAN #1	SOONER TREND	8.0	UNION TEXAS PETRO
-BLUE QUAIL ENERGY INC				RECEIVED:	10/31/83	JA: OK			
8404873	24331	3510979606		103		FRANTZ #1	W MUSTANG	0.0	CONOCO INC
-BOB L LOFTIS				RECEIVED:	10/31/83	JA: OK			
8404837	23811	3506321510		103		GERTIE B LOFTIS #2	GREASY CREEK	21.9	WELLHEAD ENTERPRI
-BOGERT OIL CO				RECEIVED:	10/31/83	JA: OK			
8404860	25212	3501121825		103		KATHREN 1-5	SOONER TREND	30.0	PHILLIPS PETROLEU
-BRACKEN EXPLORATION CO				RECEIVED:	10/31/83	JA: OK			
8404830	23981	3501121835		103		ACRE #1-16	SOUTHWEST CANTON	125.0	DELHI GAS PIPELIN
-C J CASSELMAN				RECEIVED:	10/31/83	JA: OK			
8404847	24025	3511124411		103		HASTEY 2-CMA	MORRIS	18.3	PHILLIPS PETROLEU
8404824	24022	3511124302		103		LONG 1-A	MORRIS	18.3	PHILLIPS PETROLEU
8404825	24023	3511124303		103		LONG 2A	MORRIS	18.3	PHILLIPS PETROLEU
-CONTINENTAL CRUDE CO				RECEIVED:	10/31/83	JA: OK			
8404888	21885	3510525496		102-2		PIERSON C-1	WILDCAT	14.6	ENICO PIPELINE CO
8404887	21884	3510525504		102-2		PIERSON C-2	WILDCAT	18.3	ENICO PIPELINE CO
8404890	21887	3510525541		102-2		PIERSON C-3	WILDCAT	20.0	ENICO PIPELINE CO
8404889	21886	3510525542		102-2		PIERSON C-4	WILDCAT	27.4	ENICO PIPELINE CO
-COTTON PETROLEUM CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404913	24013	3505121424		103		BEVILL #1	MORGE SW	0.0	PHILLIPS PETROLEU
-CRAWLEY PETROLEUM CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404832	23993	3507323760		103		DAVIS #3	EAST HENNESSEY	60.0	OKLAHOMA GAS & EL
-DAMSON OIL CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404911	21456	3505520433		108		SHERRILL #1	N W MANGUM	5.0	ARKANSAS LOUISIAN
-DAN DARLING OIL				RECEIVED:	10/31/83	JA: OK			
8404841	20335	3505320945		103		LACY HEIRS #2	EAST LAMONT	150.0	FARMLAND INDUSTRI
-DAWN ENERGY CO				RECEIVED:	10/31/83	JA: OK			
8404878	24380	3513921717		103		CLARK 1-22	N E RICE	100.0	
8404877	24379	3513921718		103		MCDONALD #2-22	N E RICE	100.0	PHILLIPS PETROLEU
-DYCO PETROLEUM CORPORATION				RECEIVED:	10/31/83	JA: OK		150.0	EL PASO NATURAL G
8404925	24191	3503920885		103		BURGTORF-RANDOL 1-6	NORTHWEST ARAPAHO	180 0	
8404939	24314	3503920872		103		SHEPARD THOMPSON 1-1			
-EL PASO NATURAL GAS COMPANY				RECEIVED:	10/31/83	JA: OK	ERICK SOUTH	0 0	EL PASO NATURAL G
8404840	14512	3500935560		108-PB		PUCKETT #2	ERICK SOUTH	0.0	EL PASO NATURAL G
8404952	23970	3500906796		108-PB		PUCKETT A #1	ERICK SOUTH	0.0	EL PASO NATURAL G
8404843	19132	3500920130		108-PB		PUCKETT A #2	ERICK SOUTH-BROWN DOL	44.0	EL PASO NATURAL G
8404906	24284	3500935575		108		SMITH B #2			
-EXXON CORPORATION				RECEIVED:	10/31/83	JA: OK	PUTNAM	2.0	WESTERN FARMERS E
8404876	24145	3504350096		108		BARNES ESTEE #1			
-FAMILY OIL & GAS CO				RECEIVED:	10/31/83	JA: OK	SOUTH MORRIS	0.0	OKLAHOMA GAS & EL
8404829	23954	3511100000		103		CHASTAIN 4A			
-FORTUNA ENERGY CORP				RECEIVED:	10/31/83	JA: OK	S ALDERSON	730.0	OKLAHOMA GAS & EL
8404856	25769	3512121028		103		SEGELQUIST #1			
-FUNK EXPLORATION INC				RECEIVED:	10/31/83	JA: OK	DOMBEY	365.0	PANHANDLE EASTERN
8404828	23893	3500722450		102-4		CLUCK #1			
-GULF OIL CORPORATION				RECEIVED:	10/31/83	JA: OK	OMEGA SOUTH (MISSISSI	0.0	ONG WESTERN INC 3
8404882	23067	3501121011		108		JOHN EPLER ETAL #1-11	ELK CITY SW (GRANITE	372.0	
8404962	21874	3500920522		102-4		MARTIN #1-25	FOX (HUNTON)	1 0	AMINOIL USA INC
8404954	22757	3501900000		108		WIRT FRANKLIN #1			
-HARPER OIL COMPANY				RECEIVED:	10/31/83	JA: OK	SOONER TREND	155.0	ARKANSAS LOUISIAN
8404855	25214	3504723275		103		COURTER #3	SOONER TREND	0 0	MUSTANG FUEL CORP
8404849	24093	3507323036		108		JOE SEDLAK #2			
-HAWKINS OIL & GAS INC				RECEIVED:	10/31/83	JA: OK	W BOWLING SPRINGS	219 0	PHILLIPS PETROLEU
8404958	24318	3504521146		103		BAKER #1-4			
-INTREPID OIL & GAS CO				RECEIVED:	10/31/83	JA: OK	YAHALA	40 2	PHILLIPS PETROLEU
8404932	24301	3511123470		103		BADGER #1	MOUNDS	0 0	PHILLIPS PETROLEU
8404938	24307	3511123343		108		LEE #1	WICEY	35 8	PHILLIPS PETROLEU
8404936	24305	3514321833		103		LUNDY #1	MOUNDS	0 0	PHILLIPS PETROLEU
8404937	24306	3511122869		108		MINNIE TIGER #1	MOUNDS	58 4	PHILLIPS PETROLEU
8404931	24299	3511122931		108		MINNIE TIGER #2	MOUNDS	0 0	PHILLIPS PETROLEU
8404935	24304	3511122976		108		MINNIE TIGER #3	HASKEL	27 4	PHILLIPS PETROLEU
8404933	24302	3511123374		103		SWINGLE #1	HASKEL	132 9	PHILLIPS PETROLEU
8404934	24303	3511123738		103		SWINGLE #3			
-J M HUBER CORPORATION				RECEIVED:	10/31/83	JA: OK	N W GREENDUGH	20 0	PANHANDLE EASTERN
8404865	24348	3500722499		103		WALLACE B #2			
-JAY PETROLEUM INC				RECEIVED:	10/31/83	JA: OK	EAST LAMAR	2 1	
8404910	24293	3506320619		108		ECKLES #2	EAST LAMAR	8.1	JAY PETROLEUM INC
8404909	24292	3506300000		108		FOLLANSBEE #1			
-JET OIL COMPANY				RECEIVED:	10/31/83	JA: OK	HAYWARD PROSPECT	12 0	EASON OIL CO
8404919	24060	3504723295		103		FORTNEY C #1	ORLANDO PROSPECT	4.0	EASON OIL CO
8404902	24062	3508322201		103		LASATER #1	ABELL PROJECT	15 0	EASON OIL CO
8404920	24061	3508322188		103		MCPEEK #1			
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	10/31/83	JA: OK	SOUTH PEEK	18 8	PANHANDLE EASTERN
8404946	18583	3504500000		108-ER		JEROME BERRYMAN E #1			
-KANOKLA ENERGY CORP				RECEIVED:	10/31/83	JA: OK	CAROLINA	160 0	KANOKLA ENERGY CO
8404835	21749	3513321188		102-2		CAROLINA A-1	CLAYTON	292 0	KANOKLA ENERGY CO
8404850	21641	3513321605		102-2		CLAYTON #1	CAROLINA	335 7	KANOKLA ENERGY CO
8404836	21751	3513321453		102-2		DAVE CAROLINA F-1	JONI K	36 0	KANOKLA ENERGY CO
8404959	24309	3513322238		103		JONI-K1			
-KIMBARK OIL & GAS CO				RECEIVED:	10/31/83	JA: OK	WILDCAT	60 0	PHILLIPS PETROLEU
8404875	24377	3513921743		103		ADDINGTON 2-36			
-L E JONES PRODUCTION COMPANY				RECEIVED:	10/31/83	JA: OK		250 0	LONE STAR GAS CO
8404955	22926	3501922650		102-3		PIERCE ESTATE #1			
-L G WILLIAMS OIL COMPANY INC				RECEIVED:	10/31/83	JA: OK	MT VERNON	1 0	
8404886	21776	3508121277		102-2	103	STATE OF OKLAHOMA #1-36			
-LADD PETROLEUM CORPORATION				RECEIVED	10/31/83	JA OK	ENID NORTHEAST	20 5	NORTHWEST CENTRAL
8404927	24223	3504723559		103		LEMKE #4			

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-LANCER ENERGY CORP				RECEIVED:	10/31/83	JA OK			
8404831	23988	3508300000		103		HART #2	SOONER TREND	6	0 EASON OI CO
-LEC LTD				RECEIVED:	10/31/83	JA OK			
8404953	21917	3503723101		102-4	103	BURGESS-CALE #1-A	WEST SAPULPA	20	0 COLORADO GAS CORP
8404956	23608	3503724907		102-4		BURGESS-CALE #2-A	WEST SAPULPA	200	0 COLORADO G S CORP
-LRF CORP				RECEIVED:	10/31/83	JA: OK			
8404826	24036	3501722469		103		VON TUNGELN #1	CALUMET	300	0 MUSTANG FUEL CORP
-LUBELL OIL CO				RECEIVED:	10/31/83	JA OK			
8404854	25213	3506300000		103		MCEWEN #1-36	YEAGER	100	0 MEGA NATURAL GAS
-M C S EXPLORATION CORP				RECEIVED:	10/31/83	JA OK			
8404868	24369	3504723375		103		CASTEEL #1-12		0	0 EASON OIL CO
-MCCORMICK OPERATING CO				RECEIVED:	10/31/83	JA OK			
8404872	24423	3504321224		103		RUSSELL CRAVENS #1	SOONER TREND	180	0 OKLAHOMA GAS & EL
-MOBIL OIL CORP				RECEIVED:	10/31/83	JA OK			
8404844	24160	3501900000		108		GRAHAM DEESE #39-2 GALLAGHER #2	SHO VEL TUM	0	3 LONE STAR GAS CO
8404839	23915	3501900000		108		GRAHAM DEESE #52-2 ELLIS ET AL #2	SHO VEL TUM	0	2 LONE STAR GAS CO
8404929	24267	3509322239		103		HARVEY T BIERIG UNIT #2	AMES	0	0 TRANSOK PIPELINE
8404930	24268	3509322597		103		M T DUYER UNIT #2	AMES	0	0 TRANSOK PIPELINE
-MR CJ OIL CO				RECEIVED:	10/31/83	JA: OK			
8404928	24227	3511900000		103		EBERHART 1-5		0	0 ENTEPPRISE DEVELO
-NICHOLS PETROLEUM CO				RECEIVED	10/31/83	JA: OK			
8404851	21708	3511720906		102-2		CLAYTON #1-A	MA LEY	7	2 HJB CATTLE CO
-OFS-TULSA CORP				RECEIVED:	10/31/83	JA: OK			
8404921	23909	3504723381		103		JORDAN #4-36		50	0 EASON OIL CO
-OIL WEST DRILLING INC				RECEIVED:	10/31/83	JA: OK			
8404864	24335	3511721771		103		LITTLE JERRY #3	CLEVELAND	1	0 MID AMERICA GAS L
-OKMAR OIL COMPANY				RECEIVED:	10/31/83	JA OK			
8404881	24259	3503700000		108		CONNER #3	NORTH CUSHING	0	5 ARCO OIL & GAS CO
8404830	24244	3503700000		108		POWELL "C" #27	CUSHING	1	1 ARCO OIL & GAS CO
-PETRO-LEWIS CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404905	24201	3504900000		108		MURRAY #1-18	S E ANTIOCH	12	3 WARREN PETROLEUM
-PETROLEUM RESOURCES CO				RECEIVED:	10/31/83	JA: OK			
8404941	24321	3508320808		103		HARMON #4	CRESCENT LOVELL	46	0 EASON OIL CO
8404940	24320	3508321845		103		ROUT #2	CRESCENT LOVELL	36	0 EASON OIL CO
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/31/83	JA: OK			
8404914	24027	3503121069		103		STEPHENS B #1		0	0
-RED EAGLE OIL CO				RECEIVED:	10/31/83	JA OK			
8404945	24455	3501121795		103		EVELINE #1	N W OKEENE	182	0 PIONEER GAS PRODU
8404944	24454	3509322693		103		LYNCH #1	N W OKEENE	275	0 PIONEER GAS PRODU
8404859	24453	3501121809		103		RACHAEL #1	N W OKEENE	270	0 PIONEER GAS PRODU
8404943	24452	3509322700		103		ZIMMERMAN #1	NW OKEENE	275	0 PIONEER GAS PRODU
-RHEMA OIL & GAS INC.				RECEIVED:	10/31/83	JA: OK			
8404857	24408	3503724783		103		WOOD #1	EDNA	100	0 HERITAGE GAS CO
8404858	24409	3503700000		103		WOOD #2	EDNA	100	0 HERITAGE GAS CO
-RONGEY HOWARD E				RECEIVED:	10/31/83	JA: OK			
8404842	21148	3511100000		108		HOPPING #1 REF #57-7776	SCHULTER	5	0 PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404827	22349	3503920618		102-2		BAXTER #1		365.0	TRANSOK PIPE LINE
-SAMSON RESOURCES COMPANY				RECEIVED:	10/31/83	JA: OK			
8404846	22341	3512120990		102-2		HOPPER #1	KIOWA	821	2 ARKANSAS LOUISIAN
-SILBERMAN A & M				RECEIVED:	10/31/83	JA: OK			
8404924	25076	3511920467		108		SAM #3 SW SE SW 3 18N-2E	LOST CREEK	1	3 SUN GAS TRANSMISS
-SOUTHLAND ROYALTY CO				RECEIVED:	10/31/83	JA: OK			
8404967	19495	3513900377		108-FB		ELMORE #1	EAST HOOKER	21	5 NORTHERN NATURAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	10/31/83	JA: OK			
8404957	24327	3505121341		103		C T WANGENSTEEN #2	LAVERTY	471	0 OKLAHOMA NATURAL
8404852	22892	3511921954		103		MILDRED C HOWARD #1		0.0	SUN GAS TRANSMISS
-TAYLOR INTERNATIONAL INC				RECEIVED:	10/31/83	JA: OK			
8404885	21713	3503722608		103		MCKEOWN.1-A	CUSHING	1	0 ARCO OIL & GAS CO
-TAYLOR OIL CO				RECEIVED:	10/31/83	JA: OK			
8404892	22224	3510522558		102-2	103	B D #1		18	3
8404891	22223	3510525569		102-2	103	STRITZKE #1		722	7
-TENNECO OIL COMPANY				RECEIVED:	10/31/83	JA: OK			
8404862	24383	3510321961		103		SOUTH LONE ELM CLEVELAND S U #102	SOUTH LONE ELM	2.0	AMINOIL USA INC
8404853	24290	3510321093		103		SOUTH LONE ELM CLEVELAND S U #95	SOUTH LONE ELM	20.0	AMINOIL U S A INC
8404870	24382	3510321905		103		SOUTH LONE ELM CLEVELAND S U #99	SOUTH LONE ELM	10.0	AMINOIL U S A INC
8404869	24381	3510321963		103		SOUTH LONE ELM CLEVELAND S U #124	SOUTH LONE ELM	2.0	AMINOIL USA INC
-TEXACO INC				RECEIVED:	10/31/83	JA: OK			
8404908	24288	3504751417		108		BREDEHOFT "A" #1	SOONER TREND	12	3 PHILLIPS PETPOLEU
8404874	24289	3502520329		108		G N DENCKER #2	GRIGGS S E	11	3 TRANSWESTERN PIPE
8404907	24287	3502500000		108		W D YOUSTLER #1	GRIGGS S E	11.3	TRANSWESTERN PIPE
-THE ANSCHUTZ CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404896	22449	3508520501		102-4		BOULBY #1-12	N PIKE	39.0	AMINOIL USA INC
8404897	22450	3508520467		102-4		GREAT PLAINS REALTY #4-18	N PIKE	51.0	AMINOIL USA INC
8404898	22451	3508520497		102-4		HEFNER #10-7	N PIKE	67.0	AMINOIL USA INC
8404894	22409	3508520427		102-4		KETRIDGE #12-6	N PIKE	18.0	AMINOIL USA INC
8404899	22452	3508500000		102-4		KIMBELL #5-2	N PIKE	25.0	AMINOIL USA INC
8404900	22453	3508520677		102-4		KIMBELL #6-13	N PIKE	0	0 AMINOIL USA INC
8404901	22454	3508500000		102-4		KIMBELL #9-10	N PIKE	18.0	AMINOIL USA INC
-THE WIL-MC OIL CORP				RECEIVED:	10/31/83	JA: OK			
8404838	23813	3505321036		103		JONES #1	EAST WAKITA	9.0	SUN EXPLORATION &
8404951	24279	3504521034		103		PARKER #1-24	S W ARNETT	250.0	UNITED GAS PIPE L
-TRIGG DRILLING COMPANY INC				RECEIVED:	10/31/83	JA: OK			
8404970	25933	3514920075		107-DP		FINNELL #2-A	ELK CITY	2948.0	MICHIGAN WISCONSI
-TXO PRODUCTION CORP				RECEIVED:	10/31/83	JA: OK			
8404912	23978	3509322696		103		CLASSEN A #4	E BARC	0.0	DELHI GAS PIPELIN
8404949	22531	3512121000		102-4	103	DAVIS "Q" #1	SAVANNAH-CRABTREE	0.0	DELHI GAS PIPELIN
8404961	21739	3512121000		102-4	103	DAVIS "Q" #1	SAVANAH-CRABTREE	0.0	
8404942	24324	3504722272		103		EDIGER "B" #1	NE ENID	0.0	ARKANSAS LOUISIAN
-UNION TEXAS PETROLEUM				RECEIVED:	10/31/83	JA: OK			
8404923	24048	3508322060		103		CORNWELL #2	CASHION	110.0	CHAMPLIN PETROLEU
8404945	21210	3509300000		108		WEB-GLIDEWELL #1	RINGWOOD	31.6	OKLAHOMA NATURAL
-UNIT DRILLING & EXPLORATION CO				RECEIVED:	10/31/83	JA: OK			
8404918	24058	3504321627		103		CUNNINGHAM #1	SQUIRREL CREEK	90.0	HYDROCARBON SERVI
-VIERSEN & COCHRAN				RECEIVED:	10/31/83	JA: OK			
8404904	24148	3504321637		103		POLLOCK #1-34	WATONGA TREND	10.0	PHILLIPS PETROLEU
8404964	24433	3504321712		103		ROSINE #1-1	WATONGA TREND	180	0 PHILLIPS PETROLEU
-W C PAYNE				RECEIVED:	10/31/83	JA: OK			
8404926	24200	3507323769		103		LUNNON #1	SOONER TREND	100	0 CONOCO INC
-WARD PETROLEUM CORP				RECEIVED:	10/31/83	JA: OK			
8404915	24039	3505100000		103		BLANCHARD #1	S W NORGE	270	4 PHILLIPS PETROLEU
8404917	24056	3505100000		103		THOMA #1-3	S W CHICKASHA	375	0 PHILLIPS PETROLEU
8404823	24019	3505100000		103		THOMA #1-34	S W CHICKASHA	541	4 PHILLIPS PETROLEU
8404916	24055	3505121330		103		TORRALBA #1	S W CHICKASHA	469	0 PHILLIPS PETROLEU
-WARFIELD JOHN				RECEIVED:	10/31/83	JA: OK			
8404966	19203	3509320424		108-ER		WARFIELD 1-32		0.0	AMINOIL USA INC
-WEST CENTRAL PETROLEUM INC				RECEIVED:	10/31/83	JA: OK			
8404834	24018	3508112196		103		BUD SOWARDS #1 081-80149	EAST DAVENPORT	60.0	MERIDIAN ENERGY I
-WESTWOOD ENERGY INC				RECEIVED:	10/31/83	JA: OK			
8404922	23952	3511921802		103		KENNETH PHILLIPS #1 (119-73834)	MARKHAM	7	0 PARKS ENERGY INVE
-WOODS PETROLEUM CORPORATION				RECEIVED:	10/31/83	JA: OK			
8404895	22442	3512920900		102-2		MOORMAN #13-1	N STRONG CITY	913.0	ARKANSAS LOUISIAN

[FR Doc. 83-32258 Filed 12-1-83; 8:45 am]

BILLING CODE 6717-01-C

Friday
December 2, 1983

Part IV

Securities and Exchange Commission

Adoption of Revised Form BD and Revised Form BDW

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 249

[Release No. 34-20406; File No. S7-986]

Adoption of Revised Form BD and Form BDW

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of Revised Form BD and Revised Form BDW.[1]

SUMMARY: The Securities and Exchange Commission has determined to adopt Form BD and Form BDW, as previously proposed except for the lifting of the ten-year period as to certain events and minor changes to the forms necessary to accommodate the Central Registration Depository System and to correct ambiguities in the Form BD as originally proposed. The purpose of the revisions is to reduce the regulatory burden upon broker-dealers by lessening duplicative registration requirements.

EFFECTIVE DATE: January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli at (202) 272-2904, or Elizabeth S. York at (202) 272-2377, Division of Market Regulation, Securities and Exchange Commission, 450 5th Street, N.W. Washington, D.C. 20459.

SUPPLEMENTARY INFORMATION:

The revisions of Form BD and BDW [2] were initially suggested by the "Special Committee to Revise Form BD" ("Special Committee"), created by the North American Securities Administrators Association, Inc. ("NASAA"). The Special Committee members consisted of representatives from the National Association of Securities Dealers' Inc. ("NASD"), the New York Stock Exchange, Inc. ("NYSE"), the Securities Industry Association ("SIA"), the American Stock Exchange, Inc. ("Amex") and Commission staff. The Commission is adopting the forms substantially as published for comment in its July release (48 FR 36115, August 9, 1983), although it has made modifications to the forms as adopted which are described below.

The revisions will enable broker-dealers to use a single form to register or withdraw from registration with states and self-regulatory organizations as well as the Commission. A second, complimentary purpose of the revisions is to make Form BD and Form BDW compatible with the Central Registration Depository ("CRD").[3]

The CRD will provide a computer data base which will maintain current registration information for every broker-dealer which is a member of the NASD and/or registered with a state which participates in the CRD program ("participating states"). The CRD is designed to reduce the regulatory burden on a broker-dealer by allowing it to file a single form with the CRD system and a copy of that form with the Commission and participating states. In addition, CRD promotes investor protection through its retention of current data on a broker-dealer's registration status among the participating states and the NASD.

List of Subjects in 17 CFR Part 249

Reporting and recordkeeping requirements, Securities.

II. Summary of Modifications of Proposed Forms

A. Limitation period as to Item 7—Item 7 of the Form BD as originally proposed would have eliminated the 10-year limitation period as to reporting certain findings or proceedings or other actions. After further discussions with the Special Committee, the Commission, with the acquiescence of the Committee, has determined to retain the 10-year reporting period.

B. There are additional minor changes in the forms as adopted. Those changes are summarized below.

FORM BD

Page 1

1. Preceding Item 1, change "NASAA/NASD CRD No." to "Form CRD No." In addition, a space for the "Firm CRD No." will be provided at the top of each page of Form BD and BDW as well as the schedules. This will provide better identification of the forms and amendments when received.

2. Item 1: delete "WATS Line" item and replace with "Contact Person."

3. Execution: reinstate language relating to verification of previously submitted material.

Page 2

1. Item 2: Delete SECO box. The SECO program is being abolished.

2. Item 3: After box for "sole proprietorship" add word "complete schedule C". This is consistent with the rest of Item 3.

3. Item 5: First sentence shall read "Is applicant a successor to a registered broker-dealer?" The rest of the language in the first sentence in this item in the proposed form is to be deleted. The second sentence shall read "If yes, explain succession on Schedule D." The third sentence shall read "If yes, state:" In 5(a) the words "merger or acquisition" and the boxes accompanying them shall be deleted. Line 5(b) shall read "Full name, IRS Empl. Ident. No., SEC File No. and Firm CRD No. of predecessor broker-dealer." The reference in 5(b) to "NASAA/NASD CRD No." will be changed to "Firm CRD No." The language in this item, as proposed, was not completely consistent with the status of the law regarding successory broker-dealers. The Commission expects to provide interpretive clarification as to the successor requirements in the near future.

4. Item 6(a): The phrase "a controlling influence" in the second line and the sixth line was replaced by the word "control." "Control" is defined in the instructions to Form BD.

Page 3

1. Item 7(a)(v)—The sentence should end with ". . . or has failed reasonably to supervise another person who committed such a violation?" This item is in the current form and was inadvertently omitted.

2. The phrase "a controlling influence" in Item 7(a)(x) is replaced by the word "control." "Control" is defined in the instructions.

Page 4

1. Item 7(b) will be re-designated as item 7(a)(xii). In the third line, the word "this" precedes "part" and "(a)" was deleted. This item is more consistent with the questions in item 7(a).

2. Items 7(c), (d) and (e) become 7 (b), (c) and (d).

3. Item 7(e)(iii) (which will be changed to 7(d)(iii)) will read "state whether applicant is the subject of any unsatisfied judgments or liens." An applicant will have to report both judgments and liens.

Page 5

1. In Item 11(b), second sentence, the word "such" was deleted. This is a grammatical change only.

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[1] Form BD is the form which is filed by an applicant to become registered as a broker-dealer under Section 15(b) of the Securities Exchange Act of 1934. Form BDW is the notice filed by a registered broker-dealer in order to withdraw its registration.

[2] The refiling of a new Form BD by registered broker-dealers is suspended until such time as the NASD requires the filing (in which case a copy of that filing should be concurrently made with the Commission) or January 1, 1985, whichever time comes first.

[3] CRD is a computer data base which is maintained by the NASD. At this time 44 states participate in the CRD program ("participating state(s)").

The Schedules

1. On Schedules A, B and C wherever a social security number is requested the item should read "CRD No., or if none, Social Security Number."

2. In Item I of Schedule B, the first sentence will read: "List all general partners and list all limited and special partners who have contributed 5% or more of the partnership's capital." The last sentence of this item will begin "Designate percentage of capital contribution as follows: If less than 5% enter A . . . ." The remaining designations will be changed accordingly, *i.e.*, 5%–10% will be "B", 10%–25% will be "C", 25%–50% will be "D", 50%–75% will be "E" and 75%–100% will be "F". Limited partners who do not exercise control and have not contributed significant amounts of capital do not have to report their interests.

3. The words "sole proprietors" will be deleted from the heading of Schedule C.

4. On Schedule E, the heading "Branch ID No." will be replaced with "OSJ" (Office of Supervisory Jurisdiction). In addition, there will be a new heading which reads "Registration Sought" in which the broker-dealer will indicate if it is seeking registration with the state, NASD or both.

Instructions—Form BD

1. The heading "Instructions for Preparing and Filing Form BD" will appear at the top of all instruction pages.

2. Special Instruction 3 for Item 9 (definition of "control") should be General Instruction 7 and will not be limited to Item 9. Paragraph (b), part 3 of this instruction will read "is a director, partner or officer or person exercising executive responsibilities (or person occupying a similar status or performing a similar function) of a company shall be presumed to be a person who controls such a company;"

3. New general instruction 8 will be added reading "The term "person" includes corporations, partnerships and other organizations as well as natural persons." This clarifies the term "person" which is used throughout the form.

FORM BDW

1. At the top right hand corner of the page the words "Use Only" will be deleted and the box will read "SEC File No."

2. Item 4 will be changed to "Firm CRD No."

3. The "SECO" box will be changed to an "SEC" box.

4. A new item will be added which asks "Is the broker-dealer terminating registration with all regulatory and self-regulatory agencies and jurisdictions?" This will provide clear indication of the registrant's intent.

5. *In General Instruction 1* to Form BDW after the word "withdrawal" in the second sentence the phrase "from self-regulatory membership or registration" should be added. In addition, the address was deleted from this instruction.

III. NASAA Committee Resolution

The Form BD Revision Committee of NASAA recommended and the NASAA membership subsequently adopted a resolution at its business session on September 21, 1983. The Resolution sets forth an implementation schedule for the forms and target date for bringing the broker-dealer licensing function into the CRD system.

The Committee resolved that the revised Form be adopted by the NASAA effective January 1, 1984, and that the Commission adopt the Forms effective the same date. It also resolved that:

(1) All NASD registered broker-dealers shall be required to submit one completed Form BD (Schedules A–E) to the NASAA/NASD CRD between January 1, 1984; and March 31, 1984.

(2) All amendments to Form BD (Schedules A–E) required to be filed on or after January 1, 1984 be submitted on a revised Form BD (Schedules A–E) or the applicable page thereof, with each appropriate state jurisdiction and the CRD;

(3) New broker-dealer applications with state jurisdictions or the CRD on or after January 1, 1984 shall file on revised Form BD (Schedules A–E);

(4) A registered broker-dealer shall not be required to file a revised Form BD (Schedules A–E) with a state where they are currently registered unless instructed to do so by the state; and

(5) The CRD will forward a copy of any revised Form BD (Schedules A–E), filed with the CRD, if requested by a state for regulatory purposes.

NASAA set a target date of January 1, 1985 for commencement of the implementation of Phase II of CRD establishing a CRD registration system for broker-dealers.

IV. Commission Implementation

The Commission, in a separate release, has proposed for comment, a rule which will implement revised Form BD. This rule, if adopted, will require all registered broker-dealers to file a revised form with the Commission by January 1, 1985.

V. Statutory Basis and Competitive Consideration

Pursuant to the Securities Exchange Act of 1934 and particularly Section 15(a), 15(b), 17(a) and 23(a), 15 U.S.C. 78*o*(a), 78*o*(b), 78q and 78w(a), the Commission is adopting revised Form BD and revised Form BDW effective January 1, 1984. The Commission believes that there is no burden upon competition in the adoption of these forms.

VI. Conclusion

The Commission believes that adoption of the Forms will assist materially in its efforts to reduce paperwork filing requirements. It therefore, concludes that the proposed revisions to Forms BD and BDW should be adopted.

By the Commission.

George A. Fitzsimmons,

Secretary.

November 22, 1983.

BILLING CODE 8010-01-M

OMB Approval
3235-0012 Expires 8/31/86

INSTRUCTIONS FOR PREPARING AND FILING FORM BD

Initial application for broker-dealer registration with an agency, self-regulatory organization, or jurisdiction may require information and/or documents in addition to Form BD; amendments will be limited to the Form BD and its schedules.

GENERAL INSTRUCTIONS

1. All information must be typed.

2. Each page must identify the broker-dealer ("Applicant") and the date.

3. All information required by Form BD and any accompanying Schedule/s must be submitted on the prescribed forms or mechanical reproductions thereof. All applicable questions must be answered.

4. An execution page, containing original manual signatures of the appropriate individuals, must accompany the initial Form BD filing and each amendment to the Form.

5. The information contained on Form BD is of a continuing nature and must be updated or amended at the time of changes in the required information. Amendment pages must be completed in full, with affected question numbers circled.

6. For the purpose of this form: (a) the term "agency" means any regulatory body of the Federal Government; (b) the term "jurisdiction" means a state, territory, the District of Columbia, the Commonwealth of Puerto Rico, a province of the Dominion of Canada, or any subdivision or regulatory body thereof; (c) the terms "self-regulatory organization" or "organization" mean any national securities and/or commodities exchange, any registered national securities and/or commodities association, or any registered clearing agency; (d) the term "applicant" means the broker-dealer applying for or amending a broker-dealer registration.

7. For the purpose of this form:

   (a) Control means the power to direct or cause the direction of the management or policies of a company whether through ownership of securities, by contract or otherwise, provided, however, that:

   (b) Any person who, directly or indirectly, (1) has the right to vote 25 percent or more of the voting securities, (2) is entitled to receive 25 percent or more of the Net Profits or (3) is a director, partner or officer or person exercising executive responsibility (or person occupying a similar status or performing similar functions) of a company shall be presumed to be a person who controls such a company;

   (c) Any person not covered by (a) or (b) shall be presumed not to be a person who controls such company; and

   (d) Any presumption may be rebutted on an appropriate showing.

8. The term "person" includes partnerships, corporations and other organizations, as well as natural persons.

INSTRUCTIONS FOR PREPARING AND FILING FORM BD
Page 2

SPECIFIC INSTRUCTIONS TO FORM BD

1. Execution Page. A current execution page must be included with submission of the initial filing and each amendment. The appropriate signatory certifies the accuracy of all information on Form BD, and attests to the broker-dealer's compliance with bonding requirements and consents to the service of process. (Note: Notary signatures must be affixed on the same date as the appropriate signatory's. See "General Instructions", Item 4 above).

2. Item 7.

If a positive response to any section of Item 7 relates to the applicant broker-dealer, enter details on Schedule D.

If a positive response to any section of Item 7 relates to a natural person who has a Form U-4 currently on file with the CRD, attach the Form U-4 amendment to the Form BD amendment. Both the individual's and the broker-dealer's CRD records will be updated.

If a positive response to any section of Item 7 relates to any person who does not have a Form U-4 on file with the CRD, enter details on Schedule D. ("Person" includes corporations, partnerships and other organizations as well as natural persons.)
Details relating to a positive response to Item 7 must include, when appropriate, the following information:

The subject/s of the reported action: the broker-dealer and/or person/s named in the action.
The title or description of the action.
Name and location of court, agency, jurisdiction, or self-regulatory organization.
Nature and date of disposition of proceeding.

PLEASE NOTE: ADDITIONAL INFORMATION MAY BE REQUIRED AFTER A REVIEW OF THE ANSWERS TO THIS QUESTION.

Schedule A, B, & C

For any natural person listed on Schedule A, B, or C who does not currently have Form U-4 on file with the CRD, attach completed for U-4 page 2 only. The applicant broker-dealer name must appear in either Item 24 or 25. Signatures are not required.

Schedule D

Use Schedule D when space provided in the body of Form BD is insufficient for providing details. It is the "attachment" sheet. (Do not use Schedule D as a continuation sheet for any other Schedule; use additional copies of the Schedule.)

FORM BD PAGE 1 (revised)	UNIFORM APPLICATION FOR BROKER DEALER REGISTRATION	OFFICIAL USE

WARNING: Failure to keep this form current and to file accurate supplementary information on a timely basis, or the failure to keep accurate books and records or otherwise to comply with the provisions of law applying to the conduct of business as a broker-dealer would violate the Federal securities laws and the laws of the jurisdictions and may result in disciplinary, administrative, injunctive or criminal action.
INTENTIONAL MISSTATEMENTS OR OMISSIONS OF FACTS MAY CONSTITUTE CRIMINAL VIOLATIONS.

☐ APPLICATION ☐ AMENDMENT FIRM CRD NO._____

1. Exact name, principal business address, mailing address, if different, and telephone number of applicant:

Full name of applicant (If sole proprietor, state last, first, and middle name): IRS Empl. Ident. No.:

Name under which business is conducted, if different:

If name of business is hereby amended, state previous name:

Firm main address:

(Number and Street) (City) (State) (Zip Code)

Mailing Address, if different:

Telephone Number:

(Area Code) (Telephone Number) CONTACT PERSON

EXECUTION: For the purpose of complying with the laws of the State(s) I have designated in item 2 relating to either the offer or sale of securities or commodities, I hereby certify that the applicant is in compliance with applicable state surety bonding requirements and irrevocably appoint the administrator of each of those State(s), or such other person designated by law, and the successors in such office, my attorney in said State(s) upon whom may be served any notice, process or pleading in any action or proceeding against me arising out of or in connection with the offer or sale of securities or commodities, or out of the violation or alleged violation of the laws of those State(s) and I do hereby consent that any such action or proceeding against me may be commenced in any court of competent jurisdiction and proper venue within said State(s) by service of process upon said appointee with the same effect as if I were a resident in said State(s) and had lawfully been served with process in said State(s).

The undersigned, being first duly sworn, deposes and says that he has executed this form on behalf of, and with the authority of, said applicant. The undersigned and applicant represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current, true, and complete. The undersigned and applicant further represent that to the extent any information previously submitted is not amended, such information is currently accurate and complete.

Date (Name of Applicant)

By: (Signature and Title)

Subscribed and sworn before me this ___ day of _____ A.D., 19 ___ by _____

My commission expires _____ County of _____ State of _____

ALL OF THE ITEMS ON THIS PAGE MUST BE ANSWERED AND COMPLETED IN FULL

DO NOT WRITE BELOW THIS LINE . . . FOR OFFICIAL USE ONLY

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 2

Applicant Name: _____
Date: _____ Firm CRD No. _____

OFFICIAL USE

2. To be registered with the following: (designate) "1" Initial Registration, "2" Pending, "3" Already Registered. If any license, registration or membership listed herein is of a restricted nature, explain fully on Schedule D.

SECURITIES & EXCHANGE COMMISSION

SRO: ☐ ASE ☐ BSE ☐ CBOE ☐ CSE ☐ MSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ OTHER (Specify) _____

JURISDICTION:

☐ AL	☐ CA	☐ DC	☐ ID	☐ KS	☐ MD	☐ MS	☐ NV	☐ NY	☐ OK	☐ SC	☐ UT	☐ WV
☐ AK	☐ CO	☐ FL	☐ IL	☐ KY	☐ MA	☐ MO	☐ NH	☐ NC	☐ OR	☐ SD	☐ VT	☐ WI
☐ AZ	☐ CT	☐ GA	☐ IN	☐ LA	☐ MI	☐ MT	☐ NJ	☐ ND	☐ PA	☐ TN	☐ VA	☐ WY
☐ AR	☐ DE	☐ HI	☐ IA	☐ ME	☐ MN	☐ NE	☐ NM	☐ OH	☐ RI	☐ TX	☐ WA	☐ PR

3. Date of formation _____. Place of filing _____ for:

☐ Corporation - Complete Schedule A ☐ Partnership - Complete Schedule B ☐ Sole Proprietorship - Complete Schedule C

☐ Other (specify) _____ Complete Schedule C

4. If applicant is a sole proprietor, state full residence address and social security number.

Social Security No.: _____

_____ (Number and Street) _____ (City) _____ (State) _____ (Zip Code)

	YES	NO
5. Is applicant a successor to a registered broker-dealer? If "yes", explain on Schedule D.	☐	☐

If "yes," state:

(a) Date of Succession _____

(b) Full name, IRS Empl. Ident. No., SEC File No. and Firm CRD # of predecessor broker-dealer.

Name: _____

IRS Empl. Ident. No.: _____ FIRM CRD No. _____

SEC File Number: _____

	YES	NO
6. (a) Does any person not named in Item 1 or Schedules A, B or C, directly or indirectly through agreement or otherwise, exercise or have the power to exercise control over the management or policies of applicant?	☐	☐ 1

(If "yes," state on Schedule D the exact name of each person (if individual, state last, first, and middle names) and describe the agreement or other basis through which such person exercises or has the power to exercise control.)

	YES	NO
(b) Is the business of applicant wholly or partially financed, directly or indirectly, by any person not named in Item 1, or Schedules A, B or C, in any manner other than by: (1) a public offering of securities made pursuant to the Securities Act of 1933; (2) credit extended in the ordinary course of business by suppliers, banks and others; or a satisfactory subordination agreement, as defined in Rule 15c3-1 under the Securities Exchange Act of 1934 (17 CFR 240. 15c3-1)?	☐	☐ 2

(If "yes," state on Schedule D the exact name (last, first, middle) of each person and describe the agreement or arrangement through which such financing is made available, including the amount thereof.)

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 3

Applicant Name: _____

Date: _____ Firm CRD No. _____

OFFICIAL USE

7. (a) State whether the applicant or any person directly or indirectly controlling, or controlled by, or under common control with applicant, including any employee has:

		YES	NO
(i)	been found by the Securities and Exchange Commission, Commodity Futures Trading Commission or any jurisdiction to have willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading in any material respect or in connection with such statement, omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in any application for registration or report required to be filed under the Federal securities or commodities laws or under the securities or commodities laws of any jurisdiction, or in any proceeding before the Securities and Exchange Commission, Commodity Futures Trading Commission, or any jurisdiction relating to securities or commodities, the conduct of business or registration as a broker, dealer, municipal securities dealer, investment advisor, futures commission merchant, floor broker, commodity trading adviser, commodity pool operator, member of a contract market, member of a national futures association or other securities or commodities entity or associated person thereof?	☐	☐ 3
(ii)	willfully made or caused to be made any statement which was, at the time and in the light of the circumstances under which it was made, false or misleading in any material respect or in connection with such statement, omitted to state any material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading in any application for membership or participation in, or to become associated with a member of, a self-regulatory organization, in any report required to be filed with a self-regulatory organization, or in any proceeding before a self-regulatory organization?	☐	☐ 4
(iii)	been, within the past ten years, convicted, or pleaded guilty or nolo contendere to any felony or misdemeanor except minor traffic offenses?	☐	☐ 5
(iv)	had, within the past ten years, any temporary or permanent injunction or administrative order entered against them or any broker, dealer, investment advisor, municipal securities dealer, bank, insurance, or commodities firm, futures commission merchant, floor broker, commodity trading advisor, commodity pool operator, member of a contract market or member of a national futures association with which they were associated in any capacity at the time such injunction was entered?	☐	☐ 6
(v)	been found to have violated or to have aided, abetted, counselled, commanded, induced or procured the violation of any law, rule or regulation by any securities, commodities, banking or insurance agency or jurisdiction, any self-regulatory organization, or clearing agency or by any other agency or jurisdiction or failed to reasonably supervise any other person who committed such violation?	☐	☐ 7
(vi)	had a license, permit, certificate, registration or membership denied, suspended, revoked or restricted?	☐	☐ 8
(vii)	been found to be the cause of any action cited in 7(a)(vi)?	☐	☐ 9
(viii)	associated in any endeavor related directly or indirectly to business or financial activities with any person who is known, or in the exercise of reasonable care should be known, to be subject to a statutory disqualification?	☐	☐ 10
(ix)	been, within the past ten years, the subject of any cease and desist, desist and refrain, prohibition, or similar order issued by the United States or any jurisdiction?	☐	☐ 11
(x)	been associated as an officer, a director, a general partner, or an owner of 10 percentum or more of the voting securities in, or a person who, directly or indirectly, through agreement or otherwise, exercised or had power to exercise control over the management or policies of a broker, dealer or municipal securities dealer which had been adjudicated bankrupt or for which a trustee has been appointed pursuant to the Securities Investor Protection Act of 1970?	☐	☐ 12
(xi)	been the subject of any order, judgment, decree or other sanction of a foreign court, foreign exchange, or foreign governmental or regulatory agency?	☐	☐ 13
(xii)	been the subject of any proceedings in which an adverse decision would result in any of the questions in this part being answered "yes".	☐	☐ 14

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 4 Applicant Name: _____ Date: _____ FIRM CRD NO. _____ OFFICIAL USE

	YES	NO	
7. (b) State whether the applicant has been censured or fined by a self-regulatory organization	☐	☐	15
(c) State whether applicant has ever been refused a bond by a surety company or been the subject of a surety bond payment	☐	☐	16
(d) State whether applicant:			
(i) Has ever been the subject of a judgment or order [other than those previously described in 7(a) thru (c)] in any civil or administrative proceeding in which fraud or deceit was an element . .	☐	☐	17
(ii) Is the subject of any pending criminal complaint, indictment, or information	☐	☐	18
(iii) State whether applicant is the subject of any unsatisfied judgments or liens.	☐	☐	19

(If the answer to any question of Item 7 is "yes", furnish details on Schedule D.)

8. Does applicant:

	YES	NO	
(a) Have any arrangement with any other person, firm or organization under which:			
(1) Any of the accounts or records of applicant are kept or maintained by such person, firm, or organization?	☐	☐	20
(2) Such other person, firm or organization (other than a bank or satisfactory control location as defined in paragraph (c) of Rule 15c3-3 under the Securities Exchange Act of 1934, 17 CFR 240. 15c3-3) holds or maintains funds or securities of applicant or of any of its customers?. .	☐	☐	21
(b) Have any arrangement with any other broker or dealer under which applicant refers or introduces customers to such other broker or dealer?	☐	☐	22

(If the answer to any question of Item 8 is "yes," furnish as to each such arrangement the full name and principal business address of the other person, firm, or organization, and the summary of each such arrangement on Schedule D.)

	YES	NO	
9. Does applicant control, is applicant controlled by, or is applicant under common control with, directly or indirectly, any partnership, corporation, or other organization engaged in the securities or investment advisory business?	☐	☐	23

(If "yes," state full name and principal business address of such partnership, corporation, or other organization and describe the nature of control on Schedule D. See instructions for definition of control.)

IF THERE IS AN AMENDMENT TO THIS PAGE, CIRCLE QUESTION NUMBERS AMENDED

FORM BD Page 5 Applicant Name: _____ Date: _____ Firm CRD No. _____ OFFICIAL USE

10. Check types of business engaged in (or to be engaged in, if not yet active) by applicant. Do not check any category which accounts for or is expected to account for less than 10% of annual revenue from the securities or investment advisory business.

(a)	Exchange member engaged in exchange commission business	☐ EMC
(b)	Exchange member engaged in floor activities	☐ EMF
(c)	Broker or dealer making inter-dealer markets in corporate securities over-the-counter	☐ IDM
(d)	Broker or dealer retailing corporate securities over-the-counter	☐ BDR
(e)	Underwriter or selling group participant (corporate securities other than mutual funds)	☐ USG
(f)	Mutual fund underwriter or sponsor	☐ MFU
(g)	Mutual fund retailer	☐ MFR
(h)	U.S. government securities dealer	☐ GDS
(i)	Municipal securities dealer	☐ MSD
(j)	Municipal securities broker	☐ MSB
(k)	Broker or dealer selling variable life insurance or annuities	☐ VLA
(l)	Solicitor of savings and loan accounts	☐ SSL
(m)	Real estate syndicator	☐ RES
(n)	Broker or dealer selling oil and gas interests	☐ OGI
(o)	Put and call broker or dealer or option writer	☐ PCB
(p)	Broker or dealer selling securities of only one issuer or associated issuers (other than mutual funds)	☐ BIA
(q)	Broker or dealer selling securities of non-profit organizations (e.g., churches, hospitals.)	☐ NPB
(r)	Investment advisory services	☐ IAD
(s)	Broker or dealer selling tax shelters or limited partnerships	☐ TAP
(t)	Other (give details on Schedule D)	☐ OTH

		YES	NO	
11. (a)	Does applicant effect transactions in commodity futures, commodities or commodity options as a broker for others or dealer for its own account?	☐	☐	24
(b)	**Does applicant engage in any other non-securities business? (If "yes," describe each other business briefly on Schedule D.)**	☐	☐	25

Schedule A of FORM BD

OFFICIAL USE

FOR CORPORATIONS

Applicant Name: _____

Date: _____ Firm CRD No. _____

(Answers in response to ITEM 3 of FORM BD.)

I. Complete and mark appropriate columns for (a) each Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, Chief Legal Officer, Chief Compliance Officer, director, and person with similar status or functions, and (b) each other person who is, directly or indirectly, the beneficial owner of 5% or more of any class of equity security of applicant. Place an asterisk (*) after the names of the persons for whom a change in title, status, or stock ownership is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of ownership as follows: If 5% to less than 10%, enter "A," 10% to less than 25%, enter "B," 25% to less than 50%, enter "C," 50% to less than 75%, enter "D," 75% to 100%, enter "E."

FULL NAME Last	First	Middle	RELATIONSHIP Beginning Date Mo.	Yr.	Title or Status	Official Use Only	Ownership Code	Class of Equity Security	CRD No. or if none, Social Security Number
						01			
						02			
						03			
						04			
						05			
						06			
						07			
						08			
						09			
						10			
						11			
						12			
						13			
						14			
						15			
						16			
						17			
						18			
						19			
						20			

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME Last	First	Middle	Ending Date Mo.	Yr.	CRD No. or, if none, Social Security Number

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

Schedule B of FORM BD

FOR PARTNERSHIPS

OFFICIAL USE

Applicant Name: _____

Date: _____ Firm CRD No. _____

(Answers in response to ITEM 3 of FORM BD.)

I. List all general partners and list all limited and special partners who have contributed 5% or more of the partnership's capital. For each partner, complete and mark appropriate columns below. Place an asterisk (*) after the names of persons for whom a change in title, status, or partnership interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing. Designate percentage of capital contribution as follows: If less than 5%, enter "A", 5% to 10%, enter "B," 10% to 25%, enter "C," 25% to 50%, enter "D," 50% to 75%, enter "E," 75% to 100%, enter "F."

FULL NAME Last	First	Middle	Beginning Date Mo.	Yr.	Type of Partner	Official Use Only	Contribution Code	CRD No. or if none, Social Security Number
						01		
						02		
						03		
						04		
						05		
						06		
						07		
						08		
						09		
						10		
						11		
						12		
						13		
						14		
						15		
						16		
						17		
						18		
						19		
						20		

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME Last	First	Middle	Ending Date Mo.	Yr.	CRD No. or, if none, Social Security Number

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

OFFICIAL USE

Schedule C of FORM BD

FOR APPLICANTS OTHER THAN PARTNERSHIPS AND CORPORATIONS

Applicant Name: _____

Date: _____ Firm CRD No. _____

(Answers in response to ITEM 3 of FORM BD.)

I. List below any person, including a trustee, who directs, manages, or participates in directing or managing the affairs of applicant. As to each person listed below, state his title or status and describe the nature of his authority and his beneficial interest in applicant. Place an asterisk (*) beside the names of persons for whom a change in title, status, or interest is being reported. Place a double asterisk (**) after the names of persons which are ADDED to those furnished in the most recent previous filing.

FULL NAME Last	First	Middle	RELATIONSHIP Beginning Date Mo.	Yr.	Title or Status	CRD No. or if none, Social Security Number	Description of Authority and Beneficial Interest

II. List below names reported in the most recent previous filing pursuant to this item which are DELETED hereby:

FULL NAME Last	First	Middle	Ending Date Mo.	Yr.	CRD No. or, if none, Social Security Number

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page.

Schedule D of FORM BD

OFFICIAL USE

Applicant Name: _____

Date: _____ Firm CRD No. _____

(Use this Schedule to report details of affirmative responses to questions on Form BD.)

Item of Form (Identify)	Answer

If any item on this page is amended, you must answer in full all other items on this page and file with a completed and signed execution page. Please circle amended items.

Schedule E of FORM BD

Applicant Name: _____

Date: _____ Firm CRD No. _____

INSTRUCTIONS FOR SCHEDULE E: Initial filings must include all business locations other than main office. Amendments must include only those branch offices to be added or amended. If the branch office is to be designated as an office of supervisory jurisdiction (OSJ), place an asterisk (*) under the appropriate column. Under the column "registration sought", place "NASD" if seeking NASD registration only: "state" if seeking registration in the state of location only: or, "both" if seeking both NASD and the applicable state registration.

Use the following designations to reflect the nature of change in the appropriate column: If addition of a new office, enter "A"; to delete an office, enter "B"; change of address, enter "C"; change of OSJ status, enter "D"; change in supervisor, enter "E"; or if requesting registration, enter "F". More than one designation may be used under this column.

Complete Address of Branch Office	Name and CRD# of Supervisor	OSJ	Registration Sought	Nature of Change	Effective Date

OMB Approval
3235-0018 Expires 8/31/86

GENERAL INSTRUCTIONS

1. To apply for withdrawal as a broker-dealer under Federal law, a signed original and signed copy of this Form must be filed with the Securities and Exchange Commission, Washington, D.C., 20549. To apply for withdrawal from self-regulatory membership or registration as a broker-dealer in a state jurisdiction participating in the NASAA/NASD Central Registration Depository (CRD) System, a signed copy of this Form must be filed with the CRD. To apply for withdrawal as a broker-dealer in a state jurisdiction not participating in the CRD System, a signed copy of this Form must be filed with that jurisdiction.

2. Each copy of this Form filed shall be executed with a manual signature by the appropriate individual.

3. A Form BDW which is not properly completed and signed will be returned as not acceptable. Acceptance of this Form does not imply that it has been filed as required or that the information submitted is true, correct or complete.

UNIFORM FORM BDW	UNIFORM REQUEST FOR WITHDRAWAL FROM REGISTRATION AS A BROKER-DEALER	SEC File No:

READ INSTRUCTION SHEET ON REVERSE SIDE BEFORE PREPARING FORM. PLEASE TYPE.

1) Full Name of Broker-Dealer — 2) IRS Emp. Ident. No.

3) Name under which business is conducted, if different from above: — 4) Firm CRD No.

5) Address of principal place of business: City State Zip Code
No. and Street _____

6) Date firm ceased doing business: _____ Is firm terminating with all SRO's and jurisdictions below? ☐ Yes ☐ No

To be terminated with the following:

SRO: ☐ ASE ☐ BSE ☐ CBOE ☐ CSE ☐ MSE ☐ NASD ☐ NYSE ☐ PHLX ☐ PSE ☐ SEC ☐ OTHER (Specify) _____

JURISDICTION:

☐ AL	☐ CA	☐ DC	☐ ID	☐ KS	☐ MD	☐ MS	☐ NV	☐ NY	☐ OK	☐ SC	☐ UT	☐ WV
☐ AK	☐ CO	☐ FL	☐ IL	☐ KY	☐ MA	☐ MO	☐ NH	☐ NC	☐ OR	☐ SD	☐ VT	☐ WI
☐ AZ	☐ CT	☐ GA	☐ IN	☐ LA	☐ MI	☐ MT	☐ NJ	☐ ND	☐ PA	☐ TN	☐ VA	☐ WY
☐ AR	☐ DE	☐ HI	☐ IA	☐ ME	☐ MN	☐ NE	☐ NM	☐ OH	☐ RI	☐ TX	☐ WA	☐ PR

7) Does registrant owe any money or securities to any customer, broker, or dealer? Yes ☐ No ☐
If answer is "yes":
a) Amount of money owed _____
b) Market value of securities owed _____
c) Arrangements made for payment _____
d) A statement of financial condition in such detail as will disclose the nature and amount of assets and liabilities and the net worth of the registrant as of a date within 10 days of filing (securities of registrant or in which he has an interest must be listed in a separate schedule and valued at market price).

8) Is Broker-Dealer currently:
a) The subject of any legal action, proceeding or investigation not previously reported on Form BD? If so, furnish complete information on an attached sheet. Yes ☐ No ☐
b) The subject of any unsatisfied judgements or liens not previously reported on Form BD? If so, furnish complete information on an attached sheet. Yes ☐ No ☐

9) Name and address of the person who has or will have custody or possession of books and records. _____

Address where such books and records are or will be located: _____

10) EXECUTION: The undersigned, being first duly sworn, deposes and says that this Form has been executed on behalf of and with the authority of said Broker-Dealer. The undersigned and B/D represent that the information and statements contained herein, including exhibits attached hereto and other information filed herewith, all of which are made a part hereof, are current true and complete.

The undersigned represents that the Broker-Dealer will preserve the books and records as required by federal and state securities jurisdictions and make such records available for inspection.

DATE _____ SIGNATURE _____

Subscribed and sworn before me this ____ day of _____ 19___ by _____

My commission expires _____ County of _____ State of _____

[FR Doc. 83-31915 Filed 12-1-83; 10:43 am]
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LIST OF PUBLIC LAWS

Last Listing December 1, 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 (phone 202-275-3030).

S. 376/Pub. L. 98-167
To amend the Debt Collection Act of 1982 to eliminate the requirement that contracts for collection services to recover indebtedness owed the United States be effective only to the extent and in the amount provided in advance appropriation Act. (Nov. 29, 1983; 97 Stat. 1104) Price: $1.50

H.R. 2077/Pub. L. 98-168
To amend title 5, United States Code, to extend the Federal Physicians Comparability Allowance Act of 1978, and for other purposes. (Nov. 29, 1983; 97 Stat. 1105) Price: $1.75

H.R. 2592/Pub. L. 98-169
To transfer from the Director of the Office of Management and Budget to the Administrator of General Services the responsibility for publication of the catalog of Federal domestic assistance programs, and for other purposes. (Nov. 29, 1983; 97 Stat. 1113) Price: $1.50

S. 807/Pub. L. 98-170
To amend the boundaries of the Cumberland Island National Seashore. (Nov. 29, 1983; 97 Stat. 1116) Price: $1.50

H.R. 2590/Pub. L. 98-171
To amend the Agricultural Adjustment Act to authorize marketing research and promotion projects, including paid advertising, for filberts, and to amend the Potato Research and Promotion Act. (Nov. 29, 1983; 97 Stat. 1117) Price: $1.50

H.J. Res. 93/Pub. L. 98-172
To provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American. (Nov. 29, 1983; 97 Stat. 1119) Price: $1.50

S. 1168/Pub. L. 98-173
To declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma. (Nov. 29, 1983; 97 Stat. 1121) Price: $1.50

S. 1837/Pub. L. 98-174
To designate the Federal Building in Seattle, Washington, as the "Henry M. Jackson Federal Building". (Nov. 29, 1983; 97 Stat. 1122) Price: $1.50

H.R. 24/Pub. L. 98-175
To make certain land owned by the United States in the State of New York part of the Green Mountain National Forest. (Nov. 29, 1983; 97 Stat. 1123) Price: $1.50

H.R. 594/Pub. L. 98-176
To amend section 1 of the Act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration is responsible. (Nov. 29, 1983; 97 Stat. 1124) Price: $1.50

H.R. 4013/Pub. L. 98-177
To extend the Small Business Development Center program administered by the Small Business Administration until January 1, 1985. (Nov. 29, 1983; 97 Stat. 1125) Price: $1.50

H.J. Res. 168/Pub. L. 98-178
To designate the week beginning May 27, 1984, as "National Tourism Week". (Nov. 29, 1983; 97 Stat. 1126) Price: $1.50

H.J. Res. 421/Pub. L. 98-179
Providing for the convening of the second session of the Ninety-eighth Congress, and for other purposes. (Nov. 29, 1983; 97 Stat. 1127) Price: $1.50

H.R. 3385/Pub. L. 98-180
Dairy and Tobacco Adjustment Act of 1983. (Nov. 29, 1983; 97 Stat. 1128) Price: $3.00