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Federal Register

Tuesday
December 13, 1983

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Federal Crop Insurance Corporation

Electric Utilities
Federal Energy Regulatory Commission

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

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Agricultural Marketing Service

Relocation Assistance
Pennsylvania Avenue Development Corporation

Reporting and Recordkeeping Requirements
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Presidential Documents

Title 3—

The President

Proclamation 5135 of December 9, 1983

Bill of Rights Day
Human Rights Day and Week, 1983

By the President of the United States of America

A Proclamation

On December 15, 1791, our Founding Fathers rejoiced in the ratification of the first 10 amendments to the Constitution of the United States—a Bill of Rights which has helped guarantee all Americans the liberty we so cherish.

One hundred and fifty-seven years later, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights, an effort aimed at securing basic human rights for the peoples of all nations.

Americans have long honored the gift of liberty. So it is with glad hearts and thankful minds that on Bill of Rights Day we recognize the special benefits of freedom bequeathed to posterity by the Founding Fathers. They had a high regard for the liberty of all humanity as reflected by Thomas Jefferson when he wrote in 1787, "A bill of rights is what the people are entitled to against every government on earth." In this century alone thousands of Americans have laid down their lives on distant battlefields in Europe, Asia, Africa, and in our Western Hemisphere itself in defense of the basic human rights.

When the Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948, Americans hoped that the Jeffersonian vision was about to be realized at last. The Universal Declaration, it was believed, would embody the consensus of the international community in favor of human rights and individual liberty. And the United Nations, it was further thought, would serve as the instrument through which the observance of human rights by governments would be enforced by the international community.

Thirty-five years after the adoption of the Universal Declaration, it is clear that these hopes have been fulfilled only in part. Nevertheless, the Universal Declaration remains an international standard against which the human rights practices of all governments can be measured. Its principles have become the basis of a number of binding international covenants and conventions. At the United Nations, it has served to strengthen the arguments of those governments which are genuinely interested in promoting human rights.

Still, the fact remains that even as we celebrate Bill of Rights Day and Human Rights Day, human rights are frequently violated in many nations. In the Soviet Union, for example, brave men and women seeking to promote respect for human rights are often declared mentally ill by their government and incarcerated in psychiatric institutions. In Poland, the free trade-union movement Solidarity has been brutally suppressed by the regime. Throughout Eastern Europe and the Baltic States, the rights of workers and other basic human rights as the freedom of speech, assembly, and religion and the right of self-determination are denied. This same tragic situation also occurs just 90 miles off our southern coast. In South Africa the apartheid system institutionalizes racial injustice, and in Iran the Bahai people are being persecuted because of their religion. And, in Afghanistan and Southeast Asia, toxic weapons, the use of which is outlawed by international conventions, are being utilized by foreign occupation forces against brave peoples fighting for their freedom and independence.

As Americans recall these and other human rights violations, we should reflect on both the similarities and the differences between the Bill of Rights and the Universal Declaration of Human Rights. Both great human rights documents were adopted in the aftermath of a bitter war. Both envision a society where rulers and ruled are bound by the laws of the land and where government rests on the consent of the governed, is limited in its powers, and has as its principal purpose the protection of individual liberty.

Yet while the Bill of Rights was adopted by a Nation in which free institutions already flourished, many of the countries which adopted the Universal Declaration of Human Rights lacked free institutions. Since human rights are the product of such institutions as a free press, free elections, free trade unions, and an independent judiciary, it is not surprising that formal adherence to the Universal Declaration by governments which suppress these institutions has resulted in no real human rights gains.

By posing as champions of human rights, many governments hope to disguise their own human rights abuse. It was with special pleasure that I noted the recognition offered by the Nobel Peace Prize to Lech Walesa for his real efforts on behalf of human rights in a country where the government speaks only of the illusion of human rights.

Human rights can only be secured when government empowers its people, rather than itself, through the operation of free institutions. Because our Founding Fathers understood this, we are blessed with a system of government which protects our human rights. Today, let us rededicate ourselves to respect these rights at home and to strive to make the words of the Universal Declaration a living reality for all mankind.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 10, 1983 as Human Rights Day and December 15, 1983, as Bill of Rights Day, and call upon all Americans to observe the week beginning December 10, 1983 as Human Rights Week. During this period, let each of us give special thought to the blessings we enjoy as a free people and renew our efforts to make the promise of our Bill of Rights a living reality for all Americans and, whenever possible, for all mankind.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of December, in the year of our Lord nineteen hundred and eighty-three, and of the Independence of the United States of America the two hundred and eighth.

Ronald Reagan

[FR Doc. 83-33243
Filed 12-9-83; 4:56 pm]
Billing code 3195-01-M

Editorial Note: For the President's remarks of Dec. 9, 1983, on signing Proclamation 5135, see the *Weekly Compilation of Presidential Documents* (vol. 19, no. 49).

Presidential Documents

Executive Order 12450 of December 9, 1983

Interagency Committee on Handicapped Employees

By the authority vested in me as President by section 501(a) of the Rehabilitation Act of 1973 (Public Law 93–112), it is hereby ordered that Section 1 of Executive Order No. 11830 of January 9, 1975, as amended, is further amended by revising subsection (3) to provide "Secretary of Education, Co-Chairman"; by redesignating subsection (9) as subsection (10); and by inserting a new subsection (9) to provide "Secretary of Health and Human Services.".

Ronald Reagan

THE WHITE HOUSE,
December 9, 1983.

[FR Doc. 83–33244
Filed 12–9–83; 4:57 pm]
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Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 420

[Amdt. 4]

Grain Sorghum Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420), effective for the 1984 and succeeding crop years, by (1) changing the policy to make it easier to read, (2) eliminating the reduction in production guarantee for unharvested acreage and its related provisions, (3) adding a provision permitting the determination of indemnities based on the acreage report rather than at loss adjustment time, (4) adding a provision to provide a coverage level if the insured does not select one, (5) adding a replanting payment provision, (6) adding a 60-day claim for indemnity provision, (7) adding a provision regarding appraisals following the end of the insurance period for unharvested acreage, (8) adding a hail/fire provision for appraisals on uninsured causes, (9) changing the cancellation/termination dates to conform with farming practices, (10) providing that any change in the policy will be available in the service office by a certain date, (11) adding a definition for "service office," (12) providing for a unit determination when the acreage report is filed, and (13) adding a section on "descriptive headings."

In addition, FCIC issues a new subsection in the grain sorghum crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring grain sorghum in accordance with Secretary's Memorandum No. 1512–1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: January 12, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are : Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

On Wednesday, August 3, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 35108, amending the policy for insuring grain sorghum in accordance with the provisions of Secretary's Memorandum No. 1512–1, and issuing a new subsection to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule but none were received. Therefore, with the exception of minor and non-substantive corrections to language, the proposed rule as published is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 420

Crop insurance, Grain sorghum

Final Rule

PART 420—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420), effective for the 1984 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 420 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

2. 7 CFR Part 420 is amended in the Table of Contents by removing the word "Reserved" from § 420.3 and inserting, in its place, the words "OMB control numbers."

3. 7 CFR 420.3 is revised to read as follows:

§ 420.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 420) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 420.7 [Amended]

4. 7 CFR 420.7(d) is amended by removing the Grain Sorghum Crop Insurance Policy therein and inserting the following:

* * * * *

(d) * * *

Department of Agriculture—Federal Crop Insurance Corporation

Grain Sorghum Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

Agreement to insure: We shall provide the insurance described in this policy in return for the premium and your compliance with the applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. *Causes of loss.* a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

(1) Adverse weather conditions;
(2) Fire;
(3) Insects;
(4) Plant disease;
(5) Wildlife;
(6) Earthquake; or
(7) Volcanic eruption;

unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(5).

b. We shall not insure against any loss of production due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good grain sorghum farming practices;

(3) Damage resulting from the impoundment of water by any governmental, public or private dam or reservoir project; or

(4) Any cause not specified in section 1a as an insured loss.

2. *Crop, Acreage, and Share Insured.* a. The crop insured shall be grain sorghum which is initially planted to a combine-type hybrid grain sorghum for harvest as grain, which is grown on insured acreage and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year shall be grain sorghum planted on insurable acreage as designated by the actuarial table and in which you have a share, as reported by you or as determined by us, whichever we shall elect.

c. The insured share shall be your share as landlord, owner-operator, or tenant in the insured grain sorghum at the time of planting.

d. We do not insure any acreage:

(1) Where the farming practices carried out are not in accordance with the farming practices for which the premium rates have been established;

(2) Which is irrigated and an irrigated practice is not provided for by the actuarial table unless you elect to insure the acreage as nonirrigated by reporting it as insurable under section 3;

(3) Which is destroyed and we determine it is practical to replant to grain sorghum and such acreage is not replanted;

(4) Initially planted after the final planting date contained in the actuarial table, unless you agree in writing on our form to coverage reduction;

(5) Of volunteer grain sorghum;

(6) Planted to a forage sorghum or initially thick planted for silage or fodder;

(7) Of a second grain sorghum crop following a grain sorghum crop harvested in the same crop year;

(8) Planted to a type or variety of grain sorghum not established as adapted to the area or excluded in the actuarial table; or

(9) Planted with a crop other than grain sorghum.

e. Where insurance is provided for an irrigated practice:

(1) You shall report as irrigated only the acreage for which you have adequate facilities and water to carry out a good grain sorghum irrigation practice at the time of planting; and

(2) Any loss of production caused by failure to carry out a good grain sorghum irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

f. Unless otherwise provided in the actuarial table, insurance shall attach only on acreage initially planted in rows far enough apart to permit cultivation if not irrigated. If such acreage is destroyed and replanted to any grain-producing type grain sorghum in any planting pattern, the acreage shall be considered insured acreage and not as acreage put to another use.

g. Acreage which is planted for the development or production of hybrid seed or for experimental purposes is not insured unless we agree in writing to insure such acreage.

h. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to planting.

3. *Report of Acreage, Share, and Practice.* You shall report on our form:

a. All the acreage of grain sorghum in the county in which you have a share;

b. The practice; and

c. Your share at the time of planting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any grain sorghum planted in the county. This report shall be submitted annually on or before the reporting date established by the actuarial table. We may determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage, share, and practice or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. *Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.* a. The production guarantees, coverage levels, and prices for computing indemnities shall be contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. *Annual Premium.* a. The annual premium is earned and payable at the time of planting. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share at the time of planting, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. *Deductions For Debt.* Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. *Insurance Period.* Insurance attaches when the grain sorghum is planted and ends at the earliest of:

(a) Total destruction of the grain sorghum;

(b) Combining, threshing or removal from the field;

(c) Final adjustment of a loss; or

(d) The date immediately following planting as follows:

(1) Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit Counties, Texas and all Texas counties lying south thereof—September 30;

(2) All other Texas counties and all other states—December 10.

8. *Notice of Damage or Loss.* a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant grain sorghum damaged due to any insured cause, (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit);

(b) During the period before harvest, the grain sorghum on any unit is damaged and you decide not to further care for or harvest any part of it;

(c) You want our consent to put the acreage to another use; or

(d) After consent to put acreage to another use is given, additional damage occurs.

Insured acreage may not be put to another use until we have appraised the grain sorghum and given written consent. We shall not consent to another use until it is too late to replant. You must notify us when such acreage is put to another use.

(2) You must give us notice at least 15 days before the beginning of harvest if you anticipate a loss on any unit.

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested grain sorghum (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) In addition to the notices required by this section, if you are going to claim an indemnity on any unit, we must be given notice not later than 30 days after the earliest of:

(a) Total destruction of the grain sorghum on the unit;

(b) Harvest of the unit; or

(c) The calendar date for and the end of the insurance period.

b. You may not destroy or replant any of the grain sorghum on which a replanting payment will be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the grain sorghum which is not harvested.

d. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. *Claim for Indemnity.* a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the earliest of:

(1) Total destruction of the grain sorghum on the unit;

(2) Harvest of the unit; or

(3) The calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish the total production of grain sorghum on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of grain sorghum to be counted (see section 9f);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. The indemnity shall be reduced by the amount of any replanting payment.

f. The total production to be counted for a unit shall include all harvested and appraised production.

(1) Mature grain sorghum production:

(a) Which otherwise is not eligible for quality adjustment and which grades No. 4 or better shall be reduced .12 percent for each .1 percent of moisture in excess of 14.0 percent; or

(b) Which, due to insurable causes, does not grade No. 4 or better in accordance with the Official United States Grain Standards, shall be adjusted by:

(i) Dividing the value per bushel of such grain sorghum by the price per bushel of U.S. No. 2 grain sorghum; and

(ii) Multiplying the result by the number of bushels of such grain sorghum.

The applicable price for No. 2 grain sorghum shall be the local market price on the earliest of the day the loss is adjusted or the day such grain sorghum was sold.

(2) Appraised production to be counted shall include:

(a) Unharvested production on harvested acreage and potential production lost due to uninsured causes and failure to follow recognized good grain sorghum farming practices;

(b) Not less than the guarantee for any acreage which is abandoned or put to another use without our prior written consent or damage solely by an insured cause;

(c) Any appraised production on unharvested acreage.

(3) Any appraisal we have made on insured acreage for which we have given written consent to be put to another use shall be considered production unless such acreage:

(a) Is not put to another use before harvest of grain sorghum becomes general in the county;

(b) Is harvested; or

(c) Is further damaged by an insured cause before the acreage is put to another use.

(4) We may determine the amount of production of any unharvested grain sorghum on the basis of field appraisals conducted after the end of the insurance period.

(5) When you have elected to exclude hail and fire as insured causes of loss and the grain sorghum is damaged by hail or fire, appraisals for uninsured causes shall be made in accordance with Form FCI–78, "Request to Exclude Hail and Fire".

(6) The commingled production of units shall be allocated to such units in proportion to our liability on the harvested acreage of each unit.

g. A replanting payment may be made on any insured grain sorghum replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but shall not exceed 7 bushels multiplied by the price election and that product multiplied by your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately.

Any replanting payment will be considered as an indemnity.

h. You shall not abandon any acreage to us.

i. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

j. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

k. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the grain sorghum is planted for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

1. If you have other fire insurance and fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we shall be liable for loss due to fire only for the smaller of:

(1) The amount of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) The amount determined by us by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire.

10. *Concealment or Fraud.* We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Right to Indemnity on Insured Share.* If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. *Assignment of Indemnity.* You may only assign to another party your right to an indemnity for the crop year on our form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. *Subrogation.* (Recovery of loss from a third party.) Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. *Records and Access to Farm.* You shall keep, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all grain sorghum produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. *Life of Contract: Cancellation and Termination.* a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates for each crop year are:

State and county	Cancellation and termination dates
Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, Dimmit Counties, Texas and all Texas counties lying south thereof.	February 15.
Alabama; Arizona; Arkansas; California; Florida; Georgia; Louisiana; Mississippi; Nevada; North Carolina; South Carolina and Winkler, Ector, Upton, Reagan, Sterling, Coke, Concho, McCulloch, San Saba, Mills, Hamilton, Bosque, Johnson, Tarrant, Wise, Cooke Counties, Texas and all Texas counties lying south thereof to and including Maverick, Zavala, Frio, Atascosa, Karnes, Gonzales, Lavaca, Wharton and Matagorda Counties, Texas.	March 31.
All other Texas counties and all other states.	April 15.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. *Contract Changes.* We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 prior to the cancellation date for counties with an April 15 cancellation date and by November 30 prior to the cancellation date for all other counties. Acceptance of any changes shall be conclusively presumed in the absence of any written notice from you to cancel the contract.

17. *Meaning of Terms.* For the purposes of grain sorghum crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding grain sorghum insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the grain sorghum is normally grown and shall be designated by the calendar year

in which the grain sorghum is normally harvested.

d. "Harvest" means the completion of combining or threshing of grain sorghum on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

h. "Replanting" means performing the cultural practices necessary to replant insured acreage to grain sorghum.

i. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

j. "Tenant" means a person who rents land from another person for a share of the grain sorghum or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage of grain sorghum in the county on the date of planting for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the grain sorghum on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office or by written agreement between you and us. We shall determine units as herein defined when the acreage is reported. Errors in reporting such units may be corrected by us to conform to applicable guidelines when adjusting a loss and we may consider any acreage and share of or reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

18. *Descriptive Headings.* The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contracts.

19. *Determinations.* All determinations required by the policy shall be made by us. If you disagree with our determinations you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. *Notices.* All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

APPENDIX A.—Counties Designated for Grain Sorghum Crop Insurance—7 CFR Part 420

The following counties are designated for Grain Sorghum Crop Insurance under the provisions of 7 CFR 420.1.

Crop: Grain Sorghum, State: Alabama

Autauga	Dallas	Marion
Baldwin	DeKalb	Marshall
Barbour	Elmore	Mobile
Bibb	Escambia	Monroe
Blount	Etowah	Montgomery
Bullock	Fayette	Morgan
Butler	Franklin	Perry
Calhoun	Geneva	Pickens
Chambers	Greene	Pike
Cherokee	Hale	Randolph
Chilton	Henry	Russell
Choctaw	Houston	St. Clair
Clarke	Jackson	Shelby
Clay	Jefferson	Sumter
Cleburne	Lamar	Talladega
Coffee	Lauderdale	Tallapoosa
Colbert	Lawrence	Tuscaloosa
Conecuh	Lee	Walker
Coosa	Limstone	Washington
Covington	Lowndes	Wilcox
Crenshaw	Macon	Winston
Cullman	Madison	
Dale	Marengo	

Crop: Grain Sorghum, State: Arizona

Apache	La Paz	Pima
Cochise	Maricopa	Pinal
Graham	Mohave	Yavapai
Greenlee	Navajo	Yuma

Crop: Grain Sorghum, State: Arkansas

Arkansas	Fulton	Ouachita
Ashley	Grant	Perry
Baxter	Greene	Phillips
Benton	Hempstead	Pike
Boone	Hot Spring	Poinsett
Bradley	Howard	Polk
Calhoun	Independence	Pope
Carroll	Izard	Prairie
Chicot	Jackson	Pulaski
Clark	Jefferson	Randolph
Clay	Johnson	St. Francis
Cleburne	Lafayette	Saline
Cleveland	Lawrence	Scott
Columbia	Lee	Sebastian
Conway	Lincoln	Sevier
Craighead	Little River	Sharp
Crawford	Logan	Stone
Crittenden	Lonoke	Van Buren
Cross	Madison	Washington
Dallas	Marion	White
Desha	Miller	Woodruff
Drew	Mississippi	Yell
Faulkner	Monroe	
Franklin	Nevada	

Crop: Grain Sorghum, State: California

Butte	Los Angeles	Solano
Colusa	Madera	Stanislaus
Contra Costa	Mendocino	Sutter
Fresno	Merced	Tehama
Glenn	Riverside	Tulare
Imperial	Sacramento	Ventura
Kern	San Bernardino	Yolo
Kings	San Joaquin	Yuba
Lake	Shasta	

Crop: Grain Sorghum, State: Colorado

Adams	Huerfano	Montezuma
Arapahoe	Jefferson	Montrose
Baca	Kiowa	Morgan
Bent	Kit Carson	Otero
Boulder	La Plata	Phillips
Cheyenne	Larimer	Prowers
Crowley	Las Animas	Pueblo
Delta	Lincoln	Sedgwick
Elbert	Logan	Washington
El Paso	Mesa	Weld
Fremont	Moffat	Yuma

Crop: Grain Sorghum, State: Connecticut

Litchfield	New Haven	

Crop: Grain Sorghum, State: Delaware

Kent	New Castle	Sussex

Crop: Grain Sorghum, State: Florida

Alachua	Holmes	Polk
Bradford	Jackson	Putnam
Calhoun	Jefferson	St. Johns
Columbia	Lafayette	Santa Rosa
Dade	Lake	Seminole
DeSoto	Leon	Sumter
Dixie	Levy	Suwannee
Escambia	Liberty	Taylor
Gadsden	Madison	Union
Gilchrist	Manatee	Volusia
Gulf	Marion	Wakulla
Hamilton	Okaloosa	Walton
Highlands	Palm Beach	Washington

Crop: Grain Sorghum, State: Georgia

Appling	Floyd	Oglethorpe
Atkinson	Forsyth	Paulding
Bacon	Franklin	Peach
Baker	Fulton	Pickens
Baldwin	Gilmer	Pierce
Banks	Glascock	Pike
Barrow	Gordon	Polk
Bartow	Grady	Pulaski
Ben Hill	Greene	Putnam
Berrien	Gwinnett	Quitman
Bibb	Habersham	Randolph
Bleckley	Hall	Richmond
Brantley	Hancock	Schley
Brooks	Haralson	Screven
Bryan	Harris	Seminole
Bulloch	Hart	Spalding
Burke	Heard	Stephens
Butts	Henry	Stewart
Calhoun	Houston	Sumter
Candler	Irwin	Talbot
Carroll	Jackson	Taliaferro
Catoosa	Jasper	Tattnall
Chattooga	Jeff Davis	Taylor
Cherokee	Jefferson	Telfair
Clarke	Jenkins	Terrell
Clay	Johnson	Thomas
Clayton	Jones	Tift
Clinch	Lamar	Toombs
Coffee	Lanier	Treutlen
Colquitt	Laurens	Troup
Columbia	Lee	Turner
Cook	Liberty	Twiggs
Coweta	Lincoln	Union
Crawford	Long	Upson
Crisp	Lowndes	Walker
Dade	Lumpin	Walton
Dawson	McDuffie	Ware
Decatur	Macon	Warren
De Kalb	Madison	Washington
Dodge	Marion	Wayne
Dooly	Meriwether	Webster
Dougherty	Miller	Wheeler
Early	Mitchell	White
Echols	Monroe	Whitfield
Effingham	Montgomery	Wilcox
Elbert	Morgan	Wilkes
Emanuel	Murray	Wilkinson
Evans	Newton	Worth
Fayette	Oconee	

Crop: Grain Sorghum, State: Idaho

Bingham	Gooding	Twin Falls
Canyon	Owyhee	
Elmore	Payette	

Crop: Grain Sorghum, State: Illinois

Adams	Bureau	Christian
Alexander	Calhoun	Clark
Bond	Carroll	Clay
Boone	Cass	Clinton
Brown	Champaign	Coles

Cook	Kane	Piatt
Crawford	Kankakee	Pike
Cumberland	Kendall	Pope
De Kalb	Knox	Pulaski
De Witt	Lake	Putnam
Douglas	La Salle	Randolph
Du Page	Lawrence	Richland
Edgar	Lee	Rock Island
Edwards	Livingston	St. Clair
Effingham	Logan	Saline
Fayette	McDonough	Sangamon
Ford	McHenry	Schuyler
Franklin	McLean	Scott
Fulton	Macon	Shelby
Gallatin	Macoupin	Stark
Greene	Madison	Stephenson
Grundy	Marion	Tazewell
Hamilton	Marshall	Union
Hancock	Mason	Vermilion
Hardin	Massac	Wabash
Henderson	Menard	Warren
Henry	Mercer	Washington
Iroquois	Monroe	Wayne
Jackson	Montgomery	White
Jasper	Morgan	Whiteside
Jefferson	Moultrie	Will
Jersey	Ogle	Williamson
Jo Daviess	Peoria	Winnebago
Johnson	Perry	Woodford

Crop: Grain Sorghum, State: Indiana

Adams	Hendricks	Pike
Allen	Henry	Porter
Bartholomew	Howard	Posey
Benton	Huntington	Pulaski
Blackford	Jackson	Putnam
Boone	Jasper	Randolph
Brown	Jay	Ripley
Carroll	Jefferson	Rush
Cass	Jennings	St. Joseph
Clark	Johnson	Scott
Clay	Knox	Shelby
Clinton	Kosciusko	Spencer
Crawford	Lagrange	Starke
Daviess	Lake	Steuben
Dearborn	La Porte	Sullivan
Decatur	Lawrence	Switzerland
De Kalb	Madison	Tippecanoe
Delaware	Marion	Tipton
Dubois	Marshall	Union
Elkhart	Martin	Vanderburgh
Fayette	Miami	Vermillion
Floyd	Monroe	Vigo
Fountain	Montgomery	Wabash
Franklin	Morgan	Warren
Fulton	Newton	Warrick
Gibson	Noble	Washington
Grant	Ohio	Wayne
Greene	Orange	Wells
Hamilton	Owen	White
Hancock	Parke	Whitley
Harrison	Perry	

Crop: Grain Sorghum, State: Iowa

All Counties

Crop: Grain Sorgham, State: Kansas

Allen	Cowley	Gray
Anderson	Crawford	Greeley
Atchison	Decatur	Greenwood
Barber	Dickinson	Hamilton
Barton	Doniphan	Harper
Bourbon	Douglas	Harvey
Brown	Edwards	Haskell
Butler	Elk	Hodgeman
Chase	Ellis	Jackson
Chautauqua	Ellsworth	Jefferson
Cherokee	Finney	Jewell
Cheyenne	Ford	Johnson
Clark	Franklin	Kearny
Clay	Geary	Kingman
Cloud	Gove	Kiowa
Coffey	Graham	Labette
Comanche	Grant	Lane
Leavenworth	Osage	Seward
Lincoln	Osborne	Shawnee
Linn	Ottawa	Sheridan
Logan	Pawnee	Sherman
Lyon	Phillips	Smith
McPherson	Pottawatomie	Stafford
Marion	Pratt	Stanton
Marshall	Rawlins	Stevens
Meade	Reno	Sumner
Miami	Republic	Thomas
Mitchell	Rice	Trego
Montgomery	Riley	Wabaunsee
Morris	Rooks	Wallace
Morton	Rush	Washington
Nemaha	Russell	Wichita
Neosho	Saline	Wilson
Ness	Scott	Woodson
Norton	Sedgwick	Wyandotte

Crop: Grain Sorghum, State: Kentucky

Adair	Grant	Mason
Allen	Graves	Meade
Anderson	Grayson	Menifee
Ballard	Green	Mercer
Barren	Greenup	Metcalfe
Bath	Hancock	Monroe
Bell	Hardin	Montgomery
Boone	Harlan	Morgan
Bourbon	Harrison	Muhlenberg
Boyd	Hart	Nelson
Boyle	Henderson	Nicholas
Bracken	Henry	Ohio
Breathitt	Hickman	Oldham
Breckinridge	Hopkins	Owen
Bullitt	Jackson	Owsley
Butler	Jefferson	Pendleton
Caldwell	Jessamine	Perry
Calloway	Johnson	Pike
Campbell	Kenton	Powell
Carlisle	Knott	Pulaski
Carroll	Knox	Robertson
Carter	Larue	Rockcastle
Casey	Laurel	Rowan
Christian	Lawrence	Russell
Clark	Lee	Scott
Clay	Leslie	Shelby
Clinton	Letcher	Simpson
Crittenden	Lewis	Spencer
Cumberland	Lincoln	Taylor
Daviess	Livingston	Todd
Edmonson	Logan	Trigg
Elliott	Lyon	Trimble
Estill	McCracken	Union
Fayette	McCreary	Warren
Fleming	McLean	Washington
Floyd	Madison	Wayne
Franklin	Magoffin	Webster
Fulton	Marion	Whitley
Gallatin	Marshall	Wolfe
Garrard	Martin	Woodford

Crop: Grain Sorghum, State: Louisiana

Acadia	Franklin	St. James
Allen	Grant	St. John the Baptist
Ascension	Iberia	St. Landry
Assumption	Iberville	St. Martin
Avoyelles	Jackson	St. Mary
Beauregard	Jefferson Davis	St. Tammany
Bienville	Lafayette	Tangipahoa
Bossier	Lafourche	Tensas
Caddo	La Salle	Terrebonne
Calcasieu	Lincoln	Union
Caldwell	Livingston	Vermilion
Cameron	Madison	Vernon
Catahoula	Morehouse	Washington
Claiborne	Natchitoches	Webster
Concordia	Ouachita	West Baton Rouge
De Sota	Pointe Coupee	West Carroll
East Baton Rouge	Rapides	West Feliciana
East Carroll	Red River	Winn
East Feliciana	Richland	
Evangeline	Sabine	
	St. Helena	

Crop: Grain Sorghum, State: Maryland

Allegany	Dorchester	Prince Georges
Baltimore	Frederick	Queen Annes
Calvert	Garrett	St. Marys
Carroll	Harford	Somerset
Cecil	Howard	Washington
Charles	Montgomery	

Crop: Grain Sorghum, State: Massachusetts

Berkshire	Franklin
Bristol	Hampshire

Crop: Grain Sorghum, State: Michigan

All Counties

Crop: Grain Sorghum, State: Mississippi

Adams	Itawamba	Pike
Alcorn	Jackson	Pontotoc
Amite	Jasper	Prentiss
Attala	Jefferson	Quitman
Benton	Jefferson Davis	Rankin
Bolivar	Jones	Scott
Calhoun	Kemper	Sharkey
Carroll	Lafayette	Simpson
Chickasaw	Lamar	Smith
Choctaw	Lauderdale	Stone
Claiborne	Lawrence	Sunflower
Clarke	Leake	Tallahatchie
Clay	Lee	Tate
Coahoma	Leflore	Tippah
Copiah	Lincoln	Tishomingo
Covington	Lowndes	Tunica
De Soto	Madison	Union
Forrest	Marion	Walthall
Franklin	Marshall	Warren
George	Monroe	Washington
Greene	Montgomery	Wayne
Grenada	Neshoba	Webster
Hancock	Newton	Wilkinson
Harrison	Noxubee	Winston
Hinds	Oktibbeha	Yalobusha
Holmes	Panola	Yazoo
Humphreys	Pearl River	
Issaquena	Perry	

Crop: Grain Sorghum, State: Missouri

Adair	Greene	Ozark
Andrew	Grundy	Pemiscot
Atchison	Harrison	Perry
Audrain	Henry	Pettis
Barry	Hickory	Phelps
Barton	Holt	Pike
Bates	Howard	Platte
Benton	Howell	Polk
Bollinger	Iron	Pulaski
Boone	Jackson	Putnam
Buchanan	Jasper	Ralls
Butler	Jefferson	Randolph
Caldwell	Johnson	Ray
Callaway	Knox	Reynolds
Camden	Laclede	Ripley
Cape Girardeau	Lafayette	St. Charles
Carroll	Lawrence	St. Clair
Carter	Lewis	St. Genevieve
Cass	Lincoln	St. Francois
Cedar	Linn	St. Louis
Chariton	Livingston	Saline
Christian	McDonald	Schuyler
Clark	Macon	Scotland
Clay	Madison	Scott
Clinton	Maries	Shannon
Cole	Marion	Shelby
Cooper	Mercer	Stoddard
Crawford	Miller	Stone
Dade	Mississippi	Sullivan
Dallas	Moniteau	Taney
Daviess	Monroe	Texas
De Kalb	Montgomery	Vernon
Dent	Morgan	Warren
Douglas	New Madrid	Washington
Dunklin	Newton	Wayne
Franklin	Nodaway	Webster
Gasconade	Oregon	Worth
Gentry	Osage	Wright

Crop: Grain Sorghum, State: Montana

Big Horn	Custer	
Carter	Prairie	

Crop: Grain Sorghum, State: Nebraska

Adams	Frontier	Nuckolls
Antelope	Furnas	Otoe
Arthur	Gage	Pawnee
Banner	Garden	Perkins
Blaine	Garfield	Phelps
Boone	Gosper	Pierce
Box Butte	Greeley	Platte
Boyd	Hall	Polk
Brown	Hamilton	Red Willow
Buffalo	Harlan	Richardson
Burt	Hayes	Rock
Butler	Hitchcock	Saline
Cass	Holt	Sarpy
Cedar	Howard	Saunders
Chase	Jefferson	Scotts Bluff
Cherry	Johnson	Seward
Cheyenne	Kearney	Sheridan
Clay	Keith	Sherman
Colfax	Keya Paha	Sioux
Cuming	Kimball	Stanton
Custer	Knox	Thayer
Dakota	Lancaster	Thomas
Dawes	Lincoln	Thurston
Dawson	Logan	Valley
Deuel	Loup	Washington
Dixon	McPherson	Wayne
Dodge	Madison	Webster
Douglas	Merrick	Wheeler
Dundy	Morrill	York
Fillmore	Nance	
Franklin	Nemaha	

Crop: Grain Sorghum, State: Nevada

Churchill	Clark	Nye

Crop: Grain Sorghum, State: New Jersy

Atlantic	Hunterdon	Salem
Burlington	Mercer	Somerset
Camden	Middlesex	Sussex
Cape May	Monmouth	Warren
Cumberland	Morris	
Gloucester	Ocean	

Crop: Grain Sorghum, State: New Mexico

Chaves	Guadalupe	San Miguel
Cibola	Harding	Sierra
Colfax	Hidalgo	Socorro
Curry	Lea	Torrance
De Baca	Luna	Union
Dona Ana	Otero	Valencia
Eddy	Quay	
Grant	Roosevelt	

Crop: Grain Sorghum, State: New York

Broome	Montgomery	Schuyler
Chautauqua	Oneida	Seneca
Columbia	Orleans	Suffolk
Herkimer	Oswego	Ulster
Jefferson	Rensselaer	Washington
Livingston	Saratoga	Wyoming

Crop: Grain Sorghum, State: North Carolina

Alamance	Chowan	Greene
Alexander	Cleveland	Guilford
Anson	Columbus	Halifax
Beaufort	Craven	Harnett
Bertie	Cumberland	Henderson
Bladen	Currituck	Hertford
Brunswick	Davidson	Hoke
Buncombe	Davie	Hyde
Burke	Duplin	Iredell
Cabarrus	Durham	Johnston
Caldwell	Edgecombe	Jones
Camden	Forsyth	Lee
Carteret	Franklin	Lenoir
Caswell	Gaston	Lincoln
Catawba	Gates	Martin
Chatham	Granville	Mecklenburg
Montgomery	Pitt	Surry
Moore	Polk	Tyrrell
Nash	Randolph	Union
New Hanover	Richmond	Vance
Northampton	Robeson	Wake
Onslow	Rockingham	Warren
Orange	Rowan	Washington
Pamlico	Rutherford	Wayne
Pasquotank	Sampson	Wilkes
Pender	Scotland	Wilson
Perquimans	Stanly	Yadkin
Person	Stokes	

Crop: Grain Sorghum, State: North Dakota

Adams	La Moure	Ransom
Burleigh	McIntosh	Richland
Cass	Morton	Sargent
Emmons	Oliver	Sheridan
Grand Forks	Pembina	Sioux
Grant	Ramsey	Traill

Crop: Grain Sorghum, State: Ohio

All Counties

Crop: Grain Sorghum, State: Oklahoma

Adair	Grant	Nowata
Alfalfa	Greer	Okfuskee
Atoka	Harmon	Oklahoma
Beaver	Harper	Okmulgee
Beckham	Haskell	Osage
Blaine	Hughes	Ottawa
Bryan	Jackson	Pawnee
Caddo	Jefferson	Payne
Canadian	Johnston	Pittsburg
Carter	Kay	Pontotoc
Cherokee	Kingfisher	Pottawatomie
Choctaw	Kiowa	Pushmataha
Cimarron	Latimer	Roger Mills
Cleveland	LeFlore	Rogers
Coal	Lincoln	Seminole
Comanche	Logan	Sequoyah
Cotton	Love	Stephens
Craig	McClain	Texas
Creek	McCurtain	Tillman
Custer	McIntosh	Tulsa
Delaware	Major	Wagoner
Dewey	Marshall	Washington
Ellis	Mayes	Washita
Garfield	Murray	Woods
Garvin	Muskogee	Woodward
Grady	Noble	

Crop: Grain Sorghum, State: Oregon

Linn	Umatilla	
Malheur	Yamhill	

Crop: Grain Sorghum, State: Pennsylvania

Adams	Franklin	Northampton
Armstrong	Fulton	Northumberland
Bedford	Greene	Perry
Berks	Huntingdon	Potter
Blair	Indiana	Schuylkill
Bradford	Juniata	Snyder
Bucks	Lackawanna	Somerset
Cambria	Lancaster	Sullivan
Carbon	Lawrence	Susquehanna
Centre	Lebanon	Tioga
Clarion	Lehigh	Union
Clearfield	Luzerne	Venango
Clinton	Lycoming	Warren
Columbia	McKean	Washington
Crawford	Mercer	Wayne
Cumberland	Mifflin	Westmoreland
Dauphin	Monroe	Wyoming
Erie	Montgomery	York
Fayette	Montour	

Crop: Grain Sorghum, State: South Carolina

Abbeville	Barnwell	Cherokee
Aiken	Beaufort	Chester
Allendale	Berkeley	Chesterfield
Anderson	Calhoun	Clarendon
Bamberg	Charleston	Colleton
Darlington	Jasper	Oconee
Dillon	Kershaw	Orangeburg
Dorchester	Lancaster	Pickens
Edgefield	Laurens	Richland
Fairfield	Lee	Saluda
Florence	Lexington	Spartanburg
Greenville	McCormick	Sumter
Greenwood	Marion	Union
Hampton	Marlboro	Williamsburg
Horry	Newberry	York

Crop: Grain Sorghum, State: South Dakota

Aurora	Fall River	Marshall
Beadle	Faulk	Meade
Bennett	Grant	Mellette
Bon Homme	Gregory	Miner
Brookings	Haakon	Minnehaha
Brown	Hamlin	Moody
Brule	Hand	Pennington
Buffalo	Hanson	Perkins
Butte	Harding	Potter
Campbell	Hughes	Roberts
Charles Mix	Hutchinson	Sanborn
Clark	Hyde	Shannon
Clay	Jackson	Spink
Codington	Jerauld	Stanley
Corson	Jones	Sully
Custer	Kingsbury	Todd
Davison	Lake	Tripp
Day	Lawrence	Turner
Deuel	Lincoln	Union
Dewey	Lyman	Walworth
Douglas	McCook	Yankton
Edmunds	McPherson	Ziebach

Crop: Grain Sorghum, State: Tennessee

Anderson	Hamilton	Morgan
Bedford	Hancock	Obion
Benton	Hardeman	Overton
Bledsoe	Hardin	Perry
Blount	Hawkins	Pickett
Bradley	Haywood	Polk
Campbell	Henderson	Putnam
Cannon	Henry	Rhea
Carroll	Hickman	Roane
Carter	Houston	Robertson
Cheatham	Humphreys	Rutherford
Chester	Jackson	Scott
Claiborne	Jefferson	Sequatchie
Clay	Johnson	Sevier
Cocke	Knox	Shelby
Coffee	Lake	Smith
Crockett	Lauderdale	Stewart
Cumberland	Lawrence	Sullivan
Davidson	Lewis	Sumner
Decatur	Lincoln	Tipton
Dekalb	Loudon	Trousdale
Dickson	McMinn	Unicoi
Dyer	McNairy	Union
Fayette	Macon	Van Buren
Fentress	Madison	Warren
Franklin	Marion	Washington
Gibson	Marshall	Wayne
Giles	Maury	Weakley
Grainger	Meigs	White
Greene	Monroe	Williamson
Grundy	Montgomery	Wilson
Hamblen	Moore	

Crop: Grain Sorghum, State: Texas

Anderson	Bexar	Callahan
Andrews	Blanco	Cameron
Angelina	Borden	Camp
Aransas	Bosque	Carson
Archer	Bowie	Cass
Armstrong	Brazoria	Castro
Astrop	Brazos	Chambers
Atascosa	Briscoe	Cherokee
Austin	Brooks	Childress
Bailey	Brown	Clay
Bandera	Burleson	Cochran
Baylor	Burnet	Coke
Bee	Caldwell	Coleman
Bell	Calhoun	Collin

Collingsworth	Haskell	Maverick
Colorado	Hays	Medina
Comal	Hemphill	Menard
Comanche	Henderson	Midland
Concho	Hidalgo	Milam
Cooke	Hill	Mills
Coryell	Hockley	Mitchell
Cottle	Hood	Montague
Crosby	Hopkins	Moore
Culberson	Houston	Morris
Dallam	Howard	Motley
Dallas	Hudspeth	Nacogdoches
Dawson	Hunt	Navarro
Deaf Smith	Hutchinson	Nolan
Delta	Irion	Nueces
Denton	Jack	Ochiltree
Dewitt	Jackson	Oldham
Dickens	Jasper	Palo Pinto
Dimmit	Jeff Davis	Panola
Donley	Jefferson	Parker
Duval	Jim Hogg	Parmer
Eastland	Jim Wells	Pecos
Ector	Johnson	Polk
Edwards	Jones	Potter
Ellis	Karnes	Presidio
El Paso	Kaufman	Rains
Erath	Kendall	Randall
Falls	Kenedy	Reagan
Fannin	Kent	Real
Fayette	Kerr	Red River
Fisher	Kimble	Reeves
Floyd	King	Refugio
Foard	Kinney	Roberts
Fort Bend	Kleberg	Robertson
Franklin	Knox	Rockwall
Freestone	Lamar	Runnels
Frio	Lamb	Rusk
Gaines	Lampasas	Sabine
Galveston	La Salle	San Augustine
Garza	Lavaca	San Jacinto
Gillespie	Lee	San Patricio
Glasscock	Leon	San Saba
Goliad	Liberty	Schleicher
Gonzales	Limestone	Scurry
Gray	Lipscomb	Shackelford
Grayson	Live Oak	Shelby
Grimes	Llano	Sherman
Guadalupe	Lubbock	Smith
Hale	Lynn	Somervell
Hall	McCulloch	Starr
Hamilton	McLennan	Stephens
Hansford	McMullen	Sterling
Hardeman	Madison	Stonewall
Harris	Martin	Sutton
Harrison	Mason	Swisher
Hartley	Matagorda	Tarrant

Crop: Grain Sorghum, State: Texas

Taylor	Van Zandt	Willacy
Terry	Victoria	Williamson
Throckmorton	Walker	Wilson
Titus	Waller	Wise
Tom Green	Ward	Wood
Travis	Washington	Yoakum
Trinity	Webb	Young
Tyler	Wharton	Zapata
Upshur	Wheeler	Zavala
Upton	Wichita	
Uvalde	Wilbarger	

Crop: Grain Sorghum, State: Utah

Box Elder	Sanpete	Washington

Crop: Grain Sorghum, State: Vermont

Addison

Crop: Grain Sorghum, State: Virginia

Accomack	Bedford	Charlotte
Albemarle	Botetourt	Chesterfield
Amelia	Brunswick	Clarke
Amherst	Buckingham	Culpeper
Appomattox	Campbell	Cumberland
Augusta	Caroline	Dininwiddie
Bath	Charles City	Essex
Fairfax	Lunenburg	Roanoke
Fauquier	Madison	Rockbridge
Fluvanna	Mathews	Rockingham
Franklin	Mecklenburg	Shenandoah
Frederick	Middlesex	Southampton
Gloucester	Montgomery	Spotsylvania
Goochland	Nelson	Stafford
Greene	New Kent	Surry
Greensville	Northampton	Sussex
Halifax	Northumberland	Tazewell
Hanover	Nottoway	Warren
Henrico	Orange	Westmoreland
Henry	Page	York
Isle of Wight	Patrick	Chesapeake City
James City	Pittsylvania	Hampton
King and Queen	Powhatan	Newport News
King George	Prince Edward	Suffolk City
King William	Prince George	Virginia Beach
Lancaster	Prince William	
Loudown	Rappahannock	
Louisa	Richmond	

Crop: Grain Sorghum, State: Washington

Adams	Grant	Yakima
Franklin	Walla Walla	

Crop: Grain Sorghum, State: West Virginia

Berkeley	Mason	Taylor
Marshall	Summers	

Crop: Grain Sorghum, State: Wisconsin

All Counties

Crop: Grain Sorghum, State: Wyoming

Big Horn	Crook	Weston
Campbell	Platte	

Approved by the Board of Directors on April 26, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by: Edward Hews,

Acting Manager.

Dated: December 5, 1983.

[FR Doc. 83-33019 Filed 12-12-83; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 442

[Amdt. 2]

Prevented Planting Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Prevented Planting Crop Insurance Regulations (7 CFR Part 442), effective for the 1984 and succeeding crop years, by (1) changing the policy to make it easier to read, (2) permitting determination of indemnities based on the acreage report rather than at loss adjustment time, (3) providing a coverage level if the insured does not select one, (4) added a modified 60-day claim for indemnity provision, (5) changing the cancellation/termination dates to conform to farming practices, (6) providing that any change in the policy will be available in the service office by a certain date, and (7) adding three new sections concerning "descriptive headings," "determinations," and "notices."

In addition, FCIC issues a new subsection in the prevented planting crop insurance regulations to contain the control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The intended effect of this rule is to update the policy for insuring prevented planting in accordance with Secretary's Memorandum No. 1512-1, requiring a review of the regulations as to need, currency, clarity, and effectiveness, and to comply with OMB regulations requiring publication of OMB control numbers assigned to information collection requirements in these regulations.

EFFECTIVE DATE: January 12, 1984.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no

Regulatory Impact Statement was prepared.

On Thursday, August 4, 1983, FCIC published a notice of proposed rulemaking in the **Federal Register** at 48 FR 35451, amending the regulations for insuring against prevented planting due to excess moisture in accordance with the provisions of Secretary's Memorandum No. 1521–1, and issuing a new subsection to contain control numbers assigned by the Office of Management and Budget (OMB) to information collection requirements of these regulations. The public was given 60 days in which to submit written comments, data, and opinions on the rule but none were received. Therefore, with the exception of minor and non-substantive corrections to language, the proposed rule is hereby issued as a final rule to be effective with the 1984 crop year.

List of Subjects in 7 CFR Part 442

Crop insurance, Prevented planting.

PART 442—[AMENDED]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Prevented Planting Crop Insurance Regulations (7 CFR Part 442), effective for the 1984 and succeeding crop years, in the following instances:

1. The Authority citation for 7 CFR Part 442 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR 442.3 is revised to read as follows:

§ 442.3 OMB control numbers.

The information collection requirements contained in these regulations (7 CFR Part 442) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

§ 442.7 [Amended]

3. 7 CFR 442.7(c) is amended by revising the Prevented Planting Crop Insurance Policy therein as follows:

Department of Agriculture—Federal Crop Insurance Corporation

Prevented Planting Crop Insurance Policy

(This is a continuous contract. Refer to Section 15.)

Agreement to insure: We shall provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted Application and "we," "us" and "our" refer to the Federal Crop Insurance Corporation.

Terms and Conditions

1. *Causes of Loss.* a. The insurance provided is against the unavoidable prevention of planting insured acreage during the insurance period due to excessive moisture conditions occurring within the insurance period, unless this cause is excepted, excluded, or limited by the actuarial table.

b. We shall not cover any prevention of planting due to:

(1) The neglect or malfeasance of you, any member of your household, your tenants or employees;

(2) The failure to follow recognized good farming practices;

(3) The impoundment of water by any governmental, public or private dam or reservoir project; or

(4) The failure to plant insured acreage due to a cause other than excessive moisture.

2. *Acreage and Share Insured.* a. The acreage insured for each crop year shall be the cultivated acreage intended for planting times the coverage level you elected, in which you have a share, as reported by you or as determined by us, whichever we shall elect and for which an amount of insurance and premium rate are provided by the actuarial table.

b. The insured share shall be your share as landlord, owner-operator, or tenant in the prevented planting at the time insurance attaches.

c. "Cultivated acreage intended for planting" means land that was ready or, except for excessive moisture, could have been made ready for planting, but does not include land:

(1) On which a perennial forage crop is being grown or on which a crop was planted prior to the acreage reporting date;

(2) On which a prevented planting indemnity was claimed the prior crop year if such land is not worked prior to the October 31 date prior to the crop year; or

(3) Which will not be planted to comply with any other United States Department of Agriculture or state program or for any other reason.

3. *Report of Acreage and Share.* You shall report on our form:

a. All the cultivated acreage intended for planting in the county in which you have a share; and

b. Your share at the time of reporting.

You shall designate separately any acreage that is not insurable. You shall report if you do not have a share in any insurable acreage in the county. This report shall be submitted annually on or before the January 31 reporting date. We shall have the right to determine all indemnities on the basis of information you have submitted on this report. If you do not submit this report by the reporting date, we may elect to determine by unit the insured acreage and share or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

4. *Amounts of Insurance and Coverage Levels.* a. The amounts of insurance and coverage levels are contained in the actuarial table.

b. Coverage level 2 will apply if you do not elect a coverage level.

c. You may change the amount of insurance and coverage level on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. *Annual Premium.* a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the amount of insurance times the premium rate, times the insured acreage, times your share on the date insurance attaches, times the applicable premium adjustment percentage contained in the following table.

PREMIUM ADJUSTMENT TABLE [1]

[Percent adjustments for favorable continuous insurance experience]

	Numbers of years continuous experience through previous year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
.00 to .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 to .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 to .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 to .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 to 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

[Percent adjustments for unfavorable insurance experience]

Loss ratio [2] through previous crop year	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

[1] For premium adjustment purposes, only the years during which premiums were earned shall be considered.
[2] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.
[3] Only the most recent 15 crop years shall be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

b. Interest shall accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

c. Any premium adjustment applicable to the contract shall be transferred to:

(1) The contract of your estate or surviving spouse in case of your death;

(2) The contract of the person who succeeds you if such person had previously participated in the farming operation; or

(3) Your contract if you stop farming in one county and start farming in another county.

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but no premium reduction under section 5a shall be applicable.

6. *Deductions for Debt.* Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its Agencies.

7. *Insurance Period.* Insurance attaches March 5 of the crop year and ends at the earlier of:

a. Planting of the acreage; or

b. The prevented planting date.

8. *Notice of Damage or Loss.* a. If you are going to claim an indemnity on any unit, we must be given notice not later than 5 days after the prevented planting date.

b. We may reject any claim for indemnity if any of the requirements of this section or section 9 are not complied with.

9. *Claim for Indemnity.* a. Any claim for indemnity on a unit shall be submitted to us on our form not later than 60 days after the calendar date for the end of the insurance period.

b. We shall not pay any indemnity unless you:

(1) Establish that any prevention of planting on the unit was directly caused by excessive moisture during the insurance period for the crop year for which the indemnity is claimed; and

(2) Furnish all information we require concerning the loss.

c. The indemnity shall be determined on each unit by:

(1) Multiplying the insured acreage by the amount of insurance;

(2) Subtracting therefrom the amount obtained by multiplying the spring-planted acreage, plus any acreage intended for planting from which a forage crop is harvested, plus any acreage which could have been planted, times the amount of insurance; and

(3) Multiplying this result by your share.

d. If the information reported by you results in a lower premium than the actual premium determined to be due, the indemnity shall be reduced proportionately.

e. You shall not abandon any acreage to us.

f. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

g. We shall pay the loss within 30 days after we reach agreement with you or entry of a final judgment. In no event shall we be liable for interest or damages in connection with any claim for indemnity, whether we approve or disapprove such claim.

h. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after the date insurance attaches for any crop year, any indemnity shall be paid to the person(s) we determine to be beneficially entitled thereto.

10. *Concealment or Fraud.* We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

11. *Transfer of Right to Indemnity on Insured Share.* If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee shall have all rights and responsibilities under the contract.

12. *Assignment of Indemnity.* You may only assign to another party your right to an indemnity for the crop year on our form and with our approval. The assignee shall have the right to submit the loss notices and forms required by the contract.

13. *Subrogation.* (Recovery of loss from a third party.) Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such rights. If we pay you for your loss then your right of recovery shall at our option belong to us. If we recover more than we paid you plus our expenses, the excess shall be paid to you.

14. *Records and Access to Farm.* You shall keep for two years after the time of loss, records of the insured, uninsured and planted acreage in your farming operation. Any person designed by us shall have access to such records and the farm for purposes related to the contract.

15. *Life of Contract: Cancellation and Termination.* a. This contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, the contract shall continue in force for each succeeding crop year unless canceled or terminated as provided in this section.

b. This contract may be canceled by either you or us for any succeeding crop year by giving written notice on or before the cancellation date preceding such crop year.

c. This contract shall terminate as to any crop year if any amount due us on this or any other contract with you is not paid on or before the termination date preceding such crop year for the contract on which the amount is due. The date of payment of the amount due:

(1) If deducted from an indemnity claim shall be the date you sign the claim; or

(2) If deducted from payment under another program administered by the United States Department of Agriculture shall be the date such payment was approved.

d. The cancellation and termination dates are January 31.

e. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution. *However,* if such event occurs after insurance attaches for any crop year,

the contract shall continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

f. The contract shall terminate if no premium is earned for five consecutive years.

16. *Contract Changes.* We may change any terms and provisions of the contract from year to year. If your amount of insurance is no longer offered, the actuarial table will provide the amount of insurance which you shall be deemed to have elected. All contract changes shall be available at your service office by October 31 preceding the cancellation date. Acceptance of any changes shall be conclusively presumed in the absence of any notice from you to cancel the contract.

17. *Meaning of Terms.* For the purposes of prevented planting crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us which are available for public inspection in your service office, and which show the amounts of insurance, coverage levels, premium rates, insurable and uninsurable acreage, and related information regarding prevented planting insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period within which the crops to be planted are normally planted and shall be designated by the calendar year in which the crops are normally planted.

d. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

e. "Insured" means the person who submitted the application accepted by us.

f. "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

g. "Prevented Planting Date" means the latest date that we will insure any spring-planted crop in the county, except tobacco. This date includes any extended date or final date offered under any late planting agreement option.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Spring-planted acreage" means the insured acreage:

(1) Planted to any crop during the insurance period; or

(2) Which could have been planted during the insurance period, as determined by us, to a crop normally included in your farming operation or shown in the actuarial table as suitable for production in the county.

j. "Tenant" means a person who rents land from another person for a share of the crop(s) or a share of the proceeds therefrom.

k. "Unit" means all insurable acreage in the county which you intend to plant:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the prevented planting on such land shall be considered as owned by the lessee.

18. *Descriptive Headings.* The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

19. *Determinations.* All determinations required by the policy shall be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with Appeal Regulations.

20. *Notices.* All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Approved by the Board of Directors on April 26, 1983.

Dated: December 5, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Edward Hews,

Acting Manager.

[FR Doc. 83-33068 Filed 12-12-83: 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Parts 905, 908, 910, 912, and 913

Expenses and Assessment Rates for Specified Marketing Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures for the Valencia Orange Administrative Committee and establishes assessment rates under Marketing Order 908 for the 1982–83 fiscal year; authorizes expenditures for the Citrus Administrative Committee, Indian River Grapefruit Committee, and Interior Grapefruit Marketing Committee functioning under Marketing Orders 905, 912, and 913 respectively and establishes assessment rates for fruits administered under those Marketing Orders for the 1983–84 fiscal year; and amends the approved 1981–82 and 1982–83 fiscal year budgets for the Lemon Administrative Committee functioning under Marketing Order 910. Funds to administer these programs are derived from assessments on handlers.

EFFECTIVE DATES: August 1, 1983—July 31, 1984 (§§ 905.222, 912.223, and 913.219); November 1, 1982—October 31, 1983 (§ 908.222); August 1, 1981—July 31, 1982 (§ 910.219); August 1, 1982—July 31, 1983 (§ 910.220).

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

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that these actions will not have a significant economic impact on a substantial number of small entities.

These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). These actions are based upon the recommendations and information submitted by each committee, established under the respective marketing orders, and upon other information. It is found that the expenses and assessment rates, as hereinafter provided, will tend to effectuate the declared policy of the Act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and good cause exists for not postponing the effective dates until 30 days after publication in the **Federal Register** (5 U.S.C. 553). Each order requires that the assessment rate for a particular fiscal period shall apply to all of the assessable commodities handled from the beginning of such period. To enable the committees to meet current fiscal obligations, approval of the expenses is necessary without delay. It is necessary to effectuate the declared policy of the Act to make these provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects

7 CFR Part 905

Marketing orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

7 CFR Part 908

California, Arizona, Oranges (Valencia), Marketing orders.

7 CFR Part 910

California, Arizona, Lemons, Marketing orders.

7 CFR Parts 912 and 913

Florida, Grapefruit, Marketing orders.

Therefore, new §§ 905.222, 908.222, 912.223, and 913.219 are added, and §§ 910.219 (46 FR 49101) and 910.220 (47 FR 42549) are revised to read as follows (the following sections prescribe the annual expenses and assessment rates and will not be published in the Code of Federal Regulations):

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. Section 905.222 is added as follows:

§ 905.222 Expenses and assessment rate.

Expenses of $241,550 by the Citrus Administrative Committee are authorized, and an assessment rate of $0.0035 per 4/5 bushel carton of fruit is established for the fiscal period ending July 31, 1984. Unexpended funds from the fiscal period ended July 31, 1983, may be carried over as a reserve.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

2. Section 908.222 is added as follows:

§ 908.222 Expenses and assessment rate.

Expenses of $550,585 by the Valencia Orange Administrative Committee are authorized, and an assessment rate of $0.024 per carton of oranges is established for the fiscal year ending October 31, 1983. Unexpended funds from the fiscal year ended October 31, 1982, may be carried over as a reserve.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

3. Section 910.219 is revised as follows:

§ 910.219 Expenses and assessment rate.

Expenses of $518,169.22 by the Lemon Administrative Committee are authorized, and an assessment rate of $0.04 per carton of lemons is established for the fiscal year ending July 31, 1982; and $10,000 of unexpended assessment funds from the fiscal year ended July 31, 1981, shall be carried over into the reserve.

4. Section 910.220 is revised as follows:

§ 910.220 Expenses and assessment rate.

Expenses of $619,145 by the Lemon Administrative Committee are authorized, and an assessment rate of $0.047 per carton of lemons is established for the fiscal year ending July 31, 1983, and unexpended funds may be carried over as a reserve from the fiscal year ended July 31, 1982.

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

5. Section 912.223 is added as follows:

§ 912.223 Expenses and assessment rate.

Expenses of $7,600 by the Indian River Grapefruit Committee are authorized, and an assessment rate of $0.0003 per 4/5 bushel carton of grapefruit is established for the fiscal period ending July 31, 1984. Unexpended funds from the fiscal period ended July 31, 1983, may be carried over as a reserve.

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

6. Section 913.219 is added as follows:

§ 913.219 Expenses and assessment rate.

Expenses of $11,070 by the Interior Grapefruit Marketing Committee are authorized, and an assessment rate of $0.001 per 4/5 bushel carton of grapefruit is established for the fiscal period ending July 31, 1984. Unexpended funds from the fiscal period ended July 31, 1983, may be carried over as a reserve.

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

Dated: December 6, 1983.

Russell L. Hawes,

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

[FR Doc. 83-33032 Filed 12-12-83; 8:45 am]

BILLING CODE 3410-02-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Retirement Benefits for Employees of Federal Credit Unions

AGENCY: National Credit Union Administration.

ACTION: Final regulation.

SUMMARY: This rule regarding retirement benefits for employees of Federal credit unions makes a technical amendment to § 701.19(a) of the NCUA Rules and Regulations by correcting the reference therein from § 721.4 to Part 724 of those Regulations.

EFFECTIVE DATE: December 7, 1983.

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

FOR FURTHER INFORMATION CONTACT: Layne L. Bumgardner, Director, Department of Supervision and Examination or Mike Fischer, Director, Division of Supervision, at the above address. Telephone number: (202) 357–1065 (Mr. Bumgardner and Mr. Fischer).

SUPPLEMENTARY INFORMATION:

Background

Section 701.19 was published to clarify that Federal credit unions are authorized to provide retirement benefits to employees and officers. However, since Federal credit unions do not have general trust powers, the rule sets forth those limited situations where a Federal credit union can occupy the position of trustee or custodian with respect to retirement accounts. The rule also requires that any Federal credit union which occupies the position of fiduciary must provide for appropriate liability insurance.

As a result of the NCUA's on-going review of regulations, it was determined that this clarification and guidance is still desirable and necessary. There is, however, a technical change required in this rule. In September 1981, the NCUA Board took final action on Part 721, Insurance and Group Purchasing Activities. In adopting this final rule a previous subsection of Part 721 (Section 721.4) entitled "Trustees and Custodians of Pension Plans" was removed from Part 721 and renumbered as Part 724. This action caused the reference in § 701.19(a) to § 721.4 to be outdated. The correct reference under the restructured rules is Part 724.

Action Taken

The NCUA Board approved the technical change to the reference in § 701.19(a) of the NCUA Rules and Regulations. That reference will now be Part 724.

Regulatory Procedures

By approving this Final Rule, the NCUA Board is expanding upon its previous September 1981 action. Because this change is nonsubstantive, the providing of and seeking of public comment on this rule is impractical and not in the public interest, 5 U.S.C. 553(b)(B), as determined by the NCUA Board.

Because this Final Rule is an administrative change and will have no substantive effect on small credit unions, a regulatory flexibility analysis is not required, 5 U.S.C. 603(a), 604(a). The NCUA Board also finds that full and separate consideration of all the requirements of the Regulatory Simplification Act is impracticable.

Authority: 12 U.S.C., 1766.

List of Subjects in 12 CFR Part 701

Credit union.

Accordingly, NCUA amends § 701.19(a) of its rules and regulations.

Dated: December 7, 1983.

Rosemary Brady,

Secretary of the Board.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

§ 701.19 [Amended]

1. Section 701.19(a) is amended to remove the reference to § 721.4 at the end of the second sentence and replace that reference with "Part 724."

[FR Doc. 83-33023 Filed 12-12-83; 8:45 am]

BILLING CODE 7535-01-M

12 CFR Part 701

Treasury Tax and Loan Accounts

AGENCY: National Credit Union Administration.

ACTION: Final regulation.

SUMMARY: In order to provide greater flexibility, this rule deletes Subsection (e) from the NCUA Rules and Regulations § 701.37-1. It eliminates the 10 percent of total assets limitation on the amount that a Federal credit union may hold in the Treasury Tax and Loan Remittance Accounts and Treasury Tax and Loan Note Accounts.

EFFECTIVE DATE: December 7, 1983.

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

FOR FURTHER INFORMATION CONTACT: Layne L. Bumgardner, Director, Department of Supervision and Examination or Mike Fischer, Director, Division of Supervision, at the above address. Telephone numbers: (202) 357-1065 (Mr. Bumgardner and Mr. Fischer).

SUPPLEMENTARY INFORMATION:

Background

As part of the NCUA Board's on-going review of the National Credit Union Administration Rules and Regulations, § 701.37-1 was reviewed. It was concluded that:

1. The regulation contained the minimum information required by the U.S. Department of the Treasury for federally insured credit unions to establish and maintain Treasury Tax and Loan Remittance and Treasury Tax and Loan Note Accounts.

2. Section 701.37-1(e) includes a 10 percent of total assets limitation on the amount that could be held by credit unions in their Treasury Tax and Loan Remittance Accounts and Treasury Tax and Loan Note Accounts. Similar percentage of assets limitations were found in the former § 701.32—Payment on Shares By Public Units. On April 21, 1982, the NCUA Board deleted the percentage of assets limitations by deleting the entire rule. In that action the Board indicated that boards of directors of Federal credit unions should be given flexibility in the management of public unit funds.

3. Section 701.37-1(f) includes information that can be found in Section 107(6) and 207 of the Federal Credit Union Act, with regard to the authority for and insuring of non-member public unit funds. Under normal circumstances this information could be deleted from the rule, except for the fact that the Federal Credit Union Act does not clearly state the amount of the National Credit Union Share Insurance premium that is to be assessed on non-member public unit accounts. Section 701.37-1(f) clearly states that "the share insurance premium paid shall include a premium equal to one-twelfth of 1 per centum of the total amount of funds in the TT&L Remittance Account and the funds in the TT&L Note Account at the close of the preceding year". This wording is clear and precise when included with the information that such accounts are insured up to a maximum of $100,000 in the aggregate.

4. The only provision within § 701.37-1 of the Rules and Regulations that is restrictive in nature and is imposed by NCUA is Subsection (e). Similar asset limitations on the amount that could be held in public unit accounts were previously eliminated by the NCUA Board.

Action Taken

The NCUA Board believes that the same flexibility that was provided for boards of directors of Federal credit unions having public unit accounts should be provided to all credit unions that have Treasury Tax and Loan Remittance Accounts and Treasury Tax and Loan Note Accounts. In keeping with its previous action, as mentioned, and in consideration that Treasury Tax and Loan Remittance Accounts and Treasury Tax and Loan Accounts are public unit funds for share insurance purposes, the NCUA Board has deleted § 701.37-1(e) of the NCUA Rules and Regulations. The amounts that may be held in credit unions' Treasury Tax and Loan Remittance Accounts and Treasury Tax and Loan Note Accounts are left to the discretion of the boards of directors of those credit unions.

As mentioned with its previous action in deregulating public unit accounts, the NCUA Board would like to continue to stress the importance of sound funds management policies and procedures for those credit unions which offer public unit accounts. Because of the nature of these funds, forward planning and sound asset/liability management are essential. Normally, such funds should be balanced with short-term liquid assets in which the credit union earns a positive return.

Regulatory Procedures

By approving this Final Rule the NCUA Board is expanding upon its previous April 21, 1982, action on public unit accounts, the deletion of § 701.32 of the NCUA Rules and Regulations, entitled Payment on Shares by Public Units. The NCUA Board believes that a delay in approving this final Regulation is not in the public interest since it provides credit unions with greater flexibility to respond to members' needs. The providing of and seeking of public comment on this rule is, therefore, impractical and not in the public interest, and is thus provided for in 5 U.S.C. 553(b)(B). Further, public comment is not required when the rule relieves a restriction, 5 U.S.C. 553(d)(3).

For the same reasons and because the change will increase the management flexibility and competitive positions of small credit unions, having Treasury Tax and Loan Remittance Accounts and Treasury Tax and Loan Note Accounts, a regulatory flexibility analysis is not required, 5 U.S.C. 603(a), 604(a). Since the rule will relieve burdens and delays will cause unnecessary harm, the NCUA Board also finds that full and separate consideration of all the requirements of the Regulatory Simplification Act is impracticable.

Authority: 31 CFR 203, 12 U.S.C. 1766.

List of Subjects in 12 CFR Part 701

Credit union.

Accordingly, NCUA removes existing § 701.37-1(e) of its rules and regulations, and renumbers §§ 701.37-1(f) and 701.37-1(g) to 701.37-1(e) and 701.37-1(f) respectively.

Dated: December 7, 1983.

Rosemary Brady,

Secretary of the Board.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Section 701.37-1 [Amended]

1. Section 701.37-1(e) is hereby removed.

2. Section 701.37–1(f) is hereby redesignated as 701.37–1(e).

3. Section 701.37–1(g) is hereby redesignated as 701.37–1(f).

[FR Doc. 83–33024 Filed 12–12–83; 8:45 am]
BILLING CODE 7535–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 385

[Reg. OR–213; Organization Regulations Amdt. No. 135 to Part 385]

Delegation and Review of Action Under Delegation: Nonhearing Matters

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB delegates to the Chief of its Subsidy Need Division the authority to set the amount of an airline's fuel adjustment under a subsidy rate order that provides for such adjustments. This will facilitate payments to the carrier or refunds to the Board.

DATES: Adopted: December 8, 1983. Effective: December 13, 1983.

FOR FURTHER INFORMATION CONTACT: John R. Hokanson, Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5368.

SUPPLEMENTARY INFORMATION: Section 33 of the Airline Deregulation Act of 1978 (Pub. L. 95–504) added a new section 419 to the Federal Aviation Act of 1958 (49 U.S.C. 1389). This section directed the board to pay a subsidy to airlines to provide essential air transportation at small communities.

Many of the subsidy rates established by the Board at the beginning of the section 419 essential air service program included a fuel adjustment provision. The erratic nature of fuel prices during that time justified special treatment of fuel costs.

Typically, these fuel adjustment provisions would set a target price for fuel. If the actual price was more than the target price, the Board would pay the carrier 85 percent of the difference. Likewise, if the actual price was less than the target price, the carrier would have to reimburse the Board for 85 percent of the difference. In some cases, the rate only provided for a rise in fuel prices so that the Board assumed the risk of price fluctuations but the carrier did not.

In many cases it has not been clear exactly how much is owed the carrier or the Board. This problem has occurred because carrier fuel cost records are often either incomplete or nonexistent. The fact that more than one method of computing fuel adjustments was employed may have also caused complications.

Disputes between the Board and the carrier over the amount of the fuel adjustment have typically been resolved through informal negotiations between the staffs of the Board and the carrier. This approach has been possible from the Board's standpoint because most of the Board's subsidy rate orders have delegated to the Chief of the Subsidy Need Division of the Board's Bureau of Domestic Aviation the authority to resolve disputes over the fuel adjustment. Some orders, however, due to an administrative oversight, have not included this delegation.

To rectify this oversight, the Board is codifying this delegation in 14 CFR 385.14b. Delegating authority to establish the amount of the fuel cost adjustment will enable the Board to expedite claims against carriers under the Federal Claims Collection Act (Pub. L. 89–308) and the Debt Collection Act (Pub. L. 97–365).

Since this is a rule of agency organization and procedure, the Board finds that notice and public procedure thereon are unnecessary and that it may take effect on less than 30 days' notice.

List of Subjects in 14 CFR Part 385

Administrative practice and procedure, Authority delegations, Government agencies.

PART 385—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 385, *Delegation and Review of Action under Delegation: Nonhearing Matters*, as follows:

1. The authority for Part 385 is:

Authority: Secs. 101, 204, 401, 402, 403, 407, 416 Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 766, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1377, 1386. Reorganization Plan No. 3 of 1961, 26 FR 5989.

2. A new paragraph (f) is added to § 385.14b as follows:

§ 385.14b Delegation to the Chief, Air Carrier Subsidy Need Division, Bureau of Domestic Aviation.

* * * * *

(f) Establish the amount of a carrier's fuel adjustment in accordance with a subsidy rate order adopted by the Board under section 419 of the Act that provides for such adjustments.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–33118 Filed 12–12–83; 8:45 am]
BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8986]

Jim Walter Corp., 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 leading manufacturer of shell housing and construction materials, and its wholly-owned subsidiary, among other things, to timely divest, to a Commission-approved buyer, the asphalt roofing plants located in Wilmington, Ill., Philadelphia, Pa., Chester, W. Va., and Memphis, Tenn., including their adjacent felt mills. Should any of the plants not be divested within 15 months of the effective date of the order, a trustee appointed by the Commission will effect divestiture of the remaining plant or plants. The order requires the companies to cooperate with the trustee in the discharge of his/her duties and compensate him/her for the reasonable value of his/her services, including expenses. Further, for a period of ten years, the companies are prohibited from acquiring any asphalt roofing plant in 41 specified states without prior Commission approval.

DATES: Amended Complaint issued June 15, 1982. Decision and Order issued Nov. 30, 1983.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS–5, David W. Long, Washington, D.C. 20580 (202) 254–7001.

SUPPLEMENTARY INFORMATION: On Thursday, Sept. 22, 1983, there was published in the **Federal Register**, 48 FR 43188, a proposed consent agreement with analysis In the Matter of Jim Walter Corporation, and The Celotex 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.

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

No comments having been received, the Commission has ordered the issuance of the amended 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—Acquiring Corporate Stocks or Assests: § 13.5 Acquiring corporate stocks or assets; 13.5–20 Federal Trade Commission Act. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective Actions and/or requirements.

List of Subjects in 16 CFR Part 13

Asphalt roofing materials, 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)

Benjamin I. Berman,

Acting Secretary.

[FR Doc. 83-33005 Filed 12-12-83; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 12

[Docket No. RM80-31-001; Order No. 122-A]

Water Power Projects and Project Work Safety; Order Denying Rehearing

Issued December 7, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Denying Rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) denies rehearing of the final rule governing the safety of water power projects and project works. The final rule establishes procedures to ensure quality in design, construction, operation, and maintenance of water power projects.

Petitions were filed by Edison Electric Institute for rehearing or, in the alternative, reconsideration of particular sections of the final rule, and Daniel International Corporation and the National Construction Association for rehearing of one section of the final rule. For the reasons set forth in the order denying rehearing, the petitions are denied because they do not raise any issues that were not fully considered by the Commission during the rulemaking or which, having been considered, warrant any modification of the final rule.

EFFECTIVE DATE: December 13, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Hurwitz, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8033.

SUPPLEMENTARY INFORMATION:

I. Introduction

On January 21, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM80-31-000 revising the Commission's regulations on water power projects and project works safety.[1] The rule consolidates the Commission's orders, regulations, and practices relating to project safety into Part 12 of the Commission's regulations (18 CFR Part 12).

The Commission received timely petitions for rehearing or reconsideration from the Edison Electric Institute ("EEI"), Daniel International Corporation ("Daniel"), and the National Construction Association ("NCA").[2] By Order of March 23, 1981, the Commission granted rehearing solely to extend the time for considering the three petitions. The Commission finds that the petitions for rehearing do not raise any matters of fact or law which were not addressed in the final rule. The Commission therefore finds no basis to modify the final rule.

II. Discussion of issues raised by EEI

A. Delegation of Authority

EEI's first argument is that the Commission has been overly expansive in its delegation of authority to the Regional Engineers. EEI states that it has no objection to a rule that gives the Regional Engineers reasonable power to enforce safety regulations. EEI asserts, however, that the standards in the current rule are vague and, as a result, the Regional Engineers may engage in subjective, case-by-case determinations leading to a lack of uniformity of requirements among the regions.

EEI specifically objects to the language in § 12.3(b)(4) that defines a "condition affecting the safety of a project or project works" as "any condition, event, or action at the project which *might* compromise the safety, stability, or integrity of any project work * * *" (emphasis added). Similarly, EEI points to the Regional Engineers' authority under § 12.4(b)(2)(iv) to require the applicant or licensee to take "any other action" relating to safety with respect to design, operation, maintenance, construction or use of the project whenever the Regional Engineer believes it is "necessary or desirable." Finally, EEI objects to the Commission's definition of "modification" in the final rule.[3]

The Commission believes these rules to be within the permissible bounds of its delegation authority.[4] At the outset, the Commission notes that the Regional Engineers are coordinated by and act under the supervision of the Director of the Division of Inspections and Hydro-License Administration of the Office of Electric Power Regulation (OEPR). That Division Director has the primary responsibility of administering the Commission's water power project safety program, and reports directly to the Director of OEPR. The Director of OEPR reports directly to the Chairman of the Commission.[5]

Thus, there is centralized administration and internal accountability built into the Commission's structure. The Regional Engineers have been delegated the discretion to take those reasonable actions that are required to protect public life, health, and property. The Commission emphasizes that although the Regional Engineers have been delegated a certain degree of discretionary authority, this discretion is necessary to deal effectively with a multiplicity of site-specific conditions not easily anticipated. The central administration of the program, however, is designed to achieve the maximum amount of uniformity in the water power project safety program.

The grant of power to the Regional Engineers, including authority to take action where there exists a condition which *might compromise* safety, is in the public interest. In matters concerning life and public safety, the Commission believes that it is both necessary and appropriate to authorize

[1] Water Power Projects and Project Works Safety, 46 FR 9,029 (Jan. 28, 1981) (Docket No. RM80-31-000, Order No. 122, Jan. 21, 1981).

[2] Specifically, EEI petitioned for rehearing, and, in the alternative, reconsideration of particular sections of the final rule. Daniel and NCA petitioned for rehearing solely with regard to § 12.40 of the final rule.

[3] 19 CFR § 12.11 requires modifications, as defined in § 12.3(b)(8), to be reported to the Regional Engineer within specified time limits. EEI seeks a more specified definition of which modifications are subject to the reporting requirement.

[4] Section 10(c) of the Federal Power Act (FPA), 16 U.S.C. 803(c) (1982), requires a licensee to "conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property."

[5] 18 CFR § 12.4(a) (1983).

the Regional Engineer to take any "necessary or desirable" action regarding any condition which might compromise the safety, stability, or integrity of the project or project works. The Regional Engineer is both an agent of the Commission and the Commission's field expert. The Regional Engineer is a trained person who is familiar with the projects in the region and who must make timely on-the-spot decisions regarding public life, health, and property. In the event of an emergency, the Regional Engineer must have the authority to act decisively in accord with his or her experience at the site involved. Thus, while discretion is not unfettered, it must necessarily be broad enough to allow the Regional Engineer to prevent injury to the public before it occurs as well as to remedy problems after they arise. As for EEI's objection to the vagueness of the definition of "modification", the Commission has already responded to that issue in the final rule.[6]

The Commission wishes to reiterate a licensee's right to appeal any order or directive of a Regional Engineer.[7] Thus, in situations where time permits, a licensee is free to challenge any Regional Engineer's decision that the licensee believes is unwarranted. However, EEI also objects to the immediate effectiveness of an order of a Regional Engineer.[8] As stated in the preamble, however, "[i]n safety emergencies it would be impracticable to hold action in abeyance while the merits of the situation were presented for Commission deliberation." [9] The Commission believes that the benefits gained for the protection of the public health and safety under this regulatory scheme far outweighs the possible burden, if any, to a licensee.

B. Statutory Authority

EEI asserts that the Commission has exceeded its statutory authority by delegating to the Regional Engineers the authority to take action on non-safety related aspects of a project or project works. EEI is specifically concerned with § 12.40 of the rule which requires a licensee to maintain any quality control program required by the Regional Engineer for "any construction, repair, or modification of project works."

The Commission notes that, as distinguished from the proposed rule, the final rule relates *only* to safety considerations. It was for this reason that all references to "adequacy" in the proposed rule were deleted in the final rule.[10] Thus, the requirement in § 12.40 of the rule that a licensee or applicant maintain "any" quality control program that may be required by the Regional Engineer is inherently modified by the underlying requirement that such action be related to safety considerations. Thus, quality control programs will be applied only to those areas affecting public life, health, and property.

III. Discussion of Issues Raised by Daniel and NCA

Daniel and NCA both challenge § 12.40 of the rule which allows applicants, licensees, and accountable third parties to perform quality control inspections (QCIs) but prohibits construction contractors from performing QCIs.[11] Both petitioners submit that construction contractors should be allowed to perform QCIs under the same conditions as licensees. Daniel and NCA raise a number of administrative law and constitutional objections, including inadequate notice, insufficient statement of basis and purpose, inadequate factual support, and arbitrary discrimination against construction contractors in violation of due process and equal protection of the law.

A. Adequacy of Notice

Section 553(b) of the Administrative Procedure Act (APA) requires that:

> General notice of proposed rulemaking shall be published in the **Federal Register**, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. The notice shall include—
>
> (1) A statement of the time, place, and nature of public rulemaking proceedings;
>
> (2) Reference to the legal authority under which the rule is proposed; and
>
> (3) *Either the terms or substance of the proposed rule or a description of the subjects and issues involved.*[12]

In explaining this provision, the Senate Committee stated only that "agency notice must be sufficient to fairly apprise interested parties of the issues involved, so that they may present responsive data or arguments relating thereto." [13] Further, the Supreme Court has indicated that parties should be "fairly advised" of what an agency proposes to do.[14]

The notice of proposed rulemaking (NOPR) in this docket [15] satisfies the requirements of section 553(b) in that it sets forth the terms of § 12.40 and provides a brief description of its content. These sections of the NOPR can be easily read to "fairly apprise" contractors that they (but not licensees, applicants, or accountable third parties) were to be barred from performing QCIs.

Further, both Daniel and NCA admit they "discovered" and then commented on the issue of prohibiting construction contractor QCIs.[16] Some courts have viewed this type of situation as constituting "actual notice" of the issues raised by a notice of proposed rulemaking,[17] and have declined, on that basis, to find an agency's notice deficient.[18]

The Commission cites three significant governmental reports and guidelines on dam safety in the NOPR,[19] each of which provides support for the Commission's position in § 12.40. These reports are again cited in the final rule.[20] Both Daniel and NCA submitted

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[6] 46 FR 9,031 (col. 3). While the NOPR did not include a definition of "modification," the Commission added one in the final rule in response to commenters' requests. The definition of "modification" in the final rule is as specific as it can be (limited to physical changes to the project works and features) without limiting the Regional Engineers' ability to monitor the safety of projects works. The definition must be broad to cover a variety of circumstances at the individual project sites.

[7] 18 CFR 12.4(c) (1983).

[8] 18 CFR 12.4(c)(ii) (1983).

[9] 46 FR at 9,032.

[10] 46 FR 9,031, 9,032.

[11] In pertinent part, § 12.40 provides:

(b) If the construction, repair, or modification work is performed by a construction contractor, quality control inspection must be performed by the licensee, the design engineer, or an independent firm other than the construction contractor, directly accountable to the licensee. This paragraph is not intended to prohibit additional quality control inspections by the construction contractor, or a firm accountable to the construction contractor, for the constuction contractor's purposes.

(c) If the construction, repair, or modification of project works is performed by the applicant's or licensee's own personnel, the applicant or licensee must provide for separation of authority within its organization to make certain that the personnel responsible for quality control inspection are, to the satisfaction of the Regional Engineer or other authorized Commission representative, independent from the personnel who are responsible for the construction, repair or modification.

[12] 5 U.S.C. 553(b) (1982) (emphasis added).

[13] S. Doc. No. 248, 79th Cong., 2d Sess. 200 (1946).

[14] United States v. Florida East Coast Rwy. Co., 410 U.S. 224, 243 (1973).

[15] 45 FR 41,608 (June 19, 1980).

[16] Daniel International Corporation Application for Rehearing, at 4–5, 13, 14–16 (Feb. 20, 1981) (hereinafter *"Daniel"*); National Construction Association Application for Rehearing, at 3, 10–11 (Feb. 20, 1981) (hereinafter *"NCA"*).

[17] Actual notice satisfies the requirements of section 553(b) of the APA.

[18] Texaco, Inc. v. FEA, 531 F.2d 1071, 1082 (TECA 1976); Exxon Corp. v. FEA, 398 F. Supp. 865, 880–81 (D.D.C. 1975); Owensboro on the Air, Inc. v. United States, 262 F.2d 702 (D.C. Cir. 1959); *contra* Hotch v. United States, 212 F.2d 280, 284 (9th Cir. 1954).

[19] 45 FR 41,608 n.4 (June 19, 1980). The three governmental reports are: Federal Coordinating Council for Science Engineering and Technology (FCCSET), *Federal Dam Safety*, November 1977; Office of Science and Technology Policy (OSTP), *Improving Federal Dam Safety*, December 1978; FCCSET, *Federal Guidelines for Dam Safety*, June 25, 1979.

[20] 46 FR at 9030 n.4.

extensive comments on these documents,[21] and cannot reasonably claim lack of notice in this regard.[22]

B. Statement of Basis and Purpose

Daniel and NCA also question whether the Commission has provided a sufficient statement of basis and purpose to support § 12.40. Section 4(c) of the Administrative Procedure Act (APA), 5 U.S.C. § 553(c) (1983), provides that after notice of proposed rulemaking, opportunity for comment, and consideration of relevant material presented, "the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose." The legislative history of the APA further clarifies the requirement for a basis and purpose statement:

> Section 4(b) [subsequently section 4(c)], in requiring the publication of a concise general statement of the basis and purpose of rules made without formal hearing, is not intended to require an elaborate analysis of rules or of the detailed considerations upon which they are based but is designed to enable the public to obtain a general idea of the purpose of, and a statement of the basic justification for, the rules.

S. Rep. No. 752, 79th Cong., 1st Sess. 39 (1945).

An agency is not expected to discuss every item of fact or opinion included in the submissions made in an informal rulemaking. Rather, a basis and purpose statement should enable a reviewing court "to see what major issues of policy were ventilated by the informal proceedings and why the agency reacted to this as it did."[23]

In this instance, the Commission's final rule preamble included the following explanation for § 12.40:

> The proposed rule provided that quality control inspections must be conducted by the licensee, the design engineer, or an independent firm accountable to the licensee, and must not be performed by a construction contractor or firm accountable to the construction contractor. Some commenters, including licensees, supported this provision, while construction contractors opposed it. Construction contractors argue that they have interests in quality construction work that lead them to establish their own quality control programs and the proposed provisions would prohibit that. This point is well taken, and the rule has been modified to make clear that a construction contractor is not precluded from performing its own quality control inspections for its own purposes. Experience shows, however, that construction contractors may also have conflicting interests that may lead to neglect of the quality of work. Because of the potential for conflict of interest, it is important to provide for independent quality control inspections to ensure that the work has been performed at least up to the standards in the plans and specifications. Therefore, the final rule preserves such a requirement.

The Commission has broad statutory authority under section 10(c) of the Federal Power Act to determine how best to fulfill the legitimate governmental objective of protecting life, health, and property.[24] The Commission believes that barring construction contractors from performing QCIs is warranted because of the disastrous consequences that can result from a dam failure. Thus, even the potential for a conflict of interest on the part of a construction contractor which can lead to these consequences is a serious threat to the public's life, health and property, and warrants a bar to construction contractors performing QCIs. The Commission, in the preamble, recognizes that construction contractors oppose this provision. However, the Commission is convinced that in order to fulfill its statutory obligations, it must avoid any possibility of risk to life, health, and property that it reasonably can.

Daniel and NCA also argue that the evidence in the record does not support § 12.40. The petitioners assert that neither the NOPR nor the final rule contain any factual support or logical justification for § 12.40. Both Daniel and NCA argue that the Commission cannot legally rely upon "experience" as support for § 12.40 without giving interested persons the right to comment on the source of that experience.[25] Failure to do so, claim Daniel and NCA, is arbitrary, capricious, and an abuse of discretion in violation of the APA.[26]

The Commission's "experience" is sufficiently defined in the final rule. The preamble of the final rule restates from the NOPR both the Commission's concern with regard to dam failures in the United States, as well as the governmental reports supporting the Commission's bar of construction contractors from performing QCIs. Thus, our experience, grounded in part on policy considerations, underlying the decision to disallow construction contractors from performing QCIs is clearly in the record.

Furthermore, in addition to the three reports cited in the NOPR and final rule, there are other generally-disseminated public reports which cite other agencies' and organizations' experiences and which confirm the potential risks involved in allowing construction contractors to perform QCIs. For example, the *Comptroller General's Report to the Congress: Eliminating Contractor Inspections of Federal Water Projects Could Save Millions* states:

> In our opinion, contractor self-inspection lacks the quality control essential for activities involved in constructing dams, powerhouses, and other water projects. The concerns of Corps, Bureau, and other officials about the disastrous losses of life and property involved in water project failures are valid. The extensive quality controls the agencies build into their designs, specifications, and contracts for construction seem appropriate responses to this concern, and demand thorough inspections to be effective. Understandably, contractors with construction responsibilities cannot be expected to give these quality control matters as much attention as agencies entrusted with project planning, design, and operation, as well as construction responsibilities. Requiring contractors to inspect their own work creates a potentially serious conflict of interest considering the contractor's primary interest in production versus the agencies' concern for quality control.[27]

Also, the Department of Interior's *Report on the Bureau of Reclamation Dam Safety Review* states:

> Utilization of owner inspection and testing is considered to be appropriate for structures where safety of life and property are major considerations.[28]

Finally, in October 1980, the American Concrete Institute (ACI) published its *Guide for Concrete Inspection.*[29] ACI

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[21] Daniel International Corporation's Comments on Proposed 18 CFR Part 12 Safety of Water Power Projects and Project Works, 3–6, 7–17, 19 (Aug. 14, 1980); National Construction Association Comments on Proposed Rulemaking, 3–4, 7, 10–14 (Aug. 15, 1980).

[22] *See* B. F. Goodrich v. DOT, 541 F.2d 1178, 1184 (6th Cir. 1976) (only basic, and not all, data need be published for public comment unless prejudice would result).

[23] Automotive Parts and Accessories Ass'n v. Boyd, 407 F.2d 330, 338 (1968). *See also* In re Surface Mining Regulation Litigation, 627 F.2d 1346, 1354 (D.C. Cir. 1980); Rodway v. USDA, 514 F.2d 809, 817 (D.C. Cir. 1975); National Nutritional Foods Ass'n v. Weinberger, 512 F.2d 688, 701 (2nd Cir.), *cert. denied*, 423 U.S. 827 (1975) (the requirement that an agency " 'incorporate in the rules a concise general statement of their basis and purpose' certainly does not require the agency to supply specific and detailed findings and conclusions of the kind customarily associated with formal proceedings").

[24] *See* note 4, *supra.*

[25] *Daniel*, at 10, 12, 13–14, *NCA*, at 9–10, 11.

[26] *Daniel*, at 9, 16; *NCA*, 8, 11.

[27] United States General Accounting Office, *Comptroller General's Report to the Congress: Eliminating Contractor Inspections of Federal Water Projects Could Save Millions*, 24 (Sept. 29, 1981).

[28] United States Department of the Interior Bureau of Reclamation Review Team, *Report on the Bureau of Reclamation's Dam Safety Review*, 100–01 (Aug. 19, 1977). *See also*, United States Army Corps of Engineers, *Report of the Federal Coordinating Council for Science, Engineering, and Technology on the Dam Safety Program in the Corps of Engineers*, 6–25 to 6–27 (Sept. 1, 1977).

[29] The ACI Guide replaces the Recommended Practice for Concrete Inspection (ACI 311–75). The October 1980 report is Number ACI 311.4R–80.

committee reports, guides, standard practices, and commentaries are intended for guidance in designing, planning, executing, or inspecting construction and in preparing specifications. The *Guide for Concrete Inspection* sets forth procedures relating to concrete construction to guide owners, architects, and engineers in planning their inspection programs.

Under "General Requirements", the ACI states that for the protection of the owner and the public, the responsibility for inspection should be vested in the architect or engineer as a continuing function of his design responsibility. The responsibility of the architect or engineer for inspection may be discharged by him directly or through his employees or may be delegated to an inspection agency selected by the architect or engineer. In those cases in which the owner provides his own engineering service, the owner should select the inspection agency. The *Guide* goes on to state explicitly that at no time should acceptance inspection or testing be made a function of the construction contractor except when required by law or applicable regulations or when the owner considers that his interest is best served by such an arrangement.[30]

The Commission is entitled to rely, as part of its experience, on these other publicly-available documents. In *American Mining Congress v. Marshall,*[31] the Tenth Circuit found that the petitioner's right to comment was not denied so long as all interested parties were given a full and fair opportunity to comment on all the significant issues in the rulemaking proceeding. Further, the court held, the APA does not require that every bit of background information used by an administrative agency be published for public comment, and that an agency could rely upon documents dated after the close of the public comment period.[32]

There is no undue prejudice to Daniel or NCA since most of the documents were in the public domain before the final rule was issued, some became public shortly thereafter. Most importantly, all of them reach the same conclusion—construction contractors should not perform their own QCIs. These documents, representing governmental studies and construction industry standards, give a broad picture of the support that exists for the Commission's stance disallowing construction contractors from performing QCIs.

Therefore, the Commission reiterates its position that experience clearly justifies the decision to disallow QCIs by construction contractors. The potential conflict of interest, which could result from allowing construction contractors to perform QCIs and which could lead to dam failures, is a risk that this Commission cannot reasonably take if it is to continue to carry out its duty to protect the public's life, health, and property.

C. Due Process and Equal Protection Contentions

Both Daniel and NCA assert that § 12.40 of the final rule violates the constitutional guarantees of due process and equal protection under the Fifth and Fourteenth Amendments to the U.S. Constitution. Specifically, Daniel and NCA maintain that: (1) The regulation arbitrarily restrains a construction contractor's right to contract and thereby violates due process; (2) the Commission's failure to show the necessity of prohibiting contractors (but not licensees or third parties) from performing QCIs violates equal protection principles; and (3) the distinction between construction contractors and licensees is arbitrary and unreasonable and also violates equal protection guarantees.

Although Daniel and NCA have categorized their constitutional arguments concerning § 12.40 under different headings, the point in dispute is whether the Commission may separate two categories of business concerns and then apply different standards and restrictions to the two categories. The constitutional question raised thereby is whether the Commission acted in a patently irrational or arbitrary fashion in establishing different treatment for construction contractors, or whether this classification may be demonstrated to be both rational and relevant to the achievement of a legitimate governmental objective.

As stated above, under section 10(c) of the Federal Power Act, a licensee must conform to such rules and regulations as the Commission from time to time may prescribe for the protection of life, health, and property.[33] In promulgating rules to pursue these objectives, the Commission is constitutionally permitted to "treat different classes of persons in different ways." *Reed* v. *Reed,* 404 U.S. 71, 75 (1971). So long as the classification "does not itself impinge on a right or liberty protected by the Constitution, the validity of [the] classification must be sustained unless 'the classification rests on grounds wholly irrelevant to the achievement of [any legitimate governmental] objective'." *Harris* v. *McRae,* 448 U.S. 297, 302 (1980), quoting *McGowan* v. *Maryland,* 336 U.S. 420, 425 (1961). Under the constitutional decisions of the courts, there is no absolute right to contract or right to work and this is acknowledged by both Daniel and NCA.[34] The only question is whether the Commission "achieved its purpose in a patently arbitrary or irrational way." *United States Railroad Retirement Board* v. *Fritz,* 449 U.S. 166, 177 (1980).

The Commission believes that these dam safety regulations and § 12.40 in particular are clearly relevant, and have a real and substantial relation, to the protection of life, health, and property. Furthermore, the Commission bases its distinction between licensees (and accountable third parties) and contractors on a contractor's actual or potential conflict of interest that "may lead to neglect of the quality of work," [35] the same observation found in other governmental reports previously mentioned. Thus, the classification excluding construction contractors is reasonably related to matters of public safety and is permitted under section 10(c) of the Federal Power Act.

Another indication that the prohibition against construction contractors is not arbitrary or irrational is the accountability of the entity permitted to perform the required QCIs. Under section 10(c) of the Federal Power Act, "[e]ach licensee * * * shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the project works or of the works appurtenant or accessory thereto, constructed under the licensee * * *" [36] Moreover, under section 10(c), it is the licensee that is required to "conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property." This responsibility is imposed upon the licensee for the life of the project, and is not imposed on the construction contractor.

Given these statutory provisions and given that the enforcement jurisdiction

[30] ACI, Guide for Concrete Inspection (October, 1980).

[31] 671 F.2d 1251, 1260 (10th Cir. 1982).

[32] *Id.* at 1262. *See also,* In re Surface Mining Regulation Litigation, 627 F.2d 1346, 1354 (D.C. Cir. 1980).

[33] *See* note 4, *supra.*

[34] *Daniel,* at 19; *NCA,* at 12, 13.

[35] 46 FR 9,035, col. 3.

[36] While there may or may not be private, contractual liability for construction contractors, the Congress has mandated in section 10(c) that the licensee will always bear liability for the safety of the project.

of the Commission extends to licensees and not to contractors, the licensee has a greater self-interest in ensuring proper QCIs, and has a greater awareness of the consequences of failing to diligently conduct QCIs. The degree of control and ultimate accountability of a licensee is, therefore, much greater than a construction contractor. This factor is significant in the decision not to allow construction contractors to perform QCIs.

D. Other Arguments by NCA and Daniel

NCA asserts that the Commission has not met its responsibility to consider alternatives under the Regulatory Flexibility Act of 1980 and under Executive Order 12044. Section 4 of the Regulatory Flexibility Act of 1980 [37] specifies that the sections of that Act requiring consideration of alternatives (5 U.S.C. §§ 603, 604) do not apply to rules for which a notice of proposed rulemaking was issued before January 1, 1981. Since the NOPR for this final rule was issued on June 19, 1980, the Regulatory Flexibility Act does not apply to this rulemaking.

NCA also argues that the Commission has a similar responsibility under section (d) of Executive Order 12044.[38] However, Executive Order 12044 was specifically limited to executive agencies responsible to the President. As an independent regulatory agency, neither Executive Order 12044 or its successor, Executive Order 12291, applies to the rules of this Commission.[39]

Finally, both NCA and Daniel argue that the Commission failed to follow the requirements of 1 CFR § 18.12 (1979), which are incorporated in 18 CFR § 1.19(c)(2) (1981). 1 CFR § 18.12 basically reiterates the APA's notice requirements for rulemakings. The Daniel and NCA arguments on this issue have already been addressed above.

IV. Conclusion

Therefore, for the reasons set forth above, the Commission denies the petitions for rehearing submitted by EEI, Daniel, and NCA.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33003 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[37] 5 U.S.C. 601 note.

[38] 43 FR 12,661 (March 23, 1979).

[39] E.O. 12291 revoked E.O. 12044 on February 7, 1981, 46 FR 13,193.

18 CFR Part 35

[Docket No. RM 83-62-000 Order No. 352]

Treatment of Purchased Power in the Fuel Cost Adjustment Clause for Electric Utilities

Issued: December 7, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission ("Commission") is amending its regulations concerning the treatment of purchased power expenses in the fuel cost adjustment clause used by electric utilities in jurisdictional rate schedules. The new rule amends the present rules codified in 18 CFR 35.14.

The new rule allows electric utilities to recover all expenses associated with purchased power of less than twelve months duration through fuel clause adjustments if two conditions are met. First, the total cost of the purchase must be less than the buyer's total avoided variable cost. And second, the purpose of the purchase must be solely to displace higher cost generation. The second condition excludes from automatic recovery purchases made to maintain reserve levels or otherwise cure a capacity deficiency. The expenses that can be flowed through the fuel clause if both conditions are met include, but are not limited to, capacity or reservation charges and any transmission or wheeling charges incurred in delivering the power to the buyer.

Energy charges associated with economic purchases will continue to be recoverable through the fuel clause. Such recovery is permitted if the energy charges are less than the buyer's total avoided variable costs during the purchase period. The fuel cost component of any purchase will continue to be accorded fuel clause treatment.

The new rule also requires any electric utility that intends to recover more than fuel or energy charges associated with economic purchases through fuel clause adjustments to amend its fuel clause accordingly, and to include in it a statement which explains the system reserve capacity criteria used by system operators to determine when a reliability purchase must be made.

The collection of information of provisions of this rule have been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act of 1980. For information on or copies of the collection of information provisions of the rule, contact either of the agency staff members named below. Comments concerning the collection of information provisions should be directed to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Federal Energy Regulatory Commission.

EFFECTIVE DATE: The rule is effective February 13, 1984. If OMB's approval and control number have not been received before this date, the Commission will temporarily suspend the effective date.

FOR FURTHER INFORMATION CONTACT:

Wilbur Earley, Office of Regulatory Analysis, Federal Energy Regulatory Commission—Room 3000, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8158

Robert S. Angyal, Office of General Counsel—Room 3100, 941 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-5621

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission ("Commission") is amending its regulations concerning the treatment of purchased power expenses in the fuel cost adjustment clause used by electric utilities in jurisdictional rate schedules. The new rule amends the present rules codified in 18 CFR 35.14.

The new rule allows electric utilities to recover all expenses associated with purchased power through fuel clause adjustments if two conditions are met. First, the total cost of the purchase must be less than the buyer's total avoided variable cost and the purchase must be of less than twelve months duration. And second, the purpose of the purchase must be solely to displace higher cost generation. The second condition excludes from automatic recovery purchases made to maintain reserve levels or otherwise cure a capacity deficiency. The expenses that can be flowed through the fuel clause if both conditions are met include, but are not limited to, capacity or reservation charges, energy charges and any transmission or wheeling charges incurred in delivering the power to the buyer.

Energy charges associated with economic purchases will continue to be recoverable through the fuel clause. Such recovery is permitted if the energy charges are less than the buyer's total avoided variable costs during the purchase period. The fuel cost component of any purchase will

continue to be accorded fuel clause treatment.

The new rule will also require any electric utility that intends to recover more than fuel or energy charges associated with economic purchases through fuel clause adjustments to amend its fuel clause accordingly, and to include in it a statement which explains the system reserve capacity criteria used by system operators to determine when a reliability purchase must be made.

II. Background

Our present fuel clause regulations concerning the recovery of the costs associated with economic purchased power potentially creates a disincentive to electric utilities' buying the least-cost power available under certain conditions. Only the net energy charges of such purchase may now be recovered in fuel clause adjustments. All other charges must be estimated in rate cases and recovered in fixed base rates. Firm or conditionally interruptible economic purchases that carry capacity or reservation charges have often been observed to be cheaper than contemporaneous interruptible purchases with only energy charges. If, however, the non-energy charges associated with the cheaper purchases were not in the base rate estimate, the utility could not recover them. The buyer might thus be biased in favor of the more expensive option because the total cost—entirely energy charges—can be recovered through the fuel clause. If the cheaper option is chosen, the buyer's stockholders must absorb the non-energy charges and ratepayers receive price signals for electricity that are correspondingly too low.

On May 3, 1983, the Commission proposed changing the fuel clause regulations to allow the automatic recovery of all costs associated with purchases made solely for economy reasons.[1] Our objective in proposing this change was to encourage electric utilities to make the least-cost purchase available without regard to its price structure or regulatory impediments to cost recovery. Sixty-eight parties commented on the proposal (see list at Appendix I). We have reviewed and considered the comments and decided to adopt the rule essentially as proposed with one substantive change and some explanatory expansion. The proposed regulations would have allowed only the capacity and energy charges of an economic purchase to be recovered through fuel clause adjustments. Upon reviewing the comments received, we are now persuaded that our objective would be better met if all non-fuel charges, including wheeling charges, associated with buying and having economic power delivered were included in the fuel clause. A potential buyer will thus be able to make purchasing decisions free of regulatory distortions by comparing avoided costs with the *total delivered cost* of potential purchases and being assured of complete recovery of the delivered cost.

[1] Notice of Proposed Rulemaking, *Treatment of Purchased Power in the Fuel Cost Adjustment Clause for Electric Utilities*, Docket No. RM83-62-000 (May 3, 1983), 4 FERC Stat. & Reg. ¶ 32,315, 48 FR 21161 (May 11, 1983).

III. Rationale of the Rule

A. Need for the Rule

The present rule regarding the collection of purchased power expenses through fuel clause adjustments creates a potential distortion in a utility's purchasing decisions. The distortion arises if a utility does not accurately predict certain types of future economic purchase opportunities in a base rate case. A future purchase that carries capacity, reservation or wheeling charges could be cheaper than one that carries only energy charges. All of the energy charges incurred can be collected through the fuel clause under the existing rule but other non-fuel charges cannot. If those other charges are not contained in base rates, they will not be recovered. Two options are available under these conditions. One is to buy the more expensive energy. The buyer's stockholders are made whole and ratepayers are better off, but not as well off as they would have been had the cheaper purchase been made. The second option is to buy the cheaper power. Ratepayer benefits are maximized at the expense of stockholders because ratepayers get a subsidy from stockholders equal to the purchase charges not recovered through the fuel clause.

Our primary purpose in adopting a new rule is to eliminate this potential distortion and encourage utilities to take the least-cost purchase opportunity. Our present fuel clause regulations were developed to allow the recovery of unpredictable fuel expenses. However, with economic purchases it is the opportunities that are unpredictable. The incidence of purchase forecasting risk is very different from that of predicting fuel costs. Without a fuel clause, unpredicted fuel cost increases would be an uncompensated out-of-pocket expense to the *investors* of a utility. Unpredicted opportunities for economic purchases are different because incurring their expense is optional. A utility is under no clear obligation to make the *best* purchase available if its stockholders will have to pay part of the purchase expenses. The risk in this situation is the opportunity cost to *ratepayers* of the cheapest purchases not being made. If the best purchase is not made, rates are higher than neccessary. It is this risk we wish to minimize through this expansion of the fuel adjustment clause regulations.

Our dual obligation to ratepayers and stockholders caused us to embark on this rulemaking procedure. Although the logic of and need for the rule seem to be straightforward and transparent, we received comments suggesting that the Commission had not shown a need for a rule change. One commenter suggested that we should show the percentage of potential economic transactions that were not made because of the present rule (see comments of Public Systems). Another asserted that if a problem exists, the remedy is for the Commission to investigate purchasing practices and disallow all excessive costs (see comments of the Iowa State Commission).

These suggestions appear to be misdirected and unproductive. There is no way to identify, with any degree of confidence, the savings lost due to unconsummated economic trades short of asking the industry to identify the more costly purchases made under the present rule. Similarly, it would be impossible to adopt the Iowa Commission's suggestion without becoming a "shadow management" for the thousands of purchases made by the more than two hundred electric utilities under our jurisdiction. Moreover, we find the logic of our premise unchallenged and we have crafted the rule to put neither customers nor shareholders at risk. We stand by the logic of our analysis regarding the need for the rule.

What are the risks of adopting the new rule? From a resource allocation perspective, under the existing rule, the best that can be hoped for is that utilities will go ahead and make the least-cost purchases even though their investors will subsidize ratepayers. At worst, the best trades are passed up and rates are consequently higher than they have to be. Under the new rule, the least costly purchases are more likely to be made, rates are more likely to be minimized and there will be no subsidies. (In support of this conclusion, the New Hampshire Public Utilities Commission commented that 1982 electricity production costs decreased an estimated two percent after the adoption of a similar rule designed to encourage short-term transactions.) The

most severe impact is that ratepayers will give up the subsidies realized from stockholders of utilities that already make all the least cost purchases available, whether forecasted in base rates or not.

B. The Nature of the Purchases Covered by the Rule

Some commenters are apparently confused about the types of purchases the new rule will accord fuel clause treatment. They are concerned that some purchased power capacity charges will be recovered on an energy basis. According to the commenters, costs will improperly shift between customer classes and energy costs to ratepayers will increase (see comments of the New England Conference of Public Utilities Commissioners, Inc. and Mid-Continent Resources, Inc.) One party recommended a separate capacity adjustment clause to avoid the cost shift (see comments of Electricity Consumers Resource Council).

The new rule will allow purchase expenses to be recovered through fuel clause adjustments only if the sole purpose of the purchase is to reduce energy costs (see the discussion below in Section III. D explaining our reasons for the exclusion of reliability purchases). Collecting such costs on an energy basis may very well shift some capacity charges from demand intensive to energy intensive customers when compared to the present rate case estimation process where purchase costs are functionalized on an "as billed" basis. Such a shift is entirely consistent, however, with the ratemaking principle that costs be attributed to customers on the basis of cost causality. Any capacity or other non-fuel charges passed through the fuel clause will be incurred only to buy cheaper energy. Energy customers should bear their appropriate share of those costs since they will enjoy the same share of the benefit of lower energy rates made possible by the purchase.

Consistent with the notion that only energy purchase expenses be allowed automatic recovery, we reject the suggestions that other types of purchases be included in the rule. Some commenters recommended that purchases from cogenerators be brought under the rule because their timing and quantities are unpredictable and because utilities are obligated by statute to make them (see comments of Allegheny Power Service Corporation and Cincinnati Gas and Electric Company). Other commenters suggested that the rule include emergency and other reliability purchases because such purchases are also unpredictable and benefit ratepayers (see, for example, the comments of Pacific Gas and Electric Company, Middle South Services, Inc., and Mississippi Power and Light Company).

This rule has a very narrow purpose: to remove a potential distortion to a utility's decision to take advantage of economic purchase opportunities. As we discussed above, the policy concern is not with giving fuel clause treatment to every conceivable upredictable expense. Nor are we attempting here to facilitate certain statutory purchasing responsibilities of electric utilities. The latter concern especially must be settled in another forum.

Rather than broadening the coverage of the new rule, as the previous commenters suggest, we are tightening it. Fuel clause treatment will be given only to the total cost of economic purchases whose duration is twelve months or less. There are several reasons for this. First, purchases longer than a year are bound to have some reliability benefits (see comments of the New England Conference of Public Utilities Commissioners, Inc.). We want only purchase expenses made solely for economy purposes to be passed through the fuel clause. Second, expenses for purchases for longer than one year can be estimated in rate cases. Such transactions do not materialize overnight. Including them in the rule is not consistent with our intent to eliminate distortions concerning "opportunity" purchases. And finally, putting a cap on the time duration of allowable purchases will reduce the verification burden on our auditors. We think twelve months is a reasonable limit.

C. The Economic Criterion

The economic criterion of the rule requires that the total cost of the purchase be less than the buyer's total avoided variable cost.

The most significant modification we are making to the rule as proposed is allowing all costs associated with buying and delivering economic power to be included in the total cost of the purchase receiving fuel clause treatment. The proposed rule specified only purchased capacity charges to be included in fuel clause adjustments. Our objective to encourage utilities to take advantage of the least-cost purchase opportunity available would be more completely met if all non-fuel charges were included in the fuel clause. This broadening would primarily bring transmission or wheeling charges associated with an economic purchase within the scope of the rule. Such treatment is reasonable because, as one commenter put it, transmission is an "integral part of the economic evaluation" (see comments of COM/Energy Service Company). A potential buyer would thus be able to make purchasing decisions free of regulatory distortions by comparing avoided costs with the *total delivered cost* of potential purchases and being assured of complete recovery of the delivered cost.

Total non-fuel purchase charges can be passed through the fuel clause under the new rule only if a purchase satisfies both the economic and the reserve capacity criteria. If a purchase is economic but is made for reliability reasons, the energy charges can be recovered through the fuel clause. Other charges for such a purchase, including transmission or wheeling, may not be automatically passed on to customers because those charges are incurred for reliability benefits.

A potential buyer must next compare the total avoided variable cost for the purchase period to the total cost of the purchase. Just as with purchase costs, the Commission does not intend to be unnecessarily restrictive in defining the costs allowable as avoided costs under the rule. Our aim is to permit potential buyers to make purchasing decisions unencumbered by artificial regulatory restrictions. Thus, we will not attempt to list all possible allowable variable costs in the rule. The costs a buyer uses in the economic test calculation must, however, be identifiable and documented. Some examples are fuel, start-up, shut-down, and spinning reserve costs that would have been incurred had a purchase not been made. If a utility can displace a purchase *already committed to* with another purchase and, on balance, save money, the charges not actually incurred for the displaced purchase may also be included as an avoided variable cost.

We agree with those commenters who say that system lambda is too restrictive and thus not an accurate measure of total avoided variable costs (see, for example, comments of American Electric Power Service Corporation, Central Illinois Public Service Company and the Iowa State Commerce Commission). Lambda is a point measure used for automatic generation control. It does not measure such avoided costs as start-up, shut-down and the avoided fuel costs of a unit idled due to an economic purchase. We will not, therefore, restrict utilities to system lambda as the measure of avoided cost under the new rule. If, however, a utility wants to use lambda, we will accept it.

D. The Need for a Reliability—Economic Distinction

A majority of utility commenters suggested that the requirement in the proposed rule that purchases for reliability purposes not be granted adjustment clause treatment was difficult to implement, unnecessary and counterproductive (see, for example, the comments of American Electric Power Service Corp., Middle South Services, Inc. and Virginia Electric and Power Co.).

The perceived difficulty in most cases reflected the erroneous view that the Commission would be establishing a single industry-wide reliability criterion. The rule only requires that each utility making use of the increased scope of the clause report the criteria that their own system operators use in deciding when a capacity purchase for reliability purposes is required.

Among those utilities that correctly read the proposed rule, there was a divergence of opinion as to their ability to formulate the appropriate criteria (see the comments of Commonwealth Edison Co. and Middle South Services, Inc.). Since the application of the rule is voluntary, a utility that is unable to meet this requirement may simply choose not to change its current fuel clause practices.

The primary criticism of the reliability distinction is that it is unnecessary to achieve the objectives of the rule and, in fact, may inhibit utilities' efforts to pursue least-cost opportunities (see comments of Central and South West Services, Inc., Pacific Gas and Electric Co. and Potomac Electric Power Co.). The Commission finds that a reliability standard is necessary for the following reasons.

The objective of the rule is to remove a potential disincentive to utilities' acquiring "least-cost" resources to meet their load. If a utility were to demonstrate that every transaction for which it wished the treatment allowed by the rule was, in fact, the least-cost supply alternative, the reliability distinction loses much of its rationale. But the rule requires much less. The total purchase cost need only be less than the total avoided variable cost of the utility over the purchase period.

If a purchase is less expensive than any other purchase, it can reasonably be presumed to be an economy transaction. The likelihood that a utility in need of capacity will simultaneously find the least-cost purchase is quite small since the urgency to insure system reliability will limit greatly the time available for shopping around. Also, demonstrating and verifying "least-cost" would be herculean tasks.

On the other hand, it becomes much more credible that a utility searching for a capacity purchase can find one with a total cost less than its total avoided variable cost, the rule's economy standard. But if the purchase is for reliability, the utility has arguably provided in its base rates for the cost of the capacity needed to reliably meet load. Thus the capacity portion of the transaction cost should not be recovered through the fuel clause.

E. The Reserve Capacity Criterion

The system reserve capacity criterion for distinguishing reliability purchases prompted a number of comments relative to its characteristics, and possible alternatives (see, for example, comments of Virginia Electric and Power Co., Public Systems and the Iowa State Commerce Commission).

Many commenters promoted or criticized various alternative reserve criteria. We find that a single industry-wide reserve standard is neither feasible nor desirable. The reason for the restriction on purchases that can qualify for inclusion under the expanded fuel clause is to prevent pass-through of capacity costs associated with maintenance of system reliability. Provision for recovery of such costs should have been made in base rates. Consequently, the only appropriate criteria are those that, when not satisfied, require a system operator to purchase capacity to return his system to an acceptable level of reliability. These criteria will legitimately differ for systems with differing levels of interconnection and differing operating conditions.

Therefore, each utility that wishes to modify its current fuel clause in accordance with this rule shall include a statement as part of the filing to effectuate such change that specifies that utility's specific reserve capacity criteria. This statement should contain a concrete objective standard expressed in a numerical or formulary manner. If a utility does not use such a standard, it should describe the criteria used by its operators.

Some customers and regulatory commissions criticized the use of utility-determined criteria because it would reward utilities with lenient standards at the expense of their rate-payers. We find that concern to be unpersuasive. As with any other part of a change in rates, the adequacy of these criteria will be open to scrutiny when filed with this Commission. We have not noticed a reluctance on the part of customers to express in rate cases dissatisfaction with utility practices.

Some utility comments complained that devising such criteria would be impossible for several reasons. We have discussed why the criteria are necessary. Taking advantage of the rule is voluntary. A utility need not avail itself of the ability to expand its fuel clause if it is unable to describe its reserve criteria.

Finally, some commenters raised the issue of when the criteria must be satisfied. This question raises the need to balance the dynamics of system operation with the goal of the rule. Some customers, utilities and commissions argued that the criteria must be satisfied in every hour of a purchase period, or customers would be paying twice for capacity. Some utilities argued that the removal of a disincentive that is the goal of this rule would be frustrated if a utility could not be assured of the regulatory treatment a transaction would receive before it was consummated.

The Commission sees merit in both arguments and must therefore balance these concerns. We think that a balance is struck if the utility is capable of demonstrating that, at the time the purchase was made, the reserve capacity criteria were projected to be satisfied for the duration of the purchase at issue.

Customers benefit from a purchase by paying less for their electricity while the utility benefits by knowing that its shareholders are not subsidizing customers and by temporarily acquiring a new resource with which to optimize its system.

The comments posed two very different challenges to this balance: Unplanned system events which change the reliability situation and activities by the utility to take advantage of the new resource which might make it appear to an after-the-fact audit that the reserve criteria had not been met.

If the utility were to experience an unexpected outage or increase in load that would reduce its reserves below the level required by its reliability criteria, absent the capacity of a purchase receiving the expanded adjustment clause treatment, the utility would receive a subsidy from customers for the period of the reduced reserves. This argues for suspending the capacity cost flowthrough for the appropriate period.

Conversely, suppose a utility is required to make a reliability purchase not reflected in base rates with a total cost less than its total avoided variable cost. If during the transaction period, load or resources change so that the

capacity is no longer needed to satisfy the utility's reserve criteria, then shareholders would be subsidizing ratepayers. This argues for allowing the capacity cost to be flowed through the adjustment clause for the appropriate period.

The likelihood of either possibility seems small. Moreover, in the first instance capacity associated with an economic purchase is likely to be more expensive than other available capacity a utility could purchase (probably with high fuel costs) to satisfy its reserve criteria. It would be inequitable to require the utility's shareholders, in these circumstances, to pay all of the capacity costs. In fact, to avoid this result a utility could be induced to make an uneconomic capacity purchase to protect its shareholders.

Last, the level or recordkeeping and audit difficulty would increase significantly if the rule required hour-by-hour reserve criteria.

We conclude that, because of the small likelihood of occurrence, the two-way risk between ratepayer and shareholder, the potential for creating a new disincentive for least-cost behavior and the enforcement difficulty, the reserve criteria need only be projected to be satisfied for the transaction period when a purchase is initiated. However, if experience proves our reasoning to be erroneous, we are not precluded from revisiting this issue.

Finally, we have the concern about after-the-fact audits relative to utility use of the purchased capacity. It would be economic foolishness to create a situation where a valuable resource was not utilized to the fullest extent. But we do not see the reserve criteria as an obstacle. Utilities need simply to keep adequate records of their actions and rationales for possible audit purposes.

F. Efficiency Effects

Several customer and commission comments raised the issue of fuel clause treatment as a disincentive to utility efficiency and power pools (see, for example, comments of Public Systems and Iowa State Commerce Commission). These comments contain unsubstantiated assertions about utility management behavior which, if true, would more appropriately be dealt with as a prudency issue during base rate hearings. Moreover, these comments ascribe such a degree of foresight to utility planners as to suggest that a career in commodity trading would make better use of their skills.

Also, we are confused by customer comments which argue against this rule, since customers are to be its major beneficiaries. We hope these comments are not prompted by the existence of possible shareholder subsidies to customers under the current rule.

The comments concerning pools seems to confuse the nature of pools as primarily hour-by-hour central dispatch mechanisms with the longer-term nature of the purchases contemplated under the rule. We see no threat to power pools posed by this rule.

G. Administration and Enforcement Concerns

Several comments stated that the proposed rule could not be enforced unless the Commission imposed continuing record-keeping and reporting requirements on utilities passing capacity charges through their fuel clause (see comments of Public Systems, Cogeneration Coalition Inc., and Iowa State Commerce Commission). We disagree. We are confident that a utility that passes capacity charges through its fuel clause already generates the records necessary to demonstrate to the Commission's auditors that its system reserve capacity criteria were satisfied at the time the purchase was made, and that the total cost of the purchase was less than the total avoided variable cost (or, if it was not, that an appropriate credit has been made through its fuel clause). Clearly, then, all that will be necessary for a utility to demonstrate compliance to the Commission's auditors is that it retain the appropriate records until audited.

One commenter said that the rule did not state when and by whom it would be decided that a particular purchase would indeed be a purchase of "economic power" (see comments of Public Systems). As under the existing rule (which allows pass-through of energy charges for purchases made on an economic dispatch basis), the determination will be made by the purchasing utility. That utility will, of course, have to be able to demonstrate to the Commission's auditors either that the determination was correct or that it has made an appropriate credit to its customers through its fuel clause.[2] Should it appear that the utility is failing to comply with its fuel adjustment clause—part of its rate on file with the Commission—the Commission has available to it the same remedies as for any other violation of the Federal Power Act or of its regulations issued under that Act.[3]

Several commenters seemed to believe that, before it could allow capacity charges to be passed through the fuel clause, the Commission would have to scrutinize the contracts under which those capacity charges would arise (see comments of Public Works Commission of the City of Fayetteville, N.C. and Iowa State Commerce Commission). These commenters seem to have forgotten that, as with the existing fuel clause, the rates under which the utilities will buy power and capacity will already have been approved by the Commission, because they are rates subject to the Commission's jurisdiction.

H. Operation of the Rule

We now turn to some specific points concerning the new rule's operation. The first matter is that of post-purchase corrections for purchases that turn out to be uneconomic. Our primary concern is that this rule allow automatic recovery of the costs of economic purchases only. If, at the end of a purchase where total charges have been flowed through the fuel clause, the total purchase cost exceeds the avoided variable cost, the buyer must credit the excess amount to fuel clause collections. This credit shall be accomplished in the first adjustment period after the end of the purchase.

In requiring the post-purchase adjustment, we must balance stockholder and ratepayer interests. One option would have been to disallow the entire cost of the purchase collected through the fuel clause. We think this would have been inequitable. The utility should not be so harshly penalized for unforeseen circumstances when it was acting solely for the ratepayers' economic benefit. As long as the excess costs are credited back, ratepayers are no worse off than if the purchase had not been made.

Post-purchase adjustments are, in effect, refunds for inadvertent overcollections. The Commission will not require such refunds to be made with interest. Again, we are trying to balance interests. Economic purchases under this rule are solely to lower costs. A purchasing utility is thus only trying to lower rates for its native load customers. If unforeseen circumstances render uneconomic what was intended to be an economic purchase, the utility's stockholders must pay the excess charges. We think the ratepayers should

[2] Section 301(b) of the Federal Power Act, 16 U.S.C. 825(b) (1976) provides that the Commission shall at all times have access to and the right to inspect all accounts, records and memoranda of public utilities. The Commission has obtained injunctive relief for failure to comply with a virtually identical provision of the Natural Gas Act. *FERC v. Conoco Inc.*, Civ. No. H-82-2213 (S.D. Texas September 13, 1982).

[3] *See* Federal Power Act 314, 315, 316, 16 U.S.C. 825m, 825n, 825o (1976).

therefore forego the interest on the excess collections. Such amounts almost certainly will not be significant. Our requirement that utilities refund excess collections in the first adjustment period after a purchase ends, and the twelve month limit on transactions, should minimize the value of any foregone interest.

The second specific matter deals with *when* the rule's economic criterion must be satisfied. We will require that the criterion be satisfied at both the beginning and end of a purchase. The purchase must be projected to be economic at the time it starts, before non-fuel charges can be flowed through the fuel clause, and must be demonstrated to have been economic after the purchase terminates. The Commission is requiring these two showings for ratepayer protection. Our concern in requiring the first calculation is avoiding the unlikely situation of a utility automatically collecting charges for a purchase it knows will not be economic. Since interest is not being required for post-purchase adjustment refunds, a utility could use the collections as a costless source of short-term funds. The reason for the second calculation is obvious. We want to ensure that only economic purchase expenses receive automatic recovery treatment.

The third specific matter is partial treatment under the new rule in instances where only a portion of a purchase satisfies both the economic and reliability criteria. The cost of the portion of such a purchase that satisfies both criteria may be recovered through fuel clause adjustments. Consider the following example. A utility needs to buy 30 megawatts of capacity for operating reserves. A seller offers 50 megawatts with all associated energy. The offer is taken because the total cost of the extra 20 megawatts and associated energy is less than the buyer's avoided variable cost. The non-fuel costs associated with the first 30 megawatts would not be allowed fuel clause treatment, but those for the extra 20 megawatts with energy are allowed. Such treatment is consistent with our intent to encourage utilities to take advantage of all purchase opportunities that miminize their costs.

The fourth matter is how utilities availing themselves of the new rule are to make the required showings to the Commission's auditors. Again, we shall not prescribe exact methods. The Commission will require reasonable demonstrations of total avoided variable cost projected at the start of a purchase, the variable costs estimated to have actually been avoided during the purchase, the total cost of a purchase and the reserve capacity status projected at the start of a purchase to prevail over the purchase period. How these are shown will vary by company, but they must be clearly shown and documented. Utilities will have to retain records sufficient to make these showings until the time of their next audit by the Commission. If documentation is missing or of questionable sufficiency, our auditors are instructed to disallow all non-fuel costs incurred for the purchase. In such a case, we shall require that the fuel clause be credited with the non-fuel costs plus interest on those costs running from the date such costs were first billed to customers through a fuel clause adjustment. The final rule expressly provides that a credit with interest is required for purchases found to be uneconomic, if the appropriate credit is not made to the fuel clause in the first adjustment period after the end of a purchase.

The next matter concerns the filing required if a utility changes its system reserve capacity criteria. The final rule requires that any change in such criteria must be filed as a change in rates within forty-five days of such change. This is to ensure prompt filings of changes so that rates reflect actual utility purchasing practices. We note, however, that these filings must be filed at least sixty days before the changes may become effective. This minimum notice period is required of all rate filings by Section 205(d) of the Federal Power Act.

The last specific matter involves the transition to the new rule. To take advantage of the rule, utilities must file an amended fuel cost and economic purchased power clause as a change in rates. If a new rate case is not also filed at the same time, the utility's base rates might contain estimated economic purchased power expenses. Those expenses must be included in the F_b term of the amended fuel clause so potential overcollections are avoided. Accordingly, a utility filing an amended fuel clause under this rule is hereby required to revise F_b such that the proposed amended clause and the existing clause produce identical revenues when applied to the billing determinants and costs of the test period used in establishing the utility's presently effective rate structure. The utility must demonstrate that all economic purchased power costs of such test period have been used in computing the revised F_b and the revenues under the proposed amended fuel clause.

When a new rate case is filed, a utility has the option to either include economic purchase expenses in base rates or collect them entirely through the F_m term of the adjustment clause. If they are estimated in base rates, such expenses must also be included in the F_b term.

IV. Miscellaneous Issues

A. Treatment of Sales Revenues

The NOPR raised the issue of whether a corresponding treatment should be given to sales revenue. The discussion prompted on both sides distilled the issue (see, for example, the comments of Public Systems, the Massachusetts Department of Public Utilities and the reply comments of Southern California Edison Co.).

The arguments in favor of expanded fuel clause treatment for sales revenue from capacity-related sales miss two basic points. First and foremost, the treatment allowed the purchasing utility by this rule is designed to benefit its ratepayers by not making an economic opportunity purchase unattractive to the utility solely because it has a capacity component. The rule does not provide the buying utility with a benefit. Therefore, there is no need for an equitable offset on the selling side. Second, selling utilities undertake a risk and a burden in making such transactions. If they misforecast costs or conditions, their shareholders could suffer economic loss. Also, contrary to opinions expressed in the comments, selling utilities are not under any obligation to make such sales. Thus, subjecting the non-fuel expenses of these trades to flow-through treatment might discourage sellers from engaging in them, to the detriment of would-be buyers' customers.

B. Double Recovery of Costs

Several comments from customers and commissions raised the possibility of a double recovery of capacity costs (see comments of Public Systems and Iowa State Commerce Commission). Our lengthy discussion on the need for a reliability-economy distinction in the rule explains the steps taken to ensure that only economic purchases qualify for expanded adjustment clause treatment. In such transactions, the designation of part of the cost as "capacity" is purely an accounting distinction. Economically and operationally, the purchase is undertaken for energy purposes only. Therefore, there will be no double recovery under the rule.

C. Alternative Proposals

Two utilities (see comments of Arizona Public Service Company and Central and South West Services, Inc.) made broader suggestions for improving efficiency in bulk power trades. These suggestions fall outside the scope of this rulemaking. However, the Commission shares their interest and concern and has undertaken an extension effort to investigate such issues in our Bulk Power Market Experiment Program. We invite interested utilities not already involved in this program to come forward and participate.

D. Applicability

In response to one commenter, we note again that application of the rule is entirely voluntary. Utilities desiring to collect economic purchase costs entirely through base rate estimates are free to do so. We encourage utilities, however, to avail themselves of the rule since the Commission thinks more efficient purchasing behavior will result from it.

It should also be noted the rule applies to trades among holding company affiliates.

E. Other Comments

Other comments were made that we have not mentioned here. We carefully considered all of them, but do not think responses are required or that the proposed rule needed to be modified in response to them.

V. Regulatory Flexibility Act Certification

The Notice of Proposed Rulemaking certified that the rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. 48 FR at 21165. We there explained that there is not a substantial number of entities which would be subject to the rule which could be classified as "small" under the Regulatory Flexibility Act ("RFA"). In addition, any economic impact of the rule on utilities taking advantage of it could only be beneficial to them and their customers. *Id.* We thus concluded there that the economic impact of the rule would not be "significant" in terms of the overall purposes of the RFA. No comments were received relating to our certification of no significant impact.

The final rule is substantially identical to the proposed rule. The changes that have been made to the final rule are designed to make quite certain that the only economic impacts on the customers of utilities taking advantage of the rule will be beneficial ones. The Commission therefore certifies, pursuant to Section 605(b) of the RFA, that this rule will not have a significant economic impact on a substantial number of small entities.

VI. Summary of the Rule

Under the final rule, § 35.14 of the regulations are amended by revising paragraphs (a)(1), (a)(2) and (a)(9) and adding new paragraphs (a)(2)(v), (a)(11) and (a)(12). Under the revised § 35.14, electric utilities may recover all expenses associated with power purchased for twelve months or less through fuel clause adjustments if two conditions are met. First, the total cost of the purchase must be less than the buyer's total avoided variable cost (the economic criterion). And second, the purpose of the purchase must be solely to displace higher cost generation (the system reserve capacity criterion). The energy charges only associated with *any* purchase may be recovered through fuel clause adjustments if such charges are less than the buyer's total avoided variable cost over the purchase period. There is no change concerning the recovery of the fuel cost component of purchased power expenses. The fuel cost expense of *any* purchase may be recovered unconditionally through the fuel clause.

The title of § 35.14 is revised to include the words "and purchased economic power" so that the title accurately reflects the types of costs that may be included in Commission-approved adjustment clauses. This title change appears in the Table of Contents of Part 34 and in the heading of § 35.14.

Similarly, the words "and purchased economic power" have been inserted in paragraphs (a)(1), (a)(2) and (a)(9)(i) of § 35.14 to reflect the expansion of allowable expenses by the new rule.

Section 35.14(a)(2)(iii) is completely revised to set out the new general rule. This paragraph is somewhat different from that set out in the Notice of Proposed Rulemaking ("NOPR"). The only substantive change is the allowance of the total cost of purchased economic power to be recovered through the fuel clause. The original proposal specified only capacity charges. The reason for this broadening of allowable charges is discussed in Section III. C of this order. The definition of "economic power" has been moved from this subparagraph, as originally proposed, to a new paragraph (11)(i). The language setting out the reliability criterion has been changed from the NOPR to delete the word "available" from the phrase "available reserve capacity." Available reserve capacity can have a precise meaning to some utilities. We do not intend to so limit this criterion. See the discussion in Section III. E of this order. In addition, the treatment of energy charges only was contained in this paragraph in the NOPR. It is now contained in paragraph (a)(2)(iv.).

Section 35.14(a)(2)(iv) is completely revised. This paragraph now sets out the conditions for recovering purchased energy charges only. In the NOPR, this treatment was contained in paragraph (a)(2)(iii). We have also added the phrase "for any purchase" to the NOPR language, which allowed energy charges only to be recovered through fuel clause adjustments. This change was made so that the regulation clearly states that energy charges may be automatically recovered for purchases that might not be solely for economy reasons.

Section 35.14(a)(2)(v) is a new paragraph. In effect, it accomplishes the same thing as the old paragraph (a)(2)(iv), namely, that the fuel cost recovered through inter-system sales must be subtracted from fuel and economic purchased power costs (*F*). The language, however, has been changed so that it is clear that the fuel expenses recovered through all inter-system sales are credited to the fuel clause. This change was not in the NOPR but its merit, we think, is obvious. Paragraph (a)(2)(iv) of the existing rule contains some examples that left the meaning of the paragraph somewhat ambiguous. They have been deleted.

Section 35.14 (a)(11) is a new paragraph added to the regulations that sets forth definitions of important terms used in this rule.

Paragraph (11)(i) defines the term "economic power." Total purchased power costs can be recovered through the fuel clause only for economic power as defined here. This definition was provided in § 35.14(a)(2)(iii) of the NOPR. The definition has been made more restrictive than originally proposed by limiting such purchase to twelve months or less. Our reasons for limiting the duration are discussed in Section III.B of this order.

Paragraph (11)(ii) defines the term "total cost of the purchase," i.e., what can be recovered through fuel clause adjustments under the new rule. A definition was not provided in the NOPR, although the NOPR spoke in terms of recovering only capacity charges in the fuel clause if the purchase satisfied the economy and reliability tests. We have broadened the scope of allowable charges to include all charges asssociated with purchasing economic power and having it delivered to the buyer's system. The reason for this expansion is discussed in Section III. C of this order.

Paragraph (11)(iii) sets forth the definition of "total avoided variable

costs." No such a definition was contained in the NOPR, but several commenters suggested that we provide one. The definition is discussed in Section III. C of this order.

Paragraph 35.14(a)(12) is a new paragraph added to the regulations that sets forth procedures and instructions governing the rule's operation.

Paragraph (12)(i) requires any electric utility that intends to avail itself of the new rule to amend its fuel clause to conform to paragraphs (a)(1) and (a)(2)(iii) of § 35.14 and to include a reserve capacity criteria statement. The need for such statements is discussed in Sections III. D and III. E of this order. Except for some editorial changes, this paragraph is the same as § 35.14(a)(11) in the NOPR.

Paragraph (12)(ii) provides that, for a purchase where total charges are to be recovered through the fuel clause, the reliability test need to be satisfied only at the time a purchase is initiated. The rationale for this requirement is discussed in Section III. E of this order.

Paragraph (12)(iii) requires that a purchase be projected to be economic at its start before any non-fuel charges may be flowed through the fuel clause. This paragraph was not in the NOPR. Its rationale is explained in Section III. H of this order.

Paragraph (12)(iv) provides for a credit to the fuel clause if non-fuel charges were collected through fuel clause adjustments for any purchase that was projected to be economic but was not. Interest on the amount of the credit is not required unless the utility fails to make the credit in the first adjustment period after the end of the purchase. The NOPR did not contain such a provision. This requirement is discussed in Section III. H of this order.

Paragraph (12)(v) provides partial automatic recovery of non-fuel costs of purchases where only a portion of the purchase satisfies both the economic and the system reserve capacity criteria of the rule. This provision was not in the NOPR. It is discused in Section III. H of this order.

VII. Effective Date

This rule appears to be subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520 (1982) because its requirement that utilities wishing to take advantage of the rule file amended fuel adjustment clauses may constitute the conducting or sponsoring of a "collection of information" within the meaning of the Act, 5 U.S.C. 3502(4). Accordingly, it appears that we cannot make the collection of information provisions of the final rule effective until sixty days after it has been submitted to the Office of Management and Budget ("OMB") for review and OMB has assigned it a control number. 5 U.S.C. 3507. We thus shall make the rule effective sixty days after its publication in the **Federal Register.** If OMB's approval and control number have not been received before this date, the Commission will temporarily suspend the effective date.

List of Subjects in 18 CFR Part 35

Electric power rates, Electric utilities, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective February 13, 1984.

By the Commission.

Kenneth F. Plumb

Secretary.

PART 35—FILING OF RATE SCHEDULES

1. In Part 35, the Table of Contents is amended by revising the entry for § 35.14 to read as follows:

* * * * *

35.14 Fuel cost and purchased economic power adjustment clauses.

2. The authority citation for Part 35 reads as follows:

Authority: Secs. 19, 20, 41 Stat. 1073; Secs. 205, 206(a), 208, 209, 301, 309, 49 Stat. 851, 852, 853, 854, 858; 16 U.S.C. 812, 813 824d, 824e(b), 824g, 825h, unless otherwise noted.

3. In § 35.14, the title of § 35.14 and paragraphs (a)(1), (a)(2)(iii), (a)(2)(iv) and (a)(9)(i) are revised and new paragraphs (a)(2)(v), (a)(11) and (a)(12) are added, to read as follows:

Subpart C—Other Filing Requirements

§ 35.14 Fuel cost and purchased economic power adjustment clauses.

(a) * * *

(1) The fuel clause shall be of the form that provides for periodic adjustments per kWh of sales equal to the difference between the fuel and purchased economic power costs per kWh of sales in the base period and in the current period:

Adjustment Factor = $Fm/Sm-Fb/Sb$

Where: F is the expense of fossil and nuclear fuel and purchased economic power in the base *(b)* and current *(m)* periods; and S is the kWh sales in the base and current periods, all as defined below.

(2) Fuel and purchased economic power costs (F) shall be the cost of:

(i) * * *

(iii) The total cost of the purchase of economic power, as defined in paragraph (a)(11) of this section, if the reserve capacity of the buyer is adequate independent of all other purchases where non-fuel charges are included in either F_m or F_m,

(iv) Energy charges for any purchase if the total amount of energy charges incurred for the purchase is less than the buyer's total avoided variable cost;

(v) *And less* the cost of fossil and nuclear fuel recovered through all inter-system sales.

* * * * *

(9) * * *

(i) A description of the fuel clause with detailed cost support for the base cost of fuel and purchased economic power or energy.

* * * * *

(11) For the purpose of paragraph (a)(2)(iii) of this section, the following definitions apply:

(i) "Economic power" is power or energy purchased over a period of twelve months or less where the total cost of the purchase is less than the buyer's total avoided variable cost.

(ii) "Total cost of the purchase" is all charges incurred in buying economic power and having such power delivered to the buyer's system. The total cost includes, but is not limited to, capacity or reservation charges, energy charges, adders, and any transmission or wheeling charges associated with the purchase.

(iii) "Total avoided variable cost" is all identified and documented variable costs that would have been incurred by the buyer had a particular purchase not been made. Such costs include, but are not limited to, those associated with fuel, start-up, shut-down or any purchases that would have been made in lieu of the purchase made.

(12) For the purpose of paragraph (a)(2)(iii) of this section, the following procedures and instructions apply:

(i) A utility proposing to include purchase charges other than those for fuel or energy in fuel and purchased economic power costs (F) under paragraph (a)(2)(iii) of this section shall amend its fuel cost adjustment clause so that it is consistent with paragraphs (a)(1) and (a)(2)(iii) of this section. Such amendment shall state the system reserve capacity criteria by which the system operator decides whether a reliability purchase is required. Where the utility filing the statement is required by a State or local regulatory body (including a plant site licensing board) to file a capacity criteria statement with that body, the system reserve capacity criteria in the statement filed with the Commission shall be identical to those contained in the statement filed with the

State or local regulatory body. Any utility that changes its reserve capacity criteria shall, within 45 days of such change, file an amended fuel cost and purchased economic power adjustment clause to incorporate the new criteria.

(ii) Reserve capacity shall be deemed adequate if, at the time a purchase was initiated, the buyer's system reserve capacity criteria were projected to be satisfied for the duration of the purchase without the purchase at issue.

(iii) The total cost of the purchase must be projected to be less than total avoided variable cost, at the time a purchase was initiated, before any non-fuel purchase charge may be included in F_m.

(iv) The purchasing utility shall make a credit to F_m after a purchase terminates if the total cost of the purchase exceeds the total avoided variable cost. The amount of the credit shall be the difference between the total cost of the purchase and the total avoided variable cost. This credit shall be made in the first adjustment period after the end of the purchase. If a utility fails to make the credit in the first adjustment period after the end of the purchase, it shall, when making the credit, also include in F_m interest on the amount of the credit. Interest shall be calculated at the rate required by § 35.19a(a)(2)(iii) of this chapter, and shall accrue from the date the credit should have been made under this paragraph until the date the credit is made.

(v) If a purchase is made of more capacity than is needed to satisfy the buyer's system reserve capacity criteria because the total costs of the extra capacity and associated energy are less than the buyer's total avoided variable costs for the duration of the purchase, the charges associated with the non-reliability portion of the purchase may be included in F.

4. An authority citation is added for § 35.14 to read as follows:

(Federal Power Act, 16 U.S.C. 824d, 824e and 825h (1976 & Supp. IV 1980); Department of Energy Organization Act, 42 U.S.C. 7171, 7172 and 7173(c) (Supp. IV 1980); Executive Order 12009, 3 CFR Part 142 (1978); 5 U.S.C. 553 (1976))

Appendix I—Commenters

Investor-Owned Electric Utilities

Allegheny Power Service Corp.
American Electric Power Service Corp.
Arizona Public Service Company
Arkansas Power & Light Company
Carolina Power & Light Company
Central and South West Services, Inc.
Central Illinois Light Company
Central Illinois Public Service Company
Cincinnati Gas & Electric Company
COM/Energy Service Company
Commonwealth Edison Company
Consumers Power Company
Detroit Edison Company
Duke Power Company
El Paso Electric Company
Florida Power Corp.
Florida Power & Light Company
General Public Utilities Corporation
Georgia Power Company
Gulf States Utilities Company
Illinois Power Company
Middle South Services, Inc.
Minnesota Power
Mississippi Power and Light Company
Northeast Utilities
Northern Indiana Public Service Company
Northern States Power Company
Pacific Gas & Electric Company
Pacific Power & Light Company
Potomac Electric Power Company
Public Service Company of Colorado
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric & Gas Company
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Company Services, Inc.
Southwestern Public Service Company
Tampa Electric Company
Toledo Edison Company
Union Electric Company
Utah Power & Light Company
Virginia Electric & Power Company
West Texas Utilities Company
Wisconsin Electric Power Company

Municipal and Cooperative Electric Utilities

Public Systems
Public Works Commission of the City of Fayetteville, N.C.
Seminole Electric Cooperative, Inc.
Wholesale Customers

Trade Associations and Consultants

American Iron & Steel Institute
American Public Power Association
Cogeneration Coalition, Inc.
East Central Area Reliability Council
Edison Electric Institute
Electricity Consumers Resource Council (ELCON)
National Economic Research Associates

State Regulatory Commissions and Other Government Agencies

Florida Public Service Commission
Iowa State Commerce Commission
Massachusetts Department of Public Utilities
Nevada Public Service Commission
New England Conference of Public Utilities Commissioners, Inc. (Connecticut, Maine, New Hampshire and Rhode Island)
New Hampshire Public Utilities Commission
New York Department of Public Service
Ohio Public Utilities Commission
U.S. Department of Energy
Wisconsin Public Service Commission

Miscellaneous

Mid-Continent Resources, Inc.
Simpson Timber Company

[FR Doc. 83-33009 Filed 12-12-83; 8:45 am]
BILLING CODE 6717-01-M

18 CFR Part 271

[Docket Nos. RM79-76-214 (Wyoming-14) and RM79-76-215 (Wyoming-15)]

High-Cost Gas Produced From Tight Formations, Wyoming

Issued: December 2, 1983.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order granting rehearing of final rule for purposes of further consideration.

SUMMARY: On October 7, 1983, the Federal Energy Regulatory Commission (Commission) issued Order No. 338 (48 FR 46268) in which the Commission adopted the recommendation of the Bureau of Land Management that the Frontier Formation and the Muddy, Dakota and Lakota Formations located in the Riverton Dome Field in Fremont County, Wyoming, be designated as tight formations under § 271.703(d) of the Commission's regulations. On November 7, 1983, Montana-Dakota Utilities (MDU) filed, pursuant to Rule 713 of the Commission's Rules of Practice and Procedure a petition for rehearing of Order No. 338. In order to allow the Commission sufficient time to consider this petition, the Commission is issuing this order granting rehearing solely for purposes of further consideration.

EFFECTIVE DATE: November 7, 1983.

FOR FURTHER INFORMATION CONTACT: Tom Rattray, (202) 357-5447 or Victor H. Zabel, (202) 357-8616.

SUPPLEMENTARY INFORMATION: On November 7, 1983, Montana-Dakota Utilities (MDU) filed, pursuant to Rule 713 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure (18 CFR § 385.713 (1983)), a petition for rehearing of the Commission's Order No. 338 issued on October 7, 1983 (25 FERC ¶ 30,505). In that order, the Commission adopted the recommendation of the Bureau of Land Management that the Frontier Formation and the Muddy, Dakota and Lakota Formations located in the Riverton Dome Field in Fremont County, Wyoming, be designated as tight formations under § 271.703(d) of the Commission's regulations.

The Commission Orders:

Rehearing of the Commission's order herein issued October 7, 1983, is hereby granted solely for the purpose of affording further time to consider the issues raised in MDU's petition for rehearing. Accordingly, the Commission grants MDU's petition for the purposes of giving further consideration and so

that MDU's petition shall not be denied by operation of law, pursuant to Rule 713(f) of the Commission's Rules of Practice and Procedure. Since this order is not a final order on rehearing, no response to the order will be entertained by the Commission in accordance with the terms of Rule 713.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33004 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 290

[Docket No. RM83-9-000; Order No. 353]

Public Utility Regulatory Policies Act; Collection and Reporting of Information Concerning Cost of Providing Retail Electric Service

Issued: December 7, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Commission exempts utilities that have shown that gathering the information required under 18 CFR Part 290 of the Commission's regulations is not likely to carry out the purposes of section 133 of the Public Utility Regulatory Policies Act, including all smaller utilities with annual sales of electric energy, other than resale, less than 2 billion kilowatt-hours. The final rule also revises the Part 290 reporting requirements to reduce the burden of reporting for utilities that continue to gather and report under section 133 of PURPA. The final rule eliminates useless or duplicative information, and allow utilities to file the required information concurrent with retail rate applications, to substitute cost-of-service data filed with Federal or State regulatory authorities, and to report cost data and calculated costs either on an accounting cost or marginal cost basis, at the utility's option, provided the regulatory or governing authority having jurisdiction over the utility's retail rates does not prefer that the utility report using both cost methodologies.

In sum, these revisions refine the Commission's reporting requirements to meet the needs of the states and the public, without imposing unnecessary burdens on the electric utility industry.

EFFECTIVE DATE: February 21, 1984.

FOR FURTHER INFORMATION CONTACT:

Michael R. Postar, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033

Daniel G. Lewis, Office of Electric Power Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 376-9227

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is exempting from its gathering and reporting requirements under section 133 of the Public Utility Regulatory Policies Act of 1978 (PURPA)[1] those utilities and classes of utilities that have shown that reporting is not likely to carry out the purposes of section 133. The Commission is also amending its regulations to reduce the burden on all other electric utilities from gathering and reporting information required under section 133 of PURPA.

The revisions to Part 290 of the Commission's regulations eliminate duplicative or useless information, allow substitution of certain cost data that are periodically filed with Federal or state regulatory authorities, and make certain regulations optional to allow utilities to file meaningful information in a less burdensome manner. Specifically, the Commission revises the reporting requirements for cost data under both Subparts B and C of Part 290 (accounting cost information and marginal cost information). The Commission is also revising the Subpart D requirements for load data, which are the most costly data for utilities to gather and report, in order to reduce the burden of compliance under section 133 of PURPA. In addition, the Commission is providing utilities with the option of filing certain cost data and the calculated cost data in Subpart E, based upon either accounting cost or marginal cost, if the utility's retail regulatory authority concurs with the utility's choice of the reporting methodology.

The exemptions from the gathering and reporting requirements of section 133 of PURPA and the reductions in the reporting requirements under Part 290 adpoted in this final rule are part of the Commission's ongoing program of reviewing its reporting and recordkeeping requirements and reducing or eliminating unnecessary regulatory burdens on entities subject to the Commission's jurisdiction.

II. Background

A. The Statutory Scheme

Section 133 of PURPA requires the Commission to establish rules that direct utilities to gather and report cost-of-service information. Subsection 133(a) lists certain cost-of-service information which the Commission must require from electric utilities.[2] The Conference Committee found that these types of data are "basic to any determination with respect to the cost of providing electric service."[3] Finally, the Congress authorized the Commission to determine the methods, procedures, accuracy, and format that utilities must use in gathering and reporting any data under section 133.

The information that section 133 was designed to require utilities to collect was intended to serve the needs of state regulatory authorities, unregulated utilities, and the public in considering the rate standards and policies under Title I of PURPA[4] and in retail ratemaking.[5] Congress recognized that

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[1] 16 U.S.C. 2601-2645 (1978).

[2] In subsection 133(a), Congress established minimal information requirements, as follows:

(1) The cost of serving each electric consumer class, including costs of serving different consumption patterns within such class, based on voltage level, time of use, and other appropriate factors;

(2) Daily kilowatt demand load curves for all electric consumer classes combined representative of daily and seasonal differences in demand, and daily kilowatt demand load curves for each electric consumer class for which there is a separate rate, representative of daily and seasonal differences in demand;

(3) Annual capital, operating, and maintenance costs—(A) for transmission and distribution services, and (B) for each type of generating unit; and

(4) Costs of purchased power, including representative daily and seasonal differences in the amount of such costs.

[3] *See* Joint Explanatory Statement of the Committee of Conference, House Conference Report No. 95-1750, 95th Cong., 2d Sess. 86 (1978).

[4] Section 111 of PURPA contains six ratemaking standards that state regulatory authorities and nonregulated utilities are required to consider and to implement, if appropriate. The six standards provide, as follows: (1) Rates should reflect the cost of providing service; (2) the energy component of rate charges should not decline with the increased usage, unless costs correspondingly decline; (3) rates should vary with the time-of-usage if cost-effective; (4) rates may vary by season; (5) interruptible rates may be appropriate; (6) load management programs may be cost-effective. Consideration of these standards was required by November, 1981, or at the first retail rate proceeding thereafter.

Section 113 of PURPA contains five policies that state regulatory authorities and nonregulated utilities must adopt if appropriate. These policies cover master metering, automatic adjustment clauses, information to consumers, procedures for termination of electric service, and advertising. Adoption, or a determination that adoption is not appropriate, was required by November, 1980.

[5] Section 133(c) states that the section 133 information should be available "at the time of application for, or proposal of, any [retail] rate increase. . . ." One state regulatory authority and a ratepayer organization support the view that Congress intended for the information to be available for use in retail rate proceedings. Several other state regulatory authorities indicate that the

Continued

the information needs of these groups may differ among utilities, regions of the country, and over time. It therefore provided a mechanism for ensuring that utilities would not be required to gather and report information not likely to serve the purposes of section 133 of PURPA.

Subsection (b) authorizes the Commission to exempt an electric utility or class of electric utilities from the section 133 gathering and reporting requirements. In order to obtain an exemption, the utility or utilities must show, and the Commission must find, that gathering the information is not likely to carry out the purposes of section 133. Although the purpose of section 133 is not express, the statutory scheme and the legislative history indicate that the Congress desired to make information available that previously had not been readily accessible to assist in reassessing public utility ratemaking standards. If section 133 information is neither used nor considered necessary, the basis would exist for the Commission to find that gathering and reporting are not likely to carry out the purposes of section 133.

Finally, subsection 133(b) gives the Commission express authority to review and revise both its rules which implement section 133 and any utility exemptions to ensure that the purposes of section 133 continue to be fulfilled.

B. Regulations Implementing Section 133 of PURPA

Pursuant to the statutory mandate to prescribe the form and manner to be used by utilities in gathering cost-of-service information, the Commission issued, in 1979, a final rule implementing section 133 of PURPA.[6] Part 290 of the Commission's regulations applies to all electric utilities that have total sales of electric energy for purposes other than resale exceeding 500 million kilowatt-hours during any calendar year beginning after December 31, 1975.[7] Approximately 260 electric utilities are presently required to file cost and load data under the Part 290 regulations.

In compliance with the Commission's regulations implementing section 133 of PURPA, electric utilities with annual retail sales in excess of 1 billion kilowatt-hours, constituting nearly two-thirds of the affected electric utilities, have made two biennial filings prior to the date of this final rule. The initial filing was made in November, 1980, and the second on or before June 30, 1982. The next filing would be due on June 30, 1984. The data required include the cost-of-service items specifically required by section 133 of PURPA and much information that is not specifically described in section 133 of PURPA but that the Commission at one time believed was relevant to achieving the purposes of the section. The utility filings under Part 290 present four types of data: accounting cost information, marginal cost information, load data, and calculated costs.

Accounting cost information is required in Subpart B of Part 290. These data present the actual recorded costs of the utility for a twelve month period. Also known as the embedded costs of a utility, accounting costs are readily available from a utility's books of account. The accounting cost information required by the regulations (§§290.201–.204) is that necessary to calculate the utility's total cost of providing service for a given period. The allocation of accounting costs among rate classes has been, and in most jurisdictions continues to be, the principal basis for establishing retail rates based upon the utility's revenue requirements.

Marginal cost information is required in Subpart C of Part 290. Marginal costs can be used to complete each of the four traditional costing steps, namely, functionalization, classification, allocation to costing periods, and allocation to customer classes and can be expected to yield different rates than would result from use of an accounting cost methodology. Marginal cost information is the basis for determining changes in cost associated with a small change in production in contrast with the average costs of production that are derived from accounting cost information. Many utilities do not routinely prepare marginal cost information independent of the requirements in Subpart C of Part 290. Although some state regulatory authorities and nonregulated utilities rely upon marginal costs for ratemaking, most continue to base rates upon accounting costs.

Subpart D of Part 290 requires utilities to file load data. Load data reflect the demand for electricity by the utility's customers in a particular time period. Such data may be collected for a particular customer, by customer class, or for the utility as a whole and are usually expressed hourly for an entire day, hourly for an entire year, or for particular hours, such as the hour of highest load in a given month. Load data are used in allocating cost responsibility among classes of customers.

Calculated cost data are required by Subpart E of Part 290. Calculated costs are based on the cost data of the utility and are expressed according to the cost per kilowatt-hour of energy or the cost per kilowatt of demand (capacity), by customer groups and voltage levels. Calculated cost data, whether derived from accounting or marginal methodologies, reflect one measure of the cost responsibility for serving a particular customer or class of customers.

In implementing section 133 of PURPA, the Commission was concerned that immediate imposition of these reporting requirements would adversely affect smaller utilities. Therefore, in the final regulations implementing section 133, the Commission provided a two-year extension of time to file to utilities having annual sales other than for resale of less than one billion kilowatt-hours. The extension was designed to enable smaller utilities to collect the required data. The Commission twice extended the initial filing period for smaller electric utilities, once until June 30, 1983,[8] and a second time until June 30, 1984,[9] the latter due to the pendency of the rulemaking that proposed substantial changes to the Part 290 requirements.

Under Subpart F of Part 290, the Commission provided other means for accommodating the special circumstances of any utility. The regulations contain procedures for obtaining an exemption from filing all or part of section 133 information (18 CFR 290.601). Under the Part 290 regulations, an application for exemption must be submitted to the Commission at least 18 months prior to the applicable filing date and must contain an explanation of why the gathering of the information is not

section 133 requirements are intended to develop a national utility data base to allow comparison of utilities on a continuing basis. However, neither the statute nor the legislative history provide convincing support for such an expansive view. The discretion given to the Commission to establish filing dates and manner of filing, even to permit differing filing dates and informational requirements by utility, indicates development of nationwide comparative information was not a purpose that Congress had in mind for section 133.

[6] Final Regulations, "Collection of Cost of Service Information Under Section 133 of the Public Utility Regulatory Policies Act of 1978" (Docket No. RM79-6), issued June 5, 1979, 44 FR 33,847 (June 13, 1979), *codified at* 18 CFR Part 290 [Final Regulations]. These rules were substantially revised by the following orders: Order No. 48, (Docket No. RM79-6), issued September 28, 1979, 44 FR 58,687 (October 11, 1979); Order No. 48-A, (Docket No. RM79-6), issued January 4, 1980, 45 FR 2,023 (January 10, 1980); Order No. 48-B, (Docket No. RM79-6), issued August 7, 1980, 45 FR 54,033 (August 14, 1980).

[7] The utility size limitation on the rule's applicability is derived from section 102 of PURPA.

[8] Order No. 231, Docket No. RM82-28-000, issued May 19, 1982, 47 FR 22,947 (May 26, 1982).

[9] Docket No. RM83-49-000, issued February 7, 1983, 48 FR 6,534 (February 14, 1983).

likely to carry out the purposes of section 133. The utility also must submit its application for exemption from section 133 to any state regulatory authority which has ratemaking authority for such utility either prior to or concurrent with that filing.

The Commission has received numerous requests under Subpart F for exemptions from all or part of the Part 290 filing requirements. These regulations are more suited to resolving issues unique to individual utilities, such as a request for exemption from a particular reporting provision, than to the broader concerns addressed in this rulemaking.[10] While the Commission believes that the mechanism provided in Subpart F will continue as a means for considering requests by utilities for specific exemptions, from section 133, that procedure is not designed to address the breadth of regulatory relief issues presented in this rulemaking.

B. Concern with the Reporting Burdens

Beginning with its first rulemaking implementing the statute, the Commission expressed concern that compliance with section 133 of PURPA is costly for utilities, particularly the smaller ones. In addition, that concern over the reporting burden imposed under section 133 has been reiterated in other quarters.

This final rule is partly the result of the findings of the Vice President's Task Force on Regulatory Relief and the General Accounting Office (GAO). The Vice President's Task Force, in a report on the burden of implementing section 133 of PURPA, recommended that the Commission review its regulations implementing section 133 of PURPA to "examine ways to minimize this reporting burden [on] the utility and need for the information." On September 14, 1981, the GAO also issued a report [11] recommending that the Commission—

review and, as appropriate, revise its regulations for implementing section 133 in order to reduce the cost and burden on utilities. In doing so, FERC should, before the next filings are due,

—review the extent to which data collected under section 133 duplicates other data submitted to the Federal Government,

—assess whether the number of utilities required to comply with section 133 should be reduced in terms of size, number of utilities reporting per state, etc., and

—determine whether the data is actually being used by the parties for which it was intended and whether the benefits received from use of the data outweigh the costs.

In response to the recommendation of the Vice President's Task Force on Regulatory Relief, the GAO report, and as part of a general reexamination of the costs and benefits of all of its information gathering requirements, the Commission began an evaluation of the information needs of state regulators and the public in terms of the section 133 requirements. On January 29, 1982, the Commission issued a Notice of Inquiry (NOI) to ascertain (1) whether the information in the PURPA section 133 reports has been employed to further the purposes of PURPA or in the regulation of electric utilities; (2) whether the information in the PURPA section 133 reports duplicate information filed with Federal or state regulatory authorities; and (3) whether there are available alternatives to, or possible revisions of, the section 133 requirements which would better carry out the statutory purpose of that section but in a less burdensome manner.[12]

The Commission received approximately 150 comments in response to the NOI. Many commenters indicate that the PURPA section 133 reports are not used or, to the extent they have been used, their usefulness, for a variety of reasons, is relatively limited. In addition, the comments on the NOI state that both Federal reporting requirements (*e.g.*, FERC Form No. 1 and FPC–12) and state (*e.g.*, rate application) reporting requirements extensively duplicate the data filed under section 133 of PURPA. In sum, most commenters recommend that the Commission revise its regulations implementing section 133 of PURPA to reduce the burden of compliance on the utility industry. Many commenters also recommend that the Commission exempt utilities from reporting under section 133 of PURPA.

The record developed in the NOI, in turn, provided the basis for the Commission's proposals in a Notice of Proposed Rulemaking (NOPR) on the subject issued January 19, 1983.[13] In the NOPR, the Commission proposed several approaches to reducing the burden of reporting the cost-of-service data under section 133 of PURPA. The Commission proposed to exempt all utilities from gathering and reporting the information required under section 133. As an alternative, the Commission proposed two partial exemptions,[14] an exemption from any filing under section 133 for all utilities with annual sales of electric energy, for purposes other than resale, less than two billion kilowatt-hours,[15] and reduction of the burden of compliance on utilities by revisions of the reporting requirements in Part 290 that would reduce or eliminate substantial portions of redundant, unnecessary, or unused information required to be filed.

III. The Rule Adopted

In this final rule, the Commission is not exempting all utilities, as it proposed in the NOPR. Rather, the Commission exempts utilities that have shown, in accordance with the statute, that gathering the required information is not likely to carry out the purposes of section 133 of PURPA, including all smaller utilities with annual sales of electric energy, other than resale, less than 2 billion kilowatt-hours. This aspect of the rule substantially reduces the number of utilities required to gather and report information under section 133 of PURPA. However, some utilities will continue to gather and report the required information.

The second major aspect of the final rule addresses the application of the remaining requirements. To reduce the burden of reporting for utilities that continue to gather and report under section 133 of PURPA, the Commission

[10] Utilities may request exemption in whole or in part from Part 290, under § 290.601, a procedure established by the Commission in the final rule implementing section 133. The Commission retains this procedure. *See* 18 CFR 375.308(kk).

[11] Burdensome and Unnecessary Reporting Requirements of the Public Utility Regulatory Policies Act Need to be Changed, EMD–81–105.

[12] Docket No. RM83–13, 47 FR 5,437 (February 5, 1982).

[13] Docket No. RM83–9–000, 48 FR 3,770 (January 27, 1983).

[14] First, the Commission proposed an exemption from gathering and reporting marginal cost information would be provided to those utilities that rely primarily on hydro-electric power. Second, the Commission proposed an exemption from gathering and filing marginal cost information on generating facilities and energy cost (§§ 290.301–302) would be provided to any utility that purchases all the electric power needed to serve its load. The final rule provides utilities with an option to report costs on either an accounting or marginal cost basis. Therefore, a utility may elect not to file marginal cost data, subject to local regulatory approval. As a result, these proposals are no longer needed and are not adopted by the Commission.

[15] The Commission stated that the requirements of section 133 impose a disproportionate economic burden on these smaller utilities. As the comments on the NOI indicate, many of the costs associated with compliance are fixed and are not a function of the utility's size. The number of data elements to be gathered, the amount of special metering that may be required, and the amount of staff resources necessary to prepare the report may be as great, or nearly as great, for a smaller utility as for a larger one. Therefore, smaller utilities with less revenues must allocate a higher percentage of their revenues to gathering and reporting the section 133 information than larger utilities. Consequently, the ratepayers of smaller utilities ultimately bear a greater burden than those of larger utilities. 48 FR at 3,775.

is revising the Part 290 reporting requirements to limit the types of information utilities must gather and to reduce the volume of data that utilities must report. First, the Commission revises the accounting cost information (Subpart B), marginal cost information (Subpart C), and load data (Subpart D) requirements to eliminate useless or duplicative information. Second, the Commission permits utilities to file the required information concurrently with retail rate applications and to substitute cost-of-service data filed with Federal or state regulatory authorities. Third, the Commission allows utilities to report cost data (Subparts B and C) and calculated costs (Subpart E) either on an accounting cost or marginal cost basis, at the utility's option, provided the regulatory or governing authority having jurisdiction over the utility's retail rates does not request that the utility report using both cost methodologies. The revisions to the Part 290 reporting requirements add flexibility and reflect the experience of the states, utilities and the public with the first two filings. The Commission is refining its reporting requirements to meet the needs of the states and the public, without imposing unnecessary burdens on utilities.

The approach the Commission adopts in this order is consistent with its responsibility to ensure that its regulations implementing the section 133 reporting requirements provide to the states and the public only that information that is useful and necessary. By exempting utilities from gathering and reporting information that the Commission finds is not likely to carry out the purposes of section 133, an unjustified and unintended regulatory burden is relieved. For those utilities that are not exempt, the reporting requirements are tailored more closely to the needs of the state regulatory authorities or nonregulated utility, such as a municipally or cooperatively operated utility, and the public. This will significantly reduce the burden of complying with section 133.

IV. Utility Exemptions From Section 133

The Commission's proposal to exempt all utilities from section 133 is generally supported by utility commenters. In addition, several state regulatory authorities support exempting all utilities. These commenters indicate that the information elicited under section 133 is neither used nor needed by the states for retail rate regulation and that the data are very costly to gather and report. Other states, retail consumers, a Member of Congress, and the National Association of Regulatory Utility Commissioners (NARUC) oppose exempting all utilities for a variety of reasons, in particular because some states use the section 133 information in retail rate proceedings. In such cases, reporting the section 133 information is likely to serve the purposes of section 133 of PURPA. Even though, the Commission believes that, overall, the submittal of section 133 data is supplying diminishing returns in terms of the continuing need to reexamine utility ratemaking principles, it has determined that it is unnecessary at this time to exempt all utilities from section 133 of PURPA. Instead, the Commission is exempting individual utilities and all smaller utilities from section 133 of PURPA in light of the showings made in the comments submitted pursuant to the NOPR.

Most utilities responding to the NOPR request an exemption from the entirety of the section 133 requirements. The showings made by these utilities support their requests for exemption from gathering and reporting under PURPA.[16] First, utilities make showings that the section 133 information is not needed for consideration of the rate standards and policies under Title I of PURPA. Second, utilities make showings that state regulatory authorities and the governing authorities of nonregulated utilities seldom or never use and do not therefore need the section 133 information in retail rate proceedings. In addition to these two showings, utilities also report that the costs of gathering and reporting under section 133 of PURPA exceed any benefit that state regulatory authorities or the public derive from the data.

With respect to the need for section 133 data in Title I proceedings, many utilities report that consideration of the rate standards and policies mandated by that portion of PURPA has been completed with respect to their utility. This obviates any need for continued submittal of section 133 information, argue the utilities. Other utilities demonstrate that, even in states that have not entirely completed consideration of the issues under Title I, adequate information to enable consideration of the issues in Title I is already available from alternative sources. According to these utilities, one source of information available from the larger utilities is the 1980 and 1982 utility filings under section 133. These utilities show that the first two section 133 filings provide adequate information for consideration of ratemaking standards under Title I of PURPA (a task apparently viewed as finite) because retail electric power requirements generally do not vary significantly in the short-term.

Utilities present another argument that reflects on the need for continued section 133 requirements. There is another source of cost-of-service information, utilities report. State reporting requirements often provide more useful information than is available under section 133 of PURPA because they are tailored to the needs of the particular state and reflect regional and local differences in utility costs and services, unlike the section 133 requirements. Additionally, several utilities show that portions of the information needed for consideration of the issues in Title I of PURPA are available in the Commission's Form No. 1 and in other Federal reporting requirements.

An examination of the Title I requirements shows that the reappraisal of ratemaking practices required by Congress necessitated cost information in such cases to allow the consideration and determination required by Congress. Although a periodic reevaluation of ratemaking practices may be viewed as being desirable, Title I of PURPA requires a one-time review by states or nonregulated utilities.

In light of these considerations, the Commission agrees that one important reason for the section 133 information requirement has disappeared or is greatly diminished. Such data are apparently no longer needed for completion of the Title I mandate by state regulatory authorities and governing authorities of nonregulated utilities, including those that have substantially completed their obligation to consider the standards and policies under Title I of PURPA, and are likely not to be necessary to implement further the innovative reexamination of rate standards under Title I of PURPA. Most states and unregulated utilities have substantially completed their obligations under Title I of PURPA.[17]

[16] Table I shows the nature of the showings made by each utility on the record.

[17] The Department of Energy ("DOE"), in its annual report to Congress on the progress of state regulatory authorities and nonregulated utilities in considering the Title I policies and standards, stated that by December 31, 1982 virtually all state regulatory authorities and nonregulated utilities had undertaken consideration of the various regulatory policies and ratemaking standards for all of the electric utilities covered by Title I. The DOE report also indicates that the statutorily required determinations in Title I have been made for most of the policies and standards. *See* Annual Report to Congress on the Public Utility Regulatory Policies Act of 1978, U.S. Department of Energy, Economic Regulatory Administration (June 1, 1983) DOE/RG-0034/4.

Moreover, the statutory period for consideration and determinations under sections 111 and 113 of PURPA is passed.[18] With respect to the states and unregulated utilities that have not completed consideration of Title I of PURPA, adequate information is readily available as a result of the first two utility filings under section 133 of PURPA, the Commission's Form No. 1 reports, and the cost-of-service data provided by utilities in retail rate applications. The cost-of-service information that utilities normally file in rate applications also represents an excellent source of information for use in any remaining Title I determinations. These alternative sources of information afford the states and the public adequate opportunity to obtain cost data for purposes of Title I considerations. The Commission views this compelling conclusion as a basis for finding that, generally speaking, the section 133 filings are duplicative and unnecessary for these purposes. Therefore, continued collection of that data will not serve a primary statutory objective.

If another major purpose of section 133 is to make data available in rate proceedings that affect state and local economies and the pocketbooks of electric customers, the Commission believes a significant issue revolves around whether the section 133 data continues to fill a void left by inadequate state requirements.

The second showing that utilities make is that state regulatory authorities and the public do not need or rely on the section 133 information for retail rate regulation. Overall, it is the utilities' belief, and the Commission is not persuaded to the contrary, that the section 133 data, if used in particular cases by state regulatory authorities, nonregulated utilities, or the public in retail rate proceedings, are not widely used. Many utilities report that the section 133 information has never been used in retail rate proceedings. Other utilities report that the information has been used only minimally. Several utilities show that their state regulatory authorities choose to rely on cost information from state reporting requirements in spite of the availability of adequate cost-of-service information from section 133 of PURPA. For example, the Connecticut Light and Power Company jointly; with Western Massachusetts Electric Company show that state filing requirements already provide most of the information required under section 133 of PURPA and that the state does not therefore need or use the section 133 information.

On a possibly more subjective level, utilities claim that the information provided in state reporting requirements is adequate to meet the needs of the state and the public in retail rate proceedings. They state that, because state reporting requirements are tailored to the operating conditions and characteristics of a particular area, superior information on costs and service is provided under the state requirements.[19] More, states have the power to obtain any cost information from utilities that is relevant to determining just and reasonable rates and service which, according to several utilities, ensures that states have adequate cost information.

Although the Virginia State Corporation Commission in its comments on the Commission's proposal indicates that state regulatory commissions have the authority to request from utilities within their jurisdiction whatever information deemed necessary to aid in evaluation of retail rate structures and load management techniques, Virginia believes section 133 provides valuable information on regional and national costs. The California Commission states in comments on the NOI that much of the Part 290 information is already collected by the state and that, as a result, the state had not used and is not likely to use that information. Although it is unclear whether California has changed its position with respect to the need for, and use of, the section 133 information, California states in its comments on the Commission's proposals to revise Part 290 that marginal cost information and load data are useful. The Ohio Commission argues that marginal cost information and load data from the section 133 reports are used in rate proceedings. The Alaska, Mississippi, and New York Commissions agree with the utilities that alternative sources of adequate cost information are available and that the section 133 information is not needed.

The Commission's Form No. 1 is another source of cost data that utilities show are used in state ratemaking. From Form No. 1, states may obtain the same accounting costs provided in Subpart B of Part 290, which is the type of cost data that the Commission believes most states generally rely upon in setting retail rates. Between the state reporting requirements and the information contained in FERC Form No. 1, utilities argue that states and the public either have or are able to obtain all necessary data for retail ratemaking purposes and that the section 133 information either duplicates existing information or contains information not generally relied upon by the states.

For a variety of reasons,[20] six of the nine state regulatory commissions that comment on the Commission's proposal to exempt all utilities state that they use some or all of the section 133 information and recommend that retail utilities not be granted exemptions. In particular, the Minnesota Commission reports that, with respect to a single utility, the Interstate Power Company, load data is unavailable other than from section 133, and that the Part 290 "information may provide important benefits [including] the opportunity to compare the data filed in the PURPA report to the information filed in a rate case." The remaining states that oppose exemptions for their utilities concede that some or all of the information needed for retail rate regulation is available to the state and the public from other sources.[21]

Based on the comments of various interests, the Commission is persuaded that the cost data available in retail rate proceedings are generally adequate, that the section 133 information is not needed and, in fact, is not likely to be used in most cases. Admittedly, not all states comment on what they perceive to be their needs or those of the customers and intervenors in their jurisdictions. This may demonstrate tacitly that the section 133 information is not a serious concern of these persons. In any event, neither the states nor the public refute the utilities'

[18] A determination with respect to the rate standards under section 111 of PURPA was required by November 1, 1981 or in the first retail rate proceeding thereafter (section 112 (b) and (c) of PURPA) and for the policies under section 113, adoption was required by November, 1980. (Section 113(a) of PURPA).

[19] Utilities show that load data and calculated cost data require adapting to local needs to yield *useful* information. In particular, the load data required under Part 290, utilities show, are often collected on a different basis for retail rate cases. Utilities also show that cost-of-service studies prepared for retail rate-making often use differing methodologies, time periods, or assumptions.

[20] The six states that urge retention of some or all of the Part 290 filing requirements are Alabama, California, Minnesota, Ohio, Pennsylvania, and Virginia. These states report use of the data in retail rate proceedings, for comparing utilities in terms of efficiency, and for obtaining information on utilities beyond the state's jurisdiction. In sum, the states that support retention of Part 290, report little need for or use of that information. Even among states that support retention of the Part 290 requirements, the value of the data in retail rate proceedings is undocumented. On balance, the Commission is concerned, in light of the costs incurred by utilities to report that information, whether these states will actually make use of the information.

[21] In addition to the comments of the Alaska, Mississippi, and New York Commissions, the comments of Virginia also indicate the alternative availability of cost data.

showings for the most part. With respect to the five states that claim to use and would like to continue to receive the section 133 information, further reporting may serve the purposes of the section by making adequate cost data available where it otherwise is not.

In these cases, the Commission is inclined to defer to the judgment of the state regulatory authorities, at least with respect to total exemptions of larger utilities, subject to later review of the uses made of the section 133 data as revised by this final rule.

For all utilities, the cost and benefits of the Part 290 requirements are important considerations. In the Commission's view, the Congress, when establishing the section 133 program, must have considered the cost to the taxpayers and the ratepayers to be justified by the benefits of making available nationwide all utility cost data. Just as the Commission believes that mere availability of the data is meaningless without its actual use, so is the continued reporting unjustified if the benefits that accrue are slight or temporary. Therefore, no reexamination of the fulfillment of the statute's purposes is complete without reference to the costs.[22]

Utilities believe the cost of gathering and reporting required information under section 133 of PURPA, which is generally flowed through to ratepayers, far outweighs the value of the information to the states or the public. Utilities report that, of the approximately 175 utilities which have filed information under section 133 of PURPA in both 1980 and 1982, almost every utility has spent over $100,000 to gather and report the required information. Most utilities report compliance costs of several hundred thousand dollars. The Edison Electric Institute reports that a survey of roughly one-half of its members (investor-owned utilities) reveals that total expenses associated with compliance with section 133 of PURPA exceed $60 million by those utilities surveyed. Nearly all commenters therefore agree that collecting and reporting under section 133 is costly. However, one state commission describes the costs of gathering and reporting as "insignificant" compared with total revenues and benefits.

The issue here is cost-effectiveness. If as utilities claim, the section 133 information is little used and alternative sources generally exist for that information, the section 133 requirement may no longer be cost-effective. The Commission believes that its section 133 requirements may have served to make cost-of-service data more available than before PURPA. But regardless of the cause of the widespread availability of such data from other sources and the general lack of use of data submitted under Part 290, it happens that those requirements have outgrown the necessity that gave rise to section 133, and probably the immediate usefulness of the data it requires. In light of such developments, it becomes increasingly difficult to justify the costs that this data collection program entails. While the information was shown to be somewhat useful in Title I proceedings, most states and unregulated utilities have fulfilled their obligations under that Title. In retail ratemaking, states generally have the power to obtain any of the section 133 information. To the extent the section 133 reports duplicate other sources of cost information, it is not cost-effective to continue requiring them. However, some states may rely upon the section 133 data rather than obtaining similar data under their own authority. In such cases, the value of the section 133 data may be greater than the cost.

Based on the utility showings, namely, that the Part 290 information is not needed or used and that the cost of gathering that information is greater than the benefit states and the public derive from the information, the Commission finds that the purposes of section 133 are not likely to be served by their reporting and grants exemptions to the utilities listed in Table I, below.

In contrast to the conflicting opinions over exemptions for larger utilities, the exemption of smaller utilities is supported by all commenters that address the issue. Several of these smaller utilities discuss the undue burdens imposed by Part 290. The Commission has received no comment opposing the delays afforded by the Commission for the initial filings by smaller utilities in two prior rulemakings under section 133(b). There is also general unanimity about the proposal in the NOI to exempt all smaller utilities.

The smaller utilities show that they must allocate a disproportionate amount of their financial resources to complying with the Part 290 requirements. Smaller utilities that have already filed cost data under Part 290, those with annual retail sales of more than 1 billion kilowatt-hours but less than 2 billion kilowatt-hours, report little or no use or need for the information. The Commission's experience with the first two utility filings under Part 290 is that utilities with retail sales between 1 and 2 billion kilowatt-hours annually are subject to the same burden as those with below 1 billion kilowatt-hours of annual retail sales. Many utilities with retail sales between 1 and 2 billion kilowatt-hours have used the case-by-case procedure to obtain exemptions, without opposition, using arguments that correspond closely to the basis articulated by the Commission for extending the initial time to file for the smaller utilities in 1978 and 1980. Based upon this showing, and in light of the absence of state or public opposition to the proposal to exempt smaller utilities, the Commission finds that gathering cost information by smaller utilities is not likely to serve the purpose of the section. In its proposal to reduce the burden under section 133 and its regulations, the Commission proposed and in this order adopts an exemption for utilities with retail sales of electric energy below 2 billion kilowatt-hours annually.

V. Substantive Revisions to Part 290

The second part of the Commission's change in its program under section 133 of PURPA is to refine the filing requirements to reduce the burden imposed by Part 290 through the elimination of duplicative or otherwise unnecessary data requirements. In its NOPR, the Commission proposed, in addition to exemptions, eliminating both the marginal cost information and calculated cost requirements, reducing the accounting cost information and load data requirements, eliminating duplicative requirements and tailoring certain reporting requirements to specific classes of utilities. This portion of the Commission's proposal received extensive comment.

Most commenters support the Commission's proposal to reassess its Part 290 requirements and to reduce the reporting requirements. Overall, utilities recommend the most substantial reductions to the reporting requirements. State regulatory authorities and ratepayer groups, that report using the information support retention of the basic approach in Part 290.

A. General

The Commission proposed changes to the required filing date under section 133 and the type of information for the section 133 reports. First, the Commission proposed allowing utilities the option of synchronizing the section 133 filings with retail rate schedule

[22] The costs of gathering section 133 information are a concern which the Commission addressed in the NOI and more recently in the proposal to reduce the burden of section 133 of PURPA. 48 FR at 3,774.

changes.[23] Utility commenters generally support permitting utilities this option because they believe that it will increase the usefulness of the information in retail rate proceeding.[24] The Commission believes that giving utilities the option of filing section 133 reports concurrent with retail rate applications, rather than mandating a separate filing with Commission, will reduce duplication and improve timeliness of the section 133 data in terms of the utility costs reflected in retail rate proceedings. However, the Commission rejects the proposal of NARUC to require state regulatory approval for the exercise of this option. This requirement could result in multi-jurisdictional utilities being required to file separate reports for each state. This would discourage utilities from exercising this option which, the Commission believes, will increase the value of the section 133 reports.[25]

Second, the Commission proposed permitting utilities to substitute data from its FERC Form No. 1 and other Federal filing requirements and data filed pursuant to state reporting requirements for section 133 requirements. To the extent they are addressed, commenters generally support these proposals.

The Commission continues to believe that appropriate substitution will significantly reduce duplication, while retaining a meaningful data base that will serve the purpose of section 133 as applicable. Several utility commenters raise concerns about what criteria will be applied to the substitute information, in order for the filing not to be rejected. The Commission will accept information similar or directly related to, although the substitute information need not be identical to, the required information. For example, the data in FERC Form No. 1 is acceptable as a substitute for the requirements under Subpart B. In many cases, state filing requirements yield information which will fully substitute for the Part 290 requirements.

B. Subpart B—Accounting Cost Information (§§ 290.201–.205)

Subpart B requires historic cost data with respect to rate base, including construction work in progress (CWIP), operating expense, tax, and rate of return information. The purpose of requiring this information is to enable utilities and the public to develop fully allocated cost of service studies. The Commission proposed two changes to the accounting cost regulations, namely, simplification of CWIP, § 290.201(d), and clarification of operating expense information, § 290.202.

With regard to the simplification of accounting cost information, utility commenters generally agree that the level of detail for CWIP should be reduced. Several commenters, including a state regulatory authority, recommend eliminating CWIP because the information is not generally useful due to the varying treatment states provided for construction financing costs.

The Commission believes that the information should be required in spite of the availability of similar information in Form No. 1, because these costs are essential to calculating a utility's rate-of-return, although CWIP data under section 133 need not be as comprehensive as that in Form No. 1. To this extent, the Commission agrees with utilities that the availability of CWIP data in FERC Form No. 1 obviates the need for the existing level of detail, including the requirement to report CWIP by function inasmuch as the final rule allows utilities to substitute Form No. 1 for the requirements of Subpart B. The Commission also agrees with the Edison Electric Institute which recommends eliminating from the CWIP requirements both the distinction between major and minor projects and reporting starting and anticipated completion dates because this information is available from FERC Form No. 1.

With respect to the Commission's proposed clarification that utilities be permitted to report the variable portion of operating and maintenance expense (§ 290.202) on an "estimated" basis, utility commenters support this proposal and the Commission adopts it. This proposal will provide adequate data and will reflect the industry practice and is therefore found reasonable. The Commission also agrees with utility commenters that hourly average energy cost data (§ 290.202) poses a substantial and, to some extent, an unjustified burden on some utilities. These utilities recommend elimination of hourly average energy cost data, in part, because any action short of elimination will not relieve, and may actually increase, the burden. The Commission notes, however, that hourly average energy costs are generally needed to permit analysis of cost allocation among rate classes, although cost allocation does not necessarily require twelve months of data. Instead, the Commission believes that data for the months of the winter peak and summer peak, and the two mid-season (spring and autumn) months having the lowest system peak would provide adequate data for purposes of allocating cost of ratepayers and reduce the reporting burden on utilities.

C. Subpart C—Marginal Cost Information (§§ 290.301–.308)

Marginal cost is the expected change in the total cost of production to supply each additional unit of output. Because electric service consists of supplying both energy and capacity, marginal cost information is gathered on each. Although there is no requirement in subsection 133(a) of PURPA that utilities gather and report marginal costs, the Commission requires utilities to report marginal cost information.[26] The Commission exercised its discretion to require marginal cost information to enable state regulators, utilities, and the public to make an informed decision regarding costing methodologies for electric service rate determinations based on either marginal cost or embedded (accounting) costs or a comparison of both.

The Commission requested comment on whether to entirely eliminate or, in the alternative, to reduce the requirements for marginal cost information.[27] The fundamental

[23] Southern Company Services, Inc., states that, because retail rate applications may be filed frequently, the proposal must ensure that the section 133 report is not required, under this option, more often than biennially. Although the Commission adopts a more flexible filing date in this Order, the statute does not mandate, and the Commission does not require, utility filings more often than biennially.

[24] Several utility commenters state that, if utilities are *required* to file section 133 reports concurrent with retail rate filings, significant resources would be needed to prepare both (Cleveland Electric Illuminating; Detroit Edison; Duke Power; El Paso Electric Company; Rochester Gas and Electric Company). Although the Commission believes that concurrent filings will actually reduce utility costs, this revision is made optional for the utility.

[25] For the same reasons that the NARUC proposal is not adopted, the Commission does not adopt the proposal to permit states to specify a modified filing date. *See* 48 FR at 3,779.

[26] Marginal cost-based rates were extensively debated contemporaneously with the enactment of the PURPA legislation. The marginal cost theory holds that optimal allocation of resources occurs, in the long-run, when commodities are priced at their marginal production costs. At the time the final regulations were adopted, the Commission stated that it would be useful for regulators to have adequate information to compare whether marginal or embedded costs are more relevant for pricing electric service. 44 FR at 33,849.

[27] The Commission proposed, as an alternative, to substantially reduce this reporting burden while retaining requirements for reporting the more significant information with regard to marginal cost. In particular, the Commission's proposal would limit marginal cost information, as follows: (1) production cost for one generating unit in common fuel types, the base-load, intermediate, and peaking service categories, as well as several size ranges for existing generation; (2) overall capacity costs limited to planned generating units, the more general information would be eliminated; (3) estimated hourly marginal energy costs for five

Continued

consideration is the necessity of collecting marginal cost information. Most utility commenters state that the Commission should no longer require marginal cost information. Pursuant to section 133, the Commission has twice collected marginal cost information from most larger electric utilities, in 1980 and 1982, but there is a wide-spread view that such data is seldom actually employed. Utility commenters show that reporting marginal cost information has generally been very expensive because many states do not presently prepare marginal cost studies independent of the Part 290 requirements, and utilities that do prepare marginal cost studies do so for retail rate proceedings which do not conform to the time frame or format of Subpart C. In addition, they claim that few states actually make use of the marginal cost information filed under section 133 of PURPA in retail rate proceedings. In any case, they assert that adequate marginal cost information is already available to states that rely upon marginal costs. Therefore, utility commenters indicate that state regulatory authorities and nonregulated utilities are in a better position than the Commission to evaluate the need for marginal costs. They state that all indications are that requiring marginal cost information is not likely to serve the purposes of PURPA.

In contrast, a ratepayer representative states that marginal cost information is not widely available and the Commission should continue to collect marginal costs in the section 133 reports. Another commenter, the Ohio Commission, supports retention of marginal cost information because it states that marginal cost information is an important tool in cost allocation and retail rate design.

By making marginal cost information available in section 133, the Commission generally improved the quality of information available to states, unregulated utilities, and the public. Since the passage of PURPA and the implementation of section 133, many state regulatory authorities have considered the appropriateness of conventional costing methodologies and all have had the opportunity to compare marginal cost-based rates. The use of marginal cost data is nevertheless determined by the states. The Commission believes it fair to presume that state regulatory authorities have the authority to require utilities to file marginal cost information, if they consider it essential to their ratemaking practices. The record shows that many have established marginal cost requirements including some that predate the implementation of PURPA.

Reliance on marginal cost information in retail ratemaking argues for retaining the requirement because reporting such cost information may continue to serve the purposes of PURPA.[28] However, the requirement can be justified only if similar data are needed at the state level. For this reason, the Commission will not totally eliminate marginal cost information but will adopt the alternative proposed for the marginal cost requirements. Namely, it will reduce the reporting requirements to ease the reporting burden on utilities still reporting under Part 290. Overall, the Commission finds that this alternative is reasonable, supported by the record, and results in a substantial reduction in burden while maintaining an adequate level of data for the puposes of section 133.

No valid purpose is served, however, by requiring marginal cost information from utilities operating in states that do not use or that reject the marginal cost methodology. Therefore, the Commission is providing utilities that continue to report under Part 290 the option of reporting on either an accounting cost or marginal cost basis. This alternative, the Commission believes, will eliminate data that the state indicates it does not need or will not use. To exercise this option, a utility will be required to obtain prior state regulatory approval.

With respect to the Commission's proposal to limit data on existing generating plant (§ 290.302(a)) to several fuel categories, utilities are divided on whether that this will reduce the burden of reporting. The Pennsylvania Public Utilities Commission recommends that the requirement to file cost information for existing generation operations be expanded to allow for better simulation of production costs. The Commission concludes that its proposal to require cost information on existing generation plant by category will provide adequate cost information and will reduce the reporting burden. It therefore amends § 290.302(a) to permit utilities to file the cost for existing generation units that are representative of specified categories of generation units.

The Commission does not agree that an expanded requirement would better serve either the purposes of section 133 or the public interest, especially given the sporadic use of the data and the state's ability to solicit the information.

With respect to the Commission's proposal to limit reporting of overall capacity costs to planned units (§ 290.302(b)), several utilities and regulatory authorities, and a large industrial commenter support, and the Commission finds appropriate to adopt this proposal. No commenter specifically opposes this proposal. Although several utility commenters question whether the Commission's proposal to limit estimated hourly marginal energy cost data (§ 290.303(a)) to four specified months per year will reduce reporting costs or yield accurate data,[29] the Commission finds that its proposal will reduce costs and will, as stated by one commenter, provide a "reasonably representative prediction of future costs." [30]

Utility commenters also support the proposals to eliminate calculation of a single marginal energy cost (§ 290.303 (g) and (h)) and historic information, system maps, and other minor items (§ 290.303(i)). No commenter appears to oppose these proposals and the Commission finds that these revisions will reduce the burden on utilities and will eliminate information not generally used or needed by the states.

D. Subpart D—Load data (§§ 290.401–.406)

In the mid-1980's, the cost of electricity began to increase, triggering a surge in interest in utility pricing practices. This interest spawned, among other things, the collection of data on customers usage patterns for use in assigning ratepayer cost responsibility. Although in some jurisdictions the collection of "class load data" became an integral component of ratemaking, many utilities never undertook the collection of class load data, in part, because the cost of collecting such data can be very large. In the PURPA legislation, Congress determined that class load data should be available to state regulatory authorities and the

years for summer and winter peak months and two mid-season months having the lowest peak; (4) eliminate calculation of a single marginal energy cost for defined costing periods; (5) eliminate historic information, system maps, and other minor items.

[28] Several utility commenters state that the Subpart C (Marginal cost information) requirements duplicate state reporting requirements in states that rely upon marginal cost methodologies.

[29] For example, Carolina Power and Light Company states that maintenance scheduling and other factors preclude selection of months to accurately reflect seasonal price variances. While maintenance scheduling can be expected to affect whether a given month is representative of a particular period, estimating costs is difficult at best. The Commission does not, however, believe that the quality of the data will significantly change under this proposal.

[30] *See* the Comments of Edison Electric Institute. Dayton Power and Light Company states that this proposal will reduce the paper volume of Part 290 reports by about one-third.

public for use in allocating the cost of providing service among ratepayers.[31]

The Commission proposed in this rule to revise Part 290 to both simplify and reduce the load data required to be filed under Subpart D consistent with the provisions of section 133 of PURPA. First, the Commission proposed to permit utilities the option of reporting either for the predominant jurisdiction or for the entire system, rather than separately for each jurisdiction as currently required (§ 290.401(b)). The Commission believes that separate reporting by jurisdiction for multijurisdiction companies is unnecessary. Most commenters agree because the cost of making what are essentially redundant filings are not justified by improved data. The Commission is persuaded to adopt this proposal. The final rule makes it optional whether a utility files class load data only for the predominant retail regulatory jurisdiction or for the utility's entire system.

Second, with respect to pool load data (§ 290.402(b)), the Commission proposed to reduce duplication by permitting the pool to submit data on behalf of its member utilities. Although a few utilities describe the cost savings from this proposal as insignificant, several utility commenters support this proposal. The Commission believes that this approach is reasonable because it affords utilities an opportunity to opt to file pool data separately according to their own method of projecting loads and costs or to have the pool file data if it will reduce their costs.

Third, with respect to historic peak load information, (§ 290.402(c)), commenters agree that, by requiring only one year of historic data, the Commission will reduce duplication without eliminating information that is not otherwise available under the Part 290 reports. In the first two Part 290 filings, historic information for 1970–1982 was filed, and by requiring only the latest year's data, the Commission ensures that complete information will be available but that repetitive filings of historic information are avoided.

Fourth, the Commission proposed to require only four months of projected load data (§ 290.402(e)), for each year. Utility commenters recommend a variety of changes to the projected load data requirement that generally reduce the reporting burden. The Commission finds, however, that the utility proposals eliminate data that may be useful. It therefore adopts its original proposal as a partial reduction of the burden on utilities without elimination of needed information.

Fifth, the Commission proposed eliminating the accuracy specification as a criteria for the acceptability of the data and replacing it with a target or guideline (§ 290.403(b)). Utility commenters agree that this modification would reflect load research practice in the industry, and the Commission finds that it will reduce an unnecessary burden, and adopts this proposal.

Sixth, the Commission proposed eliminating the requirement for a sample plan (§ 290.403(c)). Utility commenters support this proposal because the sample plans filed in 1980 and 1982 were generally not used and, utilities state, to report this information in future reports would not be productive. Moreover, utilities state that the sample plan filed in the first-two Part 290 reports provides adequate information for subsequent Part 290 reports. The Commission agrees and revises this requirement consistent with the proposal.

Seventh, the Commission proposed eliminating load data for end-use classes (§ 290.404(d)). Although end-use data may sometimes be useful if states establish rate classes on the basis of end-use, the Commission generally described this requirement as confusing, cumbersome, and not widely used. Utility commenters support this proposal because most jurisdictions do not allocate costs among rate class that reflect end-use categories. In light of these comments, the Commission finds that eliminating end-use load data will not eliminate data that is likely to be useful, but removes a requirement that can be very costly to meet.

The Commission also proposed that utilities would not be required to report load data (§ 290.403) for rate classes smaller than 5 percent of the utility's load. The Commission finds no significant opposition to this proposal and, since this data will have no impact on ratemaking standards or on rates, adopts it.

E. Subpart E—Calculated Costs (§§ 290.501–502)

Calculated cost data reflect the cost of serving particular customers or classes of customers at different times. Cost-of-service studies are one basis for allocating cost responsibility among a utility's ratepayers.

Although the Commission proposed, and most commenters agree, that the calculated cost requirement should be eliminated altogether, the Commission is persuaded that this information may be useful in some states. On one hand, a utility, a state regulatory authority, and a utility rate consultant describe calculated costs as a requirement that provides useful data for allocating cost responsibility among classes of customers in retail rate proceedings. On the other hand, most commenters, both utility and non-utility, state that this requirement produces information that is duplicated in most states and is costly to develop.

The Commission retains the calculated cost requirement because it provides information which can be very useful in allocating cost responsibility among ratepayers, a primary focus of Title I of PURPA. To allocate costs on the basis of the section 133 information, a state must prepare calculated costs, because the "raw data" in Subparts B, C, and D of Part 290 alone are insufficient to assign cost responsibility to classes of ratepayers. In some sense, the calculated cost requirement, therefore, "completes" the information gathered and reported under section 133. For this reason, and in spite of the costs associated with preparing calculated costs, the Commission retains Subpart E. However, the burden of preparing this information is substantial and warrants Commission action. This is especially true to the extent Subpart E requires utilities to prepare studies that are otherwise available in retail rate proceedings. In addition, Subpart E requires utilities to prepare both accounting and marginal costs although most states and nonregulated utilities use one method of cost allocation or the other. In light of these concerns, the Commission adopts and alternative method of compliance.

F. Alternative Compliance: Filing on Accounting or Marginal Cost Bases

Utility commenters state that significant portions of the section 133 reports of most utilities are useless because the methodology upon which the information are based are different from that used by the state or nonregulated utility in retail ratemaking.[32] Subparts B, C, and E of the Commission's regulations implementing section 133 of PURPA are based upon either accounting cost or marginal cost methodologies. Therefore, the present structure of the reporting requirements, namely requiring all utilities to report on both accounting cost and marginal cost bases, produces significant amounts of useless data in most states.

The Commission believes that it can achieve a closer alignment between the needs of either the state regulatory authorities or nonregulated utilities and

[31] *See* Joint Explanatory Statement of the Committee of Conference, House Conference Report No. 95–1750, 95th Cong., 2d Sess. 87 (1978).

[32] *See* discussion in Part IV.C., *supra*.

benefits that accrue from the section 133 reporting requirements, if it allows utilities to file cost data and calculated costs using a methodology which is consistent with that used in retail ratemaking. Presently, utilities are required to report cost data and calculate costs on both accounting and marginal cost bases, even if the state or nonregulated utility has rejected one methodology for rate purposes. As a result, utilities are required to expend resources to gather data that is not used. To prevent utilities from gathering useless data, the Commission will allow utilities to file Subparts B, C, and E of Part 290 on either an accounting or marginal cost basis. However, a utility must first obtain the approval of its regulatory or governing authority. In such case, the utility is able to avoid meeting all reporting requirements that pertain to the cost methodology that it did not select to report under.

V. Regulatory Flexibility Act Certification

The Regulatory Flexibility Act (RFA) requires Federal agencies to consider whether the rule, if promulgated, will have a "significant economic impact on a substantial number of small entities." The Notice of Proposed Rulemaking (NOPR) contained a certification that the proposed rule would not, if promulgated, have a significant impact on a substantial number of small entities.

The entities which are currently subject to Part 290 of the regulations are electric utilities with annual retail sales in excess of 500 million kilowatt-hours, generally resulting in annual revenues of at least $25 million. The final rule affects only this group of larger utilities. The final rule exempts most of these utilities from the Part 290 regulations. For the remaining utilities not exempted, the changes now made to reporting requirements, including reduction in the amount of information that utilities must file, were either proposed in, or are similar to, the NOPR. These changes are expected to reduce the regulatory burden on the non-exempt utilities. Therefore, the Commission concludes that the final rule will not have a significant economic impact on entities that are considered small under the RFA or under the SBA Small Business Size Standards. *See* 13 CFR 121.3–10(d)(1), 121.3–10(d)11.

The Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act of 1980, that this final rule will not have a significant economic impact on a substantial number of small entities.

VI. Effective Date and Paperwork Reduction Act

The information collection provisions in this rule are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act, 44 U.S.C. 3501–3520 (Supp. V 1981), and OMB's regulations, 48 FR 13,666, 13,694 (March 31, 1983) (to be codified at 5 CFR Part 1320). The former information collection provisions in 18 CFR Part 290, which are revised by this final rule, had received previous OMB approval (OMB Control No. 1902–0042). Interested persons can obtain information on the revised information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426 (Attention: Michael R. Postar, (202) 357–8033). Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB (Attention: Desk Officer for the Federal Energy Regulatory Commission).

This rule will become effective February 21, 1984. If OMB's approval and control number have not been received by this effective date, the Commission will issue a notice temporarily suspending the effective date.

VII. Summary of the Rule and Information Regarding Implementation

The coverage of Part 290 (§ 290.101) is revised by adding a new paragraph (b) which exempts from the requirements of this part, first, the utilities each of which made an adequate showing in this proceeding and that are listed in a new Appendix A and, second, the class of small utilities with annual retail sales under two billion kilowatt-hours that are also exempted pursuant to showings made in this proceeding. Exemptions from all or part of Part 290 will continue to be available pursuant to individual applications to the Commission under § 290.601.[33]

The exemption granted to smaller utilities in this new § 290.101 replaces the provision in § 290.102(d), which provided an extension of time to file under Part 290 for covered utilities having total annual sales of electric energy for purposes other than resale of less than 1 billion kilowatt-hours. Therefore, § 290.102(d) is removed.

The order revises the nature of the filing requirements by allowing a utility to furnish various kinds of cost data in lieu of others specified in Part 290. This "alternative compliance" is available, however, only if the state regulatory authority or governing board of an unregulated utility agrees in writing to allow the utility to file the substitute data. The main alternative is the choice to file either accounting or marginal costs rather than both as the rule now requires. The utility must provide adequate documentation of the choice in its Part 290 filing. Utilities that operate in more than one jurisdiction will be required to obtain approval from each jurisdiction that will receive information pursuant to this election.

The new § 290.102(d) allows a utility to file either Subparts B or C and either § 290.501 or § 290.502 of Subpart E. However, the Commission intends for the utility to file calculated cost data (Subpart E) on a similar basis as the cost data.

Subparagraph (a)(2) of § 290.103 is revised to allow utilities to make Part 290 filings "contemporaneously" with the filing of a retail rate change request, rather than as required under subparagraph (a)(1) of that section.[34] A utility that elects this option is still required to file once every two years. However, if the utility does not file under subparagraph (a)(2) for the two years prior to the filing date prescribed in subparagraph (a)(1), the utility must file not later than June 30th of the applicable filing year provided for in subparagraph (a)(1) of § 290.103.

Subparagraph (c) of § 290.103 is revised to allow utilities to substitute cost-of-service information filed pursuant to other Federal of state filing requirements for information required under this Part. The substitute information must meet two criteria. First, the substitute information, if filed with the state regulatory authority or governing authority of a nonregulated utility, must have been submitted in a retail rate application or pursuant to formal state filing requirements. In addition, substitute information, if filed with Federal authorities, must have been submitted in response to filing requirements. Second, the substitute

[33] The exemptions granted by this order apply to the utilities named in Appendix A and do not transfer if the exempt utilities participate in mergers that form new entities. However, a utility which only changes its name does not lose the exemption and need only provide timely notice to the Commission of this fact, for purposes of updating Part 290. The exemption provided to smaller utilities does not equally apply to utilities that at one time were small. In such case that a utility increases sales and no longer is small, it is no longer exempt, but may request exemption as a large utility under § 290.601.

[34] The utility may use the same twelve month period for reporting under part 290 as was used in the retail rate proceeding. Therefore, "contemporaneously" is intended to reflect the Commission's concern that the data submitted be current on the date of filing.

information must be similar or directly related to, although it need not be identical to, the information required under Part 290. In addition, the substitute information must be current on the date of filing. The Commission anticipates that information filed pursuant to state reporting requirements will be generally acceptable as substitute information.

Subparts B, C, and D are revised to reduce or eliminate duplication or unnecessary information.

List of Subjects in 18 CFR Part 290

Electric utilities, Penalties, Reporting requirements, Uniform system of accounts.

In consideration of the foregoing, Part 290 of Chapter 1, Title 18 of the Code of Federal Regulations, is amended as set forth below.

By the Commission.

Kenneth F. Plumb,

Secretary.

Table I[1]

The following large electric utilities request exemption from Part 290 and show, with respect to their utility, that the information is not necessary, not used, or that the costs of gathering and reporting exceed the benefit. Large electric utilities with retail sales in states that request continued Part 290 reporting are not included in this list. The showing made by each utility exempted in this order is indicated by the following key:

(1) Information is not necessary;
(2) Information is not used;
(3) The cost of gathering and filing the information is excessive relative to the benefits.

Investor-Owned Utilities

Arizona Public Service Company (1)(2)(3)
Arkansas Power & Light Company (2)
Baltimore Gas & Electric Company (1)(2)
Black Hills Power & Light Company (3)
Carolina Power & Light Company (2)
Central Louisiana Electric Company (2)
Central Power & Light Company (1)(2)(3)
Central Tele. & Utility Corporation (1)(2)
Connecticut Light & Power Company (1)(2)
Consolidated Edison Company of New York (1)(2)
Consumers Power Company (2)
Dallas Power & Light Company (1)(2)(3)
Delmarva Power & Light Company (1)(2)(3)
Detroit Edison Company (1)(2)(3)
Duke Power Company (1)(2)(3)
El Paso Electric Company (1)(2)(3)
Empire District Electric Company (1)(2)(3)
Florida Power and Light Company (1)(2)
Georgia Power Company (1)(2)(3)
Gulf Power Company (1)(2)(3)
Gulf States Utilities Company (1)(2)(3)
Houston Lighting & Power (1)(2)
Illinois Power Company (1)(2)
Indiana & Michigan Electric Company (1)(2)(3)
Iowa Electric Light & Power Company (1)(2)(3)
Iowa-Illinois Gas & Electric Company (1)(2)
Iowa Southern Utilities Company (1)(2)(3)
Kansas Power & Light Company (1)(2)(3)
Kentucky Power Company (1)(2)(3)
Kentucky Utilities Company (1)(3)
Kingsport Power Company (1)(2)(3)
Louisiana Power & Light Company (1)(2)
Louisville Gas & Electric Company (2)(3)
Madison Gas & Electric Company (1)(2)
Massachusetts Electric Company (1)(3)
Michigan Power Company (1)(2)(3)
Minnesota Power & Light Company (1)(2)(3)
Mississippi Power Company (1)(2)(3)
Mississippi Power & Light Company (1)(2)(3)
Missouri Public Service Company (1)
Monongahela Power Company (1)(2)
Montana-Dakota Utilities Company (2)
Montana Power Company (1)(2)(3)
Narragansett Electric Company (1)(3)
New Orleans Public Service, Inc. (1)(2)
Northern States Power Company (1)(2)
Northern States Power Company (1)(2)
Northwestern Public Service Company (1)(3)
Orange & Rockland Utilities (2)(3)
Portland General Electric Company (1)(2)(3)
Potomac Edison Company (1)(2)
Potomac Electric Power Company (1)(2)(3)
Public Service Company of Colorado (1)(2)(3)
Public Service Company of Indiana (1)(3)
Public Service Company of New Hampshire (1)(2)(3)
Public Service Company of New Mexico (1)(2)(3)
Public Service Company of Oklahoma (1)(2)(3)
Rochester Gas & Electric Corporation (1)(3)
St. Joseph Light & Power Company (2)(3)
South Carolina Electric & Gas Company (1)(2)(3)
Southern Indiana Gas & Electric Company (1)(2)(3)
Southwestern Public Service Company (1)(2)
Tampa Electric Company (1)(2)(3)
Texas Electric Service Company (1)(2)(3)
Texas Power & Light Company (1)(2)(3)
Tucson Electric Power Company (1)(3)
Union Electric Company (1)(2)(3)
Union Light, Heat & Power Company (2)(3)
United Illuminating Company (1)(2)(3)
Utah Power & Light Company (1)(2)(3)
Washington Water Power Company (1)(2)(3)
Western Massachusetts Electric Company (1)(3)
Western Power Division of Central Tel. & Util. Corp. (1)(2)
Wheeling Electric Company (1)(2)(3)
Wisconsin Public Service Corporation (1)(2)

Publicly-Owned Utilities

Colorado Springs, Colorado (2)
Eugene, Oregon (2)(3)
Fayetteville, North Carolina (1)(2)(3)
Kansas City, Kansas (1)(2)
Lincoln, Nebraska (2)
Lower Colorado River Authority (TX) (1)(2)(3)
Modesto Irrigation District (CA) (3)
Nebraska Public Power District (1)(2)(3)
Omaha Public Power District (1)(2)(3)
Power Authority of the State of New York (1)(2)(3)
PUD No. 1 of Benton County (WA) (1)(2)(3)
PUD No. 1 of Chelan County (WA) (1)(3)
PUD No. 1 of Clark County (WA) (1)(2)
PUD No. 1 of Cowlitz County (WA) (1)(2)
PUD No. 1 of Douglas County (WA) (1)(3)
PUD No. 1 of Snohomish County (WA) (1)(3)
Richmond, Indiana (1)(3)
Salt River Project (AZ) (1)(2)(3)
San Antonio, Texas (1)(2)(3)
Seattle, Washington (1)(2)(3)
Tacoma, Washington (2)(3)

Cooperatively-Owned Utilities

Clay Electric Cooperative (FL) (1)(2)(3)
Cobb Electric Membership Corporation (GA) (2)(3)
Flint Electric Membership Corporation (GA) (2)(3)
Green River Electric Corporation (KY) (1)
Henderson-Union Rural Electric Cooperative Corporation (KY) (1)
Jackson Electric Membership Corporation (GA) (1)(2)(3)
Northern Virginia Electric Cooperative (VA) (1)(3)
Rappahannock Electric Cooperative (VA) (1)(3)
Sam Houston Electric Cooperative (1)(3)
Walton Electric Membership Cooperative (1)(3)
Withlacoochee River Electric Cooperative (FL) (1)(3)

1. Part 290 is amended in the Table of Contents by adding at the end a new Appendix A, to read as follows:

[1] This table is referenced in footnote 16 of the preamble and is not part of the codified rule.

PART 290—COLLECTION OF COST OF SERVICE INFORMATION UNDER SECTION 133 OF THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978

* * * * *

Appendix A—Exempt utilities.

2. The authority citation following the Table of Contents for Part 290 reads as follows:

Authority: Public Utility Regulatory Policies Act, Pub. L. 95-617, 92 Stat. 3117 (1978); Federal Power Act, 16 U.S.C. 791a-828c (1976 & Supp. V 1981); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (Supp. V 1981); Executive Order 12,009, 3 CFR Part 142 (1978).

3. Section 290.101 is revised, to read as follows:

§ 290.101 Applicability and exemptions.

(a) Except as provided in paragraph (b), this part shall apply to each electric utility, in any calendar year, if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year.

(b) The Commission exempts from compliance with this part any utility:

(1) Listed by name in Appendix A to this part; and

(2) That has total sales of electric energy for purposes other than resale of less than 2 billion kilowatt-hours per year.

4. Section 290.102 is amended by revising the introductory text and paragraph (d), to read as follows:

§ 290.102 Compliance.

Except as provided in paragraph (d) of this section, each utility covered under this part shall gather and report information specified in Subparts B, C, D, and E of this part, as follows:

* * * * *

(d) *Alternative compliance with certain requirements.* Subject to paragraph (d)(4) of this section, any utility, as an alternative to the gathering and reporting requirement of Subparts B, C, D, and E of this part, may comply as follows:

(1) In fulfillment of the filing requirements under Subpart B of this part, a utility may file only the information provided under Subpart C of this part.

(2) In fulfillment of the filing requirements under Subpart C of this part, a utility may file only the information provided under Subpart B of this part.

(3) In fulfillment of all the filing requirements under Subpart E of this part, a utility may file either the information provided under § 290.501 or the information provided under § 290.502.

(4) A utility may elect alternate compliance under this paragraph only if each state regulatory authority will retail jurisdiction over the utility's rates or the governing authority of a nonregulated utility concurs with such election and supplies written evidence of such concurrence. The utility must submit the written concurrence with any filing under this part.

5. Section 290.103 is amended by revising paragraphs (a), (c)(1) and (c)(3) to read as follows:

§ 290.103 Time of filing and reporting period.

Each electric utility shall gather and report information specified in Subparts B, C, D, and E of this part as follows:

(a) *Biennial filing.* (1) Except as provided in paragraph (a)(2) of this section, information required under § 290.102 shall be filed biennially in even-numbered years beginning in 1980. The filing in 1980 shall be made on or before November 1 of that year. Filings in 1982 and in each subsequent filing year shall be made on or before June 30 of that year.

(2) On or before, but not more than two years before, the time for filing prescribed in paragraph (a)(1) of this section, a utility may file the information required by this part contemporaneously with any rate filing with the state regulatory authority with jurisdiction over the utility's rates.

* * * * *

(c) *Alternative reporting period.* * * *

(1) Except as provided in paragraph (c)(2) of this section, if a utility has gathered all of the information specified in Subparts B, C, D, and E of this part and has filed such information, based on a recent 12-month reporting period, either with its State regulatory authority or governing authority of a nonregulated utility in connection with a retail rate proceeding or formal filing requirements or pursuant to Federal filing requirements, the utility may substitute such information with the Commission for the equivalent information required by this part in fulfillment of the biennial filing requirements.

* * * * *

(3) If a utility not subject to the jurisdiction of a State regulatory authority maintains accounting records other than on a calendar year basis, such utility may use such other basis as the reporting period for purposes of compliance with this part, provided such reporting period is a 12-month period.

6. Section 290.105 is amended by adding a new paragraph (f), to read as follows:

§ 290.105 Definitions.

* * * * *

(f) *Specified reported months.* "Specified reported months" means, for any historic or reporting period information filed under this part, the month of the winter peak, the month of the summer peak, and the months of the two midseasons (spring and autumn) having the lowest system peak, such that there are four specified reported months in each 12-month period for which data are required under this part.

7. Section 290.201 is amended by revising paragraph (d), to read as follows:

§ 290.201 Rate base information.

* * * * *

(d) *Construction work in progress.* The end of period balance in FERC Account No. 107, Part 101 of this chapter, separated by function, *i.e.,* production, transmission, distribution, general, common, and other.

* * * * *

8. Section 290.202 is amended by revising the introductory text and paragraph (a), to read as follows:

§ 290.202 Operating expense information.

The utility shall report operating expenses for the reporting period as follows:

(a) *Operating and maintenance expense account.* The balances in each account, by account, for operating and maintenance expenses (FERC Account Nos. 400 through 598 and 901 through 932). Additionally, the estimated hourly average energy costs (in costs per kilowatt-hour) incurred to supply the combined total load of all retail customers and those wholesale customers that are served under firm contracts shall be reported for a typical weekday, a typical weekend day, and the system peak day for each of the specified reported months in the reporting period. The estimated hourly average energy cost shall include estimated variable operating and maintenance expense, fuel expense, and the energy portion of purchased power expense.

* * * * *

9. Section 290.302 is amended by revising the introductory text of paragraphs (a) and (b), revising paragraphs (b)(5) through (b)(9), and removing subparagraphs (b)(10) through (b)(24), to read as follows:

§ 290.302 Generation cost information.

For generation costs the utility shall report the following:

(a) *Production planning information for existing generating plants.* For one generating unit that is representative of other units in each of the following categories, baseload thermal steam, intermediate load thermal steam, peaking unit, thermal steam or other, conventional hydroelectric, and pumped-storage hydroelectric, the utility shall report the following data:

* * * * *

(b) *Production planning information for planned additions to generating capacity.* For the first full year of commercial operation for each generating unit (or for a typical unit of a group of units having similar operating characteristics) that is planned to go into operation during the next 10 years:

* * * * *

(5) Primary and secondary fuel types.

(6) Expected net dependable capacity (in kilowatts).

(7) If the unit is hydroelectric, the expected net capability in (kilowatts) under both median and adverse flow conditions for the month of the summer peak and the month of the winter peak.

(8) Total capital cost.

(9) Cost per kilowatt of installed capacity.

* * * * *

10. Section 290.303 is amended by revising paragraphs (a) and (c), by removing paragraphs (g) and (h), and by redesignation paragraph (i) as paragraph (g).

§ 290.303 Energy cost information.

For energy costs, the utility shall report the following:

(a) *Typical hourly marginal energy costs.* For the reporting period and for each of the next five years (estimated), the hourly marginal energy costs (in cents per kilowatt-hour) for a typical weekday, typical weekend day, and the system peak day for each specified reported month. Marginal cost at any hour shall be defined, for purposes of fulfilling the reporting requirements of this part, as the cost of the fuel and variable operating and maintenance expenses incurred in producing an additional kilowatt-hour of electricity to supply all retail customers and those wholesale customers that are served under firm contracts. Marginal energy cost shall be equivalent to the fuel and variable operating and maintenance costs of the most expensive machine on line use of which will be increased or decreased in response to additional changes in demand. If increments or decrements to such retail and wholesale load are supplied by purchased power, the marginal energy cost shall be defined as the cost of that purchased power.

* * * * *

(c) *Pool hourly marginal energy costs.* If a utility is a member of a centrally dispatched power pool, the pool hourly marginal energy costs for a typical weekday, typical weekend day, and the pool peak day for the specified reported months, for the reporting period and for each of the next five years. The pool organization may submit this information on behalf of its member utilities in accord with the submission requirements of § 290.102(a).

* * * * *

§ 290.304 [Amended]

11. Section 290.304 is amended in paragraph (a)(1) by removing the phrase "and for each of the previous 10 years", by removing paragraph (a)(5), and in paragraph (b)(1) by removing the phrase "and for each of the previous 10 years."

§ 290.306 [Amended]

12. Section 290.306 is amended by removing the words "each of the previous 5 years" and inserting in lieu thereof "the year immediately preceeding the reporting period."

13. Section 290.401 is amended by revising paragraph (b) to read as follows:

§ 290.401 General instructions for reporting load data.

* * * * *

(b) *Load data by predominant retail regulatory jurisdiction.* If a utility generates or sells electric power at retail in more than one retail regulatory jurisdiction, load data that must be filed under § 290.403 may be filed only for the predominant retail regulatory jurisdiction, as defined in § 290.105(c), or for the utility's entire system, as the utility elects.

* * * * *

§ 290.401 [Amended]

14. Section 290.401 is amended by removing paragraphs (c) and (d) and redesignating paragraph (e) as paragraph (c).

15. Section 290.402 is amended by revising paragraphs (b), (c), (d)(2), and (e), to read as follows:

§ 290.402 Load data for the total of all customers (system and pool load data).

* * * * *

(b) *Pool load data.* If the utility is a member of a power pool that centrally dispatches or a power pool that plans future bulk power facilities as a pool, load data as specified in this section shall be reported for the pool as well as the utility, unless otherwise specified. The pool organization may submit this information on behalf of any or all member utilities, in accordance with § 290.102(a).

(c) *Historic peak loads.* For the year immediately preceding the reporting period, the summer and winter peak loads on the system (in kilowatts) shall be reported and the date, day of week and time of the day for each peak shall be indicated. These data are not required for power pool reporting. The winter peak load reported under this paragraph, § 290.302(f) and § 290.402(e)(2) shall be the peak load for the winter season immediately following the summer season of the reporting period, irrespective of whether the winter peak load actually occurred in that reporting period.

(d) * * *

(2) As an alternative to paragraph (d)(1) of this section, hourly system loads for a typical weekday, a typical weekend day, and the system peak day for each specified reported month in the reporting period, if the utility certifies that it will make the information specified in paragraph (d)(1) available upon request.

* * * * *

(e) *Projected load data.* For the fifth and tenth years following the reporting period, the following shall be reported:

(1) The estimated duration of load (in hours) at 100, 98, 95, 80, 60, 40 and 20 percent of the peak load and an indication as to whether these data were used as the basis for the planned capacity additions reported under § 290.302(b).

(2) Estimated hourly loads for a typical day for each of the specified reported months.

(16) Section 290.403 is amended by revising the introductory text of paragraph (a) revising paragraph (b), removing paragraph (c), and redesignating paragraph (d) as paragraph (c), to read as follows:

§ 290.403 Load data for certain customer groups.

The utility shall report load data for each customer group for which data are required to be reported under § 290.404 as follows:

(a) *General.* For each specified reported month in the reporting period and for each such customer group:

* * * * *

(b) *Accuracy level.* If sample metering is required, the sampling method and procedures for collecting, processing, and analyzing the sample loads, taken together shall be designed so as to

provide reasonably accurate data consistent with available technology and equipment. For loads during peak hours, sampling procedures must be designed with a statistically expected accuracy of plus or minus 10 percent at the 90 percent confidence level. A utility is not required to show that the resulting load curves have this same accuracy but is required to point out any significant deviations from the expected accuracy.

* * * * *

17. Section 290.404 is revised to read as follows:

§ 290.404 Customer groups to be reported.

Except as provided in paragraph (d), the utility shall gather and report the load data specified in § 290.403 for large and small rate classes, as provided in this section.

(a) *Large rate class.* A large rate class is a class of customers:

(1) That is served under a separate rate schedule or under several rate schedules the differences in which are solely attributable to differences in the customer charges or initial block of the rate schedules; and

(2) That accounts for 10 percent or more of the utility's demand (kilowatts) at the time of the monthly system peak for any month of the reporting period or, to the extent such demand data are not available, of the utility's retail electric sales (kilowatt-hours) for any month of the reporting period.

(b) *Small rate classes.* A small rate class is a class of customers:

(1) That is served under a separate rate schedule or under several rate schedules the difference in which are solely attributable to differences in customer charges or initial block of the rate schedules; and

(2) That accounts for 5 percent or more of the utility's demand (kilowatts) at the time of the monthly system peak for any month of the reporting period, or to the extent such demand data are not available, of the utility's retail electric sales (kilowatt-hours) for any month of the reporting period, but less than 10 percent of such demand or such sales in every month.

(c) *Reporting requirements.* The utility shall report load data for the rate classes specified in paragraphs (a) and (b) of this section as follows:

(1) Load data for those large rate classes specified in paragraph (a) shall be based on actual measurements, which may employ statistical sampling or other techniques of known effectiveness.

(2) Load data for those small rate classes specified in paragraph (b) of this section may be reported on either a best estimate basis or measured or sample metered basis, provided that, if best estimates are used for small rate classes:

(i) The utility must employ its best effort to identify the load data for each of these customer groups;

(ii) Any best estimate shall be of sufficient quality and reliability to be used in rate proceedings;

(iii) The utility shall either state that its best estimates conform to the standards of this subparagraph or, if they do not, explain why they fail to conform and what steps the utility intends to take to achieve this standard by the next filing required under this part.

(d) *Exemption from reporting on time-of-day rate information.* No utility is required to gather and report load data for any customer group served under time-of-day rates. Each utility is instead required to submit all information which is required under §§ 290.305(a)(3), 290.305(b), 290.406, 290.501 and 290.502 for large and small rate classes, as described in this section.

(e) *Method for selecting customer groups.* The utility shall report load data for customer groups that existed on the last day of the year immediately preceding the reporting period and the demand or sales attributable to such classes.

18. Part 290 is amended by adding a new Appendix A at the end of this part, to read as follows:

Appendix A—Exempt Utilities

Electric utilities that are exempt from Part 290 pursuant to the Commission's Order No. 353, are as follows:

Investor-Owned Utilities

Arizona Public Service Company
Arkansas Power & Light Company
Baltimore Gas & Electric Company
Black Hills Power & Light Company
Carolina Power & Light Company
Central Louisiana Electric Company
Central Power & Light Company
Central Tele. & Utility Corporation
Connecticut Light & Power Company
Consolidated Edison Company of New York
Consumers Power Company
Dallas Power & Light Company
Delmarva Power & Light Company
Detroit Edison Company
Duke Power Company
El Paso Electric Company
Empire District Electric Company
Florida Power & Light Company
Georgia Power Company
Gulf Power Company
Gulf States Utilities Company
Houston Lighting & Power
Illinois Power Company
Indiana & Michigan Electric Company
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company
Iowa Southern Utilities Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company
Kingsport Power Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Public Service Company
Monongahela Power Company
Montana-Dakota Utilities Company
Montana Power Company
Narragansett Electric Company
New Orleans Public Service, Inc.
Northern States Power Company
Northern States Power Company
Northwestern Public Service Company
Orange & Rockland Utilities
Portland General Electric Company
Potomac Edison Company
Potomac Electric Power Company
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire
Public Service Company of New Mexico
Public Service Company of Oklahoma
Rochester Gas & Electric Corporation
St. Joseph Light & Power Company
South Carolina Electric & Gas Company
Southern Indiana Gas & Electric Company
Southwestern Public Service Company
Tampa Electric Company
Texas Electric Service Company
Texas Power & Light Company
Tucson Electric Power Company
Union Electric Company
Union Light, Heat & Power Company
United Illuminating Company
Utah Power & Light Company
Washington Water Power Company
Western Massachusetts Electric Company
Western Power Division of Central Tel. & Util. Corporation
Wheeling Electric Company
Wisconsin Public Service Corporation

Publicly-Owned Utilities

Colorado Springs, Colorado
Eugene, Oregon
Fayetteville, North Carolina
Kansas City, Kansas
Lincoln, Nebraska
Lower Colorado River Authority
Modesto Irrigation District (CA)
Nebraska Public Power District
Omaha Public Power District
Power Authority of the State of New York
PUD No. 1 of Benton County (WA)
PUD No. 1 of Chelan County (WA)
PUD No. 1 of Clark County (WA)
PUD No. 1 of Cowlitz County (WA)
PUD No. 1 of Douglas County (WA)
PUD No. 1 of Snohomish County (WA)
Richmond, Indiana
Salt River Project (AZ)
San Antonio, Texas
Seattle, Washington
Tacoma, Washington

Cooperatively-Owned Utilities

Clay Electric Cooperative (FL)
Cobb Electric Membership Corporation (GA)

Flint Electric Membership Corporation (GA)
Green River Electric Corporation (KY)
Henderson-Union Rural Electric Cooperative Corporation (KY)
Jackson Electric Membership Corporation (GA)
Northern Virginia Electric Cooperative (VA)
Rappahannock Electric Cooperative (VA)
Sam Houston Electric Cooperative
Walton Electric Membership Cooperative
Withlacoochee River Electric Cooperative (FL)

[FR Doc. 83-33008 Filed 12-12-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance; Change in Benefits to Students; Correction

AGENCY: Social Security Administration, HHS.

ACTION: Correction of final rule.

SUMMARY: In the Final Rule, concerning change in student benefits, which appeared in the **Federal Register** on May 16, 1983 (48 FR 21924) we revised § 404.367. In doing so we inadvertently omitted the provision of § 404.367(d) as published on February 8, 1983 (48 FR 5711).

FOR FURTHER INFORMATION CONTACT: Dave Smith, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-7460.

SUPPLEMENTARY INFORMATION: We found that we inadvertently omitted certain material in the Final Rule published in the **Federal Register** on May 16, 1983 (48 FR 21924). That material explains the effect of the conviction of a felony on an individual's status as a full-time student published as § 404.367(d) on February 8, 1983 (48 FR 5711). In order to correct the omission we are now adding the omitted material as a new paragraph (e). Accordingly, we are correcting § 404.367 by revising paragraphs (c) and (d) and adding paragraph (e) to read as follows, the introductory text of the section is set out for the convenience of the reader:

§ 404.367 When you are a "full-time elementary or secondary school student".

Beginning August 1982 you may be eligible for child's benefits if you are a full-time elementary or secondary school student. You are a full-time elementary or secondary school student if you meet all the following conditions:

* * * * *

(c) You are not being paid while attending the school by an employer who has requested or required that you attend the school;

(d) You are in grade 12 or below; and

(e) You are not confined in a jail, prison, or other penal institution or correctional facility for conviction of a felony committed after October 19, 1980. (See § 404.468, paragraphs (b) and (c) for the meaning of "felony" and an explanation of when we consider a person to be confined in a penal or correctional facility.)

(Catalog of Federal Domestic Assistance Programs Nos. 13.803 Social Security-Retirement Insurance; 13.805 Social Security-Survivors Insurance)

Dated: December 6, 1983.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 83-32979 Filed 12-12-83; 8:45 am]
BILLING CODE 4910-11-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 3H5381/ R624 PH-FRL-2476-4]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency Flucythrinate

Correction

In FR Doc. 83-31487 beginning on page 52917 in the issue of Wednesday, November 23, 1983, the docket line in the heading should read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

Buy America Requirements; Correction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Correction to final rule.

SUMMARY: This document provides a correction to the regulation on Buy America Requirements published at 48 FR 53099 on November 25, 1983. Under the paragraph that lists the Federal-aid highway construction project requirements, "cement" was inadvertently omitted from the phrase in § 635.410(b)(1) which addresses projects including permanently incorporated steel.

FOR FURTHER INFORMATION CONTACT: Mr. P. E. Cunningham, Construction and Maintenance Division, (202) 426-0392, or Ms. Ruth Johnson, Office of the Chief Counsel, (202) 426-0781, 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.

In FR Doc. 83-31656 appearing on page 53104 in the issue of Friday November 25, 1983, the FHWA hereby corrects 23 CFR 635.410(b)(1) to read as follows:

§ 635.410 Buy America requirements.

* * * * *

(b) * * *

(1) The project either: (i) Includes no permanently incorporated cement or steel materials; or (ii) if cement or steel materials are to be used, all manufacturing processes for these materials must occur in the United States.

* * * * *

(23 U.S.C. 315; section 165 of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat, 2097; 49 CFR 1.48(b)).

Issued on: December 2, 1983.

Rex C. Leathers,

Associate Administrator for Engineering and Operations, Federal Highway Administration.

[FR Doc. 83-33018 Filed 12-12-83; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Chs. IX, X, and XI

[Docket No. R-83-1123]

Establishment of a New Chapter for the Assistant Secretary for Public and Indian Housing and Redesignation of Regulations on Interstate Land Sales Registration and Solar Energy and Energy Conservation

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of announcement of effective date for final rule.

SUMMARY: On September 27, 1983 (48 FR 44071), the Department of Housing and Urban Development published a final rule which established a new Chapter in Title 24 for HUD regulations on public and Indian housing. The effective date provision of the published rule stated that the rule would become effective upon expiration of the first period of 30

calendar days of continuous session of Congress after publication, and announced the future notice of the rule's effectiveness would be published in the **Federal Register.** Thirty calendar days of continuous session of Congress have expired since the rule was published.

DATE: The effective date for the final rule published September 27, 1983 (48 FR 44071), is December 13, 1983.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

Dated: December 8, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-33134 Filed 12-12-83; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[T.D. 7925]

Penalties for Underpayment of Deposits and Overstated Deposit Claims, and Time For Filing Information Returns of Owners, Officers and Directors of Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to the penalty for underpayment of deposits and the penalty for overstated deposit claims, and to the time for filing information returns of owners, officers and directors of foreign corporations. The penalty for overstated deposit claims was added by the Economic Recovery Tax Act of 1981. A change in the time for filing information returns relating to foreign corporations was permitted by the Tax Equity and Fiscal Responsibility Act of 1982. The regulations provide guidance to officers and employees of the Internal Revenue Service with respect to the application of these civil penalties and filing deadlines. The regulations also provide guidance to the public (1) in obtaining relief from the penalty for overstated deposit claims if the overstatement was due to reasonable cause, and (2) for timely filing information returns required of owners, officers, and directors of foreign corporations. The regulations remove outdated regulation provisions relating to the penalty for underpayment of deposits. The regulations affect taxpayers required to make deposits of any internal revenue tax with government depositaries, and taxpayers required to file an information return as an owner, officer, or director of a foreign corporation.

EFFECTIVE DATE: The amendment to § 301.6656-1 and new § 301.6656-2 are effective with respect to returns filed after August 13, 1981. The amendment to § 1.6046-1 is effective with respect to returns filed after September 3, 1982.

FOR FURTHER INFORMATION CONTACT: Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3323, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On May 26, 1982, the **Federal Register** published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6656 of the Internal Revenue Code of 1954 (47 FR 22970). The amendments were proposed to conform the regulations to section 724 of the Economic Recovery Tax Act of 1981 (95 Stat. 344). After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision. The amendments to the Income Tax Regulations (26 CFR Part 1) under section 6046 of the Internal Revenue Code of 1954 will conform the regulations to section 341(a) of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 324).

Discussion

Section 6656(a) of the Code imposes a penalty of 5 percent of the amount of any underpayment of a mandatory deposit. This penalty is imposed if a taxpayer fails to make a required deposit or makes a deposit of an amount less than the amount required to be deposited. Current regulations relating to this penalty contain rules for deposits required to be made before January 1, 1970, based on the law in effect for those deposits. This Treasury decision deletes these outdated provisions.

Section 6656(b) was amended by section 724 of the Economic Recovery Tax Act of 1981. The amendment provides a new penalty for overstated deposit claims made in returns filed after August 13, 1981. Overstated deposit claims are amounts claimed in a return to have been deposited in a government depositary that have not actually been deposited. The penalty of 25 percent of the overstated deposit claim is imposed unless the taxpayer shows that the overstated claim was due to reasonable cause and was not due to willful neglect. The penalty applies in addition to any other penalties, such as the penalty provided by section 6656(a), relating to underpayments of deposits.

These regulations define an overstated deposit claim as the excess of the amount of deposits claimed on a return over the amounts actually deposited in a government depositary on or before the date the return is filed. An overstated deposit claim includes a claim of deposits when no deposits have been made as well as a claim of an amount of deposits in excess of the amount actually deposited. The penalty applies to overstated deposit claims contained in amended returns as well as such claims in original returns. The subsequent filing of a correct amended return for the period will not result in relief from the penalty, although it may in some cases be evidence that the original overstated deposit claim was due to reasonable cause. These regulations also set forth the procedure (which is the same procedure as is available with respect to the penalty imposed by section 6656(a)) by which a taxpayer can assert that the overstated deposit claim was due to reasonable cause and was not due to willful neglect.

A comment was received recommending that the regulation specifically state that section 7502(e) applies in determining the date a deposit is made. This recommendation is adopted in § 301.6656-1(a) and § 301.6656-2(b).

Section 6046(a) of the Code requires information returns to be filed by a U.S. owner of 5 percent or more in value of stock of a foreign corporation, and by officers and directors of foreign corporations so owned. Information returns are also required when a United States person (1) acquires an additional 5 percent in value of the outstanding stock, (2) owns 5 percent or more in value of the outstanding stock when the corporation is reorganized, or (3) reduces his holdings below the 5 percent level. Section 6046(d) requires that these information returns be filed on or before the 90th day after the date on which the liability to file arises.

Section 6046(d) was amended by section 341(a) of the Tax Equity and Fiscal Responsibility Act of 1982. The amendment, which applies to returns filed after September 3, 1982, allows the

Secretary to provide by forms or regulation a later date for filing the information returns required by section 6046(a). The regulations provide that any change in the time for filing these information returns may be provided by forms.

Drafting Information

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

Regulatory Flexibility Act and Executive Order 12291

The amendment to the regulations proposed by the notice of proposed rulemaking published on May 26, 1982, and adopted by this Treasury decision is interpretative. Therefore, the Regulatory Flexibility Act (5 U.S.C. chapter 6) did not apply to the notice of proposed rulemaking. The Commissioner of Internal Revenue has determined that this final regulation is not subject to Executive Order 12291.

List of Subjects

26 CFR 1.6001–1 through 1.6109–2

Income taxes, Administration and procedure, Filing requirements.

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1 and 301 are amended as follows:

Income Tax Regulations

PART 1—[AMENDED]

Paragraph 1. Paragraph (j)(1) of § 1.6046–1 is revised to read as follows:

§ 1.6046–1 Returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock, on or after January 1, 1963.

* * * * *

(j) *Time and place for filing return*—(1) *Time for filing.* Any return required by section 6046 and this section shall be filed on or before the 90th day after the date on which a United States citizen, resident, or person becomes liable to file such return under any provision of section 6046(a) and of paragraph (a), (b), or (c) of this section. With respect to returns filed after September 3, 1982, such return shall be filed on or before such later date (if any) as may be authorized by the return form. The Director of the Internal Revenue Service Center where the return is required to be filed is authorized to grant reasonable extensions of time for filing returns under section 6046 and this section in accordance with the applicable provisions of section 6081(a) and § 1.6081–1.

* * * * *

Regulations on Procedure and Administration

PART 301—[AMENDED]

Par. 2. Section 301.6656–1 is revised to read as follows:

§ 301.6656–1 Penalty for underpayment of deposits.

(a) *General rule.* If any person is required by the Code or regulations prescribed thereunder to deposit any tax in a government depositary that is authorized under section 6302(c) to receive the deposit, and fails to deposit the tax within the time prescribed therefor, a penalty shall be imposed on such person unless the failure is shown to be due to reasonable cause and not due to willful neglect. The penalty shall be 5 percent of the amount of the underpayment without regard to the period during which the underpayment continues. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, that was deposited on or before the date prescribed therefor. Section 702(e) applies in determining the date a deposit is made.

(b) *Assertion of reasonable cause.* To show that the underpayment was due to reasonable cause and not due to willful neglect, a taxpayer must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury. The statement must be filed with the district director for the district or the director of the service center where the return with respect to the tax is required to be filed. If the district director or the director of the service center determines that the underpayment was due to reasonable cause and not due to willful neglect, the penalty will not be imposed.

Par. 3. A new § 301.6656–2 is added immediately after § 301.6656–1, to read as follows:

§ 301.6656–2 Penalty for overstated deposit claims.

(a) *General rule.* Any person who makes an overstated deposit claim on a return is subject to a penalty equal to 25 percent of such claim, unless it is shown that the overstated deposit claim is due to reasonable cause and not due to willful neglect. This penalty is in addition to any other penalty provided by law, such as the penalty provided by section 6656(a), relating to underpayment of deposits.

(b) *Overstated deposit claim.* An overstated deposit claim is the excess of—

(1) The amount of any internal revenue tax for any period that a person claims, in a return (including an amended return) filed after August 13, 1981, to have deposited in a government depositary authorized under section 6302(c) to receive the deposit, over

(2) The aggregate amount for that period that the person has deposited, on or before the date such return for that period is filed, in a government depositary authorized under section 6302(c) to receive the deposit.

An overstated deposit claim includes a claim that deposits have been made when no deposits have been made in an authorized government depositary. The existence or amount of an overstated deposit claim is not limited even though the amount described in subparagraph (1) of this paragraph (b) or the amount described in subparagraph (2) of this paragraph (b) exceeds the actual tax liability. For purposes of this paragraph (b), the date a return is considered to be filed is the later of the date the return is due to be filed (not including extensions) or the date the return is actually filed. Section 7502(e) applies in determining the date a deposit is made. The application of this paragraph is illustrated by the following examples.

Example 1. On the date a return is due for the taxable period ended December 31, 1982, Z files the return claiming deposits of tax in the amount of $150 for that period. Z actually made deposits of $75 for that period on or before the date the return was due and filed. Z's tax liability for that period is $150. Z has made an overstated deposit claim in the amount of $75, the excess of the amount of tax claimed on the return to have been deposited ($150), over the amount actually deposited ($75) for that period on or before the date the return was due and filed.

Example 2. On the date a return is due for the quarter ended December 31, 1982, X files the return claiming deposits of tax in the amount of $200 for that period. X actually

made deposits of $100 for that period on or before the date the return was due and filed. X's tax liability for that period is $100. X has made an overstated deposit claim of $100, the excess of the amount of tax claimed on the return to have been deposited ($200), over the amount actually deposited ($100) for that period on or before the date the return was due and filed.

Example 3. The facts are the same as in example 2. For that quarter ended March 31, 1983, X files a return on the date it is due, claiming $100 (the excess of the amount of tax claimed to have been deposited on the prior quarter's return, $200, over X's liability for the prior quarter, $100) as a deposit for the quarter ended March 31, 1983. X did not actually deposit any amount for the quarter ended March 31, 1983, on or before the date the return was due and filed. X made an overstated deposit claim of $100 for the quarter ended December 31, 1982, as described in example 2. For the quarter ended March 31, 1983, X made an overstated deposit claim of $100, the excess of the amount of tax claimed to have been deposited ($100), over the amount actually deposited (0) for that period on or before the date the return was due and filed.

(c) *Assertion of reasonable cause.* To show that an overstated deposit claim was due to reasonable cause and not due to willful neglect, a taxpayer must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that is is made under the penalties of perjury. The statement must be filed with the district director for the district or the director of the service center where the return with respect to the tax is required to be filed. If the district director or the director of the service center determines that the overstated deposit claim was due to reasonable cause and was not due to willful neglect, the penalty will not be imposed. The fact that a correct amended return has been filed may in some cases be evidence that an overstated deposit claim on the original return was due to reasonable cause and not due to willful neglect, but is not determinative of that issue.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805). (Approved by the Office of Management and Budget under control number 1545–0794.)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: May 25, 1983.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 83–32990 Filed 12–12–83; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF INTERIOR

Minerals Management Service

30 CFR Parts 250 and 251

Environmental Reports; Information Requirements

AGENCY: Minerals Management Service, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking amends the regulations involving the information contained in Environmental Reports (ER's) which are submitted in conjunction with exploration plans, development and production plans, and drilling plans by lessees and permittees operating offshore. The final rule authorizes the tiering and referencing of information in ER's in order to reduce the information reporting requirements imposed on offshore lessees and permittees.

EFFECTIVE DATE: January 12, 1984.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860–7395.

SUPPLEMENTARY INFORMATION:

Background

As part of a larger effort by the Department of the Interior (DOI) to streamline regulations identified as excessive, burdensome, or counterproductive, DOI published a Notice of Proposed Rulemaking in the **Federal Register** on October 5, 1981 (45 FR 48951), requesting comments on proposed amendments to offshore operating regulations concerning ER's. The intended effect of the proposed rule was to reduce the volume of information that lessees and permittees must submit in ER's without eliminating any requirements that are necessary for the administration of offshore activities under the Outer Continental Shelf Lands Act (OCSLA) and other statutes.

Comments

In response to the Notice of Proposed Rulemaking, the Department received 13 timely comments, 7 from industry or trade associations, 5 from States, and 1 from another Federal Agency.

Difference Between Proposed Rule and Final Rule

The final rule reflects the suggestion that similar language concerning tiering and incorporation by reference of environmental information be included in 30 CFR Part 251 in connection with ER's associated with prelease drilling plans for deep stratigraphic test wells in addition to ER's associated with exploration plans, and development and production plans in 30 CFR Part 250.

Discussion of Comments

All of the industry commenters and the Federal Agency agreed with the proposed change and commended the Department for its attempt to lessen the information burden on the regulated public. Commenters agreed with the expected reduction in paperwork, avoidance of duplication of effort, and savings in resource expenditures.

One commenter suggested that language similar to that proposed for 30 CFR 250.34 be included in 30 CFR 251.6–2(b) to authorize tiering and incorporation by reference of environmental information in ER's submitted by permittees in association with drilling plans for prelease deep stratigraphic test wells. We agree with this suggestion, and it is so reflected in the final rule.

To further streamline the regulations, a commenter recommended the deletion of the requirement in 30 CFR 250.34–3(b)(1)(iii) for a discussion of the alternatives to the proposed activities that were considered during development of the plan and significant differences in the environmental impacts of the various alternatives. The commenter felt this regulations was unnecessary because the National Environmental Policy Act (NEPA) only requires such a discussion in Environmental Impact Statements (EIS) for major Federal actions. We disagree. The information requested in an ER is used, in part, by the Department to prepare an Environmental Assessment (EA) when an EIS is not necessary. The regulations of the Council of Environmental Quality (CEQ), 40 CFR 1508.9(b), define an EA to include a brief discussion of the alternatives and the environmental impacts of the proposed action and the alternatives. Because such a discussion of alternatives is required in an EA, the information is necessary and we, therefore, do not agree with the suggestion to delete the requirement in the offshore regulations.

Comments were received both endorsing and disagreeing with the proposed deletion of the requirement for an ER when an associated plan might not be required, i.e., in the western Gulf of Mexico. We regret any confusion that arose as a result of that proposal. The OCSLA authorizes an exemption for a development and production plan only. An ER is not part of such a plan. The information contained in an ER is meant essentially to meet the information needs of a State with an approved Coastal Zone Management (CZM) plan.

If the lessee's proposed activities have the potential to affect the coastal zone of a State with an approved CZM program, the final rule requires the submission of an ER. Therefore, even though we proposed to amend 30 CFR 250.34–3 to eliminate the requirement to file development and production plans in the western Gulf of Mexico, it will continue to be necessary to file an ER for a lease in the Gulf of Mexico adjacent to a State with an approved CZM program.

The States that responded to the proposal expressed varying degrees of disagreement with the proposed change in the regulations. Views ranged from support of the intent, with reservations about whether tiering and incorporation by reference would actually result in reductions of time and effort, to total opposition. The overriding concern of all the responsive States related to the availability for review of the documents that would be incorporated by reference. One commenter was concerned that review time could be increased instead of decreased if a reviewer had difficulty obtaining referenced material or if the material had been improperly referenced. Several commenters offered a method to deal with the problem of unavailability by requiring each company to submit a complete ER the first time one was required in an area allowing subsequent ER's to tier on or reference the initial ER. These States felt their proposal would allow for complete review of a company's intentions in an area and the potential environmental impacts of those intentions while assuring reviewers access to material referenced in later documents. We acknowledge the concerns expressed by the States regarding review of tiered documents. We believe the final rule reflects a reasonable accommodation of those concerns.

It is emphasized that this rulemaking change does not provide offshore lessees and permittees with new authorities they did not already possess but merely clarifies the availability of tiering and incorporation by reference provided for in CEQ regulations, 40 CFR Part 1500. The CEQ regulations encourage the use of tiering and incorporation by reference when the effect would be to "eliminate repetitive discussions of the same issues" or "to cut down on bulk." The tiered or referenced material must be summarized in the later document, and the earlier document must be "reasonably available for inspection by potentially interested persons within the time limit allowed for comment." The key to the success of this approach is the reasonableness of availability. The principal environmental documents that will be tiered or referenced are the areawide EIS's. We feel that the normal distribution of EIS's to the States is sufficient to meet the test of reasonableness. If there is any question of reasonableness of availability, we suggest that the States use the State or areawide clearinghouse review process under the Office of Management and Budget Circular No. A–95 Revised, Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects, January 2, 1976. Certain States are currently using this process for State environmental reviews of Federal activities offshore.

Secondly, the information included in an ER is, in part, required by the Department in its rule as clearinghouse for States with approved CZM plans. We recognize that the States can impose their own information requirements above and beyond what the Department requires. Any adjacent State with an approved CZM plan could require information from offshore lessees in such a fashion that neither tiering nor incorporation by reference could be utilized. However, we feel that this final rule properly clarifies the opportunities available for streamlining information collection as they relate to ER's for offshore operations.

List of Subjects

30 CFR Part 250

Continental shelf; Environmental impact statements; Environmental protection; Government contracts; Investigations; Mineral royalties; Oil and gas reserves; Penalties; Pipelines; Public lands/mineral resources; Reporting and recordkeeping requirements.

30 CFR Part 251

Continental Shelf; Freedom of information; Public lands/mineral resources; Reporting and recordkeeping requirements; Science and technology.

Information Collection

The information collection requirements contained in 30 CFR 250.34 and 30 CFR 251.6 have been approved by the Office of Management and Budget under 44 U.S.C. 3504(h) and assigned clearance number 1010–0049.

Authors

Jane Roberts and David Schuenke, Branch of Offshore Rules, Orders, and Standards, Minerals Management Service, Department of the Interior, (703) 860–7916.

Regulatory Analysis and Small Entity Flexibility Analysis

The Department has determined that this final rule does not constitute a major Federal action requiring preparation of a regulatory impact analysis under Executive Order 12291. The Department has also determined that this rule will not significantly affect a substantial number of small entities and, therefore, a small entity flexibility analysis is not required under the Regulatory Flexibility Act.

William P. Pendley,

Acting Assistant Secretary of the Interior.

April 9, 1982.

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

For the reasons stated above, 30 CFR 250 is amended as follows:

Section 250.34–3 is amended by revising the introductory text of (a) and the introductory text of (b) to read as follows:

§ 250.34–3 Environmental reports.

(a) *Environmental Report (Exploration).* At the same time the lessee submits an exploration plan to the Director, an Environmental Report (Exploration) shall be submitted, except as provided in § 250.34–1(a)(2)(ii). The report shall identify the name of the lessee or operator and the lease(s) involved. The report should be in summary form and shall include information available at the time the related exploration plan is submitted. Information and data which are site-specific or which are developed subsequent to the most recent environmental impact statement or other environmental impact statements and analyses in the immediate area shall be specifically considered. In order to eliminate the repetition of information and data discussed in the related plan, a broader presale environmental impact statement, other Environmental Reports, environmental analyses, or impact statements prepared for the geographic area, the lessee shall summarize the information, data, and issues in such other documents and concentrate on the issues specific to the site(s) of exploration activity. Discussions contained in the other documents shall be referenced when incorporation will cause a decrease in bulk without

impeding review of the issues. The material referred to shall be cited and described briefly in the Environmental Report (Exploration), and include a statement of where the material is reasonably available for inspection. Any material based on proprietary data which is not itself available for inspection shall not be referenced. The Environmental Report (Exploration) shall include the following:

* * * * *

(b) *Environmental Report (Development/Production).* At the same time the lessee submits a development and production plan to the Director, an Environmental Report (Development/Production) shall be submitted, except as provided for in § 250.34–2(a)(3)(ii). The report shall identify the name of the lessee or operator and the lease(s) involved. The report shall be as detailed as necessary to enable identification and evaluation of the environmental consequences of the proposed activities and shall include information available at the time the related plan is submitted. Information and data which are site-specific or which are developed subsequent to the most recent environmental impact statement or other environmental impact statements and analyses in the immediate area shall be specifically considered. In order to eliminate the repetition of information and data discussed in the related plan, a broader presale environmental impact statement, other Environmental Reports, environmental analyses, or impact statements prepared for the geographic area, the lessee shall summarize the information, data, and issues in such other documents and concentrate on the issues specific to the site(s) of development and production activity. Discussions contained in the other documents shall be referenced when incorporation will cause a decrease in bulk without impeding review of the issues. The material referred to shall be cited and described briefly in the Environmental Report (Development/Production), and include a statement of where the material is reasonably available for inspection. Any material based on proprietary data which is not itself available for inspection shall not be referenced. The Environmental Report (Development/Production) shall include the following:

* * * * *

PART 251—GEOLOGICAL AND GEOPHYSICAL (G&G) EXPLORATIONS OF THE OUTER CONTINENTAL SHELF

For the reasons stated above, 30 CFR 251 is amended as follows:

1. In 30 CFR 251.0, paragraph (e) is added to read as follows:

§ 251.0 Authority for information collection.

* * * * *

(e) The information collection requirements contained in 30 CFR 251.6 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010–0049. The information is being collected for regulation compliance. This information will be used to analyze and evaluate planned drilling activities of permittees on the Federal OCS. The obligation to respond is mandatory

2. Section 251.6–2(b) is amended by revising the introductory text to read as follows:

§ 251.6–2 Permit requirements for a deep stratigraphic test.

* * * * *

(b) At the same time the applicant submits a Drilling Plan to the Director, an Environmental Report shall be submitted. The report shall be in summary form and should include information available at the time the related Drilling Plan is submitted. Information and data which are site-specific or which are developed subsequent to the most recent environmental impact statement or other environmental impact statements and analyses in the immediate area, shall be specifically considered. In order to eliminate the repetition of information and data discussed in the related plan, a broader presale environmental impact statement, other Environmental Reports, environmental analyses, or impact statements prepared for the geographic area, the applicant shall summarize the information, data, and issues in such other documents and concentrate on the issues specific to the site(s) of drilling activity. Discussions contained in the other documents shall be referenced when incorporation will cause a decrease in bulk without impeding review of the issues. The material referred to shall be cited and described briefly in the Environmental Report and include a statement of where the material is reasonably available for inspection. Any material based on proprietary data which is not itself available for inspection shall not be referenced. The Environmental Report shall include the following:

* * * * *

(43 U.S.C. 1346)

[FR Doc. 83–33006 Filed 12–12–83; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 353

Regulations Governing United States Savings Bonds; Series EE and HH

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The regulations in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR, Part 353) govern United States Savings Bonds Series EE and HH. Subpart C of the regulations provides limitations on annual purchases. Section 353.10(a)(2) provides a special rule for an eligible employee plan. Section 353.13 states the conditions of eligibility for employee plans. Section 353.13(c)(3) requires that each participating employee must have an irrevocable right to request and receive trust assets credited to the employee's account. The regulations permit a limitation on this right by allowing a plan to provide that the employer's contribution does not vest absolutely until the employee has made contributions in each of the 60 calendar months succeeding the month of the employer's contribution. The amendment changes this last rule to provide that the employee's right to request and receive the trust assets may be limited in any manner required for qualification of the plan under section 401 of the Internal Revenue Code.

EFFECTIVE DATE: December 13, 1983.

FOR FURTHER INFORMATION CONTACT: Gerald Rock, Assistant Chief Counsel, Bureau of the Public Debt (202) 376–0243.

SUPPLEMENTARY INFORMATION: The amendment is being made to reflect changes in the Internal Revenue Code relating to employee plans. The amendment conforms requirements for eligibility for the special limitation on annual purchases to the requirements (including future changes) of the Internal Revenue Code. The amendment is made under the authority of 31 U.S.C. 3105 and 3121.

The Bureau of the Public Debt, Department of the Treasury, has determined that this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States.

Executive Order 12291

The proposed rule is not a "major rule," as defined in Executive Order 12291.

Paperwork Reduction Act

The Paperwork Reduction Act, Pub. L. 96-511, 94 Stat. 2812 (44 U.S.C. Chapter 35), does not apply to this rule because it does not contain information collection requirements which necessitate approval by the Office of Management and Budget.

Regulatory Flexibility Act

The Regulatory Flexibility Act, Pub. L. 96-354, 94 Stat. 1164, does not apply to this rule.

List of Subjects in 31 CFR Part 353

Bonds, Government securities.

PART 353—[AMENDED]

Accordingly, Department of the Treasury Circular, Public Debt Series No. 3-80 (31 CFR Part 353) is amended by revising § 353.13(c)(3) to read as follows:

§ 353.13 Employee plans—conditions of eligibility.

* * * * *

(c) *Conditions of eligibility.* * * *

(3) *Irrevocable right of withdrawal.* Each participating employee has an irrevocable right to request and receive from the trustee all assets credited to the employee's account (or their value, if the employee prefers) without regard to any conditions other than the loss or suspension of the privilege of participating further in the plan. A plan may limit or modify such right in any manner required for qualification of the plan under section 401 of the Internal Revenue Code of 1954 (26 U.S.C. Sec. 401).

Dated: December 7, 1983.

Carole Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-33010 Filed 12-12-83; 8:45 am]

BILLING CODE 4810-35-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 908

Policy and Procedures to Facilitate the Retention of Displaced Businesses and Residents in the Pennsylvania Avenue Development Area

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Interim rule with request for comment.

SUMMARY: Section 8(d) of the Pennsylvania Avenue Development Corporation Act of 1972, Pub. L. 92-578, October 27, 1972, (40 U.S.C. 877(d)) grants to qualified occupants of real property located within the Pennsylvania Avenue development area a preferential right to return to the development area as implementation of The Pennsylvania Avenue Plan—1974, as amended, (The Plan) occurs. The mandate under Section 8(d), presented the Pennsylvania Avenue Development Corporation (the Corporation) with a special and unique opportunity to provide for the retention of businesses and residents in the area. This goes beyond the Corporation's responsibilities as a Federal agency under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Relocation Act; Pub. L. 91-646, 84 Stat. 1984; 42 U.S.C. 4601 *et seq.*). Because of the unique issues involved, the Corporation, prior to formal rulemaking, solicited public comment on its proposed policy, program and procedures for implementing Section 8(d), (see 44 FR 58528, October 10, 1979). The interim rule herein presented, sets forth the Corporation's approved policy and procedures for implementing Section 8(d). It specifically provides for (1) the creation and retention of a list of qualified persons, (2) a policy providing notification to qualified persons of opportunities to occupy newly developed or substantially rehabilitated space, and (3) requirements to be adhered to by private developers. Comments are herewith solicited not only on the substance of this document, but also on its readability and organization.

DATES: *Effective date:* December 13, 1983.

Comments: Comments must be received on or before February 13, 1984.

ADDRESS: Send written comments to: Mr. Reginald H. Robinson, Program Manager, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004. All written comments relating to this interim rule will be available for public inspection on normal business days between 9:00 a.m. and 4:00 p.m. at this office.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald H. Robinson, Program Manager, Office of Real Estate, (202) 523-3726, or Mrs. Mary Schneider Chyun, Attorney, Office of the General Counsel, (202) 566-1078, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: The Pennsylvania Avenue Development Corporation is a wholly owned corporation of the United States government, created by Pub. L. 92-578 (October 27, 1972, as amended, 86 Stat. 1266, 40 U.S.C. 871, et seq; the Act. The Corporation was directed to prepare a comprehensive development plan for Pennsylvania Avenue, NW., and its northern environs between the White House and the U.S. Capitol in the District of Columbia. The Corporation prepared and Congress accepted, "The Pennsylvania Avenue Plan—1974," (the Plan), whch is now being implemented. During implementation, the Corporation and private developers acquire real property, and, of necessity, current occupants are displaced. Occupants displaced by the Corporation receive benefits pursuant to the Uniform Relocation Act. In addition to these benefits, the Congress recognized that persons who were to be displaced from the development area had materially contributed to that area and should be provided an opportunity to remain in the area after implementation of The Plan. Section 8(d) of the Act, therefore, provided a preferential right to lease or purchase such like real property in the development area as would permit occupants to return to the development area as implementation of The Plan occurred.

This program is being implemented through the mechanism of an Interim Rule for immediate effect in order to give Qualified Persons (who meet the criteria established in Part 908.10) the opportunity to participate in the project known as National Place, located at Pennsylvania Avenue to F Street, between 13th and 14th Streets, NW., while these regulations require compliance by all Developers. The Developer of National Place, is presently in the process of offering leasing opportunities and, in fact, the Developer's designee has begun lease negotiations. In order for Qualified Persons to be able to take advantage of this leasing opportunity, the Corporation is publishing this Interim Rule for immediate effect. To the extent that the Developer has entered into executed leases or negotiations for leases, they shall not be disturbed. The Developer, however, shall be obligated to provide the Corporation, within 14 days of the effective date of this Interim Rule, with a list of parties with whom it is negotiating leases. To the extent that any Qualified Person expresses interest in space that is currently the subject of negotiation, such Qualified Person may enter into negotiations with the Developer concurrently with any existing negotiation. If such existing negotiation is terminated, the Qualified

Person shall have the right to continue negotiating with the Developer on an exclusive basis for a total negotiating period of 90 days. No existing negotiation will be disturbed with any party who was negotiating with the Developer on the effective date of this Interim Rule. In order for the Developer to be eligible to continue his negotiations and to exempt spaces that are under an executed lease, within 14 days of publication of this Interim Rule the Developer shall submit a list of all those parties with whom there is an executed lease, or with whom there is an existing negotiation.

Statement of Significance

The Corporation was determined that this rule is not a major rule and does not require a regulatory impact analysis under Executive Order 12291, "Federal Regulations," (46 FR 13193, February 19, 1981). In addition, the Chairman of the Corporation's Board of Directors, has determined and hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, U.S.C. 603 and 604). These determinations have been made because this rule will impose no significant burdens nor have any significant economic impact on anyone not displaced by the Corporation or not seeking to develop or locate within the statutorily established boundaries of the Pennsylvania Avenue Development area.

List of Subjects in 36 CFR Part 908

Urban renewal, Urban planning, Small businesses, Relocation opportunities.

36 CFR Chapter IX, is amended by adding a new Part 908 to read as follows:

PART 908—POLICY AND PROCEDURES TO FACILITATE THE RETENTION OF DISPLACED BUSINESSES AND RESIDENTS IN THE PENNSYLVANIA AVENUE DEVELOPMENT AREA

Subpart A—General

Sec.

908.1 Policy.
908.2 Purpose.
908.3 Definitions.

Subpart B—Preferential Right To Relocate

908.10 Criteria for Qualified Persons.
908.11 List of Qualified Persons.
908.12 Retention on the List of Qualified Persons.
908.13 Rights of Qualified Persons.
908.14 Requirements placed on developers that have acquired or leased real property from the Corporation.
908.15 Requirements placed on developers that have not acquired or leased real property from the Corporation.

Subpart C—[Reserved]

Subpart D—Review Procedure

908.30 Request for review.
908.31 Time for filing request for review.
908.32 Review procedures.
908.33 Final determination.

Authority: Pennsylvania Avenue Development Corporation Act of 1972, as amended, sec. 5(e), Pub. L. 92-578, 86 Stat. 1271 (40 U.S.C. 874 (e)); Sec. 6 (8), Pub. L. 92-578, 86 Stat. 1271 (40 U.S.C. 875 (8)); sec. 8 (d), Pub. L. 92-578, 86 Stat. 1273 (40 U.S.C. 877 (d)).

Subpart A—General

§ 908.1 Policy.

One of the goals of The Pennsylvania Avenue Plan—1974, as amended, ("The Plan") is the reduction of hardships experienced by businesses and residents within the development area of the Pennsylvania Avenue Development Corporation ("the Corporation") when they are displaced as a result of implementation of The Plan. It is the policy of the Corporation to provide displaced businesses and residents with a preferential opportunity to relocate within the development area so that they may share in the benefits brought to the area by the implementation of The Plan.

This rule shall not be construed to affect the eligibility, rights or responsibilities of persons who may be entitled to benefits provided under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as implemented by the Corporation (36 CFR Part 904).

§ 908.2 Purpose.

The purpose of this rule is to: (a) provide a meaningful opportunity to businesses displaced by the Corporation's program to return to, or remain in, the Development Area; (b) establish procedures and requirements for displaced occupants by which they may establish and later exercise their preferential right to return to the Development Area; (c) establish procedures which the Corporation and private Developers must follow in providing Qualified Persons with the opportunity to obtain their preferential right to return to the Development Area.

§ 908.3 Definitions.

The following definitions shall apply to this part:

(a) "Developer" means a Person or team of Persons that has received preliminary approval for a development proposal or has been designated by the Corporation as Developer pursuant to a development competition.

(b) "Development Area" means the area described in Section 2 (f) of Pub. L. 92-578, October 27, 1972, as amended (40 U.S.C. 871 (f)), and for which the Plan has been prepared and will be implemented by the Corporation.

(c) "List" means the List of Qualified Persons maintained by the Corporation as provided in subsection 908.11 (a) of this rule.

(d) "Newly developed space" means any leaseable part of a new building in the Development Area upon which construction was commenced after October 27, 1972 or an existing building in the Development Area which after October 27, 1972 underwent substantial remodeling, renovation, conversion, rebuilding, enlargement, extension or major structural improvement, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy.

(e) "Person" means a partnership, company, corporation, or association as well as an individual or family, but does not include a department, agency, or instrumentality of any Federal, state, or local government.

(f) "Previous location" means the space from which the Eligible Person was or is being displaced as a result of the Corporation's or Developer's acquisition of real property, or as a result of receiving a written order to vacate from the Corporation.

Subpart B—Preferential Right To Relocate

§ 908.10 Criteria of Qualified Person.

"Qualified Person" is either

(a) a Person whose place of business or residence was located in the Development Area and was displaced from its location by:

(1) the Corporation in connection with the acquisition of fee title, or a lesser interest, in the real property containing such business or residence; or

(2) a Developer in implementing a development project in accordance with the Plan; or

(b) a Person whose place of business or residence is located in the Development Area and who has received notice of initiation of negotiations by the Corporation for purchase of the real property containing such business or residence.

§ 908.11 List of Qualified Persons.

(a) The Corporation shall develop and maintain a List of Qualified Persons who

meet the criteria of Qualified Person as defined in § 908.10 and who ask to be placed on that list.

(b) The Corporation shall notify each occupant displaced by development provided an address is available to the Corporation, of this policy and the procedures to be followed for placement on the List.

(c) A person who wishes to be included on the List shall notify the Corporation in writing to that effect. The notice to the Corporation shall include:

(1) the address of the Previous Location;

(2) a short statement indicating the nature of the Qualified Person's occupancy;

(3) the amounts and type of space occupied prior to displacement;

(4) a description of any specialized equipment or unusual requirements for occupancy; and

(5) a copy of the notice to vacate from the Developer or notice of initiation of negotiations from the Corporation if either of these was received by the Qualified Person.

(d) The Corporation shall:

(1) review the information furnished by the Person including any notice;

(2) request additional information, if necessary to make a determination of the Person's qualifications;

(3) determine whether the Person is qualified to be listed, and if so place the Person on the list; and

(4) notify the Person of its determination.

(e) The Corporation urges that any Person who wishes to be placed on the List request such placement as soon as the Person meets the criteria for Qualified Person established in § 908.10, and all Persons are encouraged to do so no later than one year of the time the Person is displaced in order to increase the opportunity to obtain Newly Developed Space. However, no Person shall be denied placement on the List because such placement was not requested within one year of displacement.

§ 908.12 Retention on the List of Qualified Persons.

(a) Once placed on the List, the Corporation shall keep a Person on the List until:

(1) the Corporation receives a written request from the Qualified Person to be removed from the List;

(2) the Qualified Person is relocated into or has a binding lease commitment for Newly Developed Space;

(3) the Qualified Person sells, transfers, or merges its interest in the displaced business, unless after such change in ownership Qualified Persons have at least fifty-one percent of the interest in the resulting business; or

(4) the Corporation receives a mailing returned from the Post Office that the Person is not located at the known address and left no forwarding address, provided that the Corporation shall reinstate any such removed name if the Person provides the Corporation with a current address; or

(5) the Corporation ceases operations upon completion of the Plan.

(b) A Qualified person relocated into newly developed space, may only again be placed on the List:

(1) if another branch of its business is subsequently displaced from space within the Development Area which is not Newly Developed Space; and

(2) if all requirements of § 908.10 of the rule are met with regard to the subsequent displacement.

§ 908.13 Rights of Qualified Persons.

(a) As provided in §§ 908.14 (c) and 908.15 (b), each Qualified Person on the List shall receive notices of opportunities to occupy Newly Developed Space as opportunities become available.

(b) As provided in §§ 908.14 (d) and 908.15 (c), each Qualified Person on the List shall be notified of any subsequent changes in the leasing plan which are, in the Corporation's opinion, major.

(c) Each Qualified Person on the List, who is interested in negotiating for occupancy of Newly Developed Space shall, within two weeks after receiving notice of a tenanting opportunity, provide written notice of its interest in the tenanting opportunity to the Developer, and furnish a copy of the written notice to the Corporation.

(d) Each Qualified Person on the List who provides a written notice of interest shall have ninety days following the Developer's receipt of the notice of interest for exclusive negotiations with the Developer for occupancy of the Developer's Newly Developed Space. During the ninety day period the Developer, subject to §§ 908.14 and 908.15 of this rule, shall not negotiate tenanting opportunities for the same Newly Developed Space requested by the Qualified Person with other than Qualified Persons.

(e) A Qualified Person's opportunity to occupy Newly Developed Space shall not be limited to the square on which its previous location was situated but extends throughout the Development Area. Similarly, no Qualified Person has an absolute right to return to the square where previous location was situated.

(f) A Qualified Person's opportunity to occupy space may be exercised in the Development Area at any time during the Corporation's existence, but such opportunity may only be exercised within Newly Developed Space.

(g) A Qualified Person has one opportunity to occupy Newly Developed Space for each location in the Development Area from which it is displaced.

(h) The Corporation cannot assure any Qualified Person that it will be relocated to Newly Developed Space.

§ 908.14 Requirements placed on developers that have acquired or leased real property from the Corporation

Developers who have acquired or leased real property from the Corporation shall:

(a) Notify the Corporation, within six months of the approval of the Developer's building permit, of its leasing plan and when it intends to begin seeking tenants. The Developer shall include at least the following in its leasing plan:

(1) The mix of uses and estimated square footage for each use;

(2) The rentals to be charged by type of use and location;

(3) The terms and conditions to be included in the leases, including financial participation;

(4) The selection criteria to be used by either the Developer or its agents; and

(5) The projected completion and occupancy dates.

(b) Notify the Corporation of any changes in the Developer's leasing plan.

(c) Send registered letters to all Qualified Persons on the List notifying them that the developer is seeking tenants and advising them that they have two weeks to provide the developer with written notice of their interest and ninety days thereafter for exclusive negotiations. This letter shall include a description of the mix of uses in the project, the rentals to be charged by type of use and location, the terms and conditions to be included in leases, the projected completion and occupancy dates, and the selection criteria to be used to choose tenants. The Developer will furnish the Corporation with an enumeration of the Qualified Persons it has notified and a copy of the letter and any attachments sent.

(d) Notify in writing each Qualified Person whom the Developer has previously contacted of changes in the Developer's leasing plan which the Corporation determines are major.

(e) Provide a ninety day period for exclusive negotiations with Qualified Persons, said period to commence with the timely receipt by the Developer of the written notice of interest from the

Qualified Person. During this period the Developers shall:

(1) Negotiate tenanting opportunities only with Qualified Persons who have notified the Developer of their interest in the opportunity;

(2) Not seek other potential tenants or negotiate agreements to occupy the Newly Developed Space requested by Qualified Persons with anyone other than those Qualified Persons who have timely notified the Developer of their interest in the opportunity, except that a Developer may negotiate agreements with equity partners in the project who will become tenants or with prime tenants; and

(3) Negotiate in good faith with interested Qualified Persons and seek to accommodate them as tenants.

(f) Report to the Corporation at the conclusion of the ninety day period of exclusive negotiations concerning the results of its efforts. In particular the developer shall:

(1) state the number of responses which it received from Qualified Persons;

(2) state the number of Qualified Persons with whom it has reached agreement and the name of each;

(3) state the number of Qualified Persons with whom it is still negotiating and the name of each; and

(4) describe the Developer's negotiations with each Qualified Person including a summary of each communication between the Developer and each Qualified Person with whom agreement has not been reached, the Developer's best offer to each Qualified Person, the best offer of each Qualified Person to the Developer, and the specific reasons why any Qualified Persons did not meet the selection criteria.

(g) Report to the Corporation quarterly thereafter until the project is fully leased or there are no more Qualified Persons interested in leasing space, whichever first occurs, concerning the results of its nogotiations with Qualified Persons. In particular the Developer shall state:

(1) the number of Qualified Persons with whom it has reached agreement and the name of each;

(2) the percentage of square feet of total leasable space which it has leased to Qualified Persons; and

(3) a description of the Developer's negotiations with each Qualified Person including a summary of each communication between the Developer and each Qualified Person with whom agreement has not been reached, the Developer's best offer to each Qualified Person, the best offer of each Qualified Person to the Developer, and the specific reason why the Developer determines any Qualified Person did not meet its selection criteria.

§ 908.15 Requirements placed on developers that have not acquired or leased real property from the Corporation.

The Corporation shall encourage Developers that do not acquire or lease real property from the Corporation to lease to Qualified Persons.

(a) While reviewing the Developer's preliminary or final plans, the Corporation shall explore the tenanting opportunities proposed by the Developer and furnish the Developer with the List.

(b) The Corporation shall notify those Qualified Persons on the List who appear to be prospective tenants for the available tenanting opportunities of this tenanting opportunity. To the extent that such information is available to the Corporation, these notices shall specify the mix of uses in the project, the rentals to be charged by type of use and location, the terms and conditions to be included in the leases, the projected completion and occupancy dates and the selection criteria to be used in choosing tenants.

(c) The Corporation shall notify in writing each Qualified Person whom it has previously contacted of changes in the Developer's plan provided the Corporation is informed of the changes and determines the changes are major.

(d) The Corporation shall request that the Developer make every effort to lease space to Persons on the List and to report to the Corporation the names of those Qualified Persons who have reached an agreement with the Developer.

Subpart C—[Reserved]

Subpart D—Review Procedure

§ 908.30 Request for review

(a) Any Person aggrieved by a determination concerning placement or retention on the List or any other right under Subpart B of this rule, may request that the determination be reviewed.

(b) The applicant's request for review, shall be in writing, shall state the reasons for requesting review, and shall describe the relief sought (including all information the aggrieved person believes to be relevant). The applicant's written request shall be sent to the Director of Real Estate, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Washington, D.C. 20004.

§ 908.31 Time for filing request for review.

Any person who files a request for review must do so within one year of the date of the determination for which review is sought.

§ 908.32 Review procedures.

(a) Upon receipt of a request for review, the Director of Real Estate shall compile all pertinent records maintained on the aggrieved person's application, including the following:

(1) Information on which the original determination was based, including applicable regulations;

(2) Information submitted by the applicant including the request for review and any information submitted in support of the application;

(3) Any additional information the Director of Real Estate considers relevant to a full and fair review of the application and which he obtains by request, investigation or research.

(b) The Director of Real Estate shall submit the complete file together with a summary of the facts and issues involved in the application to the Chairman of the Board of Directors of the Corporation or his or her designee ("Chairman or designee") within 30 days of receipt of the request for review.

(c) The Chairman may either review the application or designate one or more persons from the Board of Directors or from outside the Corporation to review the claim. During review the Chairman or designee(s) may consult with the Corporation's Office of General Counsel to obtain advice on legal issues arising from the claim.

§ 908.33 Final determination.

(a) The Chairman or designee(s) shall make a final determination on the claim within 45 days of receipt of the file from the Director of Real Estate. The final determination shall be in the form of Findings of Fact and Conclusions of Law and shall be sent to the aggrieved person and to the Director of Real Estate.

(b) If the applicant is determined to have been aggrieved, the Director of Real Estate shall promptly take appropriate action in accordance with the final determination.

(c) A notice of the right to judicial review shall be sent to the aggrieved person with the final determination.

Signed in Washington, D.C., dated: August 8, 1983.

Henry A. Berliner, Jr.,

Chairman.

[FR Doc. 83-32939 Filed 12-12-83; 8:45 am]

BILLING CODE 7630-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 707

[OPTS 130000A; TSH FRL 2444-5]

Chemical Imports and Exports; General Import Requirements and Restrictions Policy for Import of Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This policy explains how EPA will interpret and carry out its responsibilities under the Toxic Substances Control Act (TSCA) section 13 chemical substances import rule issued by the U.S. Customs Service (Customs), Treasury Department. The Customs rule was published in the **Federal Register** of August 1, 1983 (48 FR 34734), and is codified in 19 CFR 12.118 through 12.127, and 127.28 [amended]. The effective date of the Customs rule was postponed to January 1, 1984, as published in the **Federal Register** of September 30, 1983 (48 FR 44771).

DATE: The effective date of this policy is December 13, 1983.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

Background

Customs issued a final rule concerning import of chemical substances under section 13 of the Toxic Substances Control Act (15 U.S.C. 2612), which was published in the **Federal Register** of August 1, 1983 (45 FR 34734). The Customs rule is codified in 19 CFR 12.118 through 12.127, and 127.28 [amended]. The effective date of the Customs rule was postponed to January 1, 1984, as published in the **Federal Register** of September 30, 1983 (48 FR 44772).

When the Customs rule was proposed in the December 1, 1980, issue of the **Federal Register** (45 FR 79730), EPA simultaneously proposed and solicited comment on a policy concerning EPA responsibilities under TSCA section 13 (45 FR 79726). This is the final EPA policy explaining how EPA will carry out its responsibilities under the Customs chemical substances import rule. The EPA policy is codified in 40 CFR with other EPA rules. It cross-references the Customs rule at 19 CFR Part 12.

Comments that were received on the proposed Customs rule and proposed EPA policy are addressed in the preamble to the final Customs rule, which was published in the **Federal Register** of August 1, 1983 (45 FR 34734). The final rule and policy adopted several suggestions made by commenters.

Customs Rule Provisions

The Customs rule requires importers of chemical substances in bulk or as part of a mixture subject to TSCA to certify at the port of entry that the chemical substances and their import comply with TSCA. Because some chemicals (e.g., pesticides) are not "chemical substances" subject to TSCA, the Customs rule requires importers to certify that such chemicals are not subject to TSCA. The rule also describes entry and detention procedures that will be used to insure compliance.

Customs has the responsibility to detain all shipments that fail to comply with TSCA or any applicable rule or order under TSCA. EPA's responsibilities under the rule are to determine whether detained shipments and their entries comply, to notify Customs which shipments should be detained, and to identify steps necessary to bring detained shipments into compliance, or to be taken when shipments are not brought into compliance. Because of its relevant knowledge and expertise, EPA is also responsible for storage and disposal of abandoned noncomplying shipments.

The Customs rule sets forth general certification requirements and detention procedures. It does not address how a chemical shipment and its import would comply with TSCA. The main purpose of the EPA policy statement is to describe what compliance with TSCA means.

TSCA'S Treatment of Imports

The policy of Congress toward regulation of imports under TSCA is expressed in the legislative history of TSCA:

> [I]mported chemical substances and mixtures will be subject to regulation in the same manner as domestically produced chemical substances and mixtures are. In addition, importers of chemical substances and mixtures will have the same responsibilities and obligations as domestic manufacturers. H.R. Rep. No. 94-1341, 94th Cong. 2d Session 12-13 (1976).

The Act recognizes the critical position of importers in protecting health and the environment from exposure to hazardous chemicals by defining "manufacture" to include importation in addition to domestic production and manufacture (section 3(7); 15 U.S.C. 2602(7)). Consequently, whenever TSCA places responsibilities on domestic manufacturers, the responsibilities also extend to importers.

The TSCA regulations that apply to importers, because they are defined as manufacturers, include among other things, section 5 rules for chemical substances not on the TSCA Inventory and for chemicals subject to notification for significant new uses, and other manufacture or use restrictions under section 6. Importers must comply with such rules under section 5 and section 6 before chemicals may be imported. Importers may also be subject to export notification requirements under section 12 when entry is denied for an intended import, and the importer chooses to export noncomplying shipments.

In addition, because TSCA defines importers as manufacturers, importers may be subject to rules such as testing requirements under section 4 and reporting requirements under section 8.

However, because such rules do not apply to individual chemical shipments, and because compliance with such rules may be a lengthy procedure, importation would not depend on the importers' satisfaction of section 4 and section 8 requirements. However, if a section 4 or 8 rule requires notification of EPA prior to the import of a specified chemical, any importer of that chemical should ensure that the required notification has been completed before certifying that a shipment containing the chemical is in compliance with TSCA.

Importers are subject as manufacturers to sanctions for violations of TSCA. Section 16 of TSCA describes civil penalities and criminal penalties which may be invoked. Sections 7 and 17 provide for specific enforcement of TSCA by the district courts of the United States, and for seizure and condemnation of noncomplying chemical substances, mixtures, and articles by process of libel. If an imported shipment does not comply with TSCA, EPA will seek appropriate remedies under TSCA against persons responsible for the violations. The sanctions are in addition to those which may independently be prescribed for violation of the Customs rule.

Meaning of Certification

Certification that a chemical import complies with TSCA, and that an importer has discharged all the TSCA obligations related to the import, is accomplished by a brief statement to be typed or preprinted on an entry document, invoice, or attachment and to be signed by the importer. The statement would read: "I certify that all chemical substances in this shipment comply with all applicable rules under TSCA and that I am not offering a chemical substance for entry in violation

of TSCA or any applicable rule or order under TSCA."

The section 13 rule requires importers to certify that other appropriate TSCA requirements are satisfied; section 13 by itself does not impose additional substantive requirements. No more detailed information than is needed to comply with other TSCA rules is needed to comply with the section 13 certification requirement.

The final Customs rule requires importers of chemicals not subject to TSCA (e.g., pesticides) to sign the statement: "I certify that all chemicals in this shipment are not subject to TSCA." This was added to the rule at the request of commenters who were concerned about possible delays at entry ports.

Chemical Substances Subject to Certification

Under the Customs rule, certification of compliance with TSCA is required for chemical substances imported in bulk or as part of mixtures. The certification requirement becomes effective January 1, 1984.

The rule does not require certification for chemical substances imported as part of articles unless EPA requires reporting under a TSCA rule. The primary reason for not requiring certification of all articles at this time is the difficulty in identifying their component chemical substances and mixtures for purposes of determining whether they are on the TSCA Chemical Substance Inventory. At this time, there are no TSCA rules which apply to articles. However, future TSCA rules may apply to articles containing certain chemical substances. These future TSCA rules which apply to articles will specify that certification is required.

Who Must Certify

One commenter requested that the section 13 rule allow development of a corporate mechanism, similar to that of TSCA section 8(e), to end individual liability when the importing company institutes a corporate certification procedure. The rule does not adopt this suggestion. As discussed in the preamble to the Customs rule, the person who certifies is responsible for the truth of his statement. However, EPA would use its prosecutional discretion to determine appropriate liability for persons involved in specific cases.

In this policy, "importer" is defined by reference to the Customs section 13 rule. This adopts the general Customs definition at 19 CFR 101.1(k). The definition is repeated here for convenience.

> "Importer" means the person primarily liable for the payment of any duties on the merchandise, or an authorized agent acting on his behalf. The importer may be: (1) The consignee, or (2) the importer of record, or (3) the actual owner of the merchandise if an actual owner's declaration and superseding bond has been filed in accordance with § 141.20 of this chapter, or (4) the transferee of the merchandise, if the right to withdraw merchandise in a bonded warehouse has been transferred in accordance with subpart C of Part 144 of Chapter I of 19 CFR.

TSCA Requirements Covered by Certification

The exact TSCA requirements concerning chemical imports will change as rules are developed and other actions taken under sections 5, 6, and 7 of TSCA. Consequently, it will be important for importers to remain informed of TSCA rules. Examples of current requirements are described below. To obtain additional information on TSCA rules, importers may contact the TSCA Assistance Office to be placed on the mailing list for the Chemicals-In-Progress Bulletin. This is a bi-monthly publication that lists current rulemakings. EPA uses the Chemicals-In-Progress Bulletin mailing list when the Agency sends out other information about TSCA. Importers may request other information by writing or phoning the TSCA Assistance Office at the address given above under **"FOR FURTHER INFORMATION CONTACT."**

1. *Inventory and premanufacture notice requirements.* Section 5(a)(1) of TSCA imposes an important responsibility on persons who intend to import new chemical substances into the United States. Persons who import chemical substances not on the TSCA Inventory must submit premanufacture notices under section 5, 90 days prior to import. If a chemical substance is not on the Inventory, its importation would comply with TSCA requirements only if (a) the chemical substance had completed EPA review under section 5, or (b) it were exempt from section 5 requirements.

A chemical substance is considered to be on the Inventory if it is on the EPA Master Inventory File. This includes the most recently published chemical substances Inventory (including any supplements or revisions) and substances accepted for inclusion on the Inventory but not yet published. The most recently published Inventory is the Revised Inventory. This consists of the Initial Inventory published on June 1, 1979, together with the Cumulative Supplements published in July 1980, and May 1982.

The importer certification applies only to chemical substances intentionally present in the import. Impurities are not generally subject to section 5 requirements. There are other specific exemptions from section 5 requirements. One exemption applies to chemical substances imported solely for research and development. Under section 5, the importer would himself determine whether an import were intended solely for research and development. Another exemption applies to chemical substances imported for test marketing purposes. Persons planning to import chemical substances for test marketing purposes must apply for an exemption from section 5 requirements if they do not submit a PMN. These section 5 requirements are described in detail in: Premanufacture Notification: Premanufacture Notice Requirements and Review Procedures, published in the **Federal Register** of May 13, 1983 (48 FR 21721).

2. *Other requirements.* Certification of compliance with TSCA also means that imported chemical substances and their importation comply with any applicable requirement in effect under sections 5, 6, or 7 of TSCA. These requirements may include, among others, significant new use notification requirements under section 5(a)(2); prohibitions or limitations on importation, processing, or distribution under sections 5(e), 5(f), or 6; and court orders under section 7. Importers will need to be aware of rules that apply to imports of chemical substances in bulk, in mixtures, or in articles in order to ensure that applicable rules have been observed.

A commenter pointed out that a chemical substance imported for purposes exempt from TSCA might later be used for TSCA-regulated purposes. The commenter asked if the importer would be responsible in this situation, and suggested that the situation be covered by a preprocessing notification similar to the one proposed on August 15, 1980.

This suggestion has not been adopted, because EPA considers the situation unlikely to occur.

Basis for Certification—Enforcement

Under this section 13 rule, the importer is required to place the certification of compliance on the appropriate entry document. The importer who certifies may, in a particular case, be the person primarily liable for payment of duties or one of his agents. In some cases, a domestic purchaser may cause the importation and handle the entire entry process himself, without employing agents. In other cases, brokers or other agents may be used. In any case, the person

certifying compliance must insure that the imported chemical substances comply with TSCA and any applicable regulations under TSCA.

Whenever the documents accompanying the imported shipment identify the chemical substances exactly, the person who is certifying compliance can check the identity against requirements under TSCA. When the chemical substance or mixture is imported under a name that does not identify it exactly, and the person certifying does not otherwise know the identity, he should attempt to discover the chemical constituents of the shipment by contacting another party to the transaction (e.g., his principal or the foreign maufacturer). This person may be able to identify the components of the substance or mixture, or at least state that the substance or mixture complies with TSCA. The greater the effort an importer makes to learn the identities of the imported substances, the smaller his chance of committing a violation by importing a noncomplying shipment. If a shipment were ultimately determined to have violated TSCA, the good faith efforts of the importer to verify compliance, as evidenced by documents contained in his files, may obviate or mitigate the assessment of a civil penalty under section 16 of TSCA.

International Cooperation

EPA recognizes its obligations under Title IV of the Trade Agreements Act of 1979 (Pub. L. 96-39). That law provides the legal framework for implementing trade agreements entered into by the United States; Title IV (Standards Code) sets forth principles and procedures for Federal agencies, including EPA, to follow in their rulemakings, to prevent the creation of unnecessary technical barriers to foreign trade.

The Standards Code is not intended to prevent Federal agencies from making rules or setting standards affecting international trade, for example, in chemical products, if such measures have a demonstrable purpose to achieve a legitimate domestic objective, such as protecting health, safety, and the environment within the United States, and do not serve to exclude imported products that fully meet the objectives of such measures. The Standards Code states, however, that agencies involved in such rulemaking shall consider the adoption of existing international standards, if they are appropriate, and insure that imported products are treated no less favorably than like domestic or other imported products. Although there are no existing international standards for control of imported chemicals, at such time as international agreement is reached, EPA would be prepared to modify this policy as needed. However, EPA considers that the TSCA section 13 policy complies with the principles of the international Standards Code. In addition, the certification required by the section 13 rule is designed to acknowledge compliance with TSCA requirements that are also in effect for domestically manufactured chemical substances.

Economic Impact

An analysis of the industry cost of importer certification was prepared in conjunction with development of the section 13 rule issued by the U.S. Customs Service (see 48 FR 34734, August 1, 1973). This policy statement imposes no costs beyond those considered in the promulgation of the section 13 rule.

Public Record

The EPA public record for development of this import policy is docket OPTS 130000. All documents, including the final Customs rule, are available to the public in the OTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days in Rm. E-107, 401 M St., SW., Washington, D.C. 20460. This record includes basic information considered by EPA and Customs in developing the rule and policy. The EPA public record contains all comments submitted to EPA and copies of all comments submitted to Customs.

List of Subjects in 40 CFR Part 707

Chemicals, Environmental protection, Imports, Exports, Reporting and recordkeeping requirements.

(Sec. 13, Pub. L. 94-469, 90 Stat. 2034 (15 U.S.C. 2612))

Dated: December 6, 1983.

William D. Ruckelshaus,

Administrator.

Therefore, 40 CFR Part 707 is amended by adding a new Subpart B consisting of § 707.20 to read as follows:

PART 707—IMPORTS AND EXPORTS

Subpart A—[Reserved]

Subpart B—General Import Requirements and Restrictions

§ 707.20 Chemical substances import policy.

(a) *Scope.* (1) This statement addresses the policy of the Environmental Protection Agency (EPA) on importation of chemical substances, mixtures, and articles under section 13 of the Toxic Substances Control Act (TSCA; 15 U.S.C. 2601 et seq.). In particular, it addresses aspects of the regulation promulgated by the United States Customs Service (Customs), Department of the Treasury (19 CFR 12.118 through 12.127, and 127.28 [amended]) to implement section 13 of TSCA, 15 U.S.C. 2612. Section 13 requires the Secretary of the Treasury to refuse entry into the Customs territory of the United States of a chemical substance, mixture, or article if it does not comply with rules in effect under TSCA, or if it is offered for entry in violation of TSCA or rules or orders under TSCA.

(2) In addition to this statement of policy, EPA will continue, as necessary, to address problems associated with imports in rulemaking and other actions under individual sections of TSCA, i.e., sections 4, 5, 6, 7, 8, and 12. Sections 5, 6, and 7 apply directly to imports subject to the section 13 requirements. Section 12 may apply to export of a shipment that is refused entry under section 13. Importers may have obligations under sections 4 and 8; section 4 and 8 requirements for importers would not apply to individual chemical shipments and thus are not included under section 13 requirements. Interested persons should refer to the records of these individual rulemaking actions for specific information and guidance.

(b) *Objectives.* (1) TSCA is intended to be comprehensive, and assure protection of health and the environment from unreasonable risks associated with chemicals whether the chemicals are imported or produced domestically. This intent is manifested by the inclusion of importation in the Act's definition of the term "manufacture": "[M]anufacture means to import * * *, produce, or manufacture" (15 U.S.C. 2602(7)). Thus, importers are responsible for insuring that chemical importation complies with TSCA just as domestic manufacturers are responsible for insuring that chemical manufacture complies with TSCA.

(2)(i) The section 13 rule requires importers to sign the following statement for each import of chemical substances subject to TSCA: "I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order under TSCA." The certification will document that, in accordance with TSCA, the importer has taken the necessary steps to insure compliance.

(ii) The section 13 rule requires importers of chemicals not subject to TSCA (e.g., pesticides) to certify that

compliance with TSCA is not required. Importers must certify this by signing the statement: "I certify that all chemicals in this shipment are not subject to TSCA." This is appropriate when a chemical import is not clearly identified as a pesticide or other chemical not subject to TSCA.

(3) The United States is involved in a major effort toward international harmonization in the control of chemicals. At such time as international agreement is reached on this issue, EPA would be prepared to modify its policy if necessary. EPA believes that its international harmonization efforts in the control of chemicals will protect health and the environment while fulfilling its obligations under the Trade Agreements Act of 1979.

(c) *The section 13 rule*—(1) *General certification.* (i) The rule promulgated under section 13 of TSCA by Customs, in consultation with EPA, implements the requirement of section 13 that chemical substances, mixtures, or articles not in compliance with TSCA, or whose importation is not in compliance with TSCA, shall be denied entry into the customs territory of the United States. The rule requires that importers certify by a statement, on the entry document or invoice, that any shipment of a chemical substance subject to TSCA, imported in bulk or as part of a mixture, complies with TSCA, and that it is not offered for entry in violation of TSCA or any rule or order under TSCA, or that the chemicals imported are not subject to TSCA.

(ii) The certification applies to TSCA sections 5, 6, and 7.

(iii) EPA expects that this certification will be based upon actual knowledge of the importer in most cases. However, EPA realizes that sometimes importers may not have actual knowledge of the chemical composition of imported mixtures. In these cases, the importer should attempt to discover the chemical constituents of the shipment by contacting another party to the transaction (e.g., his principal or the foreign manufacturer). This person may be able to identify the components of the mixture, or at least state that the substances comply with TSCA. The greater the effort an importer makes to learn the identities of the imported substances and their compliance with TSCA, the smaller his chance of committing a violation by importing a noncomplying shipment. If a shipment is ultimately determined to have violated TSCA, the good faith efforts of the importer to verify compliance, as evidenced by documents contained in his files, may obviate or mitigate the assessment of a civil penalty under section 16 of TSCA.

(2) *EPA enforcement.* (i) EPA and Customs will monitor chemical imports to determine if shipments and their import comply with the certification requirements and the substantive mandates of TSCA. Customs will refuse entry to any shipment until such time as the certification is properly submitted. Customs will also detain a shipment if there are reasonable grounds to believe that such shipment or its import violates TSCA or regulations or orders thereunder. A violative shipment must either be brought into compliance, exported, destroyed, or voluntarily abandoned within the time periods prescribed in 19 CFR 12.124 of the section 13 rule.

(ii) When EPA determines that a shipment should be detained, EPA will identify the reasons for the detention and the necessary actions for an importer to bring the shipment into compliance with TSCA. If EPA has given this information to Customs before the district director issues the detention notice, the information will become part of the detention notice. The importer should contact one of the following EPA regional offices for guidance as to the proper procedures to correct any deficiencies in the shipment.

Region I

John F. Kennedy Federal Building, Boston, MA 02203 (617–223–0586)

Region II

26 Federal Plaza, New York, NY 10278 (201–321–6669)

Region III

Curtis Building, 6th & Walnut Streets, Philadelphia, PA 19106 (215–597–7668)

Region IV

345 Courtland Street, N.E., Atlanta, GA 30365 (404–881–3864)

Region V

230 South Dearborn Street, Chicago, IL 60604 (312–353–2291)

Region VI

1201 Elm Street, Dallas, TX 75270 (214–767–2734)

Region VII

324 East 11th Street, Kansas City, MO 64106 (816–374–3036)

Region VIII

1860 Lincoln Street, Denver, CO 80295 (303–837–3926)

Region IX

215 Fremont Street, San Francisco, CA 94105 (415–974–8119)

Region X

1200 Sixth Avenue, Seattle, WA 98101 (206–442–2871)

(iii) If Customs detains or refuses entry of a shipment (other than for failure to make the general certification) and the importer takes measures necessary to bring the shipment into conformity with the requirements of TSCA, EPA officials will reassess the shipment to determine its current compliance status. When a shipment is no longer in violation, EPA will notify the district director and the importer. The district director will then release the shipment. This notice will also serve as a determination to permit entry under 19 CFR 12.123(c) if a shipment is brought into compliance before the 19 CFR 12.123(c) decision-making process has been completed. If compliance is achieved after a 19 CFR 12.123(c) determination (adverse to the importer) has been made, the EPA notice to the district director will serve as a reversal of the decision to refuse entry.

(3) *EPA assistance.* Assistance in determining whether a chemical shipment is in compliance with TSCA can be obtained from: TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll free (800–424–9065), In Washington, D.C. (554–1404), Outside the USA (Operator-202–554–1404).

[FR Doc. 83–33039 Filed 12–12–83; 8:45 am]
BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 83–372]

Deregulation of Mobile Customer Premises Equipment

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: This order grants in part a Motion for Expedited Briefing Schedule submitted by American Telephone and Telegraph Company in connection with a Petition for Reconsideration submitted by AT&T regarding a Commission action relating to the deregulation of installed mobile customer premises equipment. The order requires oppositions to be filed not later than December 14, 1983, and replies to be filed not later than December 19, 1983. The order is necessary to enable the Commission to resolve issues relating to the deregulation of mobile customer

premises equipment in coordination with the divestiture of the Bell System scheduled to take place on January 1, 1984. The intended effect of the order is to expedite the consideration of these issues by the Commission while also giving parties sufficient time to file comments in the proceeding.

DATES: Comments in opposition to the Petition for Reconsideration are due not later than December 14, 1983. Reply comments are due not later than December 19, 1983.

FOR FURTHER INFORMATION CONTACT: John Cimko, Jr., Common Carrier Bureau, Federal Communications Commission, 202-632-9342.

Order

In the matter of deregulation of mobile customer premises equipment, CC Docket No. 83-372.

Adopted December 6, 1983.
Released December 6, 1983.

By the Chief, Common Carrier Bureau.

1. We have before us a Motion for Expedited Briefing Schedule submitted by American Telephone and Telegraph Company (AT&T) on December 2, 1983, in connection with an Emergency Petition for Reconsideration submitted on the same date. The Petition seeks reconsideration of that portion of a Commission action in *Deregulation of Mobile Customer Premises Equipment*, CC Docket No. 83-372, Report and Order, FCC 83-507 (released Nov. 7, 1983) which requires embedded mobile customer premises equipment (CPE) to remain under tariff regulation for a transitional period of up to four years. The Motion suggests that oppositions to the Petition be filed within seven days after the filing of the Petition, with a reply due within five days.

2. AT&T argues that failure to act upon its Petition in a timely manner will force AT&T ratepayers to absorb costs associated with the establishment and operation of an embedded mobile CPE organization to maintain the embedded base after it is transferred to AT&T pursuant to the Modified Final Judgment in *United States* v. *American Telephone and Telegraph Co.*, 552 F.Supp. 131 (D.D.C. 1982), *aff'd sub nom. Maryland* v. *United States*, 103 S.Ct. 1240 (1983).

3. We recognize that any relief which may be granted in connection with AT&T's Petition must be made before the end of this year in order to be timely. Otherwise, the continuation of tariff regulation would result in the costs AT&T has described in its Motion and Petition. Without taking any position on the merits of the Petition, we find that there is an urgent need for us to complete action upon the Petition as rapidly as possible. We also recognize that interested parties must be given sufficient time to submit comments in opposition to the Petition in order to enable us to reach an informed judgment on the merits of the Petition; in this regard we conclude that the suggested briefing schedule in AT&T's Motion is not adequate. We therefore shall require, in lieu of the provisions of subsections (e), (f), and (g) of Section 1.429 of the Commission's Rules, that oppositions to the Petition shall be filed not later than December 14, 1983, and replies shall be filed not later than December 19, 1983.

4. Accordingly, it is ordered, pursuant to Section 4(j) of the Communications Act of 1934, 47 U.S.C. 154(j), and §§ 0.91(h) and 0.291 of the Commission's Rules, That the Motion for Expedited Briefing Schedule is granted as modified herein.

Jack D. Smith,

Chief, Common Carrier Bureau.

[FR Doc. 83-33204 Filed 12-12-83; 9:01 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-190; RM-4262]

TV Broadcast Station in Elk City, Oklahoma; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF TV Channel 31 to Elk City, Oklahoma, as its second commercial allocation, in response to a petition for reconsideration filed by Griffin Television, Inc.

EFFECTIVE DATE: February 10, 1984.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Memorandum Opinion and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Elk City, Oklahoma); MM Docket No. 83-190, RM-4262.

Adopted: November 21, 1983.
Released: December 5, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for reconsideration of the *Report and Order*, 48 FR 33487, published July 22, 1983, which dismissed a proposal filed by Griffin Television, Inc. ("petitioner"), seeking the assignment and reservation of UHF Channel 31 at Elk City, Oklahoma, and the deletion of the noncommercial educational reservation on Channel *15 for its commercial application. No oppositions to the petition were received.

2. Elk City (population 9,579), in Beckham County (population 12,243),[1] is located in west central Oklahoma, approximately 175 kilometers (110 miles) west of Oklahoma City. Presently, Elk City is assigned VHF Channel 8 (KECO (TV)) and Channel *15 (unoccupied and unapplied for).

3. Petitioner initially indicated that the chances of establishing a successful UHF operation in Elk City would be greatly enhanced if a lower UHF channel were used. Even though petitioner advised it had the consent of the Oklahoma Educational Television Authority and the Elk City Public Schools to its proposal, we advised in the Notice, 48 FR 11725, published March 21, 1983, that the Commission does not recognize any major distinction between lower and higher UHF channels. Moreover, we informed petitioner that where, as here, an alternate channel exists which could be assigned for commercial purposes, a reserved channel would not be set aside for commercial usage, citing, *inter alia, Vancouver, Washington*, 46 R.R. 2d 1498 (1980). Therefore, we proposed to assign Channel 31 on a commercial basis while retaining the reservation on Channel *15.

4. In response to the Notice, petitioner reiterated its original proposal as a counterproposal, but failed to express an interest in applying for Channel 31, if assigned for commercial use. Thus, having received no interest from the petitioner, or any other party in applying for Channel 31 as proposed, the channel was not assigned.

5. On reconsideration, however, petitioner requests that Channel 31 be assigned to Elk City for commercial use, and states its intention to apply for the channel, if assigned.

6. On the basis of the foregoing, in view of the expressed interest and the fact that Elk City could obtain a second commercial television station for the expression of diverse viewpoints and programming, we believe that UHF television Channel 31 should be assigned thereto.

7. A staff engineering study indicates that Channel 31 can be assigned to Elk

[1] Population figures were extracted from the 1980 U.S. Census.

City with a zero offset to comply with the applicable mileage separation requirements of §§ 73.610 and 73.698 of the Commission's Rules.

8. Accordingly, it is ordered, That the petition for reconsideration filed herein is granted.

9. It is further ordered, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, that effective February 10, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules is amended as follows:

City	Channel No.
Elk City, Oklahoma	8+, *15−, and 31.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau (202) 634–6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33056 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-407; RM-4364]

TV Broadcast Station in Bainbridge, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF TV Channel 49 to Bainbridge, Georgia, as its first TV assignment, in response to a petition filed by Mr. and Mrs. Sam M. Griffin, Jr.

EFFECTIVE DATE: February 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Bainbridge, Georgia); MM Docket No. 83–407, RM–4364.

Adopted: November 21, 1983.

Released: December 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making,* 48 FR 20956, published May 10, 1983, which proposed the assignment of UHF Television Channel 49 to Bainbridge, Georgia, in response to a petition filed by Mr. and Mrs. Sam M. Griffin, Jr. ("petitioner"). Petitioner filed comments in support of the Notice and reaffirmed their interest in applying for the channel, if assigned. No opposing comments were received.

2. We believe that petitioner has adequately demonstrated the need for a first local television assignment to Bainbridge, Georgia, and that the public interest would be served by assigning UHF Television Channel 49 to that community.

3. Accordingly, pursuant to the authority contained in sections (i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective February 7, 1984, the Television Table of Assignments, § 73.606(b) of the Rules, is amended, with respect to the community listed below:

City	Channel No.
Bainbridge, Georgia	49

4. It is further ordered, That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33058 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-469; RM-4295]

TV Broadcast Station in Belmont, North Carolina, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 46 to Belmont, North Carolina, in response to separate requests from Charles Gabriel and Central Broadcasting Company. The assignment could provide Belmont with its first television broadcast service.

EFFECTIVE DATE: February 10, 1984.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Belmont, North Carolina); MM Docket No. 83–469, RM–4395.

Adopted: November 21, 1983.

Released: December 5, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making,* 48 FR 26470, published June 8, 1983, proposing the assignment of UHF television Channel 46 to Belmont, North Carolina, as that community's first television service. The Notice was issued in response to a petition filed by Harry C. Powell, Jr. ("petitioner"). Petitioner failed to file supporting comments in response to the Notice. However, comments in support were filed by Charles Gabriel ("Gabriel"). Additionally, a separate petition was filed by Central Broadcasting Company ("Central"), requesting the same channel assignment to Belmont. That petition has been treated as comments in support. Both Gabriel and Central have indicated their intention to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Belmont (population 4,607),[1] in Gaston County (population 162,568), is located approximately 24 kilometers (15 miles) west of Charlotte, North Carolina. Currently, Belmont is devoid of any local television service.

3. In light of the fact that the assignment could provide a first television service to Belmont, we believe the public interest would be served by assigning UHF television Channel 46 to that community. As indicated in the Notice, the assignment requires a site restriction 5.8 miles west of Belmont to avoid short spacing to Station WTVI (TV) (Channel *42) in Charlotte, North Carolina. Moreover, it should be noted that although the Notice proposed the assignment of Channel 46 with a zero offset, it will require a plus carrier offset to conform with the minimum distance separation requirements on the co-channel to Stations WANX-TV, Atlanta,

[1] Population figures are extracted from the 1980 U.S. Census Advance Report.

Georgia (CP issued) and WKLE (TV) (Educational), Lexington, Kentucky.

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of the Commission's Rules, it is ordered, That effective February 10, 1984, the Television Table of Assignments, § 73.606(b) of the Commission's Rules is amended, as follows:

City	Channel No.
Belmont, North Carolina	46+

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau (202) 634–6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33060 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-416; RM-4309]

TV Broadcast Station in Livingston, Tennessee; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF Channel 60 to Livingston, Tennessee, as its first TV assignment, in response to a petition filed by Peggy Rothchild Sparks.

EFFECTIVE DATE: February 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Livingston, Tennessee); MM Docket No. 83–416, RM–4309.

Adopted: November 21, 1983.

Released: December 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 23864, published May 27, 1983, which invited comments on a proposal to assign UHF Television Channel 60 to Livingston, Tennessee, in response to a petition filed by Peggy Rothchild Sparks ("petitioner"). Petitioner submitted information in support of the Notice and reaffirmed her intention to apply for the channel, if assigned. No opposing comments were received.

2. We believe that petitioner adequately demonstrated the need for a first local television assignment UHF television Channel 60 to that community. The assignment can be made consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules provided a site restriction of 1.7 miles north of the community is imposed to avoid short spacing to a construction permit on the co-channel in Gadsen, Alabama:

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.083 of the Commission's Rules, it is ordered, That effective February 7, 1984, the Television Table of Assignments, § 73.606(b) of Rules is amended with respect to the community listed below:

City	Channel No.
Livingston, Tennessee	60–

4. It is further ordered, That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Mass Media Bureau (202) 634–6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33059 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-471; RM-4372]

TV Broadcasting Station in Paradise, California; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action herein assigns UHF TV Channel 46 to Paradise, California, as its first local television assignment, in response to a petition filed by William M. Holdinghausen.

EFFECTIVE DATE: February 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of § 73.606(b), table of assignments, TV Broadcast Stations (Paradise, California); MM Docket No. 83–471, RM–4372.

Adopted: November 21, 1983.

Released: December 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 26464, published June 8, 1983, which invited comments on a proposal to assign UHF Television Channel 46 to Paradise, California, in response to a petition filed by William M. Holdinghausen ("petitioner"). Petitioner submitted comments in support of the proposal and expressed an interest in applying for the channel, if assigned. No other comments were received.

2. We believe that petitioner adequately demonstrated the need for a first local television assignment to Paradise, California, and that the public interest would be served by assigning UHF Television Channel 46 to that community. The channel can be assigned in compliance with the Commission's mileage separation rules.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective February 7, 1984, the Television Table of Assignments, § 73.606(b) of the Rules, is amended, with respect to the community listed below:

City	Channel
Paradise, California	46

4. It is further ordered, That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33061 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-384; RM-4347]

TV Broadcast Station in Owensboro, Kentucky; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF-TV Channel 61 to Owensboro, Kentucky, as its third TV assignment, in response to a petition filed by William T. Conner.

EFFECTIVE DATE: February 7, 1984.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order; Proceeding Terminated

In the matter of amendment of section 73.606(b), table of assignments, Television Broadcast Stations (Owensboro, Kentucky); MM Docket No. 83-384, RM-4347.

Adopted: November 21, 1983.

Released: December 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers the *Notice of Proposed Rule Making*, 48 FR 18857, published April 26, 1983, which invited comments on a proposal to assign UHF television Channel 61 to Owensboro, Kentucky, in response to a petition filed by William T. Conner ("petitioner"). Petitioner submitted information in support of the *Notice* and reaffirmed his intention to apply for the channel, if assigned. No opposing comments were received.

2. We believe that petitioner has adequately demonstrated the need for a third commercial television assignment to Owensboro, Kentucky. Therefore, we find that the public interest would be served by assigning UHF television Channel 61 to Owensboro.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective February 7, 1984, the Television Table of Assignments, Section 73.606(b) of the Rules, is amended with respect to the community listed below as follows:

City	Channel No.
Owensboro, Kentucky	31-, 48, 61+

4. It is further ordered, That this proceeding is terminated.

5. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634-6530.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-33057 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 107, 171, 172, 173, 175 and 178

[Docket HM-184A, Amdt. Nos. 107-12, 171-77, 172-87, 173-170, 175-30, 178-78]

Implementation of the ICAO Technical Instructions; Correction and Data Change

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, Department of Transportation.

ACTION: Correction to final rule; change in compliance date.

SUMMARY: This document corrects an omission in a final rule concerning implementation of the International Civil Aviation Organization (ICAO) Technical Instructions published in the **Federal Register** on November 29, 1983, under Docket No. HM-184A (48 FR 53710) and changes the compliance date of that final rule in order to permit immediate compliance with the final rule.

EFFECTIVE DATE: December 7, 1983.

FOR FURTHER INFORMATION CONTACT: Edward A. Altemos, Office of Hazardous Materials Regulation, Materials Transportation Bureau, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-0656.

SUPPLEMENTARY INFORMATION: This document corrects the inadvertent omission of a word in the final rule published in the **Federal Register** on November 29, 1983, under Docket No. HM-184A. In addition, this document changes the compliance date of that final rule in order to permit immediate compliance with the final rule.

The final rule published under HM-184A amended a number of provisions in the Hazardous Materials Regulations in order to take account of changes made to applicable international regulations through the implementation of the 1984 edition of the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air (Technical Instructions). Although ICAO has established January 1, 1984, as the effective date for the 1984 edition of the Technical Instructions, the MTB believes that some flexibility in this effective date is necessary in order to accommodate shipments that will be in transit at the time that 1984 edition of the Technical Instructions becomes effective. Therefore, the MTB is permitting immediate compliance with the final rule published under HM-184A. However, shippers and carriers of hazardous materials by air are again cautioned that the 1984 edition of the ICAO Technical Instructions does not gain official international recognition until January 1, 1984.

In consideration of the foregoing, **Federal Register** document 83-31764, published on November 29, 1983, under Docket HM-184A is hereby amended as follows:

1. The **EFFECTIVE DATE** is revised to read "January 1, 1984; however, compliance is permitted on and after December 7, 1983."

2. In the revised text of § 172.512(b), the word "this" is inserted immediately following the words "by paragraph (a) of."

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

Note.—The Materials Transportation Bureau has determined that this document does not constitute a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034) or require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, et seq.). I certify that this document will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this document is minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C. on December 7, 1983.

Alan I. Roberts,

Acting Director, Materials Transportation Bureau.

[FR Doc. 83-32977 Filed 12-12-83; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 672

[Docket No. 31123-225]

Foreign Fishing, Groundfish of the Gulf of Alaska

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

ACTION: Emergency interim rule and request for comments.

SUMMARY: The Secretary of Commerce has determined that an emergency exists in the pollock fishery being conducted in the Central Regulatory Area of the Gulf of Alaska because the optimum yield has been exceeded. He is, therefore, increasing the optimum yield for pollock to 183,000 metric tons (mt). This action allows optimum harvest of the pollock resource and avoids economic hardship to the fisheries.

DATE: This rule is effective from noon, Alaska Daylight Time (ADT), December 8, 1983 until noon AST, December 31, 1983. Comments must be received on or before January 9, 1984.

ADDRESS: Comments should be addressed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Copies of the environmental assessment including a cost/benefit analysis, prepared for this rule are available from Mr. McVey.

FOR FURTHER INFORMATION CONTACT: Roland J. Berg, Fishery Biologist, 907-586-7230.

SUPPLEMENTARY INFORMATION: The domestic and foreign groundfish fishery in the 3-200 mile fishery conservation zone of the Gulf of Alaska is managed under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council), approved by the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), on February 24, 1978, and implemented by "final rule," effective December 1, 1978 (48 FR 52709, Novemer 14, 1978). It has since been amended eleven times. Amendment 11, effective October 16, 1978 (48 FR 43044, September 21, 1983), increases the optimum yield (OY) for pollock in the Central Regulatory Area from 95,200 mt to 143,000 mt. That OY was allocated between user groups and the reserve as follows: domestic annual processing (DAP) =5,380 mt; joint venture processing (JVP) =104,020 mt; Reserve=28,600 mt; and total allowable level of foreign fishing (TALFF) =5,000 mt.

The Council specified this OY at its July 21-22, 1983, meeting based on the best scientific information available at the time. However, this information was derived from 1973-1975 bottom trawl surveys and preliminary cohort analysis of subsequent years' catch data. On the basis of that information, the pollock biomass in the Central and Western Regulatory Areas was estimated to be 952,000-1,904,000 mt, of which 595,000-1,191,000 mt was attributed to the Central Regulatory Area. Using a relationship described in the FMP, MSY in the Central Regulatory Area was calculated to be 95,200-191,000 mt. The OY of 143,000 mt that was implemented through Amendment 11 is the midpoint of the MSY range.

Results of resource assessment surveys since 1975 and scientific analyses of other data indicate that the pollock stocks in the Western and Central Regulatory Areas of the Gulf of Alaska have increased, both in the total exploitable biomass and in exploitable annual surplus production (ASP). Total exploitable biomass is the sum of the exploitable biomass for each age class. ASP for a fishing year represents the annual change in the total exploitable biomass.

Year Class Analyses. The increased biomass is principally a consequence of large 1975-1979 year classes which recruited into the 1978-1982 fisheries. Results of analyses through 1981 indicate that the range of average ASP is 180,000-508,000 mt with a midpoint estimate of 344,000 mt. The most recent analyses continue to support that range.

Acoustical Surveys. Estimates of pollock biomass were conducted during April 1980 and during March and April of 1981 and 1983 in the area of Shelikof Strait (Table 1).

Table 1. Pollock biomass (mt) in the Western and Central Regulatory Areas of the Gulf of Alaska as derived from Acoustical Surveys conducted in 1980, 1981, and 1983.

Year	Date	Biomass estimates
1980	April	709,000
1981	March [1]	3,764,000
	April	3,050,000
1983	March [2]	2,454,000
	April	813,000

[1] Average of two March 1981 surveys of 4,380,000 mt and 3,147,000 mt.

[2] Average of two March 1983 surveys of 2,548,000 mt and 2,360,000 mt.

The 1980 and 1983 April estimates are lower than those of March 1981 and 1983, which is believed to be a result of the dispersion of stocks following their spawning, which begins in February and mostly ends by late March. The relatively large April 1981 number probably resulted from a delay in the dispersion of the spawning stock. The estimates obtained from the acoustical surveys conducted in March of each year are considered to represent more accurately the pollock biomass than the April results and are, therefore, used as the best available information.

The March 1981 acoustical estimates, excluding an estimate of stocks within 2-3 meters of the bottom that was not surveyed, fall within the range of total biomass and exploitable biomass derived from the year-class analyses. The midpoint of the ASP range, or 344,000 mt, is considered to be the best estimate of the acceptable biological catch (ABC) from the Western and Central Regulatory Areas. Until a better understanding of stock structure, resource distribution, and recruitment process is achieved, the ABC should be apportioned between the Western and Central Regulatory Areas in proportion to the geographical distribution of biomass from the 1973-1975 research trawl surveys: 37 percent or 127,000 mt for the Western Regulatory Area and 63 percent or 217,000 mt for the Central Regulatory Area (rounded to the nearest 1,000 mt).

The Secretary of Commerce has determined that the OY in the Central Regulatory Area should be 183,000 mt instead of 217,000 mt as suggested by the calculated ASPs above. In making this determination, the Secretary considered the quantity of pollock that would be harvested during the duration of this emergency regulation. The 183,000 mt OY would provide the entire anticipated 1983 U.S. catch and a 1983 foreign harvest equal to that of 1982 which would be consistent with understandings reached during industry negotiations of joint-venture fishing arrangements.

Although the FMP requires that 20 percent of a species' OY is to be allocated to a reserve, this emergency regulation deletes that requirement

because a reserve this late in the year would serve no useful purpose. The 183,000 mt OY is apportioned as follows: DAP=5,380 mt; JVP=132,620; and TALFF=45,000 mt.

The current pollock OY specified for the Western Regulatory Area is sufficient to provide the anticipated catch in that area; therefore, there is no need to revise that OY in spite of an increased stock abundance.

Classification

The Assistant Administrator has determined that this rule is necessary to respond to an emergency situation and is consistent with the Magnuson Act and other applicable law. This emergency rule will avoid the disruption that would otherwise occur in the traditional foreign fisheries that have targeted on pollock or harvested pollock incidental to other fish. It will also avoid potential disruption in joint-venture fisheries between U.S. and foreign fishermen, which were established with the understanding that foreign fishing companies would not be penalized by participation in such joint ventures.

The Assistant Administrator also finds that the reasons justifying promulgation of this emergency rule make it impracticable and contrary to the public interest to provide notice and a prior opportunity for public comment, or to delay for 30 days the effective date of the rule under the provisions of 5 U.S.C. 553 (b) and (d). However, comments are invited for a period of 30 days following the effective date of this rule. Address comments to the name and address given above.

The Assistant Administrator has determined that this rule will be implemented 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. This determination has been submitted for review by the responsible state agency.

The Assistant Administrator prepared an environmental assessment (EA) for this action and concluded that there will be no significant impact on the human environment. A copy of the EA is available from the regional director at the address listed above.

The NOAA Administrator determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. He made his decision on the basis of the cost/benefit analysis contained in the EA. This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that Order, and it is being reported to the Director of the Office of Management and Budget with an explanation of why it is not possible to follow the normal procedures of that Order. A summary of the cost/benefit analysis follows.

Increasing the pollock OY in the Central Regulatory Area to 183,000 mt until December 31, 1983, will provide a harvest opportunity consistent with the known current stock status. The U.S. Government could collect up to $1,240,000 in additional fees from the foreign nations that engage in that fishery. A certain number of Pacific halibut, king crab, Tanner crab, chinook salmon, and chum salmon are likely to be caught incidentally with an increased pollock harvest. These species are of major commercial importance to U.S. fishermen. The potential loss to U.S. fishermen as a result, in pounds (numbers of fish are adjusted for natural mortality until these species would have been recruited into the fishery), and in present ex-vessel gross values, are as follows: Pacific halibut—547,500 lbs. and $442.563; king crab—168 lbs. and $464; Tanner crab—14,970 lbs. and $12,371; chinook salmon—52,800 lbs. and $51,637; and chum salmon—3,087 lbs. and $1,619. The total monetary loss to U.S. fishermen, therefore, could be about $508,000 in gross earnings. The individual potential losses to U.S. fishermen on a per-boat basis are estimated to be: Pacific halibut—$250; king crab—negligible; Tanner crab—$34; chinook salmon—$86; and chum salmon—negligible. The incidental catches of prohibited species associated with a pollock OY of 183,000 mt are not expected to exceed the incidental catches in 1982 when the pollock OY was smaller. The increased 1983 OY for pollock would accommodate the joint-venture fishery that was conducted in Shelikof Strait in February and March. Pelagic trawls are used in that fishery and the incidental catch of prohibited species is negligible. It is impossible to place the gross value of the incidental catch lost on a par with the fees taken in, since the fees are, for this analysis, assumed to be a net value. That is, the additional costs of management under the new rule are nil, especially in comparison to the fixed costs of management. However, the positive benefit of this action ($1,240,000−$508,000=$731,000) represents the *lower* estimates of the benefits to the nation. Therefore the magnitude of benefits should not be less than this value under the stated assumptions.

This rule does not contain a collection of information requirement and therefore is not subject to the provisions of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 672

Fish, Fisheries, Reporting requirements.

Dated: December 7, 1983.

Carmen J. Blondin,

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

For the reasons set out in the preamble, 50 CFR Part 672 is amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for Part 672 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 672.20 [Amended]

2. In § 672.20, Table 1, the entries for pollock in the Central Regulatory Area are revised to read as follows:

TABLE 1.—INITIAL (AS OF JANUARY 1, EACH YEAR) OPTIMUM YIELD (OY), DOMESTIC ANNUAL HARVEST (DAH), DOMESTIC ANNUAL PROCESSING (DAP), JOINT VENTURE PROCESSING (JVP), RESERVE, AND TOTAL ALLOWABLE LEVEL OF FOREIGN FISHING (TALFF) ALL IN METRIC TONS.

Species	Species code	Areas	OY	DAH	DAP	JVP	Reserve	TALFF
Pollock	701	Central	183,000	138,000	5,380	132,620	0	45,000

[FR Doc. 83-33045 Filed 12-8-83; 2:50 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 48, No. 240
Tuesday, December 13, 1983

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Docket No. AO-144—A14-RO1]

Lemons Grown in California and Arizona; Continuation of Formal Rulemaking Proceeding

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of Reopened Hearing on Proposed Marketing Agreement and Proposed Amendment to the Marketing Order.

SUMMARY: A public hearing was held at Oak View, California, during the period February 14–18, 1983. At that hearing proposals to amend the Lemon Marketing Order and issue a marketing agreement for lemons were considered. After analyzing the record of the hearing and the comments and briefs submitted thereon, the Department concluded that additional evidence should be received on the prorate and other provisions of the order. Subsequently, interested parties were provided an opportunity to submit comments on such provisions. Fourteen comments and/or proposals were received. Accordingly, the hearing is being reopened to permit all interested parties an opportunity to present additional testimony and evidence.

DATES: The hearing will convene at 9:00 a:m. on January 10, 1984 (Ventura, California), 9:00 a.m. on January 18, 1984 (Yuma, Arizona), and 9:00 a.m. on January 23, 1984 (Bakersfield, California).

ADDRESSES: Ventura County Government Center, 800 South Victoria Avenue, Ventura, California 93003, Holiday Inn, 711 East 32nd Street, Yuma, Arizona 85384, and the Casa Royale Motor Inn, 251 South Union Street, Bakersfield, California 93307.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Chief, Fruit Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250, Telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing published January 13, 1983 (48 FR 1508), amended notice of hearing published January 26, 1983 (48 FR 3624), and notice of opportunity to comment on proposed rulemaking published October 6, 1983 (48 FR 45565). This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code, and therefore, is excluded from the requirements of Executive Order 12291. A public hearing was held at Oak View, California, during the period February 14–18, 1983, pursuant to a notice of hearing issued January 13, 1983 (48 FR 1508) with respect to a proposed marketing agreement and proposed amendment of Marketing Order 910 (7 CFR Part 910; 47 FR 50196) lemons grown in California and Arizona.

The "Regulatory Flexibility Act" (Public Law 96–354) seeks to ensure that, within the statutory authority of a program, the regulatory and information requirements are tailored to the size and nature of small businesses. Most parties subject to the lemon order are considered as small businesses. In order that due consideration be given to the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601 et. seq), and the Regulatory Flexibility Act, interested persons are invited to assist the department in collecting information about the economic effect of these proposals on small growers and handlers. Specifically, questions that parties may wish to address with regard to the issues noticed for hearing include, but are not limited to, the following:

Are growers in different districts affected differently?

How do provisions of the proposed amendment affect different sized handlers?

What is the impact of different prorate options on the marketing flexibility for individual growers and handlers?

Do such options affect small grower or handler production, price and distribution decisions differently?

Are there regulatory alternatives within the scope of this hearing, which meet the goals of the Agricultural Marketing Agreement Act of 1937 while reducing regulation?

Information of this nature will be utilized in AMS's evaluation of the impact of the order on small entities. Comment on this issue and all others discussed in the recommended decision will be invited prior to the final decision of the Secretary.

Included in this Notice of Hearing are proposals which, if implemented, would make major changes in the existing marketing order for lemons, e.g., establishment of separate orders by districts and significant changes in the regulatory provisions. Proponents should be prepared to present evidence as to the need for such changes, including the appropriate terms and conditions to be included in any changed order or orders. Evidence is also solicited to justify the continuance of regulations applicable to the three districts under the current order. Evidence should also be presented with respect to the effect of proposals on the level of lemon production currently existing in the industry.

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Act of 1937, as amended, and the applicable rules and of practice and procedure governing the formulation of marketing agreements and marekting orders (7 CFR Part 900), that the said hearing will be reopened at the Ventura County Government Center, 800 South Victoria, California, beginning at 9:00 a.m. local time, on January 10, 1984.

The public hearing is being reopened for the purpose of: (i) Receiving additional evidence about the economic and marketing conditions which relate to a proposed marketing agreement and proposed amendment of the marketing order (ii) determining whether there is a need for a marketing agreement and an amendment to the marketing order; and (iii) determining whether the proposed marketing agreement and proposed amendment of the order or an appropriate modification thereof will tend to effectuate the declared policy of the act.

On the basis of the record of the initial hearing and the comments and briefs submitted thereon, the Department concluded that additional testimony and evidence should be received on the prorate and other provisions of the order. Subsequently, interested persons were provided an

opportunity to submit comments on such provisions through November 4, 1983 (48 FR 45565). Comments and/or proposals were received from: Harry A. Synder, San Francisco, California; Frank M. Lick, Santa Barbara, California; Stephen F. Moore, Santa Barbara, California; R. W. Kaighn, Yuma, Arizona; Dennis N. Torigian, Bakersfield, California; the Lemon Administrative Committee, Los Angeles, California; the Capital Legal Foundation for Sequoia Orange Company, Inc., and Exeter Orange Company, Inc., Exeter, California; Perry L. Walker, Sanger, California; Joseph E. Coberly, Jr., Rancho Santa Fe, California; R. E. Herrick, Bakersfield, California; Pure Gold Inc., Redlands, California; and Tom C. Cole, David C. Roddick, Ehud Ariav, and Joseph D. Park, Yuma, Arizona.

List of Subjects in 7 CFR Part 910

Marketing order, California, Arizona, Lemons.

Accordingly, testimony is invited on the following proposals or appropriate alternatives or modifications to such proposals. Additional testimony will also be received on the proposals contained in the Notice of Hearing published January 13, 1983 (48 FR 1508).

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Proposal by Harry M. Snyder for Consumers Union of United States, Inc.

Proposal No. 1

Eliminate the prorate authority for lemons.

Proposal by R. W. Kaighn

Proposal No. 2

Provide for a separate termination referendum for Arizona producers.

Proposal by Dennis N. Torigian, Frank M. Lick, and Joseph E. Coberly, Jr.

Proposal No. 3

Terminate the lemon marketing order.

Proposals by Stephen F. Moore

Proposal No. 4

Revise § 910.56 by adding a new sentence at the end of the section to read:

§ 910.56 Allotments.

* * * * *

Allotment restrictions in a given week shall not apply to handles whose total movement for that week is less than 250 cartons.

Proposal No. 5

Revise § 910.80, lemons not subject to regulation, to include those lemons which are legally certified as organic in accordance with section 26569.11 of the California Health and Safety Code.

Proposals by the Lemon Administrative Committee are as follows:

Proposal No. 6

Add a new § 910.16 to read:

§ 910.16 Consumer Affairs Advisors.

The committee may appoint such consumer affairs advisors as it deems appropriate, and determine the compensation and duties of each.

Proposal No. 7

Revise § 910.21 to read:

§ 910.21 Term of Office.

The terms of office committee members shall be a period of two years beginning on September 1 of each even-numbered year. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and qualify and have qualified. Commencing with the term beginning on September 1, 1984, no member may serve more than three consecutive two-year terms. Nothing shall prohibit a member from serving as an alternate or additional alternate member after serving consecutive terms as a member. A former member may serve after a two-year intervening term. Of the initial terms starting on September 1, 1984, three members shall not serve consecutively beyond August 31, 1986, five members shall not serve consecutively beyond August 31, 1988 and the remaining five members shall not serve consecutively beyond August 31, 1990. The manner of establishing the initial consecutive terms of the members herein shall be prescribed by the Rules and Regulations.

Proposal No. 8

Amend § 910.51 by revising paragraph (a) to read:

§ 910.51 Recommendations for Regulation.

(a) It shall be the duty of the committee to investigate the supply and demand conditions for lemons. Whenever the committee finds that such conditions make it advisable to regulate, pursuant to § 910.52, the handling of lemons during any week of the fiscal year, it shall recommend to the Secretary the quantity of lemons which it deems advisable to be handled during such week or next succeeding two one-week periods. Thereafter, the committee shall promptly report such findings and recommendations, together with supporting information, to the Secretary.

* * * * *

Proposal No. 9

Revise § 910.58 to read:

§ 910.58 Undershipments.

If a handler during any week handles a quantity of lemons less than his allotment for the week, such handler may, in addition to his allotment for the next two weeks, handle only during such next two weeks, a quantity of lemons equivalent to but not exceeding the total amount of such undershipment.

Proposal No. 10

Revise § 910.84 to read:

§ 910.84 Termination.

(a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the Act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of lemons: *Provided, that* such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be effected only if announced on or before July 31 of the then current fiscal year. In order to determine whether a majority of producers favor termination of this subpart, not later than May 31, 1990, and each six years thereafter, not later than May 31 of such year, the Secretary shall hold a referendum among lemon producers to determine whether the specified majority of lemon producers favor continuance or termination of this subpart: *Provided, that* if a termination referendum is held within any six (6) year period of time as herein provided, the next termination referendum shall be held not later than May 31 of the sixth year following such referendum.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

Proposal No. 11

Revise § 910.80 to read:

§ 910.80 Lemons not subject to regulation.

(a) Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle lemons: (1) For consumption by charitable institutions or distribution by relief agencies; (2) for conversion into byproducts; or (3) for export to foreign countries other than Canada; nor shall any assessment be levied on lemons so handled. The committee, with the approval of the Secretary, may establish minimum quantities and types of shipments which shall be free from regulation under this subpart; and may prescribe such safeguards as may be necessary to prevent lemons which are exempt from regulation pursuant to this section from entering channels of trade for other than the specific purposes authorized by this section. The term "byproduct" as used in this section includes all processed and manufactured products of lemons including canned or bottled lemon juice.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 910.52, 910.53, 910.56 and 910.61(a), the handling of lemons in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 910.33) as the committee, with the approval of the Secretary, may prescribe. Committee assessments shall be levied on lemons so handled.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations and safeguards as it may deem necessary to assure compliance with this section.

Proposals Submitted by the Capital Legal Foundation on Behalf of Sequoia Orange Company, Inc., and Exeter Orange Company, Inc.

Proposal No. 12

Redefine the coverage of order 910 (by deleting 7 CFR 910.64(a) and all other references in order 910 to the area presently located in district 1) to exclude growers and handlers located in district 1.

Proposal No. 13

Promulgate a new marketing agreement and order covering growers and handlers excluded from the coverage of order 910 by proposal #12. This new order will be administered by a committee composed entirely of growers. The new order will provide for joint research, development, and promotion activities and minimum size and grade standards. Weekly and season-long volume regulation will not be authorized under the new order. Size regulation will be allowed only on sizes smaller than 265 and larger than 63. Grade regulation will be allowed only on lemons for which there has been no historical market, i.e., no regulation will be permitted on "fancy," "choice," and "standard" grades.

Proposal No. 14

Implement proposal #13 by conducting a referendum of district 1 growers to determine if the proposal is favored by the required number of growers (three-fourths). In this referendum each grower will have one vote.

Proposal No. 15

In the event that district 1 is not excluded from existing order 910, then terminate the authority to impose volume regulation by deleting 7 CFR 910.51 through 7 CFR 910.63.

Proposals Submitted by Perry L. Walker

Proposal No. 16

Make the following changes in § 910.20—Establishment and Membership:

A. The Lemon Administrative Committee (LAC) shall consist of eleven (11) voting members:

(1) Two (2) public members.

a. A public member shall be defined as any person who has had neither a personal nor professional relationship with the citrus industry within the past five (5) years prior to appointment.

(2) Nine (9) grower members.

a. A grower shall be defined as a person who has been actively involved in the commerical production of lemons for at least five (5) years prior to appointment.

B. Of the grower members, no more than four (4) shall be affiliated with the same marketing organization.

(1) Grower members are to reflect the industry's geographic production percentages by district.

(2) Minority production districts, in the aggregate, must be represented by at least one (1) grower member.

C. Any Committee member must immediately resign when his eligibility changes. (See A. 1–2 and B. above.)

Proposal No. 17

Make the following changes in § 910.21—Term of Office:

A. Length of tenure on the LAC shall be three (3) years.

B. Incumbencies are prohibited. One (1) year mandatory layout period is required before one is eligible for re-election.

C. When a vacancy occurs due to a change in a member's eligibility, the LAC shall recommend to the Secretary of Agriculture a Committee replacement who has the same qualifications. Said appointment shall continue until the next election, whereupon a special election will be held to fill the unexpired term.

D. All non-grower and non-grower alternates must immediately resign from the Committee.

E. The LAC manager is to immediately conduct an election to fill all vacanies.

F. The current Chairman of the LAC shall resign and the Secretary of Agriculture shall appoint a public member-chairman to serve three (3) years.

(1) The three (3) candidates receiving the greatest plurality of votes shall be nominated to the Secretary to serve a three (3) year term. Those receiving successive pluralities to constitute the balance of vacancies shall serve a one (1) year term.

G. During the second year of the re-formed Committee, all members not elected in the prior year's election must resign.

(1) The three (3) candidates receiving the greatest plurality of votes shall be nominated to serve a three (3) year term. Those receiving successive pluralities shall serve a one (1) year term.

(2) The Secretary of Agriculture will be asked to appoint a second public member for a three (3) year term.

(3) During the third year of the re-formed Committee, and thereafter, three (3) members are to be elected.

(4) The same procedure is applicable to all Committee alternates.

Proposal No. 18

Make the following changes in § 910.22—Nominations:

A. If an industry grower desires nonimation to fill a vacancy on the LAC, the following shall occur:

(1) The prospective nominee must obtain and return to the LAC manager a completed nomination petition with a minimum of ten (10) grower endorsements along with the nominee's name, address, acreage by district and marketing affiliation.

(2) Upon receipt of completed petition, the LAC manager will certify the candidate's eligibility and the grower endorsements, whereupon the candidate's name will be placed on the ballot.

B. The LAC manager is to prepare a ballot with the following:

(1) Not less than two (2) candidates for each vacancy is required.

(2) Each candidate's name, address, number of lemon acreage per district and marketing affiliation.

C. All balloting is to be conducted by mail and certified by the USDA.

D. The same conditions and procedures are to be applicable for alternate candidates.

E. To gain nomination for consideration by the Secretary of Agriculture, the prospective nominee must secure a plurality of the votes cast.

F. Block voting by any industry organization is permitted only at the discretion of the Secretary.

(1) Voting rights on industry matters are to be determined by Lemon acreage.

(2) Up to twenty (20) acres shall be the basic unit for one (1) vote.

a. Said acreage must have been planted six (6) seasons prior to qualification.

b. Each additional ten (10) acres beyond the twenty (20) acre base entitles the grower to one-half (½) additional vote.

c. Partnerships, owner-syndicates, corporations and/or other multiple ownership configurations must appoint one individual as the voting member of said group.

G. When an industry election is to be held, the following procedures are to be followed:

(1) The LAC manager must notify the industry growers of any vacancies on the LAC.

(2) The LAC manager will mail grower information forms to all industry growers.

(a) Said forms are to request grower's name and acreage amount by district.

Proposal No. 19

Make the following changes in § 910.28—Procedure:

A. No LAC business shall be conducted unless a quorum of nine (9) members is present.

B. All members, including the Chair, are required to vote affirmatively or negatively on all propositions before the Committee, abstentions are prohibited.

C. Remuneration for LAC members shall be $250 per meeting. All bona fide related expenses will be reimbursed.

D. Committee meetings shall be held in each district based upon the direct proportion to the industry's lemon volume produced in that district; however, at least one (1) meeting per season must be held in each district.

E. The LAC manager must poll all marketing organizations on or before the Friday prior to any LAC meeting to obtain the following information:

(1) Volume recommendations for the affected pro-rate period.

(2) Other pertinent market information that will assist and guide the Committee in its deliberations i.e., lemon demand, price trends, competitive commodity information such as quantity, quality and price trends.

F. A summary of these marketing recommendations are to become part of the official LAC minutes which shall be distributed by mail to all interested parties.

Proposal No. 20

Make the following changes in § 910.33—Marketing Research and Development: An advertising and promotional provision for Marketing Order 910 shall be created in the form of a Generic Advertising and Promotional Program not later than the beginning of the 1984–85 lemon season.

Proposal No. 21

Make the following changes in §§ 910.52–910.67 to phase out the present flow-to-market restrictions (pro-rate) and to phase in industry size, grade and quality standards:

A. The LAC shall have the authority to activate the flow-to-market provision (pro-rate) to Order 910 as follows:

(1) Pro-rate allotments are to be based upon tree crop estimates.

(2) Pro-rate periods are to be in four (4) consecutive week increments.

(3) During any portion of the Lemon season not under pro-rate, open movement shall prevail.

(4) Allotment pay backs must be effectuated before the end of the applicable season. Carry over pay backs are prohibited.

(5) This pro-rate provision is to be considered a transitional mechanism. As such, it is to be in effect for a maximum of three (3) years. Pro-rate can be terminated sooner, at the discretion of the Secretary, as the phasing in of size, grade and quality standards take effect.

(6) The California/Arizona Lemon Crop shall be pro-rated within the following time frames:

From	To
Year One:	
Dist. I: May 1st	January 31st.
Dist. II: July 1st	March 31st.
Dist. III: January 1st	September 30th.
Year Two:	
Dist. I: May 15th	November 15th.
Dist. II: August 15th	February 15th.
Dist. III: February 15th	August 15th.
Year Three:	
Dist. I: July 1st	September 31st.
Dist. II: October 1st	December 30th.
Dist. III: January 1st	March 31st.

B. A new section in Marketing Order 910 is to be established dealing with size, grade, quality and minimum standards. Said standards are to be determined by the LAC with the approval of the Secretary, and they are to be implemented during the 1984–85 season.

Proposal No. 22

Make the following changes in § 910.84—*Termination:*

A. A mandatory continuance referendum must be held not less than every three (3) years beginning in the Fall 1982.

B. At any time a petition containing signatures of five (5) percent or more of the industry growers is submitted to the LAC, an amendatory or continuance referendum shall be held.

(1) Said referendum requirement must be held within one hundred and twenty (120) days of certification.

C. In the event the above referendum requirement is not met, Marketing Order 910 shall be terminated.

D. Voting rights and procedures on any continuance and amendatory referenda shall be as stated above. (See Proposal No. 18.)

Proposal No. 23

Make the following changes in § 910.80—Lemons Not Subject to Regulation

A. Charity donations are to be permitted and encouraged.

(1) All charity organizations seeking product donations are to apply to the LAC for certification.

(2) All bona fide charity organizations are understood to qualify under the Internal Revenue Service Code.

(3) LAC certification cannot be denied for reason of race, color, creed or religion.

(4) Gifts to any one charity in the amount of one hundred (100) cartons or less shall not require certification.

Proposals by Robert E. Herrick

Proposal No. 24

Exclude the area known as District 1 (§ 910.64(a)) from 7 CFR Part 910.

Proposal No. 25

Through the referendum process establish a separate marketing order for District 1 so that this marketing order

meets all the requirements of the *Agriculture Marketing Agreement Act of 1937* and the Secretary of Agriculture's *Guidelines for Fruit, Vegetable, and Specialty Crop Marketing Orders* (January 25, 1982) and that *all* producers and shippers in District 1 be given the opportunity to develop and implement a new marketing order controlled by growers only, tailored to meet their unique marketing requirements.

Proposal No. 26

That this new marketing order for District 1 contain a provision for a committee composed of all growers and require regulatory provisions allowing only for mandatory size, grade, and promotion.

In order to accomplish this change:

1. Section 910.7 be changed as follows: "Handle" means to buy, sell, consign, transport, or ship lemons (except as a common or contract carrier of lemons owned by another person), or in any other way to place lemons, in the current of commerce between *certain designated areas* within the State of California and any point * * *.

2. Section 910.15 be changed to read: "Production area" means the State of Arizona and part of the State of California.

3. Section 910.64(a) be deleted.

4. That all other references in 7 CFR Part 910 to District 1 be deleted; § 910.20(b), § 910.53(f)(i).

5. Section 910.22 be deleted and instead language be developed in a new order to reflect a committee composed of all growers.

6. Section 910.33 be deleted and instead language be developed in a new order to allow growers to initiate a promotional program with the possibility of paid advertising.

7. Sections 910.51 through 910.62(a) be deleted and instead language be developed in a new order to reflect mandatory grade.

Proposal No. 27

The Secretary of Agriculture is requested to conduct a referendum of District 1 growers to determine whether adoption of the proposed amendment (separate order) is favored by the required percentage.

Proposals Submitted by Pure Cold, Inc.

Proposal No. 28

Section 910.33 of the marketing order should be amended to require the committee to conduct for the purposes set forth in that section a research and development project to provide a better understanding of the impacts that the basic physiology of the lemon fruit has on growing patterns, both within and between districts, storage life, products utilization, handling facilities utilization, exports and the total market.

Proposal No. 29

Section 910.7 of the marketing order should be amended to include within the definition of "handle" buying, selling, consigning, transporting or shipping lemons between the states of California and Arizona and Japan, in view of that country's significant impact on the U.S. market, and the inability of its government-controlled fresh produce marketing system to absorb products from another country that is not regulated as to orderly market flow.

Proposal No. 30

3. Section 910.53 of the marketing order should be amended to provide for crediting a handler's district prorate base for an upcoming season with bearing acreage (five years old) which is removed or grafted to production of citrus other than lemons during the current year in Districts 1 and 3 and the desert areas of District 2. The purpose of the credit is to encourage handlers to participate with growers in the orderly removal of economically marginal acreage due to the large number of plantings and tremendous yields being produced in those areas, resulting in huge oversupplies during the winter months. The committee, with the approval of the Secretary, shall develop rules and regulations as necessary from time to time to effectuate the operation of the credit. As a conforming amendment, item (c) in § 910.80 should be amended to include the words "* * * and Japan."

Proposals by Tom C. Cole, David C. Roddick, and Ehud Ariav:

Proposal No. 31

That the title of Part 910 (7 CFR Part 910) be amended to read as follows:

"Part 910—Lemons Grown in Designated Portions of California."

Proposal No. 32

That 7 CFR 910.7 be amended to read as follows:

" 'Handle' means to buy, sell, consign, transport or ship lemons (except as a common or contract carrier of lemons owned by another person), or in any other way to place lemons in the current of commerce between those portions of the State of California designated herein, and any point outside thereof in the continental United States, Alaska or Canada, or within the State of California. The term 'handle' does not include (a) the sale of lemons on the tree; (b) the transportation of lemons to a packing house within the production area for the purpose of having such lemons prepared for market; or (c) the transportation of lemons to a storage within the production area under such rules and regulations as the Committee, with the approval of the Secretary, may prescribe."

Proposal No. 33

That 7 CFR 910.15 be amended to read as follows:

" 'Production Area' means that part of the State of California west of a line drawn due north and south through the present Post Office in White Water, California, and south of a line drawn due east and west through the Post Offie in Turlock, California."

Proposal No. 34

That 7 CFR 910.64(c) be deleted in its entirely.

Proposal No. 35

That any and all references to District 3, or the regional production are defined therein, which may be found 7 CFR Part 910 be deleted including, without limitation, such references as are found in the following Sections of 7 CFR Part 910:

7 CFR 910.20(b)
7 CFR 910.53(d)(2)
7 CFR 910.53(e)
7 CFR 910.53(f)(1)
7 CFR 910.53(f)(3)
7 CFR 910.57
7 CFR 910.61a

Proposal No. 36

That 7 CFR 910.80 be amended to read as follows:

"Nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle lemons (a) for consumption by charitable institutions or distribution by relief agencies; (b) for conversion into byproducts; (c) for use in machine shrink wrap processes; or (d) for export to foreign countries other than Canada; nor shall any assessment be levied upon lemons so handled. The Committee, with the approval of the Secretary, may establish minimum quantities and types of shipments which shall be free from regulation under this subpart; and may prescribe such safeguards as may be necessary to prevent lemons which are exempt from regulation pursuant this section for entering channels of trade for other than the specific purposes authorized by this section. The term "byproduct" as used in this section includes all processed and manufactured products of lemons,

including canned or bottled lemon juice."

Proposal by Tom C. Cole and Joseph D. Park

Proposal No. 37

That 7 CFR 910.33 be amended to read as follows:

"The committee shall establish a Lemon Marketing Advertising and Promotional Commission for the establishment of marketing and development projects designed to assist, improve or promote the marketing, distribution, and consumption of lemons. Such Commission shall develop and implement an aggressive Generic Advertising and Promotional Program for lemons not later than the commencement of the 1984–85 lemon harvesting season. The expenses of such project shall be paid from funds collected pursuant to this part."

Proposals Submitted by Tom C. Cole

Proposal No. 38

That 7 CFR 910.13 be amended to read as follows:

" 'Marketing organization' means any organization which markets lemons for one or more handlers pursuant to a written contract between such organization and each such handler."

Proposal No. 39

It is further proposed that the membership makeup of the Lemon Administrative Committee (7 CFR 910.20) be revised in a manner which will preclude the possibility of its control by any one "Marketing Organization." It is suggested that the membership should be limited to "grower" members and "non-industry" members for the same reason, and further for the reason that the Marketing Order is designed for the benefits of growers and consumers through the regulation of handlers and marketing organizations.

Proposal No. 40

That § 910.20 be amended to read as follows:

"(a) There is hereby established a Lemon Administrative Committee, the membership to be determined as hereinafter prescribed. For each member there shall be an alternate members who shall have the same qualifications for membership as the member for whom he may serve as an alternate. The provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members and alternate members in like manner. Further, reference to "member" therein shall be deemed to include alternates unless the context indicates otherwise.

From each marking organization which marketed more than five percent of the total volume of lemons (based upon the average volume of the two years next preceding the fiscal year during which nomination for members are submitted), there shall be three grower members affiliated with each such marketing organization. At least one of such grower members shall be from each production district in which such marketing organization produced lemon for purposes of establishing its volume base.

From all other marketing organizations, collectively, there shall be three grower members none of whom shall be affiliated with of the marketing organizations having more than five percent of the total volume of lemons as set forth immediately above. At least one of such grower members shall be from each production district in which such collective marketing organizations produce lemons for purpose of establishing their volume base.

There shall be three grower members selected from the group identified as independents who are not affiliated with a marketing organization. At least one of such grower members shall be from each production district.

Three members of the committee shall be persons who shall not be growers or handlers, or affiliated with any marketing organization, or an employee, agent, or representative of a grower or handler (other than an educational institution which is a grower or handler), or of marketing organization. Such persons shall be referred to in this part as "non-industry" members. At least one of such "non-industry" members shall be from each production district.

(b) Except as otherwise provided pursuant to § 910.22(h), the growers in each regional production district and group shall nominate a sufficient number of grower members as may be necessary to make up the grower membership of the committee.

(c) Each alternate grower member shall be from the same group as the member.

Proposal No. 41

That § 910.22 be amended to read as follows:

"(a) The time and manner of nominating members of the Lemon Administrative Committee shall be prescribed by the Secretary.

(b) The growers affiliated with any marketing organization which markets more than five percent of the total volume of lemons based upon the average volume of lemons for the three years next preceding the fiscal year during which nominations for members are submitted shall nominate, in conformity with § 910.20, three grower members.

(c) Collectively the growers affiliated with all marketing organizations which market lemons and which are not qualified under paragraph (b) of this Section shall nominate, in conformity with §910.20, three members.

(d) All growers of the group identified as independents in § 910.20 who are not affiliated with a marketing organization which markets lemons shall nominate, in conformity with § 910.20, three grower members.

(e) When voting for nominees each grower shall be entitled to one vote only which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives.

(f) The members of the Lemon Administrative Committee selected by the Secretary pursuant to § 910.23 shall, by concurring vote of at least fifty-one percent of the members, nominate the non-industry members.

(g) The grower members nominated under paragraphs (b), (c), and (d) of this Section shall be in such number from such districts and groups as are provided pursuant to § 910.20.

Proposal No. 42

That § 910.28 be amended to read as follows:

"(a) Fifty-one percent of the members of the committee shall constitute a quorum and any action of the committee shall require the concurring votes of such a quorum.

(b) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing. If an assembled meeting is held, all votes shall be cast in person.

Proposal No. 43

That § 910.84(c) be amended so as to allow the growers and producers of lemons, by their own referendum, to periodically decide whether they would like to terminate the Lemon Marketing Order.

Proposal No. 44

That § 910.84(c) should be amended to read as follows:

"The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production of lemons for

market: *Provided, that* such majority has, during such year, produced for market more than fifty percent of the volume of such lemons produced for market; but such termination shall be affected only if announced on or before July 31 of the then current fiscal year. In order to determine whether a majority of producers favor termination of this subpart, not later than May 31, 1985, and each five years thereafter, not later than May 31 of such year, the Secretary shall hold a referendum election among lemon producers to determine whether the above specified majority of lemon producers favor continuance or termination of this subpart. Provided, that if a termination referendum or affirmative amendment referendum is held within any five year period of time as herein provided, the next termination referendum shall be held not later than May 31 of the fifth year following such referendum."

(Sec. 1–19, 48 Stat. 41, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C. on December 8, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83–33125 Filed 12–12–83; 8:45 am]

BILLING CODE 3410–02–M

Commodity Credit Corporation

7 CFR Part 1491

CCC Intermediate Credit Export Sales Program for Breeding Animals (GSM–201)

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would delete supplements I, II and III to the Commodity Credit Corporation's (CCC) Intermediate Credit Export Sales Program for Breeding Animals (GSM–201) covering the special financing eligibility requirements for export sales of beef breeding cattle, dairy breeding cattle, and breeding swine, respectively. Sales of beef and dairy breeding animals and breeding swine will now be financed under the general financing provision for all breeding animals, including, but not limited to, cattle, swine, sheep, and poultry. The purpose of the rule is to provide more flexibility for providing financing for breeding animals.

DATES: Comments must be received on or before February 13, 1984.

ADDRESS: Mail comments to Director, CCC Operations Division, Export Credits, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: L. T. McElvain, Deputy Director, CCC Operations Division, Export Credits, Foreign Agricultural Service, USDA, Washington, D.C. 20250 Tel: (202) 447–6225.

SUPPLEMENTARY INFORMATION: Supplements I, II and III to CCC's Intermediate Credit Export Sales Program for Breeding Animals (GSM–201) (7 CFR Part 1491) contain special financing eligibility requirements for export sales of beef breeding cattle, dairy breeding cattle and breeding swine. In order for beef and dairy breeding animals to be eligible for financing, they must, among other requirements, be eligible for registration with the appropriate national breed association, be classified as a purebred animal, or be an animal which is predominately of the color characteristics and body conformation of the animal breed. For swine to be eligible for financing the animal must, among other requirements, be registered with the appropriate national breed association, declared eligible for registration, classified as a purebred animal, or, for non-purebred swine animals, the parents and paternal and maternal grandparents must be recorded on an appropriate certificate and certified by the producer.

Eliminating these requirements would provide more flexibility for providing financing for breeding cattle and swine and would also give U.S. exporters more flexibility to negotiate sales that will meet the importing country's breeding programs. Requests for financing breeding animals would be reviewed on a case-by-case basis to determine if the animals would meet the market development objectives of the program. Breeding animals financed and exported would still be subject to any health or other inspection requirements that may be enforced by the Animal and Plant Health Inspection Service, USDA.

The public is invited to submit written comments and suggestions regarding the proposed rule to the above address. Each person submitting comments and suggestions regarding the proposed rule should include his/her name and address and should give reasons for suggested changes. Copies of all written communications will be available for examination by interested persons in Room 4526, South Building, USDA, during regular business hours.

This proposed rule has been reviewed under USDA procedures required by Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major" since the proposed rule, if made final, would not have any of the effects specified in those documents.

To the extent that the provisions of the Regulatory Flexibility Act apply, if any, the General Sales Manager, Foreign Agricultural Service (FAS), certifies that this proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities since there will not be a substantial number of such entities affected by this proposed rule. Consequently, no regulatory flexibility analysis is required under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The public is invited to comment on the impact of this proposed rule on small entities, and the General Sales Manager will review this determination in light of those comments.

An assessment of the impact of this rule on the environment was made and, based on that evaluation, this action is not a major federal action and will have no foreseeable significant effects on the quality of the human environment. Consequently, no environmental impact statement is necessary for this proposed rule. The environmental assessment is available for review in Room 4525, South Building, USDA, during normal business hours.

Proposed Rule

PART 1491—[AMENDED]

Accordingly, for the reasons set out above, the CCC proposes to amend Part 1491 of Chaper XIV of Title 7 of the Code of Federal Regulations by removing supplements I, II, and III.

Melvin E. Sims,

General Sales Manager and Associate Administrator and Vice-President, Commodity Credit Corporation.

[FR Doc. 83–33066 Filed 12–12–83; 8:45 am]

BILLING CODE 3410–10–M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 744

Payout Priorities for Involuntary Liquidations of Federally Insured Credit Unions; Extension of Comment Period

AGENCY: National Credit Union Administration (NCUA).

ACTION: Extension of comment period.

SUMMARY: In order to ensure the benefit of participation of all interested parties, the NCUA Board has extended until

January 20, 1984, the comment period on its recently proposed rule concerning payout priorities.

DATE: Comments must be received by January 20, 1984.

ADDRESS: Send comments to Secretary of the NCUA Board, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: James Engel, Assistant General Counsel, or Steven Bisker, Senior Attorney, Department of Legal Services, 1776 G Street NW., Washington, D.C. 20456. Telephone—(202) 357–1030.

SUPPLEMENTARY INFORMATION: On November 10, 1983, the NCUA Board issued a proposed rule to implement a change in the manner in which it makes payouts as the liquidating agent of federally insured credit unions. The proposal was published in the November 21, 1983, **Federal Register** (48 FR 52588). The proposal was issued in response to the finding in a recent court decision that a 1982 NCUA Interpretive Ruling on this subject was invalid for failure to comply with the notice and comment requirements of the Administrative Procedures Act.

Briefly, the proposed rule would cause general creditors and the National Credit Union Share Insurance Fund (NCUSIF) to share on a pro rata basis in the distribution of assets of a closed credit union, after satisfaction of secured creditors. This is in contrast to the present priorities (i.e., the pre-interpretive ruling priorities, which have been reinstated) under which all creditors' claims are satisfied prior to those of the NCUSIF.

In the interest of expediting the final resolution of this matter, and considering that this proposal did not raise new issues, the Board originally established a public comment deadline of December 19, 1983. Two prospective commenters, a credit union trade association and a state credit union supervisor, have requested an extension of the comment period arguing that the December 19th deadline does not provide sufficient time to thoroughly analyze the proposal and formulate comments. Accordingly, in order to ensure the benefit of participation of all interested parties, the NCUA Board extends the comment period until January 20, 1984.

Authority: 12 U.S.C. 1766 (a) and (b), 1787(a)(2), 1787(d) and 1789(11).

Dated: December 1, 1983.

Rosemary Brady,

Secretary, NCUA Board.

[FR Doc. 83–33022 Filed 12–12–83; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 0

[Docket No. 31107–219]

Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

AGENCY: Office of the Secretary, Commerce.

ACTION: Proposed rule.

SUMMARY: These regulations establish administrative procedures for imposing sanctions against former employees of the Department of Commerce who have violated post-employment restrictions. Such sanctions are authorized by the Ethics in Government Act of 1978, as amended.

DATE: Comments must be received on or before: February 13, 1984.

ADDRESS: Send comments to: Department of Commerce, Office of General Counsel, Assistant General Counsel for Administration, Room 5877, 14th & Constitution Avenue, N. W., Washington, D.C. 20230. Each person submitting a comment should include his or her name and address, and give reasons for any recommendation.

FOR FURTHER INFORMATION CONTACT: David Maggi, (202) 377–5017.

SUPPLEMENTARY INFORMATION:

Background

On October 26, 1978, Congress enacted the Ethics in Government Act of 1978 ("the Act"), which was amended in 1979. (Pub. L. 95–521, 96–19, and 96–28.) Title V of the Act amends 18 U.S.C. 207, which prohibits former Government employees from engaging in certain post-employment activities. Amended section 207(j) authorizes the heads of Executive departments, including the Secretary of Commerce, to promulgate regulations providing for disciplinary action against former Government employees found in violation of section 207. Such employees may be prohibited from making, on behalf of any person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, such department on a pending matter of business for a period not to exceed five years or may be subject to other appropriate disciplinary action. These regulations establish procedures for determining whether a former Department of Commerce employee has violated post employment conflict of interest restrictions and, if so, for imposing sanctions and conducting administrative appeals. These regulations follow the guidelines established by the Office of Personnel Management, 5 CFR 737.27.

Major Provisions

The proposed regulations include the following major provisions:

1. *Investigations.* Section 0.735–41 provides that the Inspector General shall investigate all violations of 18 U.S.C. 207 and shall coordinate such investigations with the Department of Justice. The investigations shall be conducted in such a way as to protect the privacy of former employees.

2. *Initiating Proceedings.* Section 0.735–42 provides that the Director for Personnel and Civil Rights shall initiate disciplinary actions by proposing sanctions against a former employee if there is reasonable cause to believe the former employee violated post-employment restrictions.

3. *Notice.* Section 0.735–43 provides that a former employee against whom disciplinary proceedings have been initiated shall be notified of the proposed action and the procedure for challenging imposition of sanctions.

4. *Hearing.* Section 0.755–43 provides that a former employee against whom disciplinary proceedings have been initiated has a right to a hearing before an impartial and qualified examiner. The hearing shall have liberal rules of evidence similar to those for the Merit Systems Protection Board and there shall be no compelled discovery. The examiner shall uphold the agency action if an examination of all the evidence indicates a violation of post-employment restrictions by a preponderance of the evidence. The examiner determines only whether there has been a violation and does not review the reasonableness of the proposed sanctions.

5. *Decision Absent a Hearing.* Section 0.735–45 provides that a former employee who does not request a hearing in a timely fashion waives his or her right to a hearing. In such a case, the Director for Personnel and Civil Rights or designee shall render a decision after providing the former employee an opportunity to submit documentary evidence.

6. *Appeals.* Section 0.735–46 provides that the initial administrative decision may be appealed to the Assistant Secretary for Administration who will render a decision on the basis of the written record. Section 0.735–48 provides for judicial review.

7. *Sanctions.* Section 0.735–47 provides that sanctions which the

Director for Personnel and Civil Rights may impose include prohibiting the former employee from making, on behalf of any other person except the United States, any formal or informal appearance or communication with the Department or any sub-unit thereof for a period of up to five years or any other appropriate disciplinary action including any lesser included sanctions of those proposed in the notice to the former employee.

These proposed regulations have been reviewed and approved by the Office of Government Ethics as required by 18 U.S.C. 207(j).

Actions Associated with Proposed Rulemaking

The Department has determined that this action does not consititute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact assessment or environmental impact statement was prepared.

Under Executive Order 12291, the Department must judge whether a regulation is "Major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. These regulations are not Major because they are not likely to 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 on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These regulations were submitted to the Office of Management and Budget for review as required by Executive Order 12291.

The General Counsel of the Department of Commerce certified to the Small Business Administration that these regulations, if adopted, will not have a significant economic impact on a substantial number of small entities. Therefore, a Regulatory Flexibility Analysis was not prepared.

These regulations will not impose a collection of information requirement for purposes of the Paperwork Reduction Act.

List of Subjects in 15 CFR Part 0

Conflict of Interests.

Marilyn G. Wagner,

Assistant General Counsel for Administration.

Dated: December 7, 1983.

15 CFR Part 0 is amended by adding a new Subpart H as follows:

PART 0—EMPLOYEE RESPONSIBILITIES AND CONDUCT

* * * * *

Subpart H—Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

Sec.

0.735–40 Scope.
0.735–41 Report of violations and investigation.
0.735–42 Initiation of proceedings.
0.735–43 Notice.
0.735–44 Hearing.
0.735–45 Decision absent a hearing.
0.735–46 Administrative appeal.
0.735–47 Sanctions.
0.735–48 Judicial review.

Authority: 18 U.S.C. 207(j); 5 CFR 737.27.

Subpart H—Disciplinary Actions Concerning Post-Employment Conflict of Interest Violations

§ 0.735.40 Scope.

(a) These regulations establish procedures for imposing sanctions against a former employee for violating the post-employment restrictions of the conflict of interest laws and regulations set forth in 18 U.S.C. 207 and 5 CFR Part 737. These procedures are established pursuant to the requirement in 18 U.S.C. 207(j). The General Counsel is responsible for resolving questions on the legal interpretation of 18 U.S.C. 207 or regulations issued thereunder and for advising employees on these provisions.

(b) For purposes of this subpart, (1) "Former employee" means a former Government employee as defined in 5 CFR 737.3(a)(4) who had served in the Department;

(2) "Lesser included sanctions" means sanctions of the same type but more limited scope as the proposed sanction; thus, a bar on communication with an operating unit is a lesser included sanction of a proposed bar on communication with the Department and a bar on communication for one year is a lesser included sanction of a proposed five year bar.

(3) "Assistant Secretary" means the Assistant Secretary for Administration or designee;

(4) "Director" means the Director for Personnel and Civil Rights, Office of the Secretary, or designee.

(5) "Inspector General" and "General Counsel" include any persons designated by them to perform their functions under this subpart; and

(6) "Days" means calendar days except that a dead-line which falls on a weekend or holiday shall be extended to the next working day.

§ 0.735–41 Report of Violations and Investigation.

(a) If an employee has information which indicates that a former employee has violated any provisions of 18 U.S.C. 207 or regulations thereunder, that employee shall report such information to the Inspector General.

(b) Upon receiving information as set forth in paragraph (a) from an employee or any other person, the Inspector General, upon a determination that it is nonfrivolous, shall expeditiously provide the information to the Director, Office of Government Ethics, and to the Criminal Division, Department of Justice. The Inspector General shall coordinate any investigation under this Subpart with the Department of Justice, unless the Department of Justice informs the Inspector General that it does not intend to initiate criminal prosecution.

(c) All investigations under this Subpart shall be conducted in such a way as to protect the privacy of former employees. To ensure this, to the extent reasonable and practical, any information received as a result of an investigation shall remain confidential except as necessary to carry out the purposes of this Subpart, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder, or as may be required to be released by law.

(d) The Inspector General shall report the findings of the investigation to the Director.

§ 0.735–42 Initiation of proceedings.

If the Director determines, after an investigation by the Inspector General, that there is reasonable cause to believe that a former employee has violated post-employment statutes or regulations, the Director shall initiate administrative proceedings under this Subpart by proposing sanctions against the former employee and by providing notice to the former employee as set forth in § 0.735–43.

§ 0.735–43 Notice.

(a) The Director shall notify the former employee of the proposed disciplinary action in writing by registered or certified mail, return receipt requested, or by any means which gives actual notice or is reasonably calculated to give actual notice. Notice shall be considered received if sent to the last known address of the former employee.

(b) The notice shall include: (1) A statement of allegations and the basis thereof sufficiently detailed to enable the former employee to prepare a defense;

(2) A statement that the former employee is entitled to a hearing if requested within 20 days from date of notice;

(3) An explanation of the method by which the former employee may request a hearing under this Subpart including the name, address, and telephone number of the person to contact if there are further questions;

(4) A statement that the former employee has the right to submit documentary evidence to the Director if a hearing is not requested and an explanation of the method of submitting such evidence and the date by which it must be received; and

(5) A statement of the sanctions which have been proposed.

§ 0.735-44 Hearing.

(a) *Examiner.* (1) Upon timely receipt of a request for a hearing, the Director shall refer the matter to the Assistant Secretary who shall appoint an examiner to conduct the hearing and render an initial decision.

(2) The examiner shall be impartial, shall not be an individual who has participated in any manner in the decision to initiate the proceedings, and shall not have been employed under the immediate supervision of the former employee or have been employed under a common immediate supervisor. The examiner shall be admitted to practice law and have suitable experience and training to conduct the hearing, reach a determination, and render an initial decision in an equitable manner.

(b) *Time, date, and place.* The hearing shall be conducted at a reasonable time, date, and place as set by the examiner. In setting the date, the examiner shall give due regard to the need for both parties to adequately prepare for the hearing and the importance of expeditiously resolving allegations that may be damaging to the former employee's reputation.

(c) *Former employee's rights.* At a hearing, the former employee shall have the right:

(1) To represent himself or herself or to be represented by counsel,

(2) To introduce and examine witnesses and to submit physical evidence,

(3) To confront and cross-examine adverse witneses,

(4) To present oral argument, and

(5) To receive a transcript or recording of the proceedings, on request.

(d) *Procedure and evidence.* In a hearing under this Subpart, the Federal Rules of Evidence and Civil Procedure do not apply but the examiner shall exclude irrelevant or unduly repetitious evidence and all testimony shall be taken under oath or affirmation. The examiner may make such orders and determinations regarding the admissibility of evidence, conduct of examination and cross-examination, and similar matters which the examiner deems necessary or appropriate to ensure orderliness in the proceedings and fundamental fairness to the parties. There shall be no discovery unless agreed to by the parties and ordered by the examiner. The hearing shall not be open to the public unless the former employee or the former employee's representative waives the right to a closed hearing, in which case the examiner shall determine whether the hearing will be open to the public.

(e) *Ex-parte communications.* The former employee, the former employee's representative, and the agency representative shall not make any ex-parte communications to the examiner concerning the merits of the allegations against the former employee prior to the issuance of the initial decision.

(f) *Initial decision.* (1) The proposed sanctions shall be sustained in an initial decision upon a determination by the examiner that the preponderance of the evidence indicated a violation of post-employment statutes or regulations.

(2) The examiner shall issue an initial decision which is based exclusively on the transcript of testimony and exhibits together with all papers and requests filed in connection with the proceeding and which sets forth all findings of fact and conclusions of law relevant to the matters at issue.

(3) The initial decision shall become final thirty days after issuance if there has been no appeal filed under section 0.735-46.

§ 0.735-45 Decision absent a hearing.

(a) If the former employee does not request a hearing in a timely manner, the Director shall make an initial decision on the basis of information compiled in the investigation, and any submissions made by the former employee.

(b) The proposed sanction or a lesser included sanction shall be imposed if the record indicates a violation of post-employment statutes or regulations by a preponderance of the evidence.

(c) The initial decision shall become final thirty days after issuance if there has been no appeal filed under 0.735-46.

§ 0.735-46 Administrative appeal.

(a) Within 30 days after issuance of the initial decision, either party may appeal the initial decision or any portion thereof to the Assistant Secretary. The opposing party shall have 20 days to respond.

(b) If an appeal is filed, the Assistant Secretary shall issue a final decision which shall be based solely on the record, or portions thereof cited by the parties to limit issues, and the appeal and response. the Assistant Secretary shall also decide whether to impose the proposed sanction or a lesser included sanction.

(c) If the final decision modifies or reverses the initial decision, it shall state findings of fact and conclusions of law which differ from the initial decision.

§ 0.735-47 Sanctions.

(a) If there has been a final determination that the former employee has violated post-employment statutes or regulations, the Director shall impose, subject to the authority of the Assistant Secretary under section 0.735-46(b), the sanction which was proposed in the notice to the former employee or a lesser included sanction.

(b) Sanctions which may be imposed include: (1) Prohibiting the former employee from making, on behalf of any other person except the United States, any formal or informal appearance before or, with the intent to influence, any oral or written communication to the Department or any organizational sub-unit thereof on any matter of business for a period not to exceed five years; and

(2) Other appropriate disciplinary action.

(c) The Director may enforce the sanctions of section (b)(1) of this section by directing any or all employees to refuse to participate in any such appearance or to accept any such communication. As a method of enforcement, the Director may establish a list of former employees against whom sanctions have been imposed.

§ 0.735-48 Judicial review.

Any former employee found to have violated 18 U.S.C. 207, or regulations issued thereunder, by a final administrative decision under this Subpart may seek judicial review of the administrative determination.

[FR Doc. 83-33112 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-BW-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 750 and 755

Surface Mining and Reclamation Operation Federal Program for Indian Lands and Tribal-Federal Intergovernmental Agreements

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

ACTION: Cancellation of Public Hearing.

SUMMARY: The Office of Surface Mining (OSM) is announcing the cancellation of the public hearing in Washington, D.C. scheduled on the proposed Surface Mining and Reclamation Operation Federal Program for Indian Lands and Tribal-Federal Intergovernmental Agreements because no requests were received by December 9, 1983, to testify at that hearing. See 48 FR 49174. The Director of the Office of Surface Mining has determined that no hearing is necessary and in the interest of cost saving, is hereby cancelling the hearing which was scheduled for December 14, 1983, in Washington, D.C. The hearing which was scheduled for Denver, Colorado on December 14, 1983, will be held according to the **Federal Register** notice.

This notice cancels the public hearing schedule for Washington, D.C., but does not alter the comment period during which interested persons may submit written comments on the proposed Surface Mining and Reclamation Operation Federal program for Indian Lands and Tribal-Federal Intergovernmental Agreements.

DATES: The following hearing is cancelled:

The public hearing on the proposed Surface Mining and Reclamation Operation Federal Program for Indian Lands and Tribal-Federal Intergovernmental Agreements originally scheduled for December 14, 1983, in Washington, D.C.

ADDRESS: Written comments should be mailed or hand delivered to: Administrative Record Room (R&I-32), Office of Surface Mining, U.S. Department of the Interior, 5315L, 1951 Constitution Ave., NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: H. B. Simpson, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5361.

SUPPLEMENTARY INFORMATION: On October 24, 1983 (48 FR 49174), the Office of Surface Mining published a proposed Surface Mining and Reclamation Operation Federal program for Indian Lands and Tribal-Federal Intergovernmental Agreements which would regulate surface coal mining and reclamation operations on Indian Lands. The proposed program provided for public hearings to be held in Denver, Colorado and Washington, D.C. to receive comments. It further provided that if no person indicated an intention to testify by December 9, 1983, one or both of the hearings would be cancelled. As of close of business on December 9, no persons contacted OSM indicating that they wished to testify at the public hearing in Washington, D.C. Therefore, in the interest of cost savings, the Director of OSM is cancelling the hearing scheduled in Washington, D.C. on December 14, 1983.

While there will be no public hearing in Washington, D.C. the hearing in Denver, Colorado will be held as scheduled. Interested persons not attending the hearing may still submit written comments on the proposed program. Written comments must be received on or before 5:00 p.m., on December 15, 1983, to be considered.

Dated: December 7, 1983.

Richard G. Bryson,

Acting Assistant Director, Program Operations and Inspection, Office of Surface Mining.

[FR Doc. 83-33166 Filed 12-9-2:38 pm]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2487-3]

Approval and Promulgation of Implementation Plans; California State Implementation Plan (SIP) Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The State of California recently submitted to EPA fifteen volatile organic compound (VOC) rules. These rules have been evaluated and found to be in conformance with the requirements of 40 CFR Part 51 and EPA policy. Therefore, this notice proposes to approve the rules and incorporate them into the State Implementation Plan. The intended effect of this action is to control VOC emissions in ozone nonattainment areas and meet requirements of the Clean Air Act.

DATE: Comments may be submitted up to January 12, 1984.

ADDRESSES: Comments may be sent to:

Regional Administrator, Attn: Air Management Division, Air Programs Branch, State Implementation Plan Section (A-2-3) and

Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

Copies of the proposed revisions and EPA's associated Evaluation Report are available for public inspection during normal business hours at the EPA Region 9 office at the above address, and at the following location: California Air Resources Board, 1102 "Q" Street, P.O. Box 2815, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Douglas Grano, Chief, State Implementation Plan Section, Air Programs Branch, Air Management Division, Environmental Protection Agency, Region 9 (415) 974-7641.

SUPPLEMENTARY INFORMATION:

Background

Part D of the Clean Air Act requires states to revise their State Implementation Plan for all areas that have not attained the National Ambient Air Quality Standards (NAAQS).

EPA's April 4, 1979 General Preamble describes the Part D requirements for submittal of Reasonably Available Control Technology (RACT) regulations. The first set of RACT regulations for VOC was required for sources covered by the Group I Control Techniques Guidelines (CTG) documents published before January 1978. Regulations for sources covered by the Group I documents were to have been submitted by January 1, 1979. A second set of RACT regulations was required for sources covered by the Group II CTG documents, published between January 1978 and January 1979. Regulations for sources covered by the Group II CTG documents were to have been submitted January 1, 1981.

EPA published the CTGs in order to assist the states in determining RACT. The CTGs contain information on available air pollution control techniques and provide recommendations on what EPA calls the "presumptive norms" for RACT.

We have addressed the Group I and II CTG categories rules in several rulemaking actions. This notice addresses revisions to certain Group I and II CTG rules.

This notice also addresses a Stage II vapor recovery rule of the Madera County and a petroleum solvent dry cleaning rule, adopted by the South

Coast Air Quality Management District for the Los Angeles portion of the Southeast Desert Air Basin.

Description of Regulations

The State of California submitted revisions to the following regulations, which cover *Group I CTG categories*, on February 3, and April 11, 1983:

(February 3, 1983)

Bay Area Air Quality Management District (AQMD)
Rule 13 Light and Medium-Duty Motor Vehicle Assembly Plants
South Coast AQMD
Rule 461 Gasoline Transfer and Dispensing

(April 11, 1983)

El Dorado County Air Pollution Control District (APCD)
Rule 214 Transfer of Gasoline into Stationary Storage Containers
Madera County APCD
Rule 417 Gasoline Transfer into Stationary Storage Containers
Rule 419 Organic Liquid Loading

In addition, the State submitted the following revised rules, which cover *Group II CTG categories:*

(February 3, 1983)

Bay Area AQMD
Rule 25 Pump and Compressor Seals at Petroleum Refineries
Rule 29 Aerospace Assembly and Component Coating Operations
South Coast AQMD
Rule 1102.1 Perchlroethylene Dry Cleaning Systems

(April 11, 1983)

El Dorado County APCD
Rule 218 Perchlroethylene Dry Cleaning Operations
Rule 219 Emission Control Requirements
Rule 220 Exemptions to Rule 218 and Rule 219
Kern County APCD
Rule 414.1 Valves, Pressure Relief Valves and Flanges at Petroleum Refineries and Chemical Plants
Madera County APCD
Rule 410 Manufactured Metal Parts and Products Surface Coating Emissions

The State also submitted the following VOC rules on February 3, and April 11, 1983, respectively:

South Coast AQMD
Rule 1102 Petroleum Solvent Dry Cleaners
Madera County APCD
Rule 418 Gasoline Transfer into Vehicle Fuel Tanks

Proposed Actions

EPA proposes to approve, under Part D, the rules listed above since they are consistent with the Clean Air Act, EPA policy and 40 CFR Part 51. These rules have been evaluated and found to represent reasonably available control technology. A copy of EPA's evaluation is available for inspection at the Region 9 Office.

I certify that SIP approvals do not have a significant economic impact on a substantial number of small entities. 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 52

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

Authority: Secs. 110, 129, 171 to 178 and 301(a), Clean Air Act as amended (42 U.S.C. 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: October 6, 1983.

John Wise,

Acting Regional Adminstrator.

[FR Doc. 83-33043 Filed 12-12-83; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[A-6-FRL 2487-2]

Approval and Promulgation of Implementation Plans; Texas Revisions to the General Rules and Regulation VI for New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to approve revisions to the Texas State Implementation Plan (SIP) pertaining to new source review (NSR) for nonattainment areas. Specifically, the State proposes to revise the General Rules, and Regulation VI of the Texas Air Control Board (TACB) Regulations. The proposed approval is based on the review of revisions which were adopted by the Board on March 20, 1981, and June 10, 1983, but have not yet been submitted to EPA by the Governor. Major revisions to the regulations are not anticipated prior to the Governor's.

Portions of the revisions are being submitted by the State to satisfy conditions placed on its Part D plan revision (at 45 FR 19231, March 25, 1980). The purpose of this action is to propose approval of those portions of the revisions so that conditions on the Part D SIP may be removed, and to propose approval of the remaining portions of the States submittal.

DATES: Interested persons are invited to submit comments on this proposed action on or before January 12, 1984.

ADDRESSES: Written comments on this proposed action should be addressed to Donna M. Ascenzi of the EPA Region 6 office (address below). Copies of the State's submittals may be examined during normal business hours at the following locations:

EPA, Region 6, Air Branch, 1201 Elm Street, Dallas, Texas 75270 and
Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723.

FOR FURTHER INFORMATION CONTACT: Donna M. Ascenzi, State Implementation on Plan Section, Air Branch EPA, Region 6, 1201 Elm Street, Dallas, Texas 75270 (214) 767-1518.

SUPPLEMENTARY INFORMATION: On March 25, 1980, EPA conditionally approved portions of the Texas SIP with regard to the requirements of Part D of the Clean Air Act, as amended. In order to comply with one of the conditions, pertaining to the State's NSR program, the State was required to revise its definitions of "major source" and "major modification" to be equivalent to EPA's definitions, within nine months of EPA's promulgation resulting from the ruling of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Alabama Power Company et al.* v. *Douglas Costle.*

On March 20, 1981, the TACB adopted, among other things, revisions to the General Rules which consisted of revisions to the definitions of "potential to emit," "major facility/stationary source" and "major modification." However, based on EPA's proposal of March 12, 1981 (at 46 FR 16280) to revise the definition of "source," the State reassessed their revised definitions.

As a result of this reassessment, the state decided to revise its definition of "major modification," and to maintain its adopted definitions of "major facility/stationary source," and "potential to emit." Public hearings on the revision to the definition of "major modification," and revisions to Regulation VI were held on February 22, 24, and 28, 1983. These revisions were adopted by the Board on June 10, 1983.

EPA has reviewed the revisions to the definitions of "major facility/stationary source," "major modification," and "potential to emit," and the revisions to Regulation VI against the criteria specified in 40 CFR 51.18, Review of New Sources and Modifications. EPA has developed an evaluation report [1]

[1] EPA Review of Texas Revisions to the General Rules and Regulation VI, August 1983.

which discusses the technical aspects of the revisions in detail. The following is a brief summary of EPA's evaluation of the revisions.

Definitions

For the definitions of "major facility/stationary source," and "major modification," based on the Agency's review, EPA believes that the definitions of these terms are substantially equivalent to the Agency's definitions of these terms, for the reasons specified in the evaluation report.[1] The State has agreed to submit a letter of clarification at the time of submittal stating that they will interpret "major facility/stationary source" and "major modification" to include the Federal definition of "building, structure, facility or installation."

During the Agency's review of the State's definition of "potential to emit," one issue arose regarding the interpretation of the term "enforceable limitations" used within this definition. This definition does not specify that such enforceable limitations be federally enforceable limitations. However, the State has agreed to submit a letter of clarification, at the time of submittal, starting that they will interpret the term "enforceable limitations" to mean federally enforceable limitations, including TACB permits under the SIP.

Regulation VI

As previously noted, on June 10, 1983, the Board also adopted revisions to Regulation VI which is entitled, "Control of Air Pollution by Permits for New Construction or Modification." In general, the revisions to Regulation VI will serve to clarify the intent of the rules, improve understanding of the responsibility of holders of exemptions, and facilitate compliance and enforcement actions. The most significant changes consisted of the removal of the "clean spot exemption," and the deletion of Bexar County from certain permit requirements concerning demonstrations of reasonable further progress. The "clean spot exemption" was deleted from Regulation VI, because EPA promulgated revisions to the offset policy which extended the requirements of that ruling to cover new major sources and modifications proposing to construct anywhere in the nonattainment area (see 45 FR 31307, May 13, 1980). In regard to Bexar County EPA revised the designation status of that area to attainment of November 16, 1981, (at 46 FR 56199). Therefore, requirements pertaining to demonstrations of reasonable further progress are no longer applicable to that area.

Based on the Agency's review, EPA is proposing to approve the revisions to the General Rules and Regulation VI. This proposed approval is based on revisions which the State has adopted and committed to submit under Governor's signature and the commitment to submit a letter of clarification on "enforceable limitations" and on incorporation of "building, structure, facility or installation." However, should the State make substantial changes in the final revision, EPA will evaluate those changes, and publish a revised notice of proposed rulemaking. Otherwise, EPA will publish a notice of final rulemaking on the revisions discussed in today's notice, once they and the clarifying letters are submitted to EPA for incorporation into the SIP.

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

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

List of Subjects in 40 CFR Part 52

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

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

Dated: September 29, 1983.

Frances E. Phillips,

Regional Administrator.

[FR Doc. 83-33044 Filed 12-12-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 86

[AMS-FRL 2487-6]

Application for Waiver of Effective Date of the 1981 and 1982 Model Year Carbon Monoxide Emission Standard for Light-Duty Motor Vehicles—Request for Public Comments and Opportunity for Hearing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for Public Comments and Notice of Opportunity for Hearing.

SUMMARY: This notice requests public comment and provides interested parties with an opportunity to testify at a hearing to consider an application that Nissan Motor Company, Ltd. (Nissan) submitted to EPA on October 12, 1983. The application is for a waiver of the 1981 and 1982 model year carbon monoxide (CO) exhaust emission standard for its Datsun 210 and 310.

DATE: EPA has scheduled a public hearing on January 9, 1984, beginning at 9:00 a.m. to consider Nissan's waiver application. Parties desiring to testify should notify the Manufactures Operations Division, as noted below, not later than January 3, 1984, to ensure that the Administrator can consider these comments in evaluating this waiver application. If no party testifies at the hearing, EPA will consider the waiver application based on written submissions to the record.

ADDRESSES: The hearing will be held at the Manufactures Operations Division Conference Room, 499 South Capital St., SW., 3rd floor, Washington, D.C. 20460. Parties wishing to testify at the hearing should notify Ms. Mary Smith as noted below. Parties wishing to submit written comments should direct their submissions to the Director, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Information submitted by Nissan, as well as any comments received from interested parties, will be available for public inspection and copying in EPA Public Docket EN-83-06 located in EPA's Central Docket Section (A-130), Gallery I, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mary T. Smith, Attorney/Advisor, Manufacturers Operations Division (EN-340), 401 M St., SW., Washington, D.C. 20460, (202) 382-2514.

SUPPLEMENTARY INFORMATION: Section 202(b)(5)of the Clean Air Act, as amended (Act), 42 U.S.C. 7521(b), authorizes EPA to waive application of the 1981 and 1982 model year statutory CO emission standard applicable to light-duty motor vehicles and engines upon the request of a manufacturer for a specific vehicle model if the Administrator makes certain findings specified under section 202(b)(5)(C) of the Act. Under section 202(b)(5)(C), the Administrator may grant such a waiver only if the Administrator finds that protection of the public health does not require attainment of the statutory CO standard of 3.4 gpm for those model years and vehicles for which the waiver is sought. In addition, a waiver may be

granted only if the Administrator determines that (1) such waiver is essential to the public interest or the public health and welfare of the United States, (2) the applicant has made all good faith efforts to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available with respect to the model in question for a sufficient period of time to achieve compliance prior to the effective date of such standards, taking into consideration costs, driveability, and fuel economy, and (4) studies and investigations of the National Academy of Sciences and other information available to the Administrator have not indicated that technology, process, or other alternatives are available to meet such standards.

On October 12, 1982, Nissan submitted a petition for reconsideration of the denial of a waiver of the 1981 and 1982 model year statutory CO standard for its Datsun 210 and 310 models. The previous denial was issued on November 8, 1979 (44 FR 69416 (December 3, 1979)). Nissan's petition for reconsideration is based on EPA and Nissan testing which shows that 1981 models are emitting pollutants in excess of the unwaived CO standard.

I am now requesting public comments and scheduling a public hearing. EPA plans to hold the hearing on January 9, 1984. The procedures under which the hearing will be held are the same as those EPA has employed for previous CO hearings (see 46 FR 21629 (April 7, 1981)).

Interested parties may submit written comments to the public docket until January 13, 1984, to ensure that the Administrator can consider those comments in formulating the waiver decision. At the hearing, the Agency will make a verbatim record of the proceedings. Interested persons may obtain a copy of the transcript from the Manufacturers Operations Division or the Public Docket by so arranging with the reporter during the hearing. The Administrator will base determinations with regard to Nissan's waiver requests on the record of the public hearing, if any, and on any other relevant written comments submitted to, or available for public inspection at the EPA Central Docket Section in docket number EN-83-06. Interested parties may obtain copies of documents in the public docket as provided in 40 CFR Part 2.

Dated: December 7, 1983.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 83-33042 Filed 12-12-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-8

Nondiscrimination in Federal Assistance Programs

AGENCY: Office of Organization and Personnel, GSA.

ACTION: Proposed rule.

SUMMARY: These regulations implement the provisions of the Age Discrimination Act of 1975, as amended, and the general, governmentwide regulation published in the **Federal Register** on June 12, 1979, codified at 45 CFR Part 90. The Act prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. The Act also contains certain exceptions that permit, under limited circumstances, use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. Notwithstanding these exceptions, the Act applies to persons of all ages.

These regulations are designed to guide the actions of recipients of GSA Federal financial assistance. The regulations incorporate the basic standards for determining what is age discrimination as set forth in the Health and Human Services (HHS) general regulation (45 CFR Part 90). They discuss the responsibilities of GSA recipients, investigations, conciliation, and enforcement procedures GSA will use to ensure compliance with the Act.

DATES: To be assured of consideration, comments must be in writing and must be received on, or before February 13, 1984. Comments should refer to specific sections in the regulation.

ADDRESS: Comments must be forwarded to Frances L. Coleman, Office of Civil Rights (HO), General Services Administrator, 18th and F Streets, NW., Washington, DC 20405.

Comments received will be available in Room 6221; General Services Administration Building; 18th and F Streets, NW., Washington, D.C. Copies of this notice are available on tape for those with impaired vision. They may be obtained at the above address, or by calling 202-566-1368.

FOR FURTHER INFORMATION CONTACT: Frances L. Coleman, Office of Civil Rights (HO), General Services Administrator, 18th and F Streets, NW., Washington, D.C. 20405; (202) 566-1368.

SUPPLEMENTARY INFORMATION:

Background

(a) In November 1975 Congress enacted the Age Discrimination Act (42 U.S.C. 6101 et seq.) as part of the amendments to the Older Americans Act (Pub. L. 94-135). The Act prohibits discrimination on the basis of age in all programs and activities receiving Federal financial assistance. The Act prohibits recipients of Federal financial assistance from taking actions that result in denying, or limiting services, or otherwise discriminate on the basis of age.

(b) Like other Federal financial assistance civil rights statutes, the Act applies only to programs or activities in which there is an intermediary (recipient) standing between the Federal financial assistance and the ultimate beneficiary of that assistance. The Act does not apply to programs of direct Federal financial assistance such as the Social Security Program.

(c) The Act requires each department or agency which operates programs of Federal financial assistance to issue proposed and then final regulations which must be consistent with the general regulations (45 CFR Part 90).

(d) The amendments to the Act added a requirement that the Secretary, Department of Health and Human Services (HHS) (formerly the Department of Health, Education and Welfare (HEW)), approved the final Age regulations of all Federal agencies.

List of Subjects in 41 CFR Part 101-8

Age discrimination, Federal financial assistance.

It is proposed to amend 41 CFR 101-8 as follows:

PART 101-8—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

1. The authority citation for Part 101-8 reads as follows:

Authority: Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq. (45 CFR Part 90.)

2. The table of contents for Part 101-8 is amended by adding the following entries:

Subpart 101-8.7—Discrimination Prohibited on the Basis of Age

101-8.701 Scope of General Services Administration's age discrimination regulations.

Sec.
101–8.702 Applicability.
101–8.703 Definitions of terms.
101–8.704 Rules against age discrimination.
101–8.705 Definitions of "normal operation" and "statutory objectives."
101–8.706 Exceptions to the rules against age discrimination.
101–8.707 Burden of proof.
101–8.708 Affirmative action by recipients.
101–8.709 Special benefits for children and the elderly.
101–8.710 Age distinctions contained in General Service Administration regulations.
101–8.711 General responsibilities.
101–8.712 Notice to subrecipients and beneficiaries.
101–8.713 Assurance of compliance and recipient assessment of age distinctions.
101–8.714 Information requirements.
101–8.715 Compliance reviews.
101–8.716 Complaints.
101–8.717 Mediation.
101–8.718 Investigation.
101–8.719 Prohibition against intimidation or retaliation.
101–8.720 Compliance procedure.
101–8.721 Hearing, decisions, post-termination proceedings.
101–8.722 Remedial action by recipient.
101–8.723 Exhaustion of administrative remedies.
101–8.724 Alternative funds disbursal.

Subpart 101–8.7—Discrimination Prohibited on the Basis of Age

3. Subpart 101–8.7 (Sections 101–8.700 through 101–8.724) is added as follows:

§ 101–8.700 Purpose of the Age Discrimination Act of 1975, as amended.

The Age Discrimination Act of 1975, as amended, is designed to prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance.

§ 101–8.701 Scope of General Service Administration's age discrimination regulations.

These regulations set out General Services Administration's (GSA) policies and procedures under the Age Discrimination Act of 1975, as amended, and the general age discrimination regulations at 45 CFR Part 90. The Act and the Federal regulations permit Federal financial assistance programs and activities to continue to use certain age distinctions and factors other than age which meet the requirements of the Act and its implementing regulations.

§ 101–8.702 Applicability.

(a) These regulations apply to each GSA recipient and to each program or activity operated by the recipient that benefits from GSA Federal financial assistance.

(b) These regulations do not apply to:

(1) An age distinction contained in that part of Federal, State, or local statute or ordinance adopted by an elected, general purpose legislative body which:

(i) Provides any benefits or assistance to persons based on age;

(ii) Established criteria for participation in age-related terms; or

(iii) Describes intended beneficiaries or target groups in age-related terms.

(2) Any employment practice of any employer, employment agency, labor organization or any labor-management joint apprenticeship training program, except for any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act (CETA) (29 U.S.C. 801 et seq.)

§ 101–8.703 Definitions of terms.

(a) As used in these regulations, the term: "Act" means the Age Discrimination Act of 1975, as amended, (Title III of Pub. L. 94–135).

(b) "Action" means any act, activity, policy, rule, standard, or method of administration.

(c) "Age" means how old a person is, or the number of years from the date of a person's birth.

(d) "Age distinction" means any action using age or an age-related term.

e) "Age-related term" means a word or words which necessarily imply a particular age or range of ages (for example, "children," "adult," "older persons," but not "student").

(f) "Agency" means a Federal department or agency that is empowered to extend Federal financial assistance.

(g) Agency Responsible Officials:

(1) "Administrator" means the Administrator of the General Services.

(2) "Director, Office of Civil Rights" means the individual responsible for managing the agency's nondiscrimination Federal financial assistance program, or his or her designee.

(h) "Federal financial assistance" means any grant, entitlement, loan, cooperative agreement, contract (but does not include procurements contracts, contracts of insurance or guarantee contracts), or any other arrangement by which a Federal agency provides or otherwise makes available assistance in the form of:

(1) Funds;

(2) Services of Federal personnel; or

(3) Real and personal property or any interest in or use of property, including:

(i) Transfer or leases of property for less than fair market value or for reduced consideration; and

(ii) Proceeds from a subsequent transfer or lease of property if the Federal share of its fair market value is not returned to the Federal government.

(i) "GSA" means the United States General Services Administration.

(j) "Recipient" means anyone receiving Federal financial assistance (State agencies, donees and program participants of donees, beneficiary).

(k) "Primary recipient" means any recipient extending Federal financial assistance to another recipient (State agency).

(l) "Subrecipient" means any recipient receiving Federal financial assistance from another recipient (Donee). A subrecipient is generally regarded as a recipient of Federal financial assistance and has all the duties and responsibilities of a recipient in these regulations.

(m) "Beneficiary" means any individual receiving personal benefits from Federal financial assistance (student, patient, elderly person, etc.).

(n) "United States" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, the Northern Marianas, the Trust Territory of the Pacific Islands, and the territories and possessions of the United States.

§ 101–8.704 Rules against age discrimination.

The rules stated in this section are limited by the exceptions contained in § 101–8.706 of these regulations.

(a) *General rule.* No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from GSA.

(b) *Specific rules.* A recipient may not, in any program or activity receiving Federal financial assistance, directly or through contractual licensing, or other arrangements, use age distinctions or take any other actions which have the effect on the basis of age, of:

(1) Excluding individuals from participating in, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial assistance; or

(2) Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(c) The specific forms of age discrimination listed in paragraph (b) of this section do not necessarily constitute a complete list.

§ 101-8.705 Normal operation and statutory objectives.

The terms "normal operation" and "statutory objective" are defined as follows:

(a) "Normal operation" means the operation of a program or activity without significant changes that would impair its ability to meet its objectives.

(b) "Statutory objective" means any purpose of a program or activity expressly stated in any Federal state, or local statute or ordinance adopted by an elected, general purpose legislative body.

§ 101-8.706 Exceptions to the rules against age discrimination.

§ 101-8.706-1 Normal operation or statutory objective of any program or activity.

A recipient is permitted to take an action, otherwise prohibited if the action reasonable takes into account age as a factor necessary to the normal operation or achievement of any statutory objective of a program or activity. An action reasonably takes into account age as a factor if;

(a) Age is used as a measure or approximation of one or more other characteristics; and

(b) The other characteristic(s) must be measured or approximated in order for the normal operation of the program or activity to continue, or to achieve any statutory objective of the program or activity; and

(c) The other characteristic(s) can be reasonably measured or approximated by the use of age; and

(d) The other characteristic(s) are impractical to measure directly on an individual basis.

§ 101-8.706-2 Reasonable factors other than age.

A recipient is permitted to take an action otherwise prohibited by § 101-8.706-1 which is based on a factor other than age, even though that action may have disproportionate effect on persons of different ages. An action may be based on a factor other than age only if the factor bears a direct and substantial correlation to the normal operation of the program or activity or to the achievement of a statutory objective.

§ 101-8.707 Burden of proof.

The burden of providing that an age distinction or other action falls within the exceptions outlined in § 101-8.706 is on the recipient of Federal fianancial assistance.

§ 101-8.708 Affirmative action by recipient.

Even in the absence of a finding of discrimination, a recipient may take affirmative action to overcome the effects of conditions that resulted in limited participation in the recipient's program or activity on the basis of age.

§ 101-8.709 Special benefits for children and the elderly.

If a recipient operating a program provides special benefits to the elderly or to children, such use of age distinctions shall be presumed to be necessary to the normal operation of the program, notwithstanding the provisions of § 101-8.705.

§ 101-8.710 Age distinctions contained in General Service Administration regulations.

Any age distinctions contained in a rule or regulation issued by GSA shall be presumed to be necessary to the achievement of a statutory objective of the program to which the rule or regulation applies.

§ 101-8.711 General responsibilities.

Each recipient is responsible for ensuring that its programs and activities that receive Federal financial assistance from GSA are in compliance with the Act and these regulations, and shall take steps to eliminate violations of the Act. A recipient is also responsible for maintaining records, providing information, and shall afford GSA access to its records to the extent GSA finds necessary to determine whether a program or activity receiving Federal financial assistance is in compliance with the Act and these regulations.

§ 101-8.712 Notice to subrecipients and beneficiaries.

(a) Where a primary recipient passes on Federal assistance from GSA to subrecipients, the primary recipient shall provide to subrecipients, written notice of their obligations under the Act and these regulations with respect to programs or activities receiving Federal financial assistance.

(b) Each recipient shall make necessary information about the Act and these regulations available to beneficiaries of its programs or activities receiving Federal financial assistance in order to inform them about the protections against discrimination provided by the Act and these regulations.

§ 101-8.713 Assurance of compliance and recipient assessment of age distinctions.

(a) Each recipient of Federal financial assistance from GSA shall sign a written assurance as specified by GSA that it will comply with the Act and these regulations with respect to its programs or activities receiving Federal financial assistance.

(b) *Recipient assessment of age distinctions.* (1) As part of a compliance review under § 101-8.715 or complaint investigation under § 101-8.718, GSA may require a recipient employing the equivalent of 15 or more employees to complete a written self-evaluation, of any age distinction imposed in its program or activity receiving Federal financial assistance from GSA to assess the recipient's compliance with the Act.

(2) Whenever an assessment indicates a violation of the Act and the GSA regulations, the recipient shall take corrective action.

§ 101-8.714 Information requirements.

Each recipient shall:

(a) Keep records in a form and containing information which GSA determines may be necessary to ensure that the recipient is complying with the Act and these regulations with respect to programs receiving Federal financial assistance from GSA.

(b) Provide to GSA upon request, information and reports which GSA determines are necessary to ascertain whether the recipient is complying with the Act and these regulations with respect to programs receiving Federal financial assistance from GSA.

(e) Permit reasonable access by GSA to books, records, accounts, facilities, and other sources of information regarding its programs or activities receiving Federal financial assistance from GSA to the extent GSA determine is necessary to ascertain whether the recipient is complying with the Act and these regulations. GSA adopts HHS policy regarding the specific kinds of data and information recipients are expected to keep. (45 CFR Part 90.34). Such policy shall be parallel with compliance information sections in the Title VI, Title IX, and Section 504 implementation regulations. While recognizing the need for data sufficient to assess recipient compliance, GSA is committed to lessening the data gathering burden on recipients. GSA further recognizes that there is no established body or knowledge of experience to guide the assessment of age discrimination. These regulations, therefore, do not impose specific data requirements upon recipients, rather, it allows GSA to be flexible in determining what kinds of data should be kept by recipients, based on what kinds of data prove useful as GSA gains experience with the Age Discrimination Act, and age discrimination issues become clearer.

(d) The collection of data and information from recipients is subject to the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), as defined in GSA's notice of revised information collection: "Nondiscrimination in Federally Assisted Program (Discrimination on the basis of race, color, national origin, and sex)" 48 FR 31089, dated July 6, 1983.

§ 101-8.715 Compliance reviews.

(a) GSA may conduct compliance reviews and use other similar procedures that will permit it to investigate and correct violations of the Act and these regulations. GSA may conduct these reviews even in the absence of a complaint against a recipient. The reviews may be as comprehensive as necessary to determine whether a violation of the Act and these regulations has occurred.

(b) If a compliance review indicates a violation of the Act, or these regulations, GSA will attempt to achieve voluntary compliance with the Act. If voluntary compliance cannot be achieved, GSA will arrange for enforcement as described in § 101–8.720.

§ 101.8.716 Complaints.

(a) Any person, individually or as a member of a class or on behalf of others, may file a complaint with GSA alleging discrimination prohibited by the Act or these regulations based on an action occuring on or after July 1, 1979. A complainant shall file a complaint within 180 days from the date the complainant first had knowledge of the alleged act of discrimination. However, for good cause shown, GSA may extend this time limit.

(b) GSA will consider the date a complaint is filed to be the date upon which the complaint is sufficient to be processed.

(c) GSA will attempt to facilitate the filing of complaints wherever possible, including taking the following measures:

(1) Accepting as a sufficient complaint, any written statement which identifies the parties involved and the date the complainant first had knowledge of the alleged violation, describes generally the action or practice complained of, and is signed by the complainant;

(2) Freely permitting a complainant to add information to the complaint to meet the requirements of a sufficient complaint;

(3) Notifying the complainant and the recipient of their rights and obligations under the complaint procedure, including the right to have a representative at all stages of the complaint procedure; and

(4) Notifying the complainant and the recipient (or their representative) of their rights to contact GSA for information and assistance regarding the complaint resolution process.

(d) GSA will return to the complainant any complaint outside the jurisdiction of these regulations, and will state the reason(s) why it is outside the jurisdiction of these regulations.

§ 101-8.717 Mediation.

(a) GSA will promptly refer to the mediation agency designated by the Secretary, HHS, all sufficient complaints that:

(1) Fall within the jurisdiction of the Act and these regulations, unless the age distinction complained of is clearly within an exception; and

(2) Contain all information necessary for further processing.

(b) Both the complainant and the recipient shall participate in the mediation process to the extent necessary to reach an agreement or make an informed judgement that an agreement is not possible. Both parties need not meet with the mediator at the same time.

(c) If the complainant and the recipient agree, the mediator shall prepare a written statement of the agreement and have the complainant and the recipient sign it. The mediator shall send a copy of the agreement to GSA. GSA will take no further action on the complaint unless the complaintant or the recipient fails to comply with the agreement.

(d) The mediator shall protect the confidentiality of all information obtained in the course of the mediation process. No mediator shall testify in any adjudicative proceeding, produce any document, or otherwise disclose any information obtained in the course of the mediation process without prior approval of the head of the mediation agency.

(e) The mediation will proceed for a maximum of 60 calendar days after a complaint is filed with GSA. Mediation ends if:

(1) 60 calendar days elapse from the time the complaint is filed; or

(2) Prior to the end of that 60 calendar-day period, an agreement is reached; or

(3) Prior to the end of that 60 calendar-day period, the mediator determines that an agreement cannot be reached.

Note.—This 60 calendar-day period may be extended by the mediator, with the concurrence of GSA, for not more than 30 calendar days if the mediator determines that agreement will likely be reached during such extended period.

(f) The mediator shall return unresolved complaints to GSA.

§101.8.718 Investigation.

(a) *Informal investigation.* GSA will investigate complaints that are unresolved after mediation or are reopened because of a violation of a mediation agreement. As part of the initial investigation, GSA will use informal fact finding methods, including joint or separate discussions with the complainant and the recipient, to establish the fact and, if possible, settle the complaint on terms that are mutually agreeable to the parties. GSA may seek the assistance of any involved State program agency. GSA will put any agreement in writing and have it signed by the parties and an authorized official, designated by the Administrator or the Director, Office of Organization and Personnal. The settlement shall not affect the operation of any other enforcement efforts of GSA, including compliance reviews and investigation of other complaints which may involve the recipient. The settlement is not a finding of discrimination against a recipient.

(b) *Formal investigation.* If GSA cannot resolve the complaint through informal investigation, it will begin to develop formal findings through further investigation of the complaint. If the investigation indicates a violation of these regulations, GSA will attempt to obtain voluntary compliance. If GSA cannot obtain voluntary complaince, it will begin enforcement as described in § 101–8.720.

§ 101–8.719 Prohibition against intimidation or retaliation.

A recipient may not engage in acts of intimidation or retaliation against any person who:

(a) Attempts to assert a right protected by the Act or these regulations; or

(b) Cooperates in any mediation, investigation, hearing, or other part of GSA's investigation, conciliation, and enforcement process.

§ 101–8.720 Compliance procedure.

(a) GSA may enforce the Act and these regulations through:

(1) Termination of a recipient's Federal financial assistance from GSA under the program or activity involved where the recipient has violated the Act or these regulations. The determination of the recipient's violation may be made only after a recipient has had an opportunity for a hearing on the record before an administrative law judge.

(2) Any other means authorized by law including, but not limited to:

(i) Referral to the Department of Justice for proceeding to enforce any rights of the United States or obligations

of the recipients created by the Act or these regulations, or

(ii) Use of any requirement of or referral to any Federal, State, or local government agency that will have the effect of correcting a violation of the Act or these regulations.

(b) GSA will limit any termination to the particular recipient and particular program or activity or part of such program and activity GSA finds in violation of these regulations. GSA will not base any part of a termination on a finding with respect to any program or activity of the recipient which does not receive Federal financial assistance from GSA.

(c) GSA will take no action under paragraph (a) of this section until:

(1) The administrator has advised the recipient of its failure to comply with the Act and these regulations and has determined that voluntary compliance cannot be obtained, and

(2) 30 calendar days have elapsed after the Administrator has sent a written report of the circumstances and grounds of the action to the committees of the Congress having legislative jurisdiction over the Federal program or activity involved. The Administrator will file a report whenever any action is taken under paragraph (a).

(d) GSA also may defer granting new Federal financial assistance from GSA to a recipient when a hearing under § 101–8.721 is initiated.

(1) New Federal financial assistance from GSA includes all assistance for which GSA requires an application or approval, including renewal or continuation of existing activities, or authorization of new activities, during the deferral period. New Federal financial assistance from GSA does not include assistance approved prior to the beginning of a hearing.

(2) GSA will not begin a deferral until the recipient has received a notice of an opportunity for a hearing under § 101–8.721. GSA will not continue a deferral for more than 60 calendar days unless a hearing has begun within that time or the time for beginning the hearing has been extended by mutual consent of the recipient and the Administrator. GSA will not continue a deferral for more than 30 calendar days after the close of the hearing, unless the hearing results in a finding against the recipient.

(3) GSA will limit any deferral to the particular recipient and particular program or activity or part of such program or activity GSA finds in violation of these regulations. GSA will not base any part of a deferral on a finding with respect to any program or activity of the recipient which does not, and would not, receive Federal financial assistance from GSA.

§ 101–8.721 Hearing, decisions, post-termination proceedings.

Certain GSA procedural provisions applicable to Title VI of the Civil Rights Act of 1964 apply to GSA enforcement of these regulations. They are found at 45 CFR 80.9 through 80.11 and 45 CFR Part 81.

§ 101–8.722 Remedial action by recipient.

Where GSA finds a recipient has discriminated on the basis of age, the recipient shall take any remedial action that GSA may require to overcome the effects of the discrimination. If another recipient exercises control over the recipient that has discriminated, GSA may require both recipients to take remedial action.

§ 101–8.723 Exhaustion of administrative remedies.

(a) A complainant may file a civil action following the exhaustion of administrative remedies under the Act. Administrative remedies are exhausted if:

(1) 180 calendar days have elapsed since the complainant filed the complaint and GSA has made no finding with regard to the complaint; or

(2) GSA issues a finding in favor of the recipient.

(b) If GSA fails to make a finding within 180 days or issues a finding in favor of the recipient, GSA shall:

(1) Promptly advise the complainant of this fact;

(2) Advise the complainant of his or her right to bring a civil action for injunctive relief; and

(3) Inform the complainant:

(i) That the complainant may bring civil action only in a United States district court for the district in which the recipient is located or transacts business;

(ii) That a complainant prevailing in a civil action has the right to be awarded the costs of the action, including reasonable attorney's fees, but that the complainant must demand these costs in the complaint;

(iii) That before commencing the action the complainant shall give 30 calendar days notice by registered mail to the Secretary, HHS, The Administrator, the Attorney General of the United States, and the recipient;

(iv) That the notice must state: the alleged violation of the Act; the relief requested; the court in which the complainant is bringing the action; and whether or not attorney's fees are demanded in the event the complainant prevails; and

(v) That the complainant may not bring an action if the same alleged violation of the Act by the same recipient is the subject of a pending action in any court of the United States.

§ 101–8.724 Alternate funds disbursal.

When GSA withholds Federal financial assistance from a recipient under these regulations, the Administrator may disburse such assistance to an alternate recipient; any public or non profit private organization or agency or State or political subdivision of the State. The Administrator will require any alternate recipient to demonstrate:

(a) The ability to comply with these regulations; and

(b) The ability to achieve the goals of the Federal statutes authorizing the program or activity.

Dated: October 25, 1983.

Grant B. Williams, Jr.,

Director, Office of Civil Rights.

[FR Doc. 83–33017 Filed 12–12–83; 8:45 am]

BILLING CODE 6820–34–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

Correction

In FR Doc. 83–30925 appearing on page 54379 of the issue of Friday, December 2, 1983, make the following correction. In the first column, in the "DATE:" section, the comment date should be "January 3, 1984".

BILLING CODE 1505–01–M

Notices

Federal Register
Vol. 48, No. 240
Tuesday, December 13, 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

Food Safety and Inspection Service

[Docket No. 83-037N]

Policy Statement on Actions for Intensified Regulatory Enforcement of Certain Meat and Poultry Plants

This Notice announces a new policy for implementation of an intensified regulatory enforcement system which will be taken on plants identified as chronically operating on a level that the Administrator of the Food Safety and Inspection Service (FSIS) determines to be unacceptable to effectuate the purposes of the Federal Meat Inspection Act and the Poultry Products Inspection Act. FSIS is responsible for inspecting the slaughter of livestock and poultry and the meat and poultry products thereof at more than 7,200 federally inspected plants. The Agency has learned over the years that a small percentage of packers cannot or will not consistently operate within acceptable bounds. They consistently work as close as possible to the absolute minimum standards of compliance with inspection requirements. Plant officials often repeatedly refuse to upgrade inadequate facilities or maintain sufficient sanitation, and often engage in unacceptable or even criminal activities. Many of these flagrant violators use diversionary, delaying or clandestine tactics to avoid the regulatory burden that reputable firms willingly bear.

Inspection attention will be focused on plant management's disregard for health, safety and product standards. In carrying out this policy, immediate steps will be taken to pursue quick action to effectively confront problems in plants identified as violators of basic sanitation and other inspection requirements. These steps are designed to implement an intensive regulatory enforcement system in plants with a poor history of compliance or which are marginal in their operating practices and in dealing with problems identified in these plants.

Criteria for identification of these plants requiring intensified regulatory enforcement are those that fall within several categories of non-compliance such as criminal violators, non-cooperative management, and unacceptable facilities and sanitation. The basis for their identification will be primary through the development of a plant's operational and compliance history, and will be determined from records established by both routine and special program regulatory activities and from records supplied by outside sources. Collectively those records are:

1. Indepth plants reviews;
2. Laboratory product sample results;
3. Evaluation incidents and warning letters prepared by the Agency's Compliance Division;
4. Sanitation history;
5. Product handling violations;
6. Delistments by foreign countries;
7. Office of the Inspector General and General Accounting Office reports;
8. Convictions;
9. Import/Exports records;
10. Consumer and whistleblower complaints;
11. Other miscellaneous sources/ records.

This documentation data will serve as the basis for taking action as determined by the Administrator in effectuating the purposes of the Federal Meat Inspection Act and the Poultry Products Inspection Act.

Failure of establishments to comply with the provisions of the Federal Meat Inspection Act and the regulations thereunder may, in appropriate cases, result in the refusal or withdrawal of inspection services pursuant to sections 4, 6, 8, and 401 of the Federal Meat Inspection Act (21 US.C. 604, 606, 608, and 671) and the rules and regulations thereunder (9 CFR 304.2, 305.5, 335.1–335.21).

Failure of establishments to comply with the provisions of the Poultry Products Inspection Act and the regulations thereunder may, in appropriate cases, result in suspension or withdrawal of inspection services pursuant to sections 7 and 18 of the Poultry Products Inspection Act (21 U.S.C. 456 and 467) and the rules and regulations thereunder (9 CFR 381.21, 381.29, 381.230–381.236).

Done at Washington, D.C., on December 8, 1983.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 83-33034 Filed 12-12-83; 8:45 am]

BILLING CODE 3410-DM-M

Forest Service

Prescott National Forest Grazing Advisory Board; Meeting

The Prescott National Forest Grazing Advisory Board will meet at 10:00 a.m. on January 26, 1984, at the Forest Supervisor's Office in Prescott, Arizona.

The purpose of this meeting is to review items of mutual interest to grazing permittees and the Forest Service. Discussion will be limited to use of range betterment funds and management planning.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Prescott National Forest, 344 South Cortez Street, Prescott, Arizona, telephone number (602) 445–1762. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

Members of the public will be given an opportunity for comments and questions following discussion by the Advisory Board.

Dated: December 1, 1983.

Donald H. Bolander,

Forest Supervisor.

[FR Doc. 83-33021 Filed 12-12-83; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Fees and Charges for Special Services

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed collection of information under the Provisions of the Paperwork Reduction Act (44 U.S.C. 35).

SUMMARY: The Civil Aeronautics Board is requesting the Office of Management and Budget's approval of information collection requirements in Part 389 of the Board's Organization Regulations, which sets forth the special services

made available by the Board to the public and prescribes the fees to be paid for these and various other services, pursuant to the provisions of Title V of the Independent Offices Appropriation Act (5 U.S.C. 140).

DATED: December 5, 1983.

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

SUPPLEMENTARY INFORMATION:

Agency Clearance Officer from Whom A Copy of the Collection of Information and Supporting Documents is Available: Robin A. Caldwell (202) 673–5922
How Often the Collection of Information Must Be Filed: On occasion
Who is Asked or Required to Report: Nongovernment Parties
Estimates of Number of Annual Responses: 80
Estimate of Number of Annual Hours Needed to Complete the Collection of Information: 140

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–33119 Filed 12–12–83; 8:45 am]

BILLING CODE 6320–01–M

Application of National Express, Inc., for Certificate Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting the *National Express Fitness Investigation*, Order 83–12–46, Docket 41637.

SUMMARY: The Board is instituting an investigation to determine the fitness of National Express to engage in interstate and overseas scheduled air transportation of persons, property, and mail.

DATES: Persons wishing to intervene and/or proposing to request additional evidence in the *National Express Fitness Investigation* shall file their petitions in Docket 41637 by December 22, 1983.

ADDRESSES: Requests for additional evidence and petitions to intervene should be filed in Docket 41637 and addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Joseph W. Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–12–46 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–12–46 to that address.

Dated: December 8, 1983.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–33122 Filed 12–12–83; 8:45 am]

BILLING CODE 6320–01–M

Application of Puerto Rico International Airlines, Inc., for Unused Authority Under Section 401(d)(5)

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause (Order 82–13–47).

SUMMARY: The Board is proposing to find Puerto Rico International Airlines, Inc., fit, willing and able to operate unused authority under section 401(d)(5) in the San Juan, Puerto Rico-St. Croix, Virgin Islands and San Juan-St. Thomas, Virgin Islands markets.

DATES: Objections: All interested persons having objections to the Board's tentative fitness determination shall file, and serve upon all persons listed below, no later than December 27, 1983, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the objections.

ADDRESSES: Responses shall be filed in Docket 41069 and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, and should be served upon Puerto Rico International Airlines, Inc., the mayors and airport managers of San Juan, Puerto Rico and St. Croix and St. Thomas, U.S. Virgin Islands, and the Federal Aviation Administration.

FOR FURTHER INFORMATION CONTACT: Sherry L. Kinland, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5333.

SUPPLEMENTARY INFORMATION: The complete text of Order 83–12–47 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83–12–47 to that address.

Dated: December 8, 1983.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83–33123 Filed 12–12–83; 8:45 am]

BILLING CODE 6320–01–M

[Docket No. 41638]

Spokane-Alberta Service Case; Further Postponement of Hearing

The hearing in the above-titled case scheduled for December 12, 1983, is postponed. The hearing will commence on January 17, 1984, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., December 7, 1983.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 83–33121 Filed 12–12–83; 8:45 am]

BILLING CODE 6320–01–M

United States-Venezuela All-Cargo Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Investigation and Denying Exemptions: Order 83–12–38, Docket 41864.

SUMMARY: The Board is instituting the *United States-Venezuela All-Cargo Proceeding* to select primary and back-up carriers to provide scheduled foreign air transportation of property and mail between the United States and Venezuela. The proceeding will also consider whether Airlift International's, and American Airlines' certificate authority for U.S.-Venezuela all-cargo service should be deleted under section 401(g) of the Act. Order 83–12–38 also denies the requests of The Flying Tiger Line Inc. and Arrow Air, Inc. for U.S.-Venezuela all-cargo exemption authority. The complete text of Order 83–12–38 is available as noted below.

DATE: Applications, motions to consolidate applications conforming to the scope of this proceeding, petitions from interested persons, and petitions for reconsideration shall be filed by December 19, 1983. Answers shall be filed by December 29, 1983.

ADDRESSES: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket 41864, *United States-Venezuela All-Cargo Proceeding.*

FOR FURTHER INFORMATION CONTACT: Ronald A. Brown, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673–5203.

SUPPLEMENTARY INFORMATION: The Complete text of Order 83–12–38 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue,

NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 83-12-38 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

Dated: December 6, 1983.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-33120 Filed 12-12-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

President's Commission on Industrial Competitiveness; Changed Meeting

AGENCY: Office of Economic Affairs, Commerce.

ACTION: Notice.

SUMMARY: 48 Federal Register No. 235, pg. 54676, December 6, 1983, reported a meeting of the Human Resources Committee (a subcommittee of the President's Commission on Industrial Competitiveness) on December 19th from 2:00-6:00 pm. The meeting location has been changed from Hewlett-Packard Headquarters to Ricky's Hyatt Hotel, 4219 El Camino Real, Palo Alto, CA 94306, The Ballroom.

Dated: December 8, 1983.

Egils Milbergs,

Executive Director, President's Commission on Industrial Competitiveness.

[FR Doc. 83-33109 Filed 12-8-83; 3:50 pm]

BILLING CODE 3510-18-M

International Trade Administration

[C-201-016]

Postponement of Countervailing Duty Investigation; Certain Fresh Cut Flowers From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The preliminary determination of cut flowers from Mexico is being postponed until not later than January 26, 1984.

EFFECTIVE DATE: December 13, 1983.

FOR FURTHER INFORMATION CONTACT: Rick Herring, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, Telephone: (202) 377-0187.

SUPPLEMENTARY INFORMATION: On October 20, 1983, we initiated a countervailing duty investigation to determine whether certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being conferred upon the production or exportation of cut flowers from Mexico (48 FR 49531). The notice of initiation stated that if the investigation proceeded normally, we would make our preliminary determination by December 27, 1983.

In accordance with Section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), counsel for petitioners requested that we extend the preliminary determination for 30 days. This request was made to permit additional time to investigate a new allegation of an additional bounty or grant conferred upon the exportation of cut flowers from Mexico. Therefore, we will now make our preliminary determination by January 26, 1984.

This notice is published in accordance with Section 703(c)(2) of the Act.

Dated: December 7, 1983.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33071 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-DS-M

[C-570-005]

Textiles, Apparel, and Related Products From the People's Republic of China; Termination of Countervailing Duty Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On December 6 counsel on behalf of the American Textile Manufacturers Institute, the American Apparel Manufacturers Association, the International Ladies' Garment Workers Union, and the Amalgamated Clothing Textile Workers Union withdrew their countervailing duty petition filed September 12 on textile, apparel, and related products from the People's Republic of China (PRC). Based on that withdrawal, we are terminating our countervailing duty investigations.

EFFECTIVE DATE: December 6, 1983.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Office of Investigations, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 377-5498.

SUPPLEMENTARY INFORMATION:

Case History

On September 12, 1983, we received a petition from counsel for the American Textile Manufacturers Institute, the Amalgamated Clothing and Textile Workers Union, and the International Ladies' Garment Workers Union, filed on behalf of the United States industry producing textiles and apparel. The petition was later amended to include the American Apparel Manufacturers Association as petitioner. The petition alleges that the PRC government bestows bounties or grants upon the manufacture, production or exportation of textiles, apparel and related products within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

We found the petition to contain sufficient grounds upon which to initiate countervailing duty investigations on some but not all of the subsidy allegations. On October 3, 1983, we initiated countervailing duty investigations on those allegations (48 FR 46600). We stated that we would issue preliminary determinations on or before December 6, 1983.

On November 3 and 4, 1983, the Department held a public conference to solicit views on the following issues: (1) Whether bounties or grants may be found in a non-market economy country; and (2) whether dual exchange rates in either a market or non-market economy can confer a bounty or grant where all trade is subject to a single rate and the currency is not freely convertible. (*See* 48 FR 46092).

The PRC is not a "country under the Agreement" within the meaning of section 701(b) of the Act. Therefore, section 303 of the Act applies to these investigations. Under this section, because the merchandise under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of these products cause or threaten to cause material injury to a U.S. industry.

On October 20 and November 17 and 23, 1983, we presented questionnaires concerning allegations in the petition to the PRC government in Washington, D.C. On November 30, 1983, the PRC government provided a "Statement by Spokesman of the Ministry of Foreign Economic Relations and Trade," and asked that it be incorporated in the record of these investigations.

Scope of Investigations

The products covered by these investigations are textiles, apparel, and related products as described in

Appendix A to the notice of Initiation of Countervailing Duty Investigations of Textiles, Apparel, and Related Products from the People's Republic of China (*see* 48 FR 46600).

Withdrawal of Petition

On December 6, 1983, petitioners in these investigations notified us that they were withdrawing their petition and requested that the investigations be terminated. Under section 704(a) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. (Although these investigations are governed by section 303 of the Act, section 103(b) of the Trade Agreements Act of 1979 provides that other provisions of Title VII also apply.) We have notified all parties to these investigations of petitioners' withdrawal and our intention to terminate. We have determined that termination of these cases is in the public interest.

For these reasons, we are terminating our investigations of textile, apparel, and related products from the People's Republic of China.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

December 6, 1983.

The Honorable Alan F. Holmer,
Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce, Room 3099B, 14th and Constitution Avenue NW., Washington, D.C.

Re: Countervailing Duty Investigation of Textiles and Apparel from the People's Republic of China

Dear Mr. Holmer: On behalf of Petitioners in this case, we hereby withdraw the countervailing duty petition involving textile and apparel products from the People's Republic of China. We withdraw this petition without prejudice, on the understanding that, if the same petition is refiled at any time within the next ten days, the Department shall, within two working days following the refiling, initiate an investigation, incorporate the record of this proceeding into that investigation, and issue a preliminary determination.

Sincerely,

John D. Greenwald.

December 6, 1983.

Mr. John D. Greenwald,
Verner, Liipfert, Bernhard and McPherson, Suite 1000, 1660 L Street NW., Washington, D.C.

Dear Mr. Greenwald: I am writing in response to your letter of today's date, notifying me that you have withdrawn the countervailing duty petition on textile, apparel, and related products from the PRC, filed September 12 on behalf of the American Textile Manufacturers Institute, the American Apparel Manufacturers Association, the International Ladies' Garment Workers Union, and the Amalgamated Textile and Clothing Workers Union. If you should refile the same petition—making the same allegations and providing the same information—within ten days of today's date, we will initiate investigations and make preliminary determinations within two working days, based on the record as of December 6 of the investigations initiated October 3.

Sincerely,

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-33070 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Marine Mammal Permit Applications; Issuance of Permit; Jardin Zoologique de Quebec

On September 30, 1983, Notice was published in the **Federal Register** (48 FR 44876), that an application had been filed with the National Marine Fisheries Service by the Ministere, Loisir Chasse et Peche, Jardin zoologique de Quebec Charlesbourg, Quebec, Canada, to obtain four (4) beached and stranded California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on December 5, 1983, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) the National Marine Fisheries Service issued a Public Display Permit for the above activities to Jardin zoologique de Quebec subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 5, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33132 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-22-M

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Small Take Exemption

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Final action.

SUMMARY: The National Marine fisheries Service is implementing Section 101(a)(4) of the Marine Mammal Protection Act (MMPA), as amended, for cetaceans and pinnipeds except for walrus. This action provides a procedure for applicants to qualify for an exemption to the MMPA's moratorium on the taking of marine mammals for the incidental, but not intentional taking, of small numbers of non-depleted marine mammals by U.S. commercial fishermen.

EFFECTIVE DATE: January 12, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. K. R. Hollingshead, Protected Species Division, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service, Washington, D.C. 20235. Telephone: (202) 634-7529.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) (MMPA) established a moratorium on the taking of marine mammals. A two-year exemption from the moratorium was established in the MMPA for commercial fishermen. Regulations governing the take of marine mammals incidental to commercial fishing operations were established at the conclusion of the exemption period to allow incidental taking under a general permit scheme which included individual vessel certificates of inclusion. Since 1974, general permits have been issued annually to domestic fishermen and, since 1977, to foreign fishermen within the U.S. fishery conservation zone (FCZ) when the Magnuson Fishery Conservation and Management Act extended MMPA jurisdiction to include the 200-mile FCZ.

Pub. L. 97-58 amended the MMPA in 1981 by adding Section 101(a)(4) (16 U.S.C. 1371(a)(4)). This amendment directs the Secretary of Commerce during any period of five (5) consecutive years to allow the incidental but not intentional taking of small numbers of non-depleted species or stocks of marine mammals by citizens of the United States while engaged in commercial fishing operations. This exemption to the permitting requirements of Section 104 of the MMPA can be granted only if

after notice and opportunity for public comment, the Secretary: (1) Finds that the *total* of such taking will have a negligible impact on such species or stocks and (2) provides guidelines pertaining to the establishment of a cooperative system among the fishermen involved in the operation to monitor and report any such taking. Until these two conditions are satisfied, domestic fishing operations must remain under the general permit system established by Section 104 and regulations established by Section 103 of the MMPA. (See 50 CFR 216.24.)

The National Marine Fisheries Service (NMFS) published a Notice of Proposed Action on October 18, 1983 (48 FR 48271–48273) and invited public comment on the action. During the 30-day review period, public comments were received from two organizations, the Center for Environmental Education and the Defenders of Wildlife. In addition, comments were received from NMFS Regional Offices and Centers and the Marine Manual Commission.

Comments and Discussion

General

Both the Defenders of Wildlife and the Center for Environmental Education questioned why the NMFS did not propose rulemaking as initially intended (see 47 FR 40676, September 15, 1982). Although NMFS considered rulemaking for this action, it was determined that guidelines would be more appropriate and would comply with the intent of the U.S. Congress. In a careful reading of Section 101(a)(4) of the MMPA, and its legislative history (see especially the Congressional Record, page H6430, September 21, 1981), it is clear that Congress intended to reduce the regulatory burden on those commercial fishing operations which result in a small take of non-depleted marine mammals in exchange for a voluntary reporting system. This is reflected in the exemption in Section 101(a)(4)(A) to the regulatory promulgation requirement of Section 103 of the Act and the permitting requirement of Section 104.

The Center for Environmental Education expressed its concern over the cumulative effects of takings in fisheries, which while each may be individually small, together could have a significant impact on a marine mammal population. This is a concern which the NMFS shares. It is the intention of the NMFS, as reflected in the present wording of this action, that takings by all fisheries, whether under general permit or under an exemption, must be considered in making a determination that a certain fishery is having a negligible impact on a marine mammal species or stock.

The Defenders of Wildlife desired the term "non-depleted" be used in various places in the document. Where appropriate this term has been added. However, a determination of depletion is an agency decision. Therefore, it has not been incorporated when referring to information required by applicants since fishermen are not likely to know the biological status of the various impacted species.

Definitions

The Defenders of Wildlife suggested the definition of "small numbers" be modified to agree with the definition found at 50 CFR 228.3. This has been done.

The Center for Environmental Education recommended the definition "incidental, but not intentional taking" be modified to include takings that are "infrequent, unavoidable *and* accidental." This has not been accepted since the current definition to include takings that are "infrequent, unavoidable *or* accidental" agrees not only with the definition found at 50 CFR 228.3 but also with the legislative history of the amendment (page 19, H. Rept. No. 97–228, September 16, 1981).

Application Instructions

The Center for Environmental Education recommended the application instructions be more explicit whereas the Marine Mammal Commission recommended the application be as easy as possible so that fishermen will apply for an exemption. When proposing this action, the NMFS weighed seriously the balance between how much information is needed from the fishermen to make a determination of negligible impact and that amount of information which is beyond the ability of applicants to supply. The NMFS is concerned that if it imposed application requirements too stringent for fishermen to meet, it would subvert the intent of Congress to allow small takings by commercial fishermen without the burden presently found for general permit application requirements in Sections 103 and 104 of the MMPA. Therefore, except for clarification of cooperative efforts between fishermen, organizations and marine mammal research scientists, it was determined not to place any additional requirements on the applicants and that the present level of requested information is sufficient for the Assistant Administrator to make the necessary determinations.

Conditions

Both the Defenders of Wildlife and the Center for Environmental Education expressed concern over conditions under which participants may "injure or kill the marine mammals causing the depredation." Although harassment is recognized as an intentional taking and prohibited by Section 101(a)(4), it is also recognized that in certain situations directed harassment could prevent accidental mortality by keeping animals away from the net. The actual killing or injuring of a marine mammal is reserved for those instances where animals are causing substantial damage to gear or are about to cause immediate personal injury and attempts to deter the animals have failed. Taking by injury or killing of marine mammals is not intended for animals which are only in the vicinity of the gear and/or are feeding on the same fish sought by fishermen. In any case, the number of animals expected to be taken by harassment must be estimated in the application for a small take exemption and will be considered by the Assistant Administrator in making the determination that the taking by that fishery is "small."

Reporting Requirements

Recognizing the independence of fishermen and that not all fishermen may be participating in a cooperative reporting scheme, this section and appropriate previous sections have been modified to reflect that only those participating fishermen registered in the reporting scheme are the ones who must keep records of take and are exempt from the general moratorium of the MMPA. It will be considered a violation of the MMPA for non-registered fishermen to take a marine mammal. (Fishermen who do not encounter marine mammals during commercial fishing operations, need not apply for general permits for a small take exemption under this part.) Registered fishermen failing to report an incidental take, if discovered, jeopardize the continuance of the exemption for himself and his fellow fishermen.

Final Action

The NMFS is therefore implementing this new amendment and will allow those fisheries in specific geographic areas that take a small number of marine mammals incidental to commercial fishing operations to obtain an exemption from the MMPA moratorium in compliance with Section 101(a)(4) of the Act. This five-year waiver can be granted provided the applicant can supply information that the total taking will have a negligible

impact on the species or stocks involved and has demonstrated the capability to establish a system for reporting incidental takes of marine mammals that is acceptable to the Assistant Administrator for Fisheries.

Definitions

For these small take guidelines, the following definitions apply:

"Incidental, but not intentional, taking" means an accidental taking. It does not mean that the taking is unexpected, but rather that it includes those takings which are infrequent, unavoidable or accidental. (Complete definition of take is contained in 50 CFR 216.3.)

"Negligible impact" means an impact which can be disregarded or which is so small or unimportant, or of so little consequence as to warrant little or no attention. A finding of negligible impact cannot be made if a species or stock is listed as depleted in 50 CFR 216.15 or as threatened or endangered under the Endangered Species Act of 1973.

"Small numbers" means a portion of a marine mammal species or stock whose removal would have a negligible impact on that species or stock.

"U.S. citizens" means individual U.S. citizens or any partnership, corporation, association or similar entity (whether or not it is organized under the laws of any State) if it is controlled by individuals who are U.S. citizens.

Application Instructions

In order for the National Marine Fisheries Service to consider an exemption from the General Permit requirements of 50 CFR 216.24, to take small numbers of non-depleted marine mammals during commercial fishing operations, a written request must be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235. Requests for an exemption are limited to U.S. citizens and shall be for a specific fishery within a specified geographical region. Individuals may not apply for a small take exemption unless they are duly authorized representatives of a fishery and have the capability and authority to establish a system for reporting all incidental takes and to receive and collate these reports. Requests for an exemption must include the following information:

1. A detailed description of the fishery, including the type of gear used, species of fish sought, seasonality of the fishery, area of operations, number of participating fishermen and/or vessels, and the known interactions of the fishery with marine mammals.

2. The number of marine mammals by species expected to be taken annually by the commercial fishery covered by the exemption and the reason the mammals are taken.

3. A description of the status and distribution of the affected species or stocks likely to be affected by the fishery so that a negligable impact determination can be made.

4. A statement concerning cooperative efforts, if any, between those fishermen to be covered by an exemption and scientists holding a scientific research permit authorized by Section 101(a)(1) and 104 of the MMPA regarding the retention of marine mammal specimens for scientific study.

5. A description of the reporting system to be used by the fishermen to facilitate the reporting of any incidental takes. Such information should include:

a. Copies of the reporting form to be utilized;

b. Name and address of person to whom completed forms will be sent;

c. Person who will be responsible for collating them; and

d. Proposed schedule and mechanism by which information on taking will be conveyed to the Assistant Administrator for Fisheries.

6. Any other information which the National Marine Fisheries Service may subsequently request.

Upon receipt of a signed application, the Assistant Administrator shall determine the adequacy and completeness of a request and in that connection may waive any requirement for information, or require either elaboration or further information which may be deemed necessary. If the application is found adequate, the National Marine Fisheries Service will invite public comment on the request through publication in the **Federal Register.**

After a 30-day comment period, the Assistant Administrator for Fisheries will determine whether the total taking constitutes a negligible impact on the species or stocks of marine mammals based on public comments received and on the best scientific evidence available. If a determination can be made that the level of taking in the applicant's fishery will be consistent with the finding that the total of such taking will have a negligible impact on the marine mammal species or stocks, the Assistant Administrator for Fisheries will issue a Notice of Exemption through the **Federal Register.** Exemptions will be valid for a specified period of up to five years. An accompanying Letter of Exemption to the applicant will specify any terms or conditions relating to reducing the take of marine mammals in the fishery and any guidelines relating to the cooperative system for reporting marine mammal takings.

A Notice of Exemption may be withdrawn or suspended for a time certain if after notice and opportunity for comment, the Assistant Administrator determines that either: (1) The take is not small, (2) the total taking is having more than a negligible impact on the species or stocks of marine mammals concerned, (3) the species or stock is subsequently determined to be depleted, or (4) the policies, purposes and goals of the MMPA, including the well-being of the marine mammals involved would be better served under the general permit provisions of the Marine Mammal Protection Act.

Conditions

1. A participant operating in a fishery covered by a Letter of Exemption may take marine mammals as long as the taking is an incidental occurrence in the course of normal commercial fishing operations and the fisherman is registered with the individual or organization responsible for compiling reports of marine mammal mortality. Taking of marine mammals by non-registered participants in the fishery will be considered a violation of Section 101 of the MMPA and subject to prosecution thereunder.

2. A registered participant shall take such steps as are necessary to minimize the impact of taking or the actual take of marine mammals without inflicting death or injury to any marine mammal. Such steps may include the judicious use of non-lethal harassment such as sonci devices, "cracker" bombs and other non-lethal repellant devices to prevent net entanglement or similar occurrences that would increase jeopardy to the animal. Registered participants may not injure or kill the marine mammal causing the depredation unless the animal is actually causing immediate and substantial damage to the gear or is about to cause immediate personal injury and efforts to deter animals have failed.

3. Marine mammals taken in the course of commercial fishing operations must be immediately returned to the environment where captured without further injury. Marine mammals may not be retained by the fisherman except in cooperation with an individual holding a valid scientific research permit authorized by Section 101(a)(1) and 104 of the Marine Mammal Protection Act

Reporting Requirements

1. All registered participants in the fishery must maintain records of

incidental take of marine mammals in such a form as agreed upon by the holder of the Letter of Exemption and the National Marine Fisheries Service. At a minimum, reports must include:

a. The date and location of the taking classified by entrampment or entanglement and whether it cause serious injury or death;

b. The identity and number by species of marine mammals taken and, of those taken, the number killed or injured (noting which animals and number were killed, injured or released unharmed); and

c. The amount of time actually fished that day, the approximate amount of fish caught and duration of the vessel-trip, and/or the type and amount of gear used.

2. If there are individuals in the fishery covered by a Letter of Exemption who are not participating in the reporting scheme, then the holder of the Letter of Exemption will be expected to estimate for those non-registered participants, the total number of hours fished and the amount of tonnage of fish caught so that an estimate of the total taking by the fleet can be made.

3. The holder of a Letter of Exemption will be expected to compile these individual participant reports and forward a summary and assessment at least once a year to the Assistant Administrator for Fisheries.

4. Failure to comply with the conditions of the Letter of Exemption may result in actions leading to the suspension or withdrawal of the Exemption and a reimposition of the general permit requirements of the Marine Mammal Protection Act.

Dated: December 7, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33131 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for a Small Take-Commercial Fishing Exemption; New England Groundfish Gillnetters

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the Fishery Conservation Zone of the United States, as authorized by the Marine Mammal Protection Act of 1972 as amended (16 U.S.C. 1361-1407) (MMPA).

Mr. Lawrence P. Greenlaw, Jr. has applied on behalf of the New England Groundfish Gillnetters for a small take exemption to the general permit requirements of the MMPA. This exemption, permitted by Section 101(a)(4) of the Act, would be applicable to fishermen in the Gulf of Maine who fish with bottom-anchored gillnets and incidentally take marine mammals in this operation. The applicant anticipates a take of approximately 100-200 harbor porpoise (*Phocoena phocoena*) and 25-50 harbor seals (*Phoca vitulina*) annually in this fishery. The current population of these animals in this area is approximately 18,000 and 10,500 respectively.

If this exemption is granted, the Division of Wildlife, College of Forestry Resources, in cooperation with the Marine Advisory Board, Office of Sea Grant, (both of the University of Maine at Orono), will serve as receiver for reports from fishermen of their marine mammals takes. Dr. James R. Gilbert, Division of Wildlife, will have overall responsibility for collecting and collating the information and the Marine Advisory Board will serve as an informational contact to fishermen to inform them of the program.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. and in the Office of the Regional Director, 14 Elm Street, Gloucester, Massachusetts.

Interested parties may submit written comments on the application within thirty (30) days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Carmen J. Blondin,

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

[FR Doc. 83-33133 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-22-M

Pacific Coast Groundfish Fishery

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

ACTION: Notice that experimental fishing permit applications will be received.

SUMMARY: NOAA is accepting applications for experimental fishing permits. If issued, these permits would allow fishing for Pacific groundfish during the spring, summer, and fall of 1984 in the fishery conservation zone north of 38T1° N. latitude with set nets, an activity otherwise prohibited by Federal regulations. The areas within which set nets may be fished will be designated. No more than four permits will be issued for 1984.

DATE: Applications for 1984 must be received not later than December 30, 1983.

ADDRESSES: Send applications to T. E. Kruse, Acting Director, Northwest Region, Natinal Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Seattle, Washington 98115, or Floyd S. Anders, Jr., Acting Director, Southwest Region, National Marine Fisheries Service, 300 Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: T. E. (Gene) Kruse, 206-527-6150, or Floyd S. Anders, Jr., 213-548-2575.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP), approved in 1982, and its implementing Federal regulations (50 CFR Part 663) prohibit the use of set nets for taking groundfish in the fishery conservation zone (FCZ) north of 38° N. latitude. The FMP and the regulations specify that experimental fishing permits (EFPs) may be issued to allow the use of otherwise prohibited fishing gear to take groundfish. The procedures to apply for an EFP appear at 50 CFR 663.10 and are available at the above listed addresses. One permit was issued late in 1982 and two were issued in 1983 which permitted fishing with set nets from May through October. Due to limited funds and personnel available to pay for vessel observers to effectively monitor permit compliance, no more than four permits will be issued for 1984. The purpose of allowing set-net fishing for groundfish in the ocean is to collect data on the size and species composition of catches taken with set nets at various locations and times, possibly with differing gear and methods. Conditions of the permits will be structured to sample biologically and geographically diverse areas while minimizing effects on incidentally caught species and reducing the potential for gear conflicts with existing fisheries.

Information obtained from the experimental fishing activities will be used to determine the future of such fishing methods and gear in the FCZ.

Several applications for EFPs to fish for groundfish with set nets probably will be received. The selection of applicants to whom permits may be issued will be based on evaluations of those proposals best suited to the purpose of the experimental fishing. The evaluation will consider the applicants' experience, familiarity with the areas, and likelihood of cooperative compliance with the conditions of the

permits, which are intended to further the purpose of the experiment. If evaluations do not sufficiently limit the number to be considered, a random drawing may be used to select successful applicants. EFPs will be issued for two specific areas of the FCZ: one off Washington and the other off Oregon and northern California. Permits will be issued to no more than one fisherman experienced with set nets and one fisherman inexperienced with the gear in the experimental fishery in each of these two areas. The permit applies to the fishing vessel and gear; the permit holder may have any size crew. If the successful applicants cannot agree among themselves where they will fish, area assignments will be randomly determined. Complete applications received by December 30, 1983, will be considered at the Pacific Fishery Management Council meeting in January or March of 1984.

Data gathered during the 1982 and 1983 experimental fisheries are being analyzed by the National Marine Fisheries Service. It is possible that data gathered through the end of the 1984 experiment, if one is conducted, will be sufficient to justify reconsideratin of whether to continue the current ban against ocean set netting for Pacific groundfish north of 38° N. latitude.

Any proposal for reconsideration will be brought before the Pacific Fishery Management Council in a public meeting and will be subject to public comment and review.

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

Dated: December 7, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33043 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council, Public Meeting With a Partially Closed Session and Public Meeting of Its Salmon Plan Development Team

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: This notice sets forth the schedule and proposed agendas of the forthcoming separate public meetings of the Pacific Fishery Management Council and its Salmon Plan Development Team (SPDT). The Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265, as amended), and the Council has established a Scientific and Statistical Committee (SSC), planning teams, advisors, and committees to assist the Council in carrying out its responsibilities.

DATES: December 13-14, 1983.

ADDRESS: The Council meeting will take place at the Sheraton Airport Hotel, Portland, Oregon on December 14, 1983. The SPDT will meet on December 13, 1983 in the Chinook Room of the Oregon Department of Fish and Wildlife, 506 S.W. Mill St., Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Greenley, Executive Director, Pacific Fishery Management Council, 526 S.W. Mill St., Second Floor, Portland, Oregon 97201. Telephone: (503) 221-6352.

Agendas

Council (open session)—December 14, 1983 (10 a.m. to 5 p.m.) in the Columbian Rooms A and B. The Council will consider recommendations of its SSC, SPDT, Salmon Advisory Subpanel, and the public and will take further tentative actions on the draft proposed Framework Amendment to the FMP for the Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California.

Also to be addresses are groundfish matters related to establishing incidental catch levels for jack mackerel and Pacific mackerel in a proposed joint venture fishery south of 39° N. latitude and for separate management of northern jack mackerel. These issues had been deferred at the Council's November meeting.

Individuals of organizations desiring to provide advice in person on the salmon framework amendment may do so during the scheduled public comment period at 10 a.m. Public comments on groundfish will be received at approximately 2:30 p.m. on Dec. 14.

Council (closed session)—December 14, 1983 (12:00 noon to 1 p.m.) in the Columbian Rooms A and B. The Council will discuss the status of the fishery negotiations between the United States and Canada and the status of current litigation. Only those Council members and staff having security clearances will be allowed to attend this closed session. Personnel matters will also be discussed.

Salmon Plan Development Team (open session)—December 13, 1983. The Development Team will examine allocation goals, the schedule, and provisions for inseason management actions, and will review NMFS' and other written comments on the framework amendment. Time for public comments is set for 3 p.m. Members of the public may submit oral or written statements regarding these matters.

Dated: December 9, 1983.

Carmen J. Blondin,

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

[FR Doc. 83-33248 Filed 12-12-83; 8:45 am]

BILLING CODE 3510-22-M

COPYRIGHT ROYALTY TRIBUNAL

[Docket No. CRT 83-2]

1982 Jukebox Royalty Distribution Proceeding

In accordance with 17 USC 116(c)(3), the Copyright Royalty Tribunal (Tribunal) declares the existence of a controversy concerning the distribution of the 1982 jukebox royalties.

After examining the claims to 1982 jukebox royalties and voluntary agreements covering the shares of most claimants, the Tribunal has determined to make, effective January 19, 1984, partial distribution of the 1982 jukebox royalties. The Tribunal has concluded that partial distribution of the jukebox royalties provides an appropriate balance between the mandate of the Copyright Act for prompt distribution of royalties not in controversy, and the obligation of the Tribunal to protect the rights of all claimants. The Tribunal is restricting partial distribution to those claimants who have received royalties in the several earlier jukebox royalty distributions. Our partial distribution allocations in no way limits or prejudges our disposition of claims in the 1982 proceeding.

It is therefore ordered that as of January 19, 1984, $1,350 be distributed to the Italian Book Corporation, and that 90% of the remainder of the royalty fund be distributed to the designated common agent of the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and SESAC.

The Tribunal directs that not later than January 16, 1984, ASCAP, BMI, SESAC, and the Italian Book Corporation submit the justification for the entitlement to jukebox royalty fees proposed in their Joint Statement and Motion of October 6, 1983.

The Tribunal subsequently will determine if evidentiary hearings will be conducted in this proceeding.

Thomas C. Brennan,

Chairman.

December 8, 1983.

[FR Doc. 83-33111 Filed 12-12-83; 8:45 am]

BILLING CODE 1410-13-M

[Docket No. CRT 80-4]

1979 Cable Royalty Distribution Proceeding; Consideration of Remand Issues

The Copyright Royalty Tribunal (Tribunal) on November 3, 1983 issued an order directing certain claimants to the 1979 cable television royalty fund to submit to the Tribunal their procedural proposals for the implementation of the decision of the U.S. Court of Appeals for the District of Columbia Circuit remanding certain issues of the Tribunal's 1979 cable royalty distribution for further consideration. The Tribunal has considered these comments and reply comments in reaching its decisions on the procedures to be followed in the remand proceeding.

1. The Tribunal will not receive further evidence on the matters of Devotional Claimants and commercial radio/music claims.

2. As stated in our order of December 6, 1983 (48 FR 54679), the matter of Devotional Claimants will remain a Phase II issue in the 1979 distribution proceeding. As the opinion of the Court of Appeals related its discussion of the matter of Devotional Claimants to the Tribunal's award to certain other claimants, the Tribunal will permit all interested parties to participate in the consideration of the Devotional Claims remand.

3. The Tribunal will permit interested parties to present rebuttal evidence on the sports issues. As with rebuttal evidence in other proceedings, this evidence must be restricted to responses to the direct cases of other parties.

4. The Canadian Claimants may participate in the consideration of the sports remand.

5. The Tribunal will permit parties to submit Supplemental Proposed Findings of Fact and Conclusions of Law.

6. The Tribunal adopts the following schedule for the Remand Proceeding:

January 4, 1984—Submission of Lists of Rebuttal Witnesses and Exhibits by Parties Wishing to Present Evidence on the Sports Issues.

January 17, 1984—Commencement of Rebuttal Evidentiary Hearings on Sports Issues.

February 1, 1984—Submission of Opening Briefs by All Parties.

February 15, 1984—Submission of Replies to Opening Briefs.

February 21, 1984—Oral Arguments.

March 1, 1984—Submission of Supplemental Proposed Findings of Fact and Conclusions of Law.

Thomas C. Brennan,

Chairman.

December 8, 1983.

[FR Doc. 83-33110 Filed 12-12-83; 8:45 am]

BILLING CODE 1410-13-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Proposed Flood Control Study Located at Garapan, Island of Saipan, Commonwealth of the Northern Mariana Islands (CNMI)

November 29, 1983.

AGENCY: U.S. Army Corps of Engineers, Pacific Ocean Division, Honolulu District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

1. *Brief Description of the Proposed Action.* The U.S. Army Corps of Engineers is studying flooding and related problems in the Garapan area, Island of Saipan, CNMI, in order to develop adequate flood control measures to protect the area from future flood damages.

2. *Brief Description of Reasonable Alternatives.* Both non-structural and structural alternative flood control measures are being considered at this time:

a. *No action.* This alternative would preserve the existing setting in Garapan. Periodic flooding and subsequent property damage would still occur.

b. *Floodproofing.* This a non-structural plan that would consist of elevation of buildings, wells around structures, and/or waterproof panels and sealing around structure openings.

c. *Construction of a collector and disposal system.* This would involve a system which would divert flood flows from homes and effectively dispose of storm waters.

3. *Brief Description of the Corps Scoping Process.*

a. *Proposed Public Involvement Program.* The program involves coordination with other federal agencies, local government offices, community organizations and the general public. Activities will include public workshops, meetings, formal hearings, issuance of public notices and letter responses. A workshop attended by local government representatives and the general public was held at Garapan on 21 March 1979. A formal public meeting is scheduled for May, 1984 at Garapan. All interested agencies, organizations and individuals are invited to participate in the early planning process by providing written comments or oral testimony to the Corps.

b. Identification of Significant Environmental Issues to be Analyzed in Depth in the DEIS.

(1) Effect of alternatives on known and unknown archaeological and historic resources.

(2) Effect of alternatives on the socio-economic climate of the Garapan area.

c. Possible assignment for input into the DEIS under Consideration Among the Lead and Cooperating Agencies and Organizations:

(1) *U.S. Fish and Wildlife Service:* Provision of a Fish and Wildlife Coordination Act Report.

(2) *Pacific Studies Institute:* Provide details of archaeological and historic resources within the project area, and recommendations for preservation or mitigation for valuable sites.

(3) *CNMI Historic Preservation Officer:* Evaluation of archaeological/historical survey results and identification of sites (if any) eligible for listing in the National Register of Historic Places.

d. Identification of Other Environmental Review and Consultation Requirements.

(1) "Protection of Historic and Cultural Properties," 36 CFR Part 800 (44 Federal Register, 30 January 1979), pursuant to Section 106 of the National Historic Preservation Act of 1966.

(2) Section 404 of the Clean Water Act;

(3) Fish and Wildlife Coordination Act.

4. A scoping meeting will not be held on this study. Cooperating agencies involved in the planning have been informed of the proposed study. These agencies include the U.S. Fish and Wildlife Service, CNMI Preservation Officer, and other CNMI offices.

5. Under the present schedule the Draft Environmental Impact Statement will be made available to the public in April, 1984. *Address:* Questions about the proposed action and DEIS can be answered by: Mr. Harvey Young, U.S. Army Engineer District, Honolulu, Building T-1, Fort Shafter, Hawaii 96858, Telephone: (808) 438-9526.

Dated: December 1, 1983.

Michael M. Jenks,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-33076 Filed 12-12-83; 8:45 am]

BILLING CODE 3710-NN-M

DEPARTMENT OF ENERGY

International Atomic Energy Agreements; Civil Uses; Proposed Subsequent Arrangement; European Atomic Energy Community

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer:

RTD/SW(EU)-126, from the Federal Republic of Germany to Sweden, 35.088 Kilograms of uranium, containing 32.737 Kilograms of U-235 (93.3% enriched) for use as fuel in the R-2 reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: December 6, 1983.

George J. Bradley, Jr.,

Principal Deputy Assistant Secretary for International Affairs.

[FR Doc. 83-33001 Filed 12-12-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER84-113-000]

Arizona Public Service Co., of Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 28, 1983, Arizona Public Service Company (Arizona) tendered for filing a Notice of Cancellation of FERC Rate Schedule No. 86 between Arizona and Utah Power and Light Company (Utah).

Arizona states that this filing is made in accordance with the terms of the Agreement which provided for a termination date of May 31, 1983.

Arizona requests an effective date of May 31, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33094 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-118-000]

Arkansas Power and Light Co.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 30, 1983, Arkansas Power and Light Company (APL) tendered for filing the Eighth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between APL and Arkansas Electric Cooperative Corporation (AECC). The amendment provides for two additional points of delivery.

APL requests that the Commission waive any requirements with which APL has not already complied.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33095 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2076-000]

Arthur M. Richardson, Application

December 7, 1983.

The filing individual submits the following:

Take notice that on October 28, 1983, Arthur M. Richardson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Rochester Gas and Electric Corporation

Director, Goulds Pumps, Incorporation

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33096 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-115-000]

Boston Edison Co., Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 28, 1983, Boston Edison Company (Edison) tendered for filing a specification of the contract demand service to be taken by the Town of Reading, Massachusetts (Reading) under Edison's contract demand tariff. Edison states that the filing does not change the terms and

conditions of service or affect the rate level charged to Reading.

Edison requests that the specification be made effective either as of the date of its execution, October 4, 1983, or within sixty days following this filing.

Copies of the filing have been served upon Reading and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33097 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-114-000]

Boston Edison Co.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 28, 1983, Boston Edison Company (Edison) tendered for filing an October 26, 1983 Amendment to its Agreement dated March 17, 1975 for sale by Edison and purchase by Bangor Hydro-Electric of capacity and related energy from Mystic #7 Unit. Edison states that the Amendment reduces Bangor Hydro-Electric's entitlement in Mystic #7 Unit, extends the existing contract for two years beginning on November 1, 1983 and that the parties have agreed to make an effort to adjust the contract year for billing purposes. All other terms of the agreement remain unchanged. Edison requests an effective date of November 1, 1983.

Copies of this filing have been served upon Bangor Hydro-Electric and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33098 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-119-000]

Dayton Power and Light Co.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on December 1, 1983, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the City of Tipp City (Tipp City), Ohio.

DP&L states that the proposed Agreement allows Tipp City to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Tipp City.

DP&L requests an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385. 214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33099 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-120-000]

Dayton Power and Light Co.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on December 1, 1983, Dayton Power and Light Company (DP&L) tendered for filing an executed Purchase and Resale Agreement (Agreement) between DP&L and the Village of Versailles (Versailles), Ohio.

DP&L states that the proposed Agreement allows Versailles to purchase energy requirements from third parties who will use existing Interconnection Agreement Rate schedules to deliver the energy requirements to DP&L for delivery to Versailles.

DP&L requests an effective date of December 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33100 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7096-002]

Douglas Water Power Co.; Denial of Rehearing by Operation of Law

December 7, 1983.

The Commission has considered the application for rehearing filed by Douglas Water Power Company with respect to the Commission's October 6, 1983 Order Denying Appeal. The application for rehearing raised no new or significant question of law or policy. All issues have previously been considered. The Commission voted to take no action on the application for rehearing.

Accordingly, the application for rehearing is deemed denied by operation of law on December 5, 1983 under Rule 713 of the Commission's Rules of Practice and Procedures, 18 CFR 385.713(f) (1983), and Section 313(a) of the Federal Power Act, 16 U.S.C. 8251(a) (1976).

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33101 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP84-70-000]

East Tennessee Natural Gas Co.; Application

December 7, 1983.

Take notice that on November 15, 1983, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP84-70-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of up to 7 billion Btu of gas per day, on a best-efforts basis, to Laurel Fuel Company (Laurel) for the one-year period beginning December 6, 1983, or the date of authorization, whichever is later, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell the gas to Laurel at its current average system load factor rate of $3.6272 per million Btu, plus a transportation charge of $.01 per Mcf by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). It is stated that the gas would be made available to Tennessee at Applicant's existing Lobelville and/or Greenbrier receipt points located in the counties of Robertson and Perry, Tennessee. It is explained that Tennessee would transport the volumes by displacement to an existing interconnection between Tennessee and Transcontinental Gas Pipe Line Corporation (Transco) in Heidelberg County, Mississippi, with Transco's transporting the gas to Laurel at an existing interconnection with Laurel in Jones County, Mississippi. It is submitted that Laurel would arrange and pay for transportation by Transco.

Applicant alleges that the proposed sale would form a portion of the Laurel system supply. Additionally, Applicant states that the gas to be sold to Laurel is surplus to the requirements of Applicant's customers and would enable Applicant to attain its goal of selling 9,746,000 Mcf of gas off-system to avoid estimated minimum bill charges of $29.8 million from its pipeline supplier, Tennessee, during the period, July 1, 1983, through June 30, 1984.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33102 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-34-002]

Great Lakes Gas Transmission Co.; Filing

December 7, 1983.

Take notice that on November 30, 1983, Great Lakes Gas Transmission Company (Great Lakes), in accordance with the provisions of a letter order issued November 25, 1983 by the Commission approving the Stipulation and Agreement in the above captioned docket, submits for filing copies of tariff sheets to its FERC Gas Tariff.

Great Lakes states that the following tariff sheets, provided for in Article III of the Stipulation and Agreement, reflects the settlement base tariff rates and are filed in compliance with the Commission's order to be effective July 1, 1983:

First Revised Volume No. 1

Second Substitute Twelfth Revised Sheet No. 4

Original Volume No. 2

Second Substitute Eighteenth Revised Sheet No. 53

Second Substitute Ninth Revised Sheet No. 77

Second Substitute Third Revised Sheet No. 223

Second Substitute Third Revised Sheet No. 245

Second Substitute Second Revised Sheet No. 294

In addition, there is included Substitute Forty-Fourth Revised Sheet No. 57 to First Revised Volume No. 1. This tariff sheet, to be effective November 1, 1983, is a substitute for the tariff sheet approved by the Commission on October 21, 1983, in Docket No. TA84-1-51-000 (PGA84-1 and IPR84-1). Great Lakes states that it reflects the base tariff rates in accordance with the Stipulation and Agreement referred to above.

Great Lakes requests that the Commission grant the necessary waivers to permit the above listed tariff sheets to become effective on the designated dates.

Copies of the filing are being served on all Great Lakes' customers and the Public Service Commission of Minnesota, Michigan and Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33103 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-46-000]

Kentucky West Virginia Gas Co.; Informal Settlement Conference

December 7, 1983.

Take notice that on December 15, 1983, at 10:00 a.m., an informal settlement conference will be convened in the above-captioned proceeding. The meeting place for the conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All interested parties and Staff are invited to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33104 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-46-003]

Kentucky West Virginia Gas Co.; Compliance Filing

December 7, 1983.

Take noticed that on November 30, 1983, Kentucky West Virginia Gas Company (Kentucky West) tendered for filing Substitute Twenty-eighth Revised Sheet No. 27 in compliance with Ordering Paragraph (B)(1) of the Commission's order issued in the above-captioned docket on October 31, 1983, and the Commission's order denying rehearing and reconsideration and denying stay issued on November 29, 1983. The tariff sheet revises the rates to be effective November 1, 1983, to reflect a six-month amortization of the deferred balance of $5,986,293.53.

Kentucky West states that in making this filing it reserves all of its rights to seek judicial review of the Commission's orders of October 31 and November 29, 1983. The Commission's order of November 29, 1983 also states:

> * * * any financial impact resulting from the six-month amortization is wholy within the control of Kentucky West. Kentucky West may choose to reduce the deferred balance by repricing the gas at a lower level.

By making this filing Kentucky West also reserves all rights in the foregoing regard.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33105 Filed 12-12-83; 8:40 am]

BILLING CODE 6717-01-M

[Docket No. ID-2077-000]

Olga G. Laird; Application

December 7, 1983.

The filing individual submits the following:

Take notice that on October 31, 1983, Olga G. Laird filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Secretary—Central Vermont Public Service Corporation

Clerk—Connecticut Valley Electric Company, Inc.

Secretary—Vermont Electric Power Company, Inc.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33082 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-61-013 and RP82-80-011]

Michigan Wisconsin Pipe Line Co.; Service Agreement and Tariff Filing

December 7, 1983.

Take notice that on December 2, 1983 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing fifty-five (55) executed service agreements with effective dates of November 1, 1982, May 1, 1983 and November 1, 1983.

Michigan Wisconsin states these service agreements are being filed based on the February 10, 1983 Commission Approval of its Stipulation and Agreement (S&A) at Docket Nos. RP81-61 and RP82-80. Article IV of the S&A reflects agreements of all parties to make revisions to their Service Agreements. The revisions to the Service Agreements include the following items:

1. Change in Contract Year.
2. Renominations of Annual Contract Quantity.
3. Renominations of Contract Demand Quantity.
4. A new MC-1 Rate Schedule for Michigan Consolidated Gas Company.
5. New delivery points for certain customers.

Additionally, attached for filing are three (3) sets of tariff sheets to Michigan Wisconsin's FERC Gas Tariff, Original Volume No. 1 with effective dates of November 1, 1982, May 1, 1983 and November 1, 1983, which update Michigan Wisconsin's Index of Purchasers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, N.W., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 395.214). All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33106 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-79-002]

Michigan Wisconsin Pipe Line Co.; Motion of Michigan Wisconsin Pipe Line Company for Authority to Make Settlement Rates Effective Subject to Condition

December 7, 1983.

Take notice that on November 23, 1983, Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), pursuant to Section 385.212 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, requested authority to make effective November 1, 1983, the rates agreed to in settlement of the referenced docket (settlement rates), subject to the right to adjust its billings to its customers for the difference between the settlement rates and the rates made effective by Michigan Wisconsin's "Motion to Place Revised Rates Into Effect on November 1, 1983" filed with the Commission on October 31, 1983 (October 31, 1983 Motion Rates), in the event the Stipulation and Agreement agreed to be the parties in, among other dockets, the captioned docket, is not approved by the Commission, or is approved on terms and conditions which are not acceptable to Michigan Wisconsin. Tariff Sheets reflecting such settlement rates were filed as "Appendix A" to the motion. In support whereof, Michigan Wisconsin states:

Michigan Wisconsin has pending before the Commission a general rate increase filing in Docket No. RP83-79. By its "Order Accepting for Filing and Suspending Proposed Tariff Sheets, Subject to Conditions" issued May 27, 1983, the Commission accepted the tendered tariff sheets for filing, subject to refund and conditions, and suspended the effective date of such tariff sheets until November 1, 1983. Subsequently, on October 31, 1983, Michigan Wisconsin filed its "Motion to Place Revised Tariff Sheets Into Effect on November 1, 1983" which motion would allow Michigan Wisconsin to place a portion of its April 29, 1983 rate increase into effect on November 1, 1983.

On August 4, 1983, Presiding Administrative Law Judge Samuel Z. Gordon certified a Stipulation and Agreement to the Commission in Docket Nos. RP82-80-010, *et al.* By its "Order Deferring Action on Contested Settlement and Establishing Procedures" issued October 13, 1983, the Commission deferred action on the settlement and directed further consideration by the parties pursuant to the terms and conditions of such Order.

Pursuant to the Commission's October 13, 1983 Order, settlement conferences were held in Docket Nos. RP82-80, RP83-79, CP82-542, TA81-2-48, TA82-1-48, TA82-2-48, TA83-1-48, TA83-2-48 and TA84-1-48 on November 1 and 2, 1983. As result of those conferences, a comprehensive settlement has been reached in all such dockets by Michigan Wisconsin, Commission Staff, interested state commissions, Michigan Wisconsin's customers and consumers served by them. One element of that settlement would require Michigan Wisconsin to withdraw its rate change filing in Docket No. RP83-79. A Stipulation and Agreement reflecting the agreement of the parties is being filed concurrently herewith, and the parties desire that the benefits of the agreement be realized as soon as possible. Since such settlement agreement will not be acted upon by the Commission by December 10, 1983, the date of the Michigan Wisconsin's November, 1983 billings to its customers, Michigan Wisconsin is filing this motion for authority to make the settlement rates effective November 1, 1983, subject to the right to adjust its billings to its customers for the difference between the settlement rates and its October 31, 1983 Motion Rates, in the event the settlement is not approved by the Commission, or is approved on terms and conditions not acceptable to Michigan Wisconsin, or is approved by a Final Commission Order which is subsequently reversed in the Courts or by a Commission order on remand from the Courts.

It is requested that the Commission grant Michigan Wisconsin's motion to bill the settlement rates subject to the conditions that in the event the settlement is not approved by the Commission, or is approved on terms and conditions not acceptable to Michigan Wisconsin, or is approved by a Final Commission Order which is subsequently reversed in the Courts or by a Commission order on remand from the Courts, Michigan Wisconsin will be entitled to adjust its billings to its customers, with interest computed in accordance with § 154.67(d) of the Commission's regulations, for the difference between the amounts collected for the period November 1, 1983 to the date Michigan Wisconsin commences billing its customers at the October 31, 1983 Motion Rates, and the amounts which it would have collected had it utilized the October 31, 1983 Motion Rates for such period. Each customer shall have the option to pay the full amount of any adjustment due at one time, within thirty days of the date Michigan Wisconsin commences billing at the October 31, 1983 Motion Rates, or to have such adjustment implemented over the succeeding twelve-month period on invoices which are sent to such customers beginning on the date it commences billing at the October 31, 1983 Motion Rates.

Michigan Wisconsin requests that the Commission grant this motion prior to December 10, 1983, so that the benefits of the settlement can be realized by Michigan Wisconsin's customers as soon as possible and so that they can plan with their state commissions and customers as to the level of rates that will be in place this winter heating season.

Any person desiring to the heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33107 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-47-000 (PGA84-1, and IPR84-1)]

MIGC, Inc.; Compliance Filing

December 7, 1983.

Take notice that on November 30, 1983, MIGC, Inc. (MIGC), in accordance with the Order Accepting For Filing And Suspending Proposed Tariff Sheets Subject To Refund And Conditions (Suspension Order) issued by the Federal Energy Regulatory Commission (Commission) in this docket on October 31, 1983, tendered for filing the material required by Ordering Paragraphs (C) and (D) of the Suspension Order.

In accordance with the Ordering Paragraph (C) of the Suspension Order, MIGC filed its Second Substitute Twenty-seventh Revised Sheet No. 32 to its FERC Gas Tariff Original Volume No. 1, to be effective November 1, 1983. This revised tariff sheet eliminates from Rate Schedule PL-1 the special

surcharge which had been designed to recover costs related to the inert gas generation facility that MIGC operates for the benefit of Colorado Interstate Gas Company.

In accordance with Ordering Paragraph (D) of the Suspension Order, MIGC filed: (1) Additional information on MIGC's purchase and sales volumes, (2) a description of the action MIGC is taking to reduce purchase volumes, and (3) copies of MIGC's contracts with Montana-Dakota Utilities Company and Big Horn Fractionation Company.

Also included in the filing is a Reconciliation Between Estimated and Final Amounts to be Collected for FERC Order No. 94-A Costs which is being submitted to help the Commission and its Staff analyze MIGC's treatment of Order No. 94-A costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33108 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP84-15-001]

MIGC, Inc.; Base Tariff Rate Restatement

December 7, 1983.

Take notice that on November 30, 1983, MIGC, Inc. (MIGC) tendered for filing its Substitute Twenty-Eighth Revised Sheet No. 32 to be effective December 1, 1983, in accordance with the "Order Accepting For Filing And Suspending Tariff Sheets, Subject To Refund And Conditions, Consolidating Dockets, Initiating Hearing, Deferring Resolution of Certain Issues And Establishing Procedures" issued by the Federal Energy Regulatory Commission (Commission) in Docket Nos. RP84-15-000 and RP84-7-000 on November 29, 1983, and § 154.38(d)(4)(vi)(*a*) of the Commission's Regulations (18 CFR 154.38(d)(4)(vi)(*a*)). In accordance with the Commission's November 29, 1983 order, this revised tariff sheet restates MIGC's Base Tariff Rate effective December 1, 1983.

MIGC requests permission to submit updated base year data to support the Base Tariff Rate restatement. MIGC proposes to provide this data by January 17, 1984. MIGC requests this permission because, while MIGC made its rate change filing in this docket with a proposed effective date of December 1, 1983, until the Commission issued its suspension order on November 29, 1983, MIGC could not assume that the effective date of the rate change would be suspended until May 1, 1984. Therefore, until November 29, 1983, MIGC could not assume that a separate Base Tariff Rate restatement filing would have to be made. MIGC therefore states that the Commission has given MIGC only one day of actual notice that a separate Base Tariff Rate restatement filing must be made.

In the alternative, should the Commission, for any reason, reject MIGC's request to update the data already provided in this docket, MIGC requests that the Commission use the data already submitted in this docket as support for MIGC's Base Tariff Rate restatement as the Commission has already stated would be appropriate.

MIGC states, in accordance with § 154.38(d)(4)(vi)(*a*) of the Commission's Regulations, its agreement that this filing will automatically be subject to refund until an agreement is reached or a Commission determination is made.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33076 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-112-000]

Niagara Mohawk Power Corp.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 25, 1983, Niagara Mohawk Power Corporation (Niagara) tendered for filing as a rate schedule, an agreement between Niagara and the New York State Electric and Gas Corporation (NYSEG) dated October 28, 1983.

Niagara presently has on file an agreement with NYSEG dated December 1, 1976, as last amended May 1, 1982. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule FERC No. 97. This new agreement is being transmitted as a supplement to the existing agreement.

Niagara states that this supplement revises billing points and the transmission rate and leasing and reserve rates as provided for in terms of the original agreement.

Niagara requests an effective date of July 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the New York State Electric and Gas Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33079 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP78-124-009 and RM78-12]

Northern Border Pipeline Co.; Filing

December 7, 1983.

Take notice that on December 1, 1983, Northern Border Pipeline Company (Northern Border), pursuant to Condition No. 17 of the Commission's

Order No. 31 issued June 8, 1979, tenders for filing its revised One-Time Adjustment computation. The revised One-Time Adjustment computation is based on the actual plant balance at September 30, 1983, adjusted for the Commission's Order to Show Cause issued May 9, 1983, the Office of the Federal Inspector's Final Determinations issued September 7, 1983, and an estimate to complete of ($2,239,000).

Northern Border states that the One-Time Adjustment in this filing was computed in accordance with the terms and conditions as set forth in the Commission's Order Nos. 31 and 31–B. Northern Border states that this filing does not constitute a request for a rate increase.

A copy of the revised One-Time Adjustment computation has been served on the parties of record, restricted service list, in Docket No. CP78–123, *et al.*

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–33080 Filed 12–12–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP84–31–000]

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

December 7, 1983.

Take notice that on December 2, 1983, Northwest Pipeline Corporation ("Northwest") submitted for filing, to be a part of its FERC Gas Tariff, First Revised Volume No. 1, Rate Schedule AIC–1 (Added Incentive Charge) consisting of Original Sheet Nos. 80 and 81, and revised Table of Contents and Index to its Volume No. 1 Tariff consisting of Third Revised Sheet Nos. 1 and 14.

Northwest states the purpose of the filing is to establish Rate Schedule AIC–1 which incorporates the added incentive charge authorized under Section 157.209 of the Commission's regulations pursuant to Order Nos. 234–B and 319 issued July 20, 1983 at Docket No. RM81–19–000. Northwest requests an effective date of January 2, 1984.

A copy of this filing has been mailed to Northwest's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–33081 Filed 12–12–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER84–117–000]

Philadelphia Electric Co.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 30, 1983, Philadelphia Electric Company (Philadelphia) tendered for filing proposed changes in the fuel adjustment clauses to its Rate Schedule FERC No. 44, applicable to the Borough of Lansdale, and Philadelphia Rate Schedule FERC No. 36 and SE Rate Schedule No. 2, applicable to the Conowingo Power Company. The proposed changes would modify the fuel adjustment clauses so that the fuel adjustment charges will not be affected by energy produced by facilities undergoing test operation.

Philadelphia states that the proposed modification is required to ensure that the value of test power produced by the Company's Limerick nuclear power plant during its test operation in late 1984 and early 1985 will be accounted for properly.

Philadephia requests an effective date of January 30, 1984.

Copies of this filing were served upon Philadelphia's jurisdictional customers named above and the Pennsylvania Public Utility Commission and the Maryland Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–33083 Filed 12–12–83; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6598–001]

Sacramento Municipal Utility; Accepting Withdrawal of Application and Dismissing Appeal

December 7, 1983.

On August 10, 1983, the Sacramento Municipal Utility District ("SMUD") filed a petition for appeal of the Director of the Office of Electric Power Regulation's rejection of SMUD's application for a major license for the proposed Project No. 6598. On November 23, 1983, SMUD filed a notice of withdrawal of its application.

Notice is hereby given that SMUD's withdrawal of its application is accepted. Accordingly, the appeal filed by SMUD is moot and therefore dismissed.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83–33084 Filed 12–12–83; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER80–733–000 and ER81–292–000]

Southern Indiana Gas & Electric Co.; Refund Report

December 7, 1983.

Taken notice that on November 23, 1983, Southern Indiana Gas & Electric Company submitted for filing its Refund Report pursuant to a Commission Order dated October 19, 1983.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Commission,

825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 23, 1983. Comments will be be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33085 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-323-001]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Columbia Gas Transmission Corp.; Amendment

December 7, 1983.

Take notice that on November 22, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-323-001 an amendment to its pending application filed in Docket No. CP83-323-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect Columbia Gas Transmission Corporation (Columbia Gas), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, as a joint applicant in this proceeding, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states in its application that it has contracted with Columbia Gas, pursuant to the terms of a gas transportation and exchange agreement dated November 16, 1981,[1] to receive onshore, on a best-efforts basis, up to 120,000 Mcf of natural gas per day for Columbia Gas at the terminus of Tennessee's South Pass 77 Project facilities in Louisiana for redelivery to Columbia Gas at the following points on Tennessee's system: (1) Gas dedicated to Columbia Gas by Mobil Oil Company would be at Tennessee's Compressor Station No. 524 in LaFourche Parish, Louisiana (South Timbalier); (2) Gas dedicated to Columbia Gas by Chevron U.S.A. Inc. would be at the discharge of the Yscloskey Processing Plant, St. Bernard Parish, Louisiana; (3) Any other gas dedicated to Columbia Gas would be at Centerville, St. Mary Parish, Louisiana, or at Tennessee's option at Egan, Arcadia Parish, Louisiana. It is indicated that any part of the gas received for transportation to be processed for the account of Columbia Gas or its producers would be delivered by Tennessee at the Yscloskey Processing Plant. It is indicated that Tennessee has agreed to exchange with Columbia Gas the gas delivered at the Yscloskey Processing Plant with equivalent volumes of gas available to Tennessee at the South Timbalier delivery point.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 30, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33086 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[1] Tennessee is currently transporting for an exchanging gas with Columbia Gas under Tennessee's blanket certificate issued February 21, 1980, in Docket No. CP80-132.

[Docket Nos. TA84-1-29-001 and (PGA84-1)]

Transcontinental Gas Pipe Line Corp.; Compliance Filing

December 7, 1983.

Take notice that on November 30, 1983, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing, pursuant to Ordering Paragraph (B) of the Commission's "Order Accepting and Suspending Tariff Filing Subject To Refund and Conditions" issued October 31, 1983, in the above-referenced docket, the following required information:

1. Information regarding the monthly volumes sold, the posted price for each month, and the actual price paid each month, for volumes sold under ISP;

2. Workpapers which verify and explain the adjustment made by Transco to Account No. 191 to reclassify interest on supplier refunds; and,

3. Further information regarding the necessity of purchasing Section 107 gas at the rates indicated in the filing.

Transco believes the information and material submitted in this filing is in compliance with Ordering Paragraph (B) of the Commission's October 31, 1983 Order in the instant docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33087 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT84-6-000]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 7, 1983.

Take notice that Transwestern Pipeline Company (Transwestern) on December 1, 1983 tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1 the following tariff sheets:

Second Revised Volume No. 1

Cover Sheet
Third Revised Sheet No. 4
Ninth Revised Sheet No. 6A
Second Revised Sheet No. 147

Original Volume No. 2

Cover Sheet

The purpose of this filing is to update the Cover Sheet, System Map, Projected Incremental Pricing Surcharges Table, and the Index of Purchasers of Second Revised Volume No. 1 and the Cover Sheet of Original Volume No. 2.

The proposed effective date of these tariff sheets is January 1, 1984.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or

before December 12, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33088 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA84-1-42-003]

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

December 7, 1983.

Take notice that Transwestern Pipeline Company (Transwestern) on December 6, 1983, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Revised Twenty-third Revised Sheet No. 5

Revised Twenty-third Revised Sheet No. 6

The above sheets are being issued to revise those sheets filed August 31, 1983, consisting of Transwestern's semi-annual PGA tracking adjustment to be effective October 1, 1983. The above sheets reflect a reduction in the commodity component of Transwestern's rates of 17.43 cents/dth below the rates filed August 31, 1983. This filing reflects the impact of Transwestern's exercise of its "market out" provisions in certain of its gas purchase contracts to $4.00 per MMBtu, to be effective December 1, 1983.

The proposed effective date of these tariff sheets is December 1, 1983.

Copies of the filing were served on Transwestern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before December 14, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33089 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA84-3-000]

Warner Brothers Well Drilling, Inc.; Application for Staff Adjustment

Issued: December 7, 1983.

On October 31, 1983, Warner Brothers Well Drilling, Inc. (Warner), P.O. Box 128, Lakeview, New York 14085, filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432, (Supp. V 1981), and 18 CFR 385.1101-.1117 (1983), of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure. Warner is operator and producer of the Brenda No. 1 Well, Hyder No. 1 Well, Vanice No. 1 Well, Zimmerman-Krantz No. 1 Well, Thayer No. 1 Well and the Kipfer No. 1 Well, all located in Erie County, New York.

Warner claims special hardship, inequity or unfair distribution of burdens and irreparable injury if interest charges are required or assessed under 18 CFR 154.102(c) (1983) and 18 CFR 273.301-.302 (1983), concerning gas production from the aforementioned wells. Warner asserts that it owes a total principal of $11,482.44 and $6,955.52 in interest to National Fuel Gas Distribution Corporation (National Fuel), purchaser of the gas produced from the subject wells.

In support of its petition, Warner states that prior to August of 1980, it had no reason to think "technical failure" to comply with Commission regulations had "occurred or would be later applied against it." Warner further states that National Fuel was capable of requiring security for overpayment in the form of a refund bond, surety or escrow account and that National Fuel's decision to not require such security indicates that "there was no cause or reason to believe" National Fuel would be paying an excessive price. Moreover, Warner claims that payment of the NGPA section 103 price was "at the outset" reasonable because: (i) National Fuel wanted prompt access and (ii) section 103 pricing is consistent with the contract between Warner and National Fuel.

Warner also alleges that it knew the wells would not be major natural gas producers upon commencement of production, but that it needed a six month period to complie the information required for the section 108 application in accord with 18 CFR 271.804 (1983). Warner states that if it would have withheld gas delivery "until a formal determination or application for section 103 was made and thereafter also have filed for section 108 determination [sic]," then the result would have been: (i) Unnecessary consumption of time; (ii) undue burden; (iii) unnecessary expense; and (iv) higher prices.

Warner asserts that the interest charge is inequitable because it is based upon an extraordinarily long period of time. Warner states National Fuel issued its first refund notices approximately four years after commencement of production. Warner further states that National Fuel did not promptly disclose interest charges to Warner.

Warner also asserts that § 154.102(c) should not be mechanically applied in the instant case. Warner claims that § 154.102(c) is properly applied in cases in which the party is "aware that a potential refund with interest may come due." Warner states that it had no reason to believe or notice that any "interest charge could be accruing against it for any period prior to August, 1980." Moreover, Warner claims that there was no "application" to trigger § 273.302, the interim collection regulation, since the subject wells did not obtain "determination of eligibility or file for such until August, 1980." Consequently, Warner claims that the "operative rule" for the period prior to August of 1980 is § 273.301, the general refund obligation regulation, and that no interest charge should be assessed "since the interest provision is linked only to the Interim Collection Rule [sic]."

Finally, Warner asseverates that the instant interest charges were computed by employing rates of interest exceeding 20% and averaging 15% per annum. Warner claims that such rates of interest are excessive and that the imposition of the resulting charges would cause "harsh cash flow impacts" and reduce the "economic viability" of the subject wells.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure, 18 CFR 385.1101-.1117 (1983).

Any person desiring to participate in this proceeding shall file a motion to intervene in accordance with Rule 1105 of the Commission's Rules of Practice and Procedure. All motions to intervene must be filed within 15 days after

publication of this notice in the **Federal Register**.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33090 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EF84-5081-000]

Western Area Power Administration; Filing

December 7, 1983.

Take notice that on November 28, 1983, the Acting Assistant Secretary for Conservation and Renewable Energy of The Department of Energy, by Rate Order No. WAPA-20, did confirm and approve, on an interim basis, to be effective with the beginning of the December 1983 billing period, new rate schedule CP-F/NF-1 for the Western Power Administrations ("WEPA") Collbran Project.

WEPA states that the new rates will be in effect pending the Commission's approval, or substitute rates, on a final basis, or until superseded.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before January 3, 1984. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33091 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER84-116-000]

Wisconsin Power and Light Co.; Filing

December 7, 1983.

The filing Company submits the following:

Take notice that on November 28, 1983, Wisconsin Power and Light Company (WPL) tendered for filing a wholesale power contract dated February 21, 1983 and amended on September 13, 1983 between the City of Richland Center and WPL. WPL states that this is a new wholesale power agreement between the parties providing a non-interruptible source of electrical energy and power to meet the needs of the municipality's electric utility customers.

WPL requests an effective date of November 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon the City of Richland Center and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 22, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33093 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2075-000]

William G. vonBerg; Application

December 7, 1983.

The filing individual submits the following:

Take notice that on October 28, 1983, William G. vonBerg filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Rochester Gas and Electric Corporation

Director Chairman of the Board—Sybron Corporation

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 19, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-33092 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30228 PH-FRL 2468-5]

Certain Companies; Applications To Register Pesticide Products Containing New Active Ingredients

Correction

In FR Doc. 83-30537 appearing on page 52124 in the issue of Wednesday, November 16, 1983, in the ADDRESS section, the document control number which reads "OPP-302281" should be corrected to read "OPP-30228".

BILLING CODE 1505-01-M

[OPTS-51493 TSH-FRL 2472-5]

Premanufacture Notices; Certain Chemicals

Correction

In FR Doc. 83-31104 beginning on page 52505 in the issue of Friday, November 18, 1983, make the following corrections:

1. The document control number should read as set forth above.

2. On page 52506, in the middle column, in the sixth line, the figure "0.00001" should read "0.0001".

BILLING CODE 1505-01-M

[OPTS-51480B; TSH-FRL 2487-5]

C_{6-8} Carboxylic Acid; Premanufacture Notice Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90 days for premanufacture notice (PMN) 83-1033, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on March 7, 1984.

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, D.C. 20460; (202-382-3742).

SUPPLEMENTARY INFORMATION: On August 11, 1983, EPA received PMN 83-1033 for a new chemical substance, C_{6-8} carboxylic acid. The submitter claimed its identity, the specific chemical identity, specific use, volume and process information to be confidential business information. Notice of receipt was published in the **Federal Register** of August 19, 1983 (48 FR 37699). The original 90-day review period is scheduled to expire on December 8, 1983.

Based on its analysis, EPA finds that there is a possibility that the substance submitted for review in this PMN may be regulated under TSCA. The Agency requires an extension of the review period, as authorized by section 5(c) of TSCA, to investigate further potential risk, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required. Therefore, EPA has determined that good cause exists to extend the review period for an additional 90 days, to March 7, 1984.

PMN's are available for public inspection in Rm. E-107, at the EPA Headquarters, address given above, from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: December 7, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-33041 Filed 12-12-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 80-286; FCC 83-538]

Federal-State Joint Board; New Member

AGENCY: Federal Communications Commission.

ACTION: Order Appointing New Member of Federal-State Joint Board.

SUMMARY: The Commission appoints Commissioner Henry M. Rivera to serve on the Federal-State Joint Board. Commissioner Rivera will fill the vacancy on the Joint Board created by the departure of FCC Commissioner Joseph R. Fogarty.

EFFECTIVE DATE: November 16, 1983.

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

FOR FURTHER INFORMATION CONTACT: Claudia Pabo, Common Carrier Bureau (202) 632-9342.

Order

In the matter of amendment of Part 67 of the Commission's rules and establishment of a Joint Board, CC Docket No. 80-286.

Adopted: November 14, 1983.

Released: November 16, 1983.

By the Commission: Commissioner Rivera absent.

1. This proceeding was instituted by the Commission on June 11, 1980, to amend Part 67 of the Commission's Rules concerning jurisdictional separations. At that time the Commission also convened a Federal-State Joint Board to develop recommended changes in separations procedures pursuant to section 410(c) of the Communications Act, 47 U.S.C. 410(c) (1976). *Amendment of Part 67,* 78 FCC 2d 837 (1980). The Joint Board is composed of three Federal Commissioners and four State Commissioners nominated by the National Association of Regulatory Utility Commissioners (NARUC) and approved by the Commission. 47 U.S.C. 410(c) (1976).

2. The Commission hereby approves the appointment of Federal Communications Commissioner Henry M. Rivera to fill the vacancy on the Joint Board created by the departure of FCC Commissioner Joseph R. Fogarty.

3. Accordingly, IT IS ORDERED, That Commissioner Henry M. Rivera SHALL SERVE as a member of the Federal-State Joint Board in this proceeding.

Federal Communications Commission.

William Tricarico,

Secretary.

[FR Doc. 83-32948 Filed 12-12-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 2290]

Airmar International Forwarders, Inc.; Order of Revocation

On December 5, 1983, Airmar International Forwarders, Inc., 1401 N.W. 78th Avenue, Suite 310, Miami, FL 33126 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 2290 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(e) dated September 27, 1983;

It is ordered, That Independent Ocean Freight Forwarder License No. 2290, be revoked effective December 5, 1983, without prejudice to reapplication for a license in the future.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Airmar International Forwarders, Inc.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33027 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1651]

Donald F. Carrigan d.b.a. Commerce Handling Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Donald F. Carrigan d.b.a. Commerce Handling Co., 131 Pearl Street, Boston, MA 02110 was canceled effective November 16, 1983.

Donald F. Carrigan d.b.a. Commerce Handling Co. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 1651 be and is hereby revoked effective November 16, 1983.

It is ordered, That Independent Ocean Freight Forwarder License No. 1651 issued to Donald F. Carrigan d.b.a. Commerce Handling Co. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Donald F. Carrigan d.b.a. Commerce Handling Co.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33031 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 20]

Jamie Davila d.b.a. Atwater Shipping Company; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime

Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Jamie Davila d.b.a. Atwater Shipping Company, 66 Frankfort Street, New York, NY 10038, was cancelled effective November 30, 1983.

By letter dated November 3, 1983, Jamie Davila d.b.a. Atwater Shipping Company was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 20 would be automatically revoked unless a valid surety bond was filed with the Commission.

Jamie Davila d.b.a. Atwater has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 20 be and is hereby revoked effective November 30, 1983.

It it ordered, That Independent Ocean Freight Forwarder License No. 20 issued to Jamie Davila d.b.a. Atwater Shipping Company be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Jamie Davila d.b.a. Atwater Shipping Company.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33028 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2725]

Hana Corp.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Hana Corp., 150 Broadway, #714, New York, NY 10038 was cancelled effective November 30, 1983.

Hana Corp. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 2725 be and is hereby revoked effective November 30, 1983.

It is ordered, That Independent Ocean Freight Forwarder License No. 2725 issued to Hana Corp. be returned to the Commission for cancellation.

It if further ordered, that a copy of this Order be published in the **Federal Register** and served upon Hana Corp.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33029 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2227]

Sea-Mar Freight Forwarders, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Sea-Mar Freight Forwarders, Inc., 9442 NW. 13th Street, Miami, FL 33122 was cancelled effective November 19, 1983.

Sea-Mar Freight Forwarders, Inc., has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 9.09(f) dated September 27, 1983;

Notice is hereby given, That Independent Ocean Freight Forwarder License No. 2227 be and is hereby revoked effective November 19, 1983.

It is ordered, That Independent Ocean Freight Forwarder License No. 2227 issued to Sea-Mar Freight Forwarders, Inc. be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the **Federal Register** and served upon Sea-Mar Freight Forwarders, Inc.

Robert G. Drew,

Director, Bureau of Tariffs.

[FR Doc. 83-33030 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Stalker Enterprises, Inc., et al.; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573.

Stalker Enterprises, Inc. (SEI), 10320 Little Patuxent Parkway, Suite 303, Columbia, MD 21044
Officers:
Taher Wajih El-Farouki, President
Judith Buckley, Vice President-Traffic Manager
Janet M. Epstein, Corporate Secretary
Margueritte E. El-Farouki, Director

A. Hartrody (Pacific) Inc., 1300 South Beacon Street, San Pedro, CA 90731
Officers:
Konrad Wenzel, President/Director
Joachim Braasch, Director
Klaus Werner Spies, Vice President/Director

Sabrina A. (Mason) Ertmann, d.b.a. Synergy International, 24981 Hendon, Laguna Hills, CA 92653

By the Federal Maritime Commission.
Dated: December 8, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-33033 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 83-56]

Philippine Express Corp.; Possible Violations; Order of Investigation and Hearing

The Commission believes that, during the period from January 11, 1980 through March 28, 1980, Philippine Express Corp. (Respondent) may have, knowingly and willfully, obtained transportation by water at less than the applicable rates and charges on six shipments of cocoa beans from New York to Manila, The Philippines.[1]

The Respondent apparently collected proper freight charges from the underlying shippers based on the actual

[1] The shipments of cocoa beans were all carried aboard Maersk Line vessels and are represented by the following:

Vessel	Bill of lading	Bill of lading date
Albert	NYCY 11969	1-11-80
Axel	NYCY 14824	2-8-80
Arild	NYCY 16976	2-27-80
Anders	NYCY 17858	3-7-80
Adrian	NYCY 19048	3-21-80
Alva	NYCY 20121	3-28-80

weight of the cargo, but indicated the cargo weight to the ocean carrier on the relevant bills of lading without specifying whether the weight was in pounds or kilograms, intentionally leading the carrier to assume, as is the custom in the trade, the weight to be in pounds. This caused the carrier to undercharge and the Respondent to underpay on the shipments based on the substitution of pound weight for the correct kilogram weight.

In addition, the Commission believes that during the period December 29, 1978 through April 18, 1980, Respondent may have carried on the business of ocean freight forwarding without an independent ocean freight forwarder's license issued to it by this Commission in connection with 103 shipments on Maersk Line vessels. Respondent apparently performed forwarding functions on these shipments, but listed a licensed forwarder's license number in the forwarder block on the bills of lading. This was apparently done under an arrangement with the licensed forwarder.

These activities, if true and proven, violate sections 16, Initial Paragraph, and 44(a) of the Shipping Act, 1916 (46 U.S.C. 815, § 841(b)).[2] Section 16 of the Shipping Act, 1916 provides that whoever violates section 16, Initial Paragraph, shall be subject to a civil penalty of not more that $25,000 for each such violation. Section 32 provides that whoever violates section 44(a) shall be subject to a civil penalty not to exceed $5,000 for each such violation.

Now therefore it is ordered, That pursuant to sections 16, 22, 32, and 44 of the Shipping Act, 1916 (46 U.S.C. 815, 821, 831 and 841(b)), a formal proceeding is hereby instituted to determine:

1. Whether Philippine Express Corp. violated sections 16, Initial Paragraph, and/or 44(a) of the Shipping Act, 1916, during the period December 29, 1978 through April 18, 1980.

2. Whether civil penalties should be assessed against Philippine Express Corp. for violations of section 16, Initial Paragraph and/or 44(a) and, if so, the amount of any such penalty which should be imposed, taking into consideration factors in possible aggravation amd mitigation of such penalty.

3. Whether the Commission should order Philippine Express Corp. to cease and desist from carrying on the business of forwarding without a license obtained pursuant to section 44 of the Shipping Act, 1916.

It is further order, That Philippine Express Corp. be named Respondent in this proceeding;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for a hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Administrative Law Judge, but no later than 180 days after service of this order.

The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Director of the Bureau of Hearing Counsel shall be a party to this proceeding:

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record;

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 83-33054 Filed 12-12-83; 8:45 am]

BILLING CODE 6730-01-M

[2] Section 16, Initial paragraph provides:

That it shall be unlawful for any shipper, consignor, consignee, forwarder, broker, or other person, or any officer, agent, or employee thereof, knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means to obtain or attempt to obtain transportation by water for property at less than the rates or charges which would otherwise be applicable.

No person shall engage in carrying on the business of forwarding as defined in this Act unless such person holds a license issued by the Federal Maritime Commission to engage in such business: Provided, however, That a person whose primary business is the sale of merchandise may dispatch shipments of such merchandise without a license.

FEDERAL RESERVE SYSTEM

First Service Bancshares, Inc., 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 section 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. *First Service Bancshares, Inc.*, Greenville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to First State Bank of Greenville, Greenville, Kentucky. Comments on this application must be received not later than January 4, 1984.

2. *SBV Banc Shares, Inc.*, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Virden, Illinois. Comments on this application must be received no later than January 6, 1984.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Financial Group Humboldt, Inc.*, Humboldt, Nebraska; to become a bank holding company by acquiring at least 80 percent of the voting shares of Home State Bank and Trust Company, Humboldt, Nebraska; Financial Group Dawson, Inc., Humboldt, Nebraska, to acquire at least 80 percent of the voting shares of The Dawson Bank , Dawson, Nebraska; Financial Group Elk Creek,

Inc., Humboldt, Nebraska to acquire at least 80 percent of the voting shares of State Bank of Elk Creek, Elk Creek, Nebraska. Comments on this application must be received not later than January 4, 1984.

C. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Baldwin Bancshares, Inc.*, Baldwin, Wisconsin; to become a bank holding company by acquiring at least 93.5 percent of the voting shares of First National Bank of Baldwin, Baldwin, Wisconsin. 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 January 3, 1984.

Board of Governors of the Federal Reserve System, December 6, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33011 Filed 12-12-83; 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, through its indirect subsidiary Provident Finance Company of Virginia, Inc., Columbia, South Carolina, the assets of Union Finance Corporation-Emporia, Virginia Branch, Emporia, Virginia.

The Applicant states that after this acquisition the following activities would be performed through Applicants' indirect subsidiary, Provident Finance Company of Virginia, Inc., from offices in Emporia, Virginia, serving the geographic areas of Emporia, Virginia and surrounding areas: 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. 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, December 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33013 Filed 12-12-83; 8:45 am]

BILLING CODE 6210-01-M

Texana Bancshares, Inc. and Independent Bancshares, Inc.; 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 Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Texana Bancshares, Inc.*, Hamilton, Texas; to acquire 80 percent or more of the voting shares or assets of Texana National Bank of Belton, Belton, Texas, a *de novo* bank. Comments on this application must be received not later than December 30, 1983.

B. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Independent Bankshares, Inc.*, Abilene, Texas; to acquire 100 percent of the voting shares or assets of Wellington State Bank, Wellington, 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 January 6, 1984.

Board of Governors of the Federal Reserve System, December 6, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33012 Filed 12-12-83; 8:45 am]

BILLING CODE 6210-01-M

Tower Bancorp, Inc. 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 Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Tower Bancorp, Inc.*, Greencastle, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Greencastle, Greencastle, Pennsylvania. Comments on this application must be received not later than January 6, 1984.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Garnavillo Bank Corporation,* Garnavillo, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of The Garnavillo Savings Bank, Garnavillo, Iowa. Comments on this application must be received not later than January 6, 1984.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Perry County Bancorp, Inc.,* DuQuoin, Illinois; to become a bank holding company by acquiring at least 98 percent of the voting shares of DuQuoin State Bank, DeQuoin, Illinois. Comments on this application must be received not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33014 Filed 12-12-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Barclays Bank PLC, et al.; Proposed De Novo Nonbank Activities

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 novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York,** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York New York 10045:

1. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited,* each a bank holding company whose principal office is in London, England (consumer finance; Alabama and Tennessee): To engage through their subsidiary, BarclaysAmerican/Financial, Inc. ("BAF"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning), acting as agent for the sale of related credit life, credit accident and health and credit property insurance, and selling at retail money orders having a face value not exceeding $1,000. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by the insurance underwriting subsidiaries of Barclays-AmericanCorporation ("BAC"). Barclays and its subsidiary BAF, were engaged in said insurance activities in Ohio prior to May 1, 1982, thereby rendering such activities permissible under section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from offices of BAF to be located in Birmingham, Alabama, serving customers in Birmingham and surrounding areas in Alabama and Johnson City, Tennessee, serving customers in Johnson City and surrounding areas in Tennessee. This notification is for the relocation of two existing offices located in Birmingham, Alabama and Johnson City, Tennessee. Comments on this application must be received not later than January 6, 1984.

2. *Barclays Bank PLC* and its subsidiary, *Barclays Bank International Limited,* each a bank holding company whose principal office is in London, England (consumer finance; Texas): To engage through their subsidiary, BarclaysAmerican/Financial, Inc. ("BAF"), in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning), acting as agent for the sale of related credit life, credit accident and health and credit property insurance, and selling at retail money orders having a face value not exceeding $1,000. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by the insurance underwriting subsidiaries of Barclays-AmericanCorporation ("BAC"). Barclays and its subsidiary BAF, were engaged in said insurance activities in Ohio prior to May 1, 1982, thereby rendering such activities permissible under section 601(D) of the Garn-St Germain Depository Institutions Act of 1982. These activities would be conducted from offices of BAF to be located in Beaumont, Texas, serving customers in Beaumont and surrounding areas in Texas. This notification is for the relocation of an existing office located in Beaumont, Texas. Comments on this application must be received not later than January 6, 1984.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Commonwealth Bancshares Corporation,* Williamsport, Pennsylvania (insurance activities; Pennsylvania): To engage, through its subsidiary, Susquehanna Life Insurance Company, Phoenix, Arizona in underwriting, as reinsurer, credit life and accident and health insurance directly related to extensions of credit by the Corporation's subsidiary banks. These activities will be conducted in the State of Pennsylvania. Comments on this application must be received not later than January 6, 1984.

2. *United National Bancorporation,* Huntingdon, Pennsylvania (credit insurance underwriting; Pennsylvania): To engage through a proposed subsidiary, United Life Insurance Company ("United Life"), in underwriting, as reinsurer, credit life and credit accident and health insurance directly related to extensions of credit by Applicant's subsidiary bank. This activity will be conducted from offices of United Life located in Huntingdon, Pennsylvania, serving the Commonwealth of Pennsylvania. Comments on this application must be received not later than January 6, 1984.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Meridian Bancorp,* Pleasant Hill, California (financing and servicing activities; California): To engage, through its subsidiary, Meridian Mortgage Services, Inc., in the mortgage

banking business by making or acquiring loans, for its own account or for the account of others, by holding or selling such loans, and by servicing such loans for its own account or for the accounts of others. These activities would be conducted from offices of Applicant's subsidiary located in Pleasant Hill, California. The origination of loans would be performed in the State of California and all other activities may be performed with a qualified party wherever located in the United States. Comments on this application must be received not later than January 6, 1984.

Board of Governors of the Federal Reserve System, December 7, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-33015 Filed 12-12-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83N-0317]

A Mixture for Dissolution of Urinary Tract Calculi and Prevention and Treatment of Encrusted Indwelling Urinary Tract Catheters; Request for Submission of New Drug Application

Correction

In FR Doc. 83-30510 beginning on page 51691 in the issue of Thursday, November 10, 1983, make the following corrections:

1. On the same page, column two, SUPPLEMENTARY INFORMATION, paragraph two, line fifteen, "coccurring" should read "occurring".

2. On page 51692, column three, fourth complete paragraph, line ten, "45:610-63" should read "45:610-613".

BILLING CODE 1505-01-M

Blood Products Advisory Committee; Meeting

Correction

In FR Doc. 83-32074 beginning on page 54285 in the issue of Thursday, December 1, 1983, make the following correction:

On page 54286, column two, third complete paragraph, line four, "evaluation of" should appear between "and" and "general".

BILLING CODE 1505-01-M

Office of Human Development Services

Revised Federal Allotments to States for Social Services Expenditure Pursuant to Title XX—Social Services Block Grant Act; Promulgation for Fiscal Year 1985

AGENCY: Office of Policy Coordination and Review, Office of Human Development Services, Department of Health and Human Services.

ACTION: Notification of Revised Allocation of Title XX—Social Services Block Grant Allotments to States for Fiscal Year 1985.

SUMMARY: The FY 1985 Federal allotments of $2.6 billion to States for social services under Section 2003 of the Social Security Act (Act) which were published in the Federal Register on October 27, 1983 (48 FR 49697) were based upon the authorization set forth in Section 2003 of the Act at the time they were prepared. Pub. L. 98-135, enacted October 24, 1983, amended Section 2003 of the Act by increasing the authorization to $2.7 billion for Fiscal Year 1984 and each succeeding fiscal year. Accordingly, the initial promulgation is rescinded and the promulgation as revised is set forth in the table below. These allotments are contingent upon Congressional appropriations actions for the year. If the Congress enacts, and the President approves, an amount different from the authorization, the allotments will be adjusted proportionately.

FOR FURTHER INFORMATION CONTACT: Regional Administrator, Human Development Services.

SUPPLEMENTARY INFORMATION: Section 2003(b)(2) of the Act requires the Department to promulgate State allotments "prior to the first day of the third month of the preceding fiscal year". FY 1985 allotments were first published on October 27, 1983. Pub. L. 98-135 amended Section 2003 by increasing the authorization to $2.7 billion. Therefore, we are publishing revised allotments for FY 1985.

Section 2003 provides that the total amount allocated for Fiscal Year 1985 for Title XX—Social Services Block Grants to the States be allotted as follows:

(1) Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands each is allotted an amount which bears the same ratio to the total amount allocated as its allotment for Fiscal Year 1981 bore to $2.9 billion; these ratios are:

Guam, 0.0001724138,
Northern Mariana Islands, 0.0000344828,
Puerto Rico, 0.0051724138,
Virgin Islands, 0.0001724138;

(2) The remainder of the total amount allocated is allotted to each State and the District of Columbia in the same proportion as its population is to the population of all States and the District of Columbia, based upon the most recent data available from the Department of Commerce. For Fiscal Year 1985, the allotments are based upon the Bureau of Census population statistics contained in its publication *Current Population Reports.* Series P-25, No. 930, issued April 1983. These are the population statistics which were used when the Federal allotments for Fiscal Year 1985 were promulgated initially on October 27, 1983.

EFFECTIVE DATE: These allotments shall be effective October 1, 1984.

Revised FY 1985 Federal Allotments for Title XX—Social Services Block Grants to the States

BLOCKS GRANTS

Total	$2,700,000,000
Alabama	45,725,250
Alaska	5,079,295
Arizona	33,166,172
Arkansas	26,567,727
California	286,713,437
Colorado	35,311,536
Connecticut	36,563,965
Delaware	6,981,131
District of Columbia	7,317,432
Florida	120,789,806
Georgia	65,393,022
Guam	465,517
Hawaii	11,526,984
Idaho	11,190,684
Illinois	132,757,460
Indiana	63,444,799
Iowa	33,688,017
Kansas	27,924,525
Kentucky	42,524,599
Louisiana	50,584,210
Maine	13,138,906
Maryland	49,459,344
Massachusetts	67,039,734
Michigan	105,633,098
Minnesota	47,928,597
Mississippi	29,582,634
Missouri	57,414,586
Montana	9,288,848
Nebraska	18,392,150
Nevada	10,216,573
New Hampshire	11,028,332
New Jersey	86,255,240
New Mexico	15,759,730
New York	204,783,716
North Carolina	69,799,716
North Dakota	7,769,698
No. Mariana Islands	93,104
Ohio	125,138,517
Oklahoma	36,842,282
Oregon	30,719,297
Pennsylvania	137,593,227
Puerto Rico	13,965,517
Rhode Island	11,109,508
South Carolina	37,143,793
South Dakota	8,013,225
Tennessee	53,935,617
Texas	177,195,491

BLOCKS GRANTS—Continued

Utah	18,021,060
Vermont	5,983,827
Virgin Islands	465,517
Virginia	63,676,730
Washington	49,227,412
West Virginia	22,590,106
Wisconsi	55,257,625
Wyoming	5,821,475

Dated: December 5, 1983.

David Rust,

Director, Office of Policy Coordination and Review.

Approved: December 8, 1983.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

[FR Doc. 83-33113 Filed 12-12-83; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Special Emphasis Research Career Award; Occupational Safety and Health

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), announces that competitive grant applications for Special Emphasis Research Career Awards (SERCA) to support occupational safety and health research will be accepted until March 16, 1984. Applications should specify a project start date of September 1, 1984.

Purpose

The SERCA is intended to:

—Encourage qualified individuals in the early stages of their post-graduate medical and scientific careers to develop research interests and skills in the area of occupational safety and health;

—Provide support for individuals to pursue a program of research in various disciplines related to occupational safety and health at domestic institutions which offer superior opportunities in these areas; and

—Create a pool of highly qualified investigators with experience and skills in occupational safety and health for future roles in related areas of research.

The SERCA provides the opportunity for an individual with developing research interests to acquire experience and skills essential to the study of occupational safety and health.

Authority

These grants will be awarded and administered by NIOSH under the research and demonstration grant authority of section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)) and section 501 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951). Program regulations applicable to these grants are contained in Part 87, "National Institute for Occupational Safety and Health Research and Demonstration Grants," of Title 42, Code of Federal Regulations. Except as otherwise indicated, the basic grant administration policies of the Public Health Service are applicable to this program. Applications responsive to this announcement are not subject to Executive Order No. 12372, Intergovernmental Review of Federal Programs.

Provisions of the Award

This nonrenewable award provides support for a project period of up to 3 years for individuals engaged in full-time research and related activities. The latter may include research career development activities as well as involvement in patient care to the extent that it will strengthen research skills. The SERCA grant, made to the awardee's parent institution, provides up to $30,000 per year for direct costs, including salary support, fringe benefits, technical assistance, equipment, supplies, consultant costs, domestic travel, publication, and other direct costs. If the awardee already holds a NIOSH small grant, the amount of the SERCA will be reduced by the amount of the small grant, up to a maximum reduction of $10,000.

While working closely with an advisor, the awardee is expected to develop capabilities in fundamental, applied and/or clinical research in one of the following areas:

(1) Occupational respiratory diseases
(2) Occupationally-related musculoskeletal injuries
(3) Occupational cancers
(4) Occupationally-related cardiovascular effects
(5) Occupationally-related traumatic injuries
(6) Occupationally-related reproductive effects
(7) Occupationally-related neurologic effects
(8) Occupationally-related noise-induced hearing loss
(9) Occupational skin disease
(10) Occupational psychologic disorders
(11) Engineering controls research
(12) Respirator research

Investigators may apply in any areas related to occupational safety and health in the above 12 categories. Applications responding to this announcement will be reviewed by staff for their responsiveness and relevance to occupational safety and health. Potential applicants with questions concerning the acceptability of their proposed work should contact the individuals listed in this announcement.

The applicant must propose a research project of his/her own design which focuses on one of the above 12 areas and which is of such scope that, within 3 years, evidence of independent investigative capability will be present. At the completion of this 3-year award the individual should be better able to compete in traditional NIOSH research grant award programs.

A multidisciplinary environment is encouraged; this may include such areas as epidemiology, biostatistics, toxicology, industrial hygiene, safety, ergonomics, physiology, engineering, various medical specialities, etc. Grantee Institutions are also encouraged to develop curricula in the research areas being proposed under these awards.

Eligibility Requirements

Candidates for the SERCA must: (1) Hold a doctoral degree (e.g., D.D.S., D.O., D.V.M., M.D., Ph.D., Sc.D.); (2) have a minimum of 2 years' post-doctoral research experience; (3) not be in a tenured position or above the rank of associate professor; (4) be citizens or noncitizen nationals of the United States or its possessions or territories or must have been lawfully admitted to the United States for permanent residence at the time of application.

Eligible applicants may reside in a variety of institutions including nonprofit and for-profit organizations. Thus, universities, colleges, research institutions, other public and private organizations, including State and local governments, and small, minority and/or woman-owned businesses are eligible for these grants. For-profit organizations will be required to submit a certification as to their status as part of their application. Awards are made to institutions in the name of individual applicants.

Support under this program may *not* be requested to supplement research projects receiving Federal or non-Federal support (except as noted above for NIOSH small grants) or to provide interim support of projects under review by the Public Health Service. Applicants may, however, hold or apply for a research grant in another subject area. A grant application responsive to this announcement, but essentially the same as one submitted as a regular research grant application on the same topic, will *not* be accepted.

Availability of Funds

The total grant award may comprise direct costs of up to $30,000 per year and additional indirect costs, as appropriate. The grants may be awarded for a project period of up to 3 years and will not be renewable. However, funding will be on an annual budget period. It is anticipated that the total annual amount available for grants under this program will be approximately $400,000. The specific amount to be funded will, however, depend upon the merit and scope of the applications received and the availability of funds.

Criteria for Review

Applications will be initially reviewed by a designated scientific review group on the basis of the applicant's scientific achievements and growth, evidence of the applicant's demonstrated commitment to a research career, the scientific merit and significance of the proposed research project, scientific competence of the proposed principal investigator and supporting faculty (where appropriate) in relation to the type of research involved, feasibility of the project, likelihood of its producing meaningful results, appropriateness of the proposed budget, adequacy of the applicant's resources available for the project, and the supportive nature of the research environment.

A secondary review will also be conducted in which the factors to be considered will include:

—The results of the initial review;
—The significance of the proposed study to the research programs of NIOSH;
—National needs and program balance; and
—Policy and budgetary considerations.

Letter of Intent

Prospective applicants are asked to submit a one-page letter of intent which includes a very brief synopsis of proposed areas of research and identification of any other participating institutions. This letter should be sent, by February 17, 1984, to Dr. Roy Fleming at the address given under **"FOR FURTHER INFORMATION CONTACT."** A letter is not required but will assist in the planning for the review. A letter of intent is not binding and will not enter into the review of any proposal subsequently submitted.

Applicantion and Award

Applications should be submitted on Form PHS–398 (revised May 1982) or PHS–5161–1 for State and local government applicants. Forms should be available from the institutional business offices or from: Office of Grants Inquiries, Division of Research Grants, National Institutes of Health, Westwood Building, Room 449, 5333 Westbard Avenue, Bethesda, Maryland 20205, Telephone: (301) 496–7441.

An original and six copies of the application must be submitted to the address below on or before the specified receipt date in accordance with the instructions in the PHS–398 packet: Division of Research Grants, National Institutes of Health, Westwood Building, Room 240, Bethesda, Maryland 20205.

In developing the application, please note that the conventional presentation for grant applications should be used, and the points identified under *"Criteria for Review"* must be fulfilled. The applicant should indicate that the application is being submitted in response to this announcement as noted in the Form PHS–398 instructions.

An applicant organization has the option of having specific salary and fringe benefit amounts for individuals omitted from the copies of the application that are made available to outside reviewing groups. If the applicant organization elects to exercise this option, use asterisks on the original and six copies of the application to indicate those individuals for whom salaries and fringe benefits are being requested; the subtotals must still be shown. In addition, submit an additional copy of page 4 of Form PHS-398, completed in full with the asterisks replaced by the amount of the salary and fringe benefits requested for each individual listed. This budget page will be reserved for internal PHS staff use only.

The instructions in the Form PHS–398 packet should be followed concerning deadlines for either delivering or mailing the application. The application should be sent or delivered using the mailing label in the Form PHS–398 packet.

Awards will be made based on priority score ranking from the initial review and emphasis area, as well as availability of funds.

Cost Sharing

Grantees will be expected to cost share a minimum of 5 percent.

FOR FURTHER INFORMATION CONTACT:

Roy Fleming, Sc.D., Chief, Grants Administration and Review Branch, National Institute for Occupational Safety and Health, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, Telephone: (404) 329–3343

or

Mr. Leo Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333, Telephone: (404) 262–6575.

(This program is described in the Catalog of Federal Domestic Assistance Program No. 13.262, Occupational Safety and Health Research Grants.)

Dated: December 1, 1983.

J. Donald Millar, M.D.,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 83–33073 Filed 12–12–83; 8:45 am]

BILLING CODE 4160–19

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N–83–1311]

Submission of Proposed Information Collection Requirements to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notices lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information

submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Real Estate Settlement Record
Office: Public and Indian Housing
Form No: HUD–51975
Frequency of Submission: On Occasion
Affected Public: State or Local Governments and Non-Profit Institutions
Estimated Burden Hours: 315
Status: New
Contact: Raymond W. Hamilton, HUD, (202) 426–0938; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Grievance Procedure Requirements—Public Housing Agency (PHA) Eviction Actions
Office: Public and Indian Housing
Form No: None
Frequency of Submission: Recordkeeping
Affected Public: Individuals or Households and State or Local Governments
Estimated Burden Hours: 30,000
Status: New
Contact: Edward C. Whipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Grievance Procedure Requirements—Decision of Hearing Officer or Hearing Panel
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: Recordkeeping
Affected Public: Individuals or Households and State or Local Governments
Estimated Burden Hours: 30,000
Status: New
Contact: Edward C. Wipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Dwelling Leases, Procedures and Requirements—Tenants' Opportunity to Comment
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: Recordkeeping
Affected Public: Individuals or Households and State or Local Governments
Estimated Burden Hours: 9,000
Status: New
Contact: Edward C. Wipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Contract for Inspection Services—Turnkey
Office: Public and Indian Housing
Form No.: HUD–5084
Frequency of Submission: On Occasion
Affected Public: State or Local Governments and Non-Profit Institutions
Estimated Burden Hours: 412
Status: New
Contact: Raymond W. Hamilton, HUD, (202) 426–0938; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Form of Contractor's Certificate and Release
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: On Occasion
Affected Public: State or Local Governments and Non-Profit Institutions
Estimated Burden Hours: 392
Status: New
Contact: Raymond W. Hamilton, HUD, (202) 426–0938; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Admission—Public Housing Agency (PHA) Tenant Selection Policies
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: Recordkeeping
Affected Public: Individuals or Households and State or Local Governments
Estimated Burden Hours: 3,600
Status: New
Contact: Edward C. Whipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Support Documents Required for Income Limits
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 1,800
Status: New
Contact: Edward C. Whipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Dwelling Leases, Procedures and Requirements—Lease Requirements
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: Recordkeeping
Affected Public: Individuals or Households
Estimated Burden Hours: 174,000
Status: New
Contact: Edward C. Whipple, HUD, (202) 426–0744; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Notication of Extension of Contract Time and Assessment of Liquidated Damages
Office: Public and Indian Housing
Form No.: None
Frequency of Submission: On Occasion
Affected Public: State or Local Governments and Non-Profit Institutions
Estimated Burden Hours: 131
Status: New
Contact: Raymond W. Hamilton, HUD, (202) 426–0938; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 28, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83-33047 Filed 12-12-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1312]

Submission of Proposed Information Collection Requirements to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Section 223(f) Coinsurance Program—Loan Servicing
Office: Housing
Form No.: Various
Frequency of Submission: On Occasion
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 9,500
Status: New
Contact: Matt Andrea, HUD, (202) 755-6870; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 11, 1983.

Lea Hamilton,

Director,

Office of Information Policies and Systems.

[FR Doc. 83-33048 Filed 12-12-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1313]

Submission of Proposed Information Collection Requirements to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notice of Default Status on Multifamily Housing Projects
Office: Housing
Form No.: HUD-92426
Frequency of Submission: Monthly
Affected Public: Businesses or Other For-Profit
Estimated Burden Hours: 1,500
Status: Revision
Contact: Judy Lemeshewsky, HUD, (202) 755-6870; Robert Neal, OMB, (202) 395-7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 11, 1983.

Lea Hamilton,

Director,

Office of Information Policies and Systems.

[FR Doc. 83-33049 Filed 12-12-83; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-83-1314]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for

review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Application by Indian Housing Authority for Indian Low-Income Housing Program
Office: Housing
Form No.: HUD–52730
Frequency of Submission: On Occasion
Affected Public: State or Local Governments
Estimated Burden Hours: 1,280
Status: Reinstatement
Contact: Patricia Arnaudo, HUD, (202) 755–6522; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 21, 1983.

Lea Hamilton,

Director, Office of Information Policies and Systems.

[FR Doc. 83–33050 Filed 12–12–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–83–1315]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Competitive Bidding for Section 202, Direct Loan Program for Elderly or Handicapped
Office: Housing
Form No.: FHA–2328, FHA–2442A–EH, FHA–2450–EH, FHA–2452–EH, FHA–2554, HUD–2530, and HUD–92443
Frequency of Submission: On Occasion
Affected Public: Non-Profit Institutions
Estimated Burden Hours: 8,000
Status: New
Contact: James L. Hamernick, HUD, (202) 755–5720; Robert Neal, OMB, (202) 395–7316.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: November 15, 1983.

Lea Hamilton,

Director,

Office of Information Policies and Systems.

[FR Doc. 83–33051 Filed 12–12–83; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. D–83–717; FR–1881]

Organization, Functions and Delegations of Authority; Acting Manager, Region IV (Atlanta) Designation for Greensboro Office

AGENCY: Department of Housing and Urban Development.

ACTION: Designation.

SUMMARY: Updates the designation of officials who may serve as Acting Manager for the Greensboro Office. The revision is necessary due to the reorganization.

EFFECTIVE DATE: November 13, 1983.

FOR FURTHER INFORMATION CONTACT: Ellis M. Brossett, Acting Director, Management and Budget Division, Office of Administration, Atlanta Regional Office, Department of Housing and Urban Development, Room 658, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, Georgia 30303, 404–221–5199. (This is not a toll-free number.)

Designation of Acting Manager for Greensboro Office

Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of, the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided, That no official is authorized to serve as Acting Manager unless all officials listed before him/her in this designation are unavailable to act by reason of absence, disability or vacancy in the position:

1. Deputy Manager.
2. Director, Housing Development Divison.
3. Director, Commmunity Planning and Development Division.
4. Director, Housing Management Divison.
5. Chief Counsel.

This designation supersedes the designation effective December 15, 1980, (46 FR 16330, March 12, 1981).

(Delegation of Authority by the Secretary effective October 1, 1970, (36 FR 3389, Feburary 23, 1971))

This designation shall be effective as of November 13, 1983.

Larry J. Parker,

Manager, Greensboro Office.

Clifton G. Brown,

Regional Administrator—Regional Housing Commissioner, Region IV (Atlanta).

[FR Doc. 83-33052 Filed 12-12-83; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Resource Management Plan and Final Environmental Impact Statement for the Grand Resource Area, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of Proposed Resource Management Plan and Final Enviromental Impact Statement.

SUMMARY: Pursuant to Section 202(f) of the Federal Land Policy and Management Act (FLPMA) and Section 102(2)(C) of the National Environmental Policy Act (NEPA), the Bureau of Land Management (BLM) has prepared a proposed Resource Management Plan (RMP) and final Environmental Impact Statement (EIS) for the Grand Resource Area. The Grand Resource Area encompasses Grand County and the northern third of San Juan County, Utah.

The proposed RMP was selected from the management choices spanned by the four alternatives and two subalternatives analyzed in the EIS. Alternatives include No Action, Production, Limited Protection, and Protection; the subalternatives are Graze at Preference and Reduced Livestock Grazing.

The proposed RMP and final EIS is published in an abbreviated format and is designed to be used with the Draft RMP/EIS published in March 1983. Portions of the draft that did not require changes are included in the final document by reference. Changes and additions to the draft resulting from public comments have been incorporated into the final document.

FOR FURTHER INFORMATION CONTACT: Additional information about the RMP/EIS and copies of the draft and final documents may be obtained by contacting Colin P. Christensen, Area Manager, Bureau of Land Management, Grand Resource Area, P.O. Box M, Moab, Utah 84532 (telephone 801-259-8193).

SUPPLEMENTARY INFORMATION: The proposed RMP will be approved no earlier than thirty days after publication in the **Federal Register** of the Environmental Protection Agency's notice of filing. The approval of the plan will be documented in a record of decision, which will be available for public review. Approval will be withheld on any portion of the plan protested until final action has been completed on such protest. Protests must conform to the requirements of 43 CFR 1610.5-2 and be filed with the Director of the Bureau of Land Management within thirty days of publication of the notice of filing.

Dated: December 2, 1983.

Gene Nodine,

Moab District Manager.

[FR Doc. 83-33067 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Twin Lakes, Fryingpan-Arkansas Project, Colorado; Order of Transfer of Administrative Jurisdiction

By virtue of the authority vested in the Secretary of the Interior by section 4(a)(4) of the Act of August 16, 1962 (Stat. 389) and section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of the Bureau of Reclamation dated February 25, 1966, published March 4, 1966 (31 FR 3426), jurisdiction over those lands and water rights which are within or adjacent to the exterior boundaries of the San Isabel National Forest, Colorado, and which have been acquired or withdrawn or are hereafter acquired or withdrawn by the Bureau of Reclamation in the development of Twin Lakes, Fryingpan-Arkansas Project, including appurtenant structures consisting of the Twin Lakes and Interlaken historic buildings and residences, known as the former Amax and Gunderman Cabin, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

United States owned water rights transferred are described as follows:

Facility	Water source and water district	Quantity (ft³/s)	Adjudication date and priority date	Use
Floris P. Willis No. 1	Willis Creek water District 11	2	0711051 10-1888	Irrigation.
Floris P. Willis No. 2	do	1	0711051 10-1888	Do.
Lily Pond	Cozart Creek Water District 11	6	0714131 05-1881	Do. Conditional.
Sill No. 1	Lake Creek Water District 11	2	011512 04-1883	Irrigation.
Sill No. 2	do	2.5	011512 041883	Do.
Sill No. 3	do	2	011512 041883	Do.
Florris P. Willis No. 2	Willis Creek Water District	1.5	011512 101888	Do.
Flume Gulch	Flume Gulch Creek Water District 11	2	070969 123122	Do. Domestic.
Interlaken	Seepage	1.6	070969 12-1880	Irrigation.

Facility	Water source and water district	Quantity (ft³/s)	Adjudication date and priority date	Use
Interlaken Pipeline	Seepage-Springs Water District 11	0.4	070969 12-1892	Domestic.

Lands over which the Secretary of Agriculture shall assume jurisdiction are described as follows:

Those lands within the project boundary of Twin Lakes Dam, Twin Lakes, and Mt. Elbert Forebay, excluding National Forest System lands, containing 6,905.75 acres, more or less, and included within the following descriptions:

T. 11 S., R. 80 W., sixth principal meridian
Sec. 7: SE¼SE¼;
Sec. 9: S½;
Sec. 15: W½;
Sec. 16: all;
Sec. 17: S½N½, S½;
Sec. 20: all;
Sec. 21: all;
Sec. 22: all;
Sec. 23: W½;
Sec. 26: N½NE¼NE¼, NW¼NE¼, N½NW¼, SW¼NW¼, W½SE¼NW¼, NE¼SE¼NW¼;
Sec. 27: N½NE¼, N½SW¼NE¼, E½SE¼NE¼, NW¼SE¼NE¼, NE¼NW¼, N½NW¼NW¼;
Sec. 28: N½;
Sec. 29: N½;
Sec. 30: N½NE¼, SE¼NE¼, NW¼;

plus all those lands lying south of State Highway 82 right-of-way and south of the northern limits of the relocated State Highway 82 right-of-way in the following described tracts:

Sec. 14: SW¼SW¼;
Sec. 15: E½;
Sec. 18: E½;
Sec. 19: all;
Sec. 23: E½.

T. 11 S., R. 81 W., sixth principal meridian
Sec. 24: all those lands lying south of State Highway 82 right-of-way;
Sec. 25: the Cliff Lode mining claim (U.S. Survey 11443 being a part of the W½ containing 10.33 acres more or less), all of those lands in the N½ lying east of State Highway 82 right-of-way, NE¼SE¼;
Sec. 26: the Luck Lode mining claim (U.S. Survey 657 being a part of the E½ containing 10.32 acres more or less).

Except those lands reserved by the Bureau of Reclamation for the operation of Twin Lakes Dam and appurtenant works, Mt. Elbert Pumped-Storage Powerplant and appurtenant works, and Mt. Elbert Switchyard, described as excluded operation areas, which total approximately 120 acres. The excluded operation areas are described as follows:

Twin Lakes Excluded Operation Areas

Twin Lakes Dam operation area located in Section 23, T. 11 S., R. 80 W., described as follows:

Beginning at a point located on the south right-of-way line of Colorado State Highway No. 82, said point being centerline Station 38+65 on Twin Lakes Dam, which point bears S21°47'W a distance of 1198 feet from the North Quarter corner of Section 23; Thence Northwesterly along the State Highway right-of-way a distance of approximately 580 feet to a point, whose coordinates are N456,280 and E1,771,606; Thence due South approximately 3,615 feet to centerline Station 5+00 on Twin Lakes Dam, whose coordinates are N452,665 and E1,771,606; Thence N52°17'E a distance of approximately 1706 feet to a point 125 feet right of Twin Lakes Dam outlet works Station 19+00, whose coordinates are N453,708 and E1,772,955; Thence North a distance of 50 feet to a point 75 feet right of Twin Lakes Dam outlet works Station 19+00; Thence continuing parallel with and 75 feet south of the centerline of Lake Creek to a point on the south right-of-way line of Colorado State Highway 82; Thence northwesterly along the State Highway right-of-way to the point of beginning.

Mt. Elbert Switchyard operation area located in the Southwest Quarter of Section 9, T. 11 S., R. 80 W., described as follows:

Beginning at a point which bears S59°08'E a distance of 387.7 feet from the West Quarter corner of Section 9; Thence N66°30' E a distance of 360 feet; Thence S23°30' E a distance of 425 feet; Thence S66°30'W a distance of 360 feet; Thence N23°30'W a distance of 425 feet to the point of beginning. Said description being parallel with and 60 feet outside of the existing chain link fence around the switchyard.

Mt. Elbert Switchyard Access Road operation area located in the Southwest Quarter of Section 9, T. 11 S., R. 80 W., described as follows:

A strip of land measured at right angles to the centerline of the switchyard access road 50 feet in width, 25 feet on each side of said centerline from the Mt. Elbert Switchyard to the west line of the Southwest Quarter of Section 9.

Mt. Elbert Switchyard High Voltage Underground Cable Trench operation area located in the Southwest Quarter of Section 9, T. 11 S., R. 80 W., described as follows:

A strip of land measured at right angles to the centerline of the cable trench 50 feet in width, 25 feet on each side of said centerline from the Mt. Elbert Switchyard to the west line of the Southwest Quarter of Section 9.

Mt. Elbert Pumped-Storage Powerplant operation area located in the Northeast Quarter of Section 17, T. 11 S., R. 80 W., described as follows:

Beginning at a point located on the north right-of-way line of Colorado State Highway No. 82, and the east line of the Northeast Quarter of Section 17; Thence southerly along the east line of the Northeast Quarter of Section 17 a distance of approximately 1040 feet to elevation 9,200; Thence westerly along the 9,200 elevation 9,200 on the west bank of said channel; Thence northwesterly along the 9,200 elevation for a distance of approximately 850 feet to the east bank of the powerplant tailrace channel; Thence northwesterly across said channel directly below the safety boom (floatline) for a distance of approximately 290 feet to elevation for a distance of approximately 750 feet to a line parallel with and 1,800 feet west of the east line of the Northeast Quarter of Section 17; Thence northerly along said line for a distance of approximately 610 feet to the north right-of-way line of Colorado State Highway No. 82; Thence northeasterly along the Highway right-of-way line for a distance of approximately 675 feet to a line parallel with and 100 feet west of the centerline of the powerplant penstocks; Thence northwesterly along said line for a distance of approximately 220 feet to the south line of the North Half of the Northeast Quarter of Section 17; Thence easterly along said line for a distance of approximately 305 feet to a line parallel with and 200 feet east of the centerline of the powerplant penstocks; Thence southeasterly along said line for a distance of approximately 160 feet to the north right-of-way line of Colorado State Highway No. 82; Thence northeasterly along the Highway right-of-way line for a distance of approximately 860 feet to the point of beginning, excepting out Colorado State Highway No. 82 right-of-way.

Legal description of lands acquired or withdrawn by the Bureau of Reclamation within the project

boundary of Twin Lakes Dam, Twin Lakes, and Mt. Elbert Forebay will be on file in the Office of the Regional Director, Lower Missouri Region, Bureau of Reclamation, Denver, Colorado, and the Office of the Regional Forester, Rocky Mountain Region, U.S. Forest Service, Denver, Colorado.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above described lands and decreed water rights shall become part of the National Forest System; *Provided*, That all lands reserved by the Bureau of Reclamation described as excluded operation areas shall continue to be administered by the Commissioner of the Bureau of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the **Federal Register**.

Dated: December 6, 1983.

R. N. Broadbent,

Commissioner.

[FR Doc. 83-32893 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Seismic Program Lines, Arctic National Wildlife Refuge; Map Availability

AGENCY: Fish and Wildlife Service; Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service (FWS) announces that it has a map available for distribution which shows the locations of seismic program lines for exploratory activities to be conducted on the Arctic National Wildlife Refuge coastal plain during the winter-spring of 1984.

DATE: The map is available as of the date this notice is published.

FOR FURTHER INFORMATION CONTACT: Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503, 907-786-3381 or 3384.

SUPPLEMENTARY INFORMATION: On September 15, 1983, the FWS approved, with modifications, an exploration plan for seismic study on the Arctic National wildlife refuge coastal plain. That exploration plan, which was submitted by Geophysical Service, Incorporated (GSI), was modified by the FWS to specify a six-by-twelve mile seismic grid instead of the one proposed by GSI. This means that seismic study lines oriented in a north-south direction will be six miles apart, and lines oriented in an east-west direction will be twelve miles apart. The locations of these lines have been established through consultation between the FWS and GSI. Exploration activities under this approved plan are expected to begin early in January 1984.

Dated: December 2, 1983.

Keith M. Schreiner,

Regional Director, Alaska.

[FR Doc. 83-33074 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-55-M

Study Concerning Potential Sources of Funding, Fish and Wildlife Conservation Act of 1980

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Extension of Deadline for Providing Comments.

SUMMARY: Notice describing the study cited above was published in the **Federal Register** October 28, 1983 (Vol. 48, No. 210, pp. 50004-50005), and public comment was invited. The deadline for comments as announced in that notice is extended to facilitate participation by potentially affected parties.

DATE: The deadline for submitting comments is extended to January 12, 1984.

ADDRESS: Written statements should be addressed to the Associate Director—Federal Assistance, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240. Comments received will be available for examination in Room 638, 1000 N. Glebe Road, Arlington, Virginia, between 7:45 a.m. and 4:15 p.m., Monday through Friday. Those person's desiring notification of receipt of comments must include a self-addressed, stamped postcard or use the U.S. Postal Service return receipt system.

FOR FURTHER INFORMATION CONTACT: Mr. C. Phillip Agee, (703) 235-1526, Division of Federal Aid, 1000 N. Glebe Road, Arlington, Virginia. Office hours for this location are 7:45 a.m. to 4:15 p.m., Monday through Friday.

Dated: December 7, 1983.

Ronald E. Lambertson,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 83-33116 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Outer Continental Shelf Advisory Board; Policy Committee; Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92-463, 5 U.S.C. App. 1 and the Office of Management and Budget's Circular No. A-63, Revised.

The Policy Committee of the Outer Continental Shelf (OCS) Advisory Board will meet during the period 2:00 p.m. to 5:00 p.m., January 11, 1984; 8:30 a.m. to 5:30 p.m., January 12, 1984; and 8:30 a.m. to 12:30 p.m., January 13, 1984, at the Sheration Washington in Washington, D.C. (202-328-2000).

The meeting will cover the following principal subjects:

January 11:

- Panel: Regional Offshore Perspectives
  —Pacific
  —Atlantic

January 12:

- National Energy Policy Panel
- Areawide Leasing and Environmental Assessment Panel
- Areawide Resource Evaluation Panel

January 13:

- Offshore Program Initiatives
- Offshore Projects
- Regulatory Reform

The meeting is open to the public. Upon request, interested parties may make oral or written presentations to the committee. Such requests should be made no later than January 2, 1984, to the OCS Policy Committee, Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Requests to make oral statements should be accompanied by a summary of the statement to be made. For more information contact the Executive Secretary, Michele Tetley at (202-343-9314).

Minutes of the meeting will be available for public inspection and copying 8 weeks after the meeting at the Minerals Management Service, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: December 7, 1983.

John B. Rigg,

Associate Director, Offshore Minerals Management Service.

[FR Doc. 83-33002 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 2, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register,

National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by December 28, 1983.

Carol D. Shull,

Chief of Registration, National Register.

ALASKA

Matanuska-Susitna Division

Palmer, *St. Michael's Roman Catholic Church,* E. Fireweed Ave.

ARIZONA

Maricopa County

Phoenix, *Pieri-Elliot House,* 767 E. Moreland St.

ARKANSAS

Pulaski County

Little Rock, *Mann, George R., Building,* 115 E. 5th St.

CONNECTICUT

Hartford County

Hartford, *Christ Church,* 955 Main St.

HAWAII

Honolulu County

Honolulu, *Battery Hasebrouck (Artillery District of Honolulu TR),* Ft. Kamehameha
Honolulu, *Battery Hawkins (Artillery District of Honolulu TR),* 440 Nelson Ave.
Honolulu, *Battery Hawkins Annex (Artillery District of Honolulu TR),* Ft. Kamehameha
Honolulu, *Battery Jackson (Artillery District of Honolulu TR),* Ft. Kamehameha
Honolulu, *Battery Randolph (Artillery District of Honolulu TR),* 32 Kalia Rd.
Honolulu, *Battery Selfridge (Artillery District of Honolulu TR),* Ft. Kamehameha

IDAHO

Custer County

Stanley vicinity, *Redfish Archeological District,* S of Stanley

MAINE

Androscoggin County

Auburn, *Androscoggin County Courthouse and Jail,* 2 Turner St.

Cumberland County

Bridgton vicinity, *Walker Memorial Hall,* Lower Ridge Rd.
West Baldwin, *Burnell Tavern,* ME 113

Kennebec County

Winthrop, *Cobbossee Lighthouse,* Ladies Delight Island

Lincoln County

Monhegan, *Influence,* Monhegan Island

Oxford County

Hartford, *Irish, J. & O., Store,* ME 140

Somerset County

Skowhegan, *History House (Aaron Spear House),* 40 Elm St.

Waldo County

Searsport, *McGilvery, Capt., John, House,* E. Main St.
Searsport, *McGilvery, Capt., William, House,* E. Main St.

Washington County

Lubec, *Fowler, Jeremiah, House,* 35 School St.

York County

Biddleford, *St Joseph's School,* Birch St.
Cornish, *Odd Fellows-Rebekah Hall,* High St.
Ogunquit, *Ogunquit Memorial Library,* Shore Rd.
South Berwick, *Jewett-Eastman House,* 37 Portland St.

MICHIGAN

Iron County

Amasa vicinity, *Triangle Ranch Headquarters Historic District (Iron County MRA),* N of Amasa
Crystal Falls, *Courthouse Residential Historic District (Iron County MRA),* Roughly bounded by Crystal and Michigan Aves., and Iron and 5th Sts.

NEW JERSEY

Sussex County

Millville, *Millville Historic and Archaeological District,* River and Millville Rds.

NEW MEXICO

Bernalillo County

Albuquerque, *Eller Apartments,* 113–127 6th St. SW

NEW YORK

Westchester County

New Rochelle, *Pioneer Building,* 14 Lawton St.

NORTH CAROLINA

Rowan County

China Grove, *China Grove Roller Mill,* 308 N. Main St.
Mill Bridge, *Thyatira Presbyterian Church, Cemetery, and Manse,* off NC 150
Mt. Ulla vicinity, *Back Creek Presbyterian Church and Cemetery,* SR 1763
Salisbury, *Grimes Mill,* 600 N. Church St.

Wake County

Raleigh, *Spring Hill,* 705 Barbour Dr.

OHIO

Clark County

Springfield, *South Fountain Avenue Historic District,* Roughly Fountain Ave., and Limestone St. from Perrin to Monroe Sts.

Franklin County

Columbus, *Seneca Hotel,* 361, E. Broad St.
Columbus, *South High Street Commercial Grouping,* Bounded by Pearl, Mound, Main, and High Sts.

Hamilton County

Newtown, *Martin, Joseph, House,* 3727 Church St.

Hardin County

Kenton, *Kenton Public Library,* 121 N. Detroit St.

Lucas County

Toledo, *Trinity Episcopal Church,* 316 Adams St.

Shelby County

Sidney, *Sidney Walnut Avenue Historic District,* Walnut Ave. from Poplar to Michigan Sts., and 228, 228½, and 238 W. North St.

Williams County

Bryan, *Bryan Downtown Historic District,* Roughly bounded by Walnut, Beech, Maple, and Bryan Sts.

PENNSYLVANIA

Bucks County

Croyden, *White Hall of Bristol College,* 701–721 Shadyside Ave.

Lancaster County

Lancaster, *Wagner's, Charlie, Cafe,* 30 E. Grant St.

Luzerne County

Hazelton, *Pardee, Israel Platt, Mansion,* 235 N. Laurel St. and 28 Aspen St.

Monroe County

Stroudsburg, *Kitson Woolen Mill,* 411 Main St.

Montgomery County

Pottstown, *Reading Railroad Pottstown Station,* High St. between Hanover and York Sts.

Philadelphia County

Philadelphia, *Baird, Matthew, Mansion,* 814 N. Broad St.
Philadelphia, *Holman, A.J., and Company,* 1222–26 Arch St.
Philadelphia, *Pattison, Gov. Robert E., House,* 5930 Drexel Rd.
Philadelphia, *Sharpless, William C., House,* 5446 Wayne Ave.

York County

Hanover Junction, *Hanover Junction Railroad Station,* PA 616
York, *Stevens School,* 606 W. Philadelphia St.

TENNESSEE

McMinn County

Athens, *Old College,* College St., Tennessee Wesleyan College campus

VIRGINIA

Charlottesville (Independent City)

Willow Cottage House (Charlottesville MRA), 1118 E. Market St.

[FR Doc. 83-33115 Filed 12-12-83; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket Nos. AB-18, AB-69, and AB-19 (Sub-48F, 10F and 60F)]

Chesapeake and Ohio Railway Company, Western Maryland Railroad Company, and the Baltimore and Ohio Railroad; Abandonment and Discontinuance of Service in Pocahontas and Randolph Counties, WV; Findings

The Commission has issued a certificate authorizing the Chesapeake and Ohio Railway Company (C&O), Western Maryland Railway Company (WM), and the Baltimore and Ohio Railroad Company (B&O) to abandon 29.32 miles of service in Pocahontas and Randolph Counties, WV.

Specifically, the certificate authorizes C&O to abandon 2.84 miles of line on its Greenbriar Branch (currently leased to WM) between milepost 94.93 at or near Durbin and milepost 97.77 at Bartow. The certificate also authorizes WM to abandon 26.48 miles of line on its Durbin Branch between milepost 20.40 at Greenbriar Junction and milepost 46.88 at or near Durbin. B&O is authorized to discontinue service over the two described lines (29.32 miles).

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 offer 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 1152.27.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33035 Filed 12-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30299]

Chicago and North Western Transportation Company, Merger Exemption, Des Moines and Central Iowa Railway Company and Fort Dodge, Des Moines & Southern Railway Company; Exemption

Chicago and North Western Transportation Company (C&NW), Des Moines and Central Iowa Railway Company (DM&CI), and Fort Dodge, Des Moines & Southern Railway Company (FDDM&S) have filed a notice of exemption [1] for merger of DM&CI and FDDM&S into C&NW. C&NW controls DM&CI through ownership of 99.89 percent of its outstanding common stock, and controls FDDM&S through DM&CI which owns 99.06 percent of FDDM&S's outstanding common stock. C&NW operates all of DM&CI's 6.47 miles of main track and 8.33 miles of yard and side track and all of FDDM&S's 18.82 miles of main track and 24.08 miles of yard and side tracks. These operations are fully integrated with C&NW's other rail operations.

The merger is a transaction within a corporate family that will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family and therefore is exempt under 49 CFR Part 1180.2(d)(3).

As a condition to use of this exemption any employees affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern District,* 360 ICC 60 (1979), which satisfies the statutory requirements of section 10505(g)(2).

This notice is effective upon publication.

Decided: December 6, 1983.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33036 Filed 12-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30311]

Consolidated Rail Corp.; Trackage Rights Exemption Between Bloomington and Peoria, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 11343 *et seq.,* Conrail's acquisition of trackage rights over a 38.09-mile line owned by Norfolk and Western Railway Company between Bloomington and Peoria, IL.

DATES: This exemption shall be effective on January 12, 1984. Petitions for reconsideration must be filed by January 3, 1984. Petitions to stay this decision must be filed by December 23, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30311 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Charles E. Mechem, 1138 Six Penn Center Plaza, Philadelphia, PA 19104

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: December 6, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

James H. Bayne,

Acting Secretary.

[FR Doc. 83-33037 Filed 12-12-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-88)]

Seaboard System Railroad, Inc.; Abandonment in Collier, Glades and Hendry Counties, FL; Findings

The Commission has issued a certificate authorizing the Seaboard System Railroad Company Inc., to abandon a portion of railroad extending from railroad milepost AVC–919.0 near Harrisburg, FL, to milepost AVC–955.3 near Immokalee, FL, a total distance of 36.3 miles in Collier, Glades and Hendry Counties, FL. The abandonment certificate will become effective 30 day after this publication unless the Commission also finds: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the

[1] The parties have filed a petition for exemption. However, when a specific transaction falls within the scope of transactions delineated as exempt, it too is exempt. *Railroad Consolidation Procedures,* 366 ICC 200, 203 (1980). Accordingly, the parties' petition for exemption is treated as a notice of exemption.

assistance would fully compensate the railroad.

Any financial assistance offer 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 boldface on the lower lefthand 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 1151.27.

James H. Bayne,

Acting Secretary.

[FR Doc. 83–33038 Filed 12–12–83; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Attorney General

Certification of the Attorney General, Copiah County, Mississippi

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States of America in Copiah County, Mississippi. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under Section 4(b) of the Voting Rights Act of 1965 and published in the **Federal Register** on August 7, 1965 (30 FR 9897).

Dated: December 9, 1983.

William French Smith,

Attorney General of the United States.

[FR Doc. 83–33282 Filed 12–12–83; 9:58 am]

BILLING CODE 4410–01–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

Employment and Training Administration
Request for Additional UI Contingency Staffyears for the Quarter 1205–0169; ETA–2103
Quarterly
State or local governments
212 responses; 212 hours; 1 form

This form is used by States to request additional funds for processing UI contingency workloads above the base.

Reinstatement

Employment and Training Administration
Certification of UI Contingency Entitlements for the Quarter 1205–0174; ETA–2104
Quarterly
State of local governments
212 responses; 848 hours; 1 form

This form is used for certification of States actual contingency staffyear and dollar entitlements for processing UI workloads above the base.

Signed at Washington, D.C. this 8th day of December 1983.

Richard Glesener,

Acting Departmental Clearance Officer.

[FR Doc. 83–33117 Filed 12–12–83; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Manhattan Surgical 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 November 28, 1983–December 2, 1983

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements 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-14,698; Manhattan Surgical Co., Laredo, TX

TA-W-14,584; Wheeling Plant, Wheeling Machine Products Co., Wheeling, WV

TA-W-14,585; Acme Cleveland Corp., National Acme Div., Cleveland, OH

TA-W-14,575; Fedders Automotive Components Co., Buffalo, NY

TA-W-14,635; Arthur Winer, Inc., Petersburg, VA

TA-W-14,648; Endicott Forging & Manufacturing Co., Inc., Endicott, NY

TA-W-14,700; Pinkerton Foundry, Inc., Lodi, CA

TA-W-14,653; Oerlikon Motch Corp., Motch Manufacturing Div., Euclid, OH

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-14,708; Theber, Inc., Bridgeton, NJ

TA-W-14,657; Tru Weld Grating, Inc., Neville Island, PA

TA-W-14,705; Harbison-Walker Refractories Co., Portsmouth, OH

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-14,621; Ampco-Pittsburgh Corp., Colona Thread Protectors Div., Monaca, PA

Aggregate U.S. imports of thread protectors are negligible.

TA-W-14,931; Rich Creek Mining Co., Man, WV

The investigation revealed that criterion (3) has not been met. Imports of metallurgical coal are negligible.

Affirmative Determinations

TA-W-14,718; Union Railroad Co., East Pittsburgh, PA

A certification was issued covering all workers separated on or after May 26, 1982.

TA-W-14,557; Oak Communications Systems, Elkhorn, WI

A certification was issued covering all workers engaged in employment related to the production of decoders for cable TV separated on or after September 1, 1982 and before March 1, 1983.

TA-W-14,507; Viola Sportswear, Inc., El Paso, TX

A certification was issued covering all workers separated on or after March 10, 1982.

TA-W-14,767; U.S. Steel Corp., Gary Works, Gary, IN

A certification was issued covering all workers engaged in employment related to the production of hot rolled carbon steel bars and bar-size light shapes and carbon steel plant separated on or after June 16, 1982 and that all workers engaged in employment related to the production of railroad products, separated on or after June 16, 1982 and before December 31, 1982.

TA-W-14,556; Neotech International Corp., Walla Walla, WA

A certification was issued covering all workers separated on or after December 1, 1982.

TA-W-14,560; Sheller Globe Corp., Mitchell & Smith Div., Norfolk, VA

A certification was issued covering all workers separated on or after August 1, 1982.

TA-W-14,608; Jones & Laughlin Specialty Steeel, Inc., Detroit, MI

A certification was issued covering all workers separated on or after April 19, 1982 and before July 1, 1983.

TA-W-14,644; Chicago Bridge & Iron Co. (C.B.I. Nuclear Co.), Memphis, TN

A certification was issued covering all workers separated on or after May 10, 1982.

I hereby certify that the aforementioned determinations were issued during the period November 28, 1983–December 2, 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: December 6, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-32864 Filed 12-12-83; 8:45 am]
BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-263]

Northern States Power Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-22, issued to Northern States Power Company (the licensee), for operation of the Monticello Nuclear Generating Plant, located in Wright County, Minnesota.

The amendment proposed by the licensee would revise the Technical Specifications to change the Limiting Conditions for Operation to allow the Source Range Monitors (SRM) minimum count rate to fall below three counts per second (cps), during full core discharge and subsequent reloading. The SRM monitor the core during periods of station shutdown and guide the operator during refueling operations and station startup. Requiring a minimum of 3 cps whenever criticality is possible provides assurance that neutron flux is being monitored. The licensee has proposed this change to allow full unloading of the fuel from the core. In the process of removing all the fuel from the core, the count rate on the SRMs will drop below 3 cps, without supplemental neutron sources. This amendment is supported by a September 30, 1982 letter from General Electric, the reactor vendor.

Before issuance of the proposed license amendment, the Commission will have made findings as required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples. A proposed amendment will likely involve a significant hazards consideration, if operation of the facility, in accordance with the proposed amendment involves: (iii) A significant relaxation in Limiting Conditions for Operation (LCO) not accompanied by compensatory changes, conditions, or actions, that maintain a commensurate level of safety, such as allowing a plant to operate at full power during a period in which one or more safety systems are not operable.

The licensee has proposed to revise the LCO concerning the minimum

Source Range Monitor count rate during full core discharge and subsequent reloading. In the process of removing all the fuel from the core, without supplemental neutron sources, the count rate on the SRMs will drop below 3 cps. Therefore, an inadvertent approach to criticality may occur. Requiring a minimum of 3 cps whenever criticality is possible, provides assurance that the neutron flux is being monitored.

Since the LCO would be relaxed, the proposed changes in this application for amendment are similar to example (iii) cited above, which involves a significant hazards consideration. However, in this case, compensatory measures will be provided. These compensatory measures ensure that an approach to criticality is avoided when the count rate drop below 3 cps. The licensee states that special procedures will be used to unload and reload the core. Also, before the count rate drops below the minimum value, the remaining fuel assemblies would be in a special configuration to prevent an approach to criticality.

Therefore, since the application for amendment involves proposed changes that are not a significant relaxation in the LCO with compensatory measures being taken, the staff has made a preliminary determination that this application involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By January 12, 1984, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Domenic B. Vassallo: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the

Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment, dated September 30, 1982, as supplemented November 4, 1983, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota.

Dated at Bethesda, Maryland, this 7th day of December 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 83-33124 Filed 12-12-83; 8:45 am]

BILLING CODE 7590-01-M

PEACE CORPS

Submission of Public Use Form Review Request to the Office of Management and Budget

Pursuant to the Paperwork Reduction Act of 1981 (44 U.S.C. Chapter 35), the Peace Corps has submitted to the Office of Management and Budget a request to approve a revision of the Peace Corps Volunteer Application Form through December 31, 1986. This form is completed voluntarily by applicants for the Peace Corps program and it provides basic information concerning background, education, qualifications, language skills, preferences, etc. This information is necessary for Peace Corps staff to perform the initial screening between qualified and unqualified candidates, for selection from among the qualified, and finally for proper placement of the potential volunteers in suitable programs and settings. The proposed revision is largely cosmetic and proposes no substantive changes to the information requested. Instructions have been improved so that applicants will have a better understanding of the information needed. More space has been provided for the applicant to discuss his/her motivation and qualifications for service. Some skill and academic areas have been added to reflect actual program requests from overseas. Two additional questions have been added. Peace Corps is now requesting the naturalization number on naturalized citizens in order to verify citizenship. Peace Corps is also requesting information regarding financial obligations to ensure that applicants have taken appropriate steps to assure that outstanding debts will not interrupt completion of service. Questions concerning alcoholism, drug abuse, liver problems, joint problems and neurological problems have been added to the Personal Health section because such conditions have posed serious problems overseas and it is essential that overseas assignments appropriate to such health problems or overall medical qualification be decided early in the process. Applicants have now been provided with the option of placing all medical information in a sealed envelope that is accessible only to a limited number of authorized personnel. The request for racial and ethnic data is used solely for the purpose of determining compliance with federal civil rights law.

Information About the Form

Agency Address: Peace Corps, 806 Connecticut Avenue, NW., Washington, D.C. 20526
Title and Agency No.: Peace Corps Volunteer Application, Form Number PC-1502
Type of Request: Form revision approval
Frequency of Collection: On occasion
General Description of Respondents: Individuals applying for Peace Corps Volunteer service
Estimated Number of Responses: 15,600
Estimated Hours for Respondents to Furnish Information: One hour each
Respondents Obligation to Reply: Voluntary

Comments on this form request should be directed to Francine Picoult, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Comments should be received on or before February 13, 1954. A copy of the form may be obtained from James Duke, Office of Recruitment, Placement and Staging, 806 Connecticut Avenue, NW., Washington, D.C. 20526. Mr. Duke may be called on area code 202-254-7080. This is not a toll-free number. This is not a request to which 44 U.S.C. 3504(h) applies.

Issued in Washington, D.C., on December 8, 1983.

Robert T. Spencer,

Associate Director for Management.

[FR Doc. 83-33130 Filed 12-12-83; 8:45 am]

BILLING CODE 6051-01-M

SMALL BUSINESS ADMINISTRATION

Brentwood Capital Corp.; Application for Approval of Conflict of Interest Transaction Between Associates

[License No. 09/09-0239]

Notice is hereby given that Brentwood Capital Corporation (BCC), 11661 San Vicente Boulevard, Los Angeles, California 90049, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.903 of the Regulations governing small business investment companies (13 CFR 107.903 (1983)) for approval of a conflict of interest transaction.

BCC proposes to invest $188,325 in 8,370 shares of Class C Convertible Preferred Stock of Megatape Corporation, (Megatape) 1041 Hamilton Road, Durate, California 91010. This part of a total financing of $2,000,000 to provide additional working capital for Megatape.

The conflict of interest arises because Brentwood Associates III, an Associate of BCC, owns 23.29 percent of Megatape. The proposed transaction falls within the purview of § 107.903(b)(1) of the SBA Regulations and requires prior written approval of SBA.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in the Los Angeles and Durate, California areas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 6, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-33072 Filed 12-12-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2108; Amdt. 1]

Idaho; Declaration of Disaster Loan Area

The above numbered declaration (48 FR 51881) is amended in accordance with the President's declaration of November 18, 1983, to include Butte as an adjacent County in the State of Idaho as a result of damage from an

earthquake which occurred on October 28, 1983.

All other information remains the same, i.e., the termination date for filing applications for physical damage is the close of business on January 16, 1984, and for economic injury until the close of business on August 6, 1984.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: December 6, 1983.

Bernard Kulik,

Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 83-33075 Filed 12-12-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 889]

Extension of the Restrictions on the Use of United States Passports for Travel To, In, or Through Libya

On December 11, 1981, pursuant to the authority of Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.72(a)(3), the use of the United States passport for travel to, in, or through Libya was restricted. These restrictions were extended for an additional year on November 29, 1982 (Public Notice published December 6, 1982). This action was required by the unsettled relations between the United States and the Government of Libya and the threats of hostile acts against Americans in Libya.

Travel to or residence in Libya by American citizens continues to be hazardous as the Government of Libya still maintains a stance which is pronouncedly anti-American and has consistently demonstrated a willingness to direct hostile acts against United States nationals. The American Embassy in Tripoli remains closed and the United States Government can provide no more than minimal diplomatic protection or consular assistance to Americans who may travel to Libya. For these reasons, I have determined that Libya continues to be an area "* * * were there is imminent danger to the public health or physical safety of United States travelers."

Accordingly, United States passports shall remain invalid for use in travel to, in, or through Libya unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the **Federal Register** and shall expire at the end of one year unless extended sooner or revoked by Public Notice.

Dated: December 2, 1983.

George Shultz,

Secretary of State.

[FR Doc. 83-33016 Filed 12-12-83; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. S-746 Sub-1]

Lykes Bros. Steamship Co., Inc.; Application

By letter dated November 21, 1983, Lykes Bros. Steamship Co., Inc. (Lykes) amended and supplemented its application of October 5, 1983, which was published in the **Federal Register** of October 17, 1983 (48 FR 47093). By this amendment and supplement, Lykes requests an amendment of its Operating-Differential Subsidy Agreement (ODSA), Contract MA/MSB-451 to enable the replacement of vessels in subsidized service on its Line J, TR 29 and Line K, TR 29/17 by newly acquired containerships.

Pub. L. 98-151, passed November 12, 1983, enables Lykes to acquire four foreign built containerships on which it holds an option to purchase. Lykes proposes an interim subsidized operation on these Lines to be conducted with four West-German-built containerships of approximately 1,100 TEU capacity to be purchased by Lykes pursuant to a written option agreement executed November 12, 1983. These ships are to be converted for documentation under U.S.-flag following delivery, in approximately March 1984. These ships will be operated on Lines J and K until the delivery in approximately 1986 of six new 2,500 TEU ships. Lykes further proposes, upon entry of these four vessels into subsidized service to withdraw from subsidized service four ships of its Andes or Pride class (MA designs C3-S-37d, C3-S-37c) to be designated by Lykes from its present subsidized fleet. These Andes and Pride vessels are presently being repaired.

Pursuant to its ODSA, Lykes is required to provide on its Line J service (U.S. Pacific/Far East) a minimum of 20 and a combined maximum (J and K) of 80 sailings annually, with required service between U.S. Pacific ports (Washington, Oregon and California) ports in Japan, Taiwan, Hong Kong and the continent of Asia from the U.S.S.R. to Cambodia, inclusive.

Lykes presently operates two C7 RO/RO-class vessels on its Line J service. These vessels provide approximately twice monthly service as far east as Bangkok.

Further, under this same ODSA, Lykes is required to provide on its Line K (U.S. Pacific/Far East, Indonesia, Malaysia) service a minimum of 20 and a maximum on Lines J and K of 80 combined sailings annually, with required services between U.S. Pacific ports (Washington, Oregon, and California) and a port or ports in Indonesia, Malaysia, (Malaya, Sarawak, and Sabah), Singapore, Brunei, Philippines, and Thailand. Lykes has not maintained a regular service on Line K since December of 1981, even though it has authority to do so.

Lykes proposes to operate a weekly service from California to Taiwan, Hong Kong, Japan and Korea range, using the four 1,100 TEU containerships and the two RO/RO vessels *Tyson Lykes* and *Charles Lykes*, calling at two California ports and about five ports in the Far East. Feeder service using transshipment at Taiwan or Hong Kong, will serve the Philippines, Southeast Asia and the foreign area of TR 17. The feeder service will employ non-Lykes vessels.

Total projected liner traffic on TR 29 in 1983 amounts to 13,790,970 long tons, with exports totaling 7,830,806 tons and imports totaling 5,960,164 tons. In 1983, U.S.-flag liner ships are projected to carry 1,902,150 tons or 24.3 percent of the export trade and 1,936,020 tons or 32.5 percent of the import trade. The following table shows that the number of long tons of export and import cargo carried on TR 29 during the period 1975-1983 and the U.S.-flag share:

TR 29

	Exports (long tons)			Imports (long tons)		
	Total	U.S.-flag	United States (percent)	Total	U.S.-flag	United States (percent)
1983[1]	7,830,806	1,902,150	24.3	5,950,164	1,936,020	32.5
1982	7,496,207	1,877,856	25.0	5,670,058	1,886,662	33.3
1981	7,464,661	2,065,411	27.7	5,510,495	1,790,056	32.5
1980	7,751,705	1,981,205	25.6	4,805,071	1,581,316	32.9
1979	6,556,065	1,701,133	25.9	4,565,514	1,357,643	29.7
1978	5,752,961	1,692,353	29.4	4,593,402	1,688,308	36.8
1977	4,493,100	1,414,884	31.5	4,448,604	1,650,657	37.1
1976	4,517,646	1,427,059	31.6	3,600,648	1,405,797	39.0

TR 29—Continued

	Exports (long tons)			Imports (long tons)		
	Total	U.S.-flag	United States (percent)	Total	U.S.-flag	United States (percent)
1975	3,681,815	1,155,178	31.4	2,577,496	1,042,034	40.4

[1] Six months data annualized.

The table shows that U.S.-flag participation in the outbound liner trade on TR 29 declined from 31.4 percent in 1975 to a projected 24.3 percent in 1983. Further, U.S.-flag participation in the inbound liner trade declined from 40.4 percent in 1975 to a projected 32.5 percent in 1983.

Total projected liner traffic on TR 17 in 1983 amounts to 2,040,254 long tons with exports totaling 1,007,316 tons and imports totaling 1,032,938 tons. In 1983, U.S.-flag liner ships are projected to carry 119,204 tons or 11.8 percent of the export trade and 341,378 tons or 33.0 percent of the import trade. The following table shows the number of long tons of exports and import cargo carried on TR 17 during the period 1975–1983, and the U.S.-flag share:

TR 17

	Exports (long tons)			Imports (long tons)		
	Total	U.S.-flag	United States (Percent)	Total	U.S.-flag	United States (Percent)
1983[1]	1,007,316	119,204	11.8	1,032,938	341,378	33.0
1982	1,144,602	247,689	21.6	1,003,399	382,367	38.1
1981	1,164,610	297,364	25.6	1,132,131	439,624	38.8
1980	1,338,760	341,949	25.5	944,775	357,041	37.8
1979	1,178,868	408,681	34.7	1,151,805	367,752	31.9
1978	947,865	380,688	40.2	1,144,856	341,262	29.8
1977	824,552	305,670	37.1	1,030,615	317,699	30.8
1976	823,726	387,367	47.0	1,012,937	394,297	38.9
1975	705,572	240,111	34.0	890,493	332,131	37.3

[1] Six months data annualized.

The table shows that U.S.-flag participation in the outbound liner trade on TR 17 declined from 34.0 percent in 1975 to a projected 11.8 percent in 1983. Additionally, U.S.-flag participation in the inbound liner trade is expected to decline from 37.3 percent in 1975 to 33.0 percent in 1983.

It is further noted that TR 29 has become increasingly containerized in recent years, e.g., the total container traffic on TR 29 in 1982 amounted to 12,627,907 long tons, with exports totaling 7,144,459 tons and imports totaling 5,483,448 tons. In 1982, U.S.-flag containerships carried 1,906,045 tons or 26.7 percent of the export trade and 1,907,905 tons or 34.8 percent of the import trade. The following table shows the number of long tons of exports and import containerized cargo carried on TR during the period 1975–1982, and U.S.-flag share:

TR 29

	Exports (long tons)			Imports (long tons)		
	Total	U.S.-flag	United States (percent)	Total	U.S.-flag	United States (percent)
1982	7,144,459	1,906,045	26.7	5,483,448	1,907,805	34.8
1981	7,129,200	2,067,468	29.0	5,007,700	1,402,150	28.0
1980	7,404,300	1,925,118	26.0	3,717,200	1,263,848	34.0
1979	5,690,700	1,479,582	26.0	3,614,400	831,312	23.0
1978	5,079,100	1,422,148	28.0	4,201,900	1,302,589	31.0
1977	4,327,000	1,427,910	33.0	4,256,400	1,617,432	38.0
1976	3,338,300	1,101,639	33.0	3,460,000	1,280,200	37.0
1975	2,797,600	839,280	30.0	2,327,600	907,842	39.0

The table shows that during the eight-year period 1975–1982, U.S.-flag participation in the outbound containerized trade on TR 29 ranged from a high of 33.0 percent in 1976–1977 to a low of 26.0 percent in 1979–1980. The table also shows the that U.S.-flag participation in the inbound containerized trade did not exceed 39.0 percent during the period and ranged from a low of 23.0 percent in 1979 to a high of 39.0 in 1975.

Total containerized liner traffic on TR 17 in 1982 amounted to 766,700 long tons with exports totaling 478,600 tons and imports totaling 288,100 tons. In 1982, U.S.-flag containerized ships carried 56,011 or 11 percent of the export trade and 66,082 tons or 22 percent of the import trade. The following table shows the number of long tons of export and import cargo carried on TR 17 during the period 1975–1982, and the U.S.-flag share:

TR 17

	Exports (long tons)			Imports (long tons)		
	Total	U.S.-flag	United States (percent)	Total	U.S.-flag	United States (percent)
1982	478,600	56,011	12	288,100	66,082	23
1981	608,300	152,075	25	226,700	36,272	16
1980	618,800	92,820	15	254,200	96,596	38
1979	495,300	104,000	21	229,400	68,820	30
1978	419,600	88,116	21	159,900	54,366	34
1977	422,700	101,448	24	180,600	34,314	19
1976	325,200	110,568	34	155,900	24,944	16
1975	194,600	114,814	59	72,500	26,320	36

The table shows that during the eight year period 1975–1982 U.S.-flag participation in the outbound containerized trade on TR 17 ranged from a high of 59 percent in 1975 to a low of 11 percent in 1982. The table also shows that U.S.-flag participation in the inbound containerized trade did not exceed 38 percent during the period and ranged from a low of 16 percent in 1976 and 1981 to a high of 38 percent in 1980.

In addition to its Line J and K services, Lykes is also authorized to provide subsidized service on Trade Routes 13, 15B, 21, 22, 31 and Trade Area 4 (Great Lakes/Med., Africa Line, UK/Continent, Orient Line, U.S. Gulf/West Coast South America). Lykes requests that the four container vessels it proposes to acquire be admitted to operation as subsidized ships on Lines J and K. The container vessels are larger than the C3 Andes/Pride class vessels in terms of deadweight tonnage. However, the C3 Andes/Pride class vessels offer approximately 984,000 cubic feet of cargo space; while the container vessels offer approximately 1,490,560 cu. ft. of cargo space in 1,096 TEU container capacity.

The Board takes cognizance of its Order of January 2, 1979, which stated that "Lykes shall not enter containerships into service on Trade Route 29 or Trade Route 17 * * * without prior notice and opportunity for hearing under section 605(c) of the Act." Lykes' subsidy application for containerships on Trade Route 17 and 29 is being noticed hereby, and while the Board is not deciding that there are no genuine issues of material fact in dispute, obviously if there are none, a evidentiary hearing under section 605(c) of the Act need not be held. A purpose of the notice is to help decide, in the event it is determined that the application is subject to a hearing, whether there are genuine issues of material facts in dispute, and if so to identify them.

Any person, firm, or corporation having an interest in the application who desires to submit comments thereon is invited to file a written statement in triplicate, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590 by the close of business on December 20, 1983.

The Board specifically invites comments on the following issues: (1) Whether the service with four containerized vessels is an existing or additional serivice, and whether the relevant trader is liner, containerizable or some other trade, (2) whether granting Lykes' request to operate the four, 1,100 TEU vessels on TR 29/17 with subsidy will give undue advantage or be unduly prejudicial as between U.S. citizens operating vessels on TR 29/17, (3) whether U.S.-flag service on TR 29/17 is and will be inadequate, and (4) whether it would be in the accomplishment of the purposes and policy of the Act for Lykes to operate on TR 29/17 as proposed.

Any party requesting a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, is to indicate the basis for any such hearing by addressing the issue on which comments are specifically invited. Unless the parties provide such specifics the Board may determine there is an insufficient basis to order a hearing on Lykes' application. Any specifics will be considered in determining whether a hearing is required. In any event, the Board will consider the submission of all interested parties and will determine the disposition to be made of the matters hereby noticed, including those received in response to notice of Lykes' October 5, 1983 application.

(Sec. 605(c), Merchant Marine Act, 1936, as amended)

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board.

Dated: December 8, 1983.

Georgia P. Stamas,

Secretary.

[FR Doc. 83-33025 Filed 12-12-83; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 159 (Rev. 1)]

Delegation of Authority; Employee Plans Technical and Actuarial Division

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: For purposes of this Order, this revision adds the definition of a substantial waiver with respect to a plan's minimum funding requirements for a plan year as a waiver which exceeds one million dollars. This revision also allows the Director, Employee Plans Technical and Actuarial Division, to redelegate the authority contained in paragrph 1 to Branch Chiefs, Employee Plans Technical and Actuarial Division, for such waivers which are not determined substantial as defined in paragraph 2. The text of the Delegation Order appears below.

EFFECTIVE DATE: November 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ira Cohen OP:E:EP, 1111 Constitution Ave., NW. Room 2557, Washington, DC 20224, telephone No. (202) 566-4311 (not a Toll-Free Telephone Number).

SUPPLEMENTARY INFORMATION: .

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Ira Cohen,

Director, Employee Plans Technical and Actuarial Division.

Order No. 159 (Rev. 1)

Effective date: 11-27-83

Requests for Variance from Minimum Funding Standards (IRC 412(d))

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150-37, there is hereby delegated to the Assistant Commissioner (Employee Plans/Exempt Organizations) and the Director, Employee Plans Technical and Actuarial Division, the authority to:

a. Waive the minimum funding standards under IRC 412 in accordance with subsection (d), thereof, and

b. Perform the corresponding duties of the Secretary of the Treasury under section 303

of the Employee Retirement Income Security Act of 1974 (ERISA) with respect to the minimum funding standards under ERISA section 302.

2. For purposes of this Order, a substantial waiver is a waiver with respect to a plan's minimum funding requirements for a plan year which, based on information reported to the Internal Revenue Service, exceeds one million dollars.

3. Authority delegated in this Order may not be redelegated, except that the Director, Employee Plans Technical and Actuarial Division may redelegate the authority contained in paragraph 1 to Branch Chiefs, Employee Plans Technical and Actuarial Division, for such waivers which are not determined substantial as defined in paragraph 2.

4. Delegation Order No. 159, effective October 8, 1976, is superseded.

Dated: November 22, 1983.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-33128 Filed 12-12-83; 8:45 am]

BILLING CODE 4830-10-M

[Delegation Order No. 172 (Rev. 1)]

Delegation of Authority; Employee Plans Technical and Actuarial Division

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: For purposes of this Order, this revision defines a substantial waiver as a waiver of the additional tax liability resulting from a computation based on an accumulated funding deficiency in excess of one million dollars. This revision also allows the Director, Employee Plans Technical and Actuarial Division to redelegate the authority contained in paragraph 1 to Branch Chiefs, Employee Plans Technical and Actuarial Division, for such waivers which are not determined substantial as defined in paragraph 2. The text of the Delegation Order appears below.

EFFECTIVE DATE: November 27, 1983.

FOR FURTHER INFORMATION CONTACT: Ira Cohen OP:E:EP, 1111 Constitution Avenue NW., Room 2557, Washington, DC 20224, Telephone No. (202) 566-4311 (not a Toll-Free Telephone Number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Ira Cohen,

Director, Employee Plans Technical and Actuarial Division.

Order No. 172 (Rev. 1)

Effective date: 11-27-83

Authority To Waive the 100% Excise Tax Imposed Under Section 4971(b) of the Internal Revenue Code

1. Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order 150-37, there is hereby delegated to the Assistant Commissioner (Employee Plans and Exempt Organizations) and the Director, Employee Plans Technical and Actuarial Division, the authority to waive all or part of the additional tax imposed under IRC 4971(b) in accordance with subsection (b) of section 3002 of the Employee Retirement Income Security Act of 1974 (ERISA).

2. For purposes of this Order, a substantial waiver is a waiver of the additional tax liability resulting from a computation based on an accumulated funding deficiency in excess of one million dollars.

3. This authority may not be redelegated except that the Director, Employee Plans Technical and Actuarial Division may redelegate the authority contained in paragraph 1 to Branch Chiefs, Employee Plans Technical and Actuarial Division, for a waiver not deemed substantial, as defined in paragraph 2.

4. Delegation Order No. 172, effective October 25, 1978, is superseded.

Dated: November 22, 1983.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-33127 Filed 12-12-83; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 204]

Delegation of Authority; Service Center Directors

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: The authority granted to the Commissioner of Internal Revenue and District Directors to approve rewards for information relating to violations of internal revenue laws is delegated to Service Center Directors.

EFFECTIVE DATE: December 5, 1983.

FOR FURTHER INFORMATION CONTACT: Denis F. McCarthy, OP:EX:I:E, 1111 Constitution Avenue, NW., Room 2410, Washington, DC 20224, 202-566-4044 (not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Robert J. Sweeney,

Director, Office of IRP, Service Center and Support Programs.

Delegation Order No. 204

Effective date: 12-5-83.

Authority To Approve Rewards for Information Relating to Violations of Internal Revenue Laws

The authority vested in the Commissioner of Internal Revenue and District Directors by 26 CFR 301.7701-9 and 301.7623-1 to approve rewards for information relating to violations of internal revenue laws is hereby delegated to Service Center Directors.

This authority may be redelegated not lower than Chief, Examination Branch.

Dated: October 30, 1983.

Approved:

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-33126 Filed 12-12-83; 8:45 am]

BILLING CODE 4830-01-M

Appointment of Members of the Legal Division to the Performance Review Board, Internal Revenue Service Panel

As Acting Chief Counsel of the Internal Revenue Service, under the authority delegated to me by the General Counsel of the Department of the Treasury by General Counsel Order No. 21 (Rev. 3), and pursuant to the Civil Service Reform Act, I hereby appoint the following persons to the Legal Division Performance Review Board, Internal Revenue Service panel:

1. Chairperson, James J. Keightley, Associate Chief Counsel (Litigation)

2. Margery Waxman, Deputy General Counsel

3. Agatha L. Vorsanger, North Atlantic Regional Counsel

4. James F. Malloy, Director, Interpretative Division

This publication is required by section 4314(c)(4) of 5 United States Code.

Joel Gerber,

Acting Chief Counsel.

[FR Doc. 83-33129 Filed 12-12-83; 8:45 am]

BILLING CODE 4830 01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 240
Tuesday, December 13, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Equal Employment Opportunity Commission	1
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Nuclear Regulatory Commission	5
U.S. Railway Association	6

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, December 13, 1983.

PLACE: Commission Conference Room No. 200-C on the 2nd floor of the Columbia Plaza Office Building, 2401 E Street, NW, Washington, D.C. 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. A Report on Commission Operations (optional).
3. Freedom of Information Act Appeal No. 83-10-FOIA-201-NY, concerning a request for a portion of a document from an age discrimination case file.
4. Proposed Resolution Contract for Texas Commission on Human Rights.
5. Proposed Continuation of a computer contract for FY-1984.
6. Request for an Opinion Letter under the ADEA.

Closed

1. Litigation Authorization; General Counsel Recommendations.
2. Consideration of Pending Commissioner Charges.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued December 6, 1983.

[S-1734-83 Filed 12-9-83; 2:24 pm]
BILLING CODE 6750-06-M

2

FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:15 a.m., Friday, December 16, 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: December 8, 1983.

William W. Wiles,
Secretary of the Board.

[S-1732-83 Filed 12-8-83; 4:44 am]
BILLING CODE 6210-01-M

3

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:30 a.m., Friday, December 16, following a recess at the conclusion of the closed meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Technical amendments to Regulation Q (Interest on Deposits) to conform with actions taken by the Depository Institution Deregulation Committee.
2. Proposed amendment to Regulation K (International Banking Operations) and the Board's Rules Regarding Delegation of Authority to expedite the procedures for certain export trading company notifications.
3. Proposed amendment to Regulation K (International Banking Operations) to add to the list of permissible activities the operation of a travel agency overseas.
4. Proposed amendments to Regulation O (Loans to Executive Officers, Directors and Principal Shareholders) regarding reporting and disclosure requirements. (Proposed earlier for public comment; Docket No. R-0486)

Discussion Agenda:

5. Proposed complete revision of Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). (Proposed earlier for public comment; Docket No. R-0487)
6. Proposed Federal Reserve Bank budgets for 1984.
7. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 8, 1983.

William W. Wiles,
Secretary of the Board.

[S-1731-83 Filed 12-8-83; 4:38 am]
BILLING CODE 6210-01-M

4

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

ACTION: The NCER will host a meeting on December 17, 1983.

MATTERS TO BE DISCUSSED AND EVENTS TO TAKE PLACE:

9:30 a.m.-10:00 a.m.
Swearing in of new Council members
10:00 a.m.-2:30 p.m.
Selection of Executive Director (Closed)
2:30 p.m.-conclusion
School Technology Center Contract Award (Closed)

DATE: Saturday, December 17, 1983.

TIME: December 17, 9:30 a.m. to approximately 5:30 p.m.

ADDRESS: Ramada Renaissance, 1143 New Hampshire Avenue, NW., Conference Room A, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Edward J. Lynch, Acting Executive Director, NCER, 2000 L Street, NW., 617B, Washington, D.C. 20036, (202) 254-7490.

Authorizing Official:

Patricia Hines,

NCER Associate.

[S-1730-83 Filed 12-8-83; 4:29 pm]

BILLING CODE 4000-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Thursday, December 8, 1983 (Revised) and Week of December 12, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED: *Thursday, December 8:*

11:00 a.m.
Strategies for Potential Litigation on TMI-1 Steam Generators (Closed—Ex. 10) (New Item)

12:00 noon
Status Report on Grand Gulf (Open/Closed—Ex. 5 & 7) (New Item)

Week of December 12

Thursday, December 15:

9:30 a.m.
Discussion of Staff Decision on Zimmer Course of Action (Public Meeting) (*Postponed* from December 8)

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) a. NRC Response to Court Decision Vacating Interim rule on Environmental Qualification Deadline *(Tentative)*

Friday, December 16:

2:00 p.m.
Possible Vote on TMI Steam Generators (Public Meeting)

2:30 p.m.
Discussion of Policy and Planning Guidance (Public Meeting) (*Postponed* from December 5)

ADDITIONAL INFORMATION:

Discussion of Management-Organization and Internal Personnel Matters scheduled for December 6 was *postponed.*

Discussion of Equipment Qualification Policy Statement and Proposed Rule scheduled for December 7 was *cancelled.*

Briefing/Possible Vote on TMI Steam Generators held on December 7 was held Open.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING): (202) 634-1498.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-1729-83 Filed 12-8-83; 4:29 pm]

BILLING CODE 7590-01-M

6

U.S. RAILWAY ASSOCIATION

DATE AND TIME: December 15, 1983; 10:00 a.m.

PLACE: Board Room, Suite 7200, Seventh Floor 955 L'Enfant Plaza North, SW., Washington, D.C.

STATUS: The first portion of the meeting will be closed to the public; the second portion will be open.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS AT MEETING:

Portion Closed to the Public (10:00 a.m.):
1. Litigation Report

Portion Open to the Public (10:15 a.m.)
2. Approval of Minutes of September 22, 1983 Board Meeting
3. Conrail Profitability Report
4. D&H Principal and Interest Rollover
5. Conrail Monitoring Indicators

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 488-8777.

[S-1733-83 Filed 12-9-83; 2:21 pm]

BILLING CODE 8240-01-M

federal register

Tuesday
December 13, 1983

Part II

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 1015]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 6, 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 selection 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 (1,000 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

ISSUED DECEMBER 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
TEXAS RAILROAD COMMISSION									
-ADOBE OIL & GAS CORPORATION				RECEIVED:	11/04/83	JA: TX			
8405926	F-8A-073355	4244531135		103		CLARE "B" #1	PRENTICE NW (SAN ANDR	9.0	AMOCO PRODUCTION
8406076	F-8A-074073	4244531130		103		MULDROW "A" #7	PRENTICE NW (SAN ANDR	9.0	AMOCO PRODUCTION
8406136	F-8A-074185	4244331132		103		MULDROW "B" #5	PRENTICE NW (SAN ANDR	9.0	AMOCO PRODUCTION
8405927	F-09-073359	4209732208		102-4	103	SCOTT #1	DELAWARE BEND NORTH (	110.0	LONE STAR GAS CO
-ALTA ENERGY CORP				RECEIVED:	11/04/83	JA: TX			
8406139	F-7C-074194	4246132025		103		WOOLEY "B" #1	SPRABERRY (TREND AREA	20.9	PHILLIPS PETROLEU
-AMOCO PRODUCTION CO				RECEIVED:	11/04/83	JA: TX			
8406060	F-10-074009	4235700000		108		EARL WAIDE #1 - (3RD FILING)	FARNSWORTH SE	18.0	NORTHERN NATURAL
8405959	F-04-073459	4235531693		103		GILLETTE 8000' UNIT #1	PETRONILLA (8000')	330.0	VALLEY GAS TRANSM
8405981	F-08-073770	4213534206		103		J E WITCHER #77	COWDEN SOUTH (CANYON	203.0	WESTAR TRANSMISSI
-ARCO OIL AND GAS COMPANY				RECEIVED:	11/04/83	JA: TX			
8406153	F-8A-074254	4207901754		108		BUCKSHOT UNIT #45	BUCKSHOT	18.0	WARREN PETROLEUM
8405914	F-08-073283	4200333521		103		GOLDSMITH N SAN ANDRES CONS #39	GOLDSMITH N	22.0	PHILLIPS PETROLEU
8405915	F-08-073284	4200333441		103		UNIVERSITY 11 SEC 12 A-6	MARTIN (CLEARFORK)	255.0	PHILLIPS PETROLEU
8406159	F-10-074280	4239335176		108		WILLIAM R COWAN TRACT "B" #3	QUINDUNO (ALBANY DOLO	11.0	NATURAL GAS PIPEL
-ARRINGTON BROTHERS				RECEIVED:	11/04/83	JA: TX			
8406005	F-10-073858	4206531319		103		ARRINGTON RANCH (05349) #1-64	PANHANDLE CARSON COUN	20.0	GETTY OIL CO
8406004	F-10-073857	4206531436		103		ARRINGTON RANCH (05349) #2-64	PANHANDLE CARSON COUN	20.0	GETTY OIL CO
-BEST PETROLEUM EXPLORATION INC				RECEIVED:	11/04/83	JA: TX			
8405964	F-09-073520	4223700000		103		RITA #1-A	DEARING (CADDO)	40.0	LONE STAR GAS CO
-BILL J GRAHAM				RECEIVED:	11/04/83	JA: TX			
8405943	F-08-073406	4232900000		108		FRAN #1	GRICE (DELAWARE)	9.3	PHILLIPS PETROLEU
-BRAMMER ENGINEERING INC				RECEIVED:	11/04/83	JA: TX			
8406025	F-01-073905	4231131670		102-4		J C DILWORTH #1	DILWORTH RANCH (MULA)	30.0	ENJET INC
8406024	F-01-073904	4231131718		102-4		J C DILWORTH #2	DILWORTH RANCH MULA	15.0	ENJET INC
8406023	F-01-073903	4231131732		102-4		J C DILWORTH #5	DILWORTH RANCH (MULA)	20.0	ENJET INC
8406022	F-01-073902	4231131759		102-4		J C DILWORTH #6	DILWORTH RANCH (WASHB	730.0	ENJET INC
-BRYANT OIL CO				RECEIVED:	11/04/83	JA: TX			
8405949	F-8A-073416	4207931637		103		NICEWARNER #2	LEVELLAND (SAN ANDRES	42.0	CITIES SERVICE OI
-BTA OIL PRODUCERS				RECEIVED:	11/04/83	JA: TX			
8405960	F-08-073486	4217331432		103		JV-P CALVERLEY -26- #2 7613	BLALOCK LAKE S (WOLFC	36.0	PHILLIPS PETROLEU
-CARAWAY OPERATING CO				RECEIVED:	11/04/83	JA: TX			
8406169	F-7C-074297	4241331323		103		ARCO-POWELL #1 (10269)	CAMAR SW (STRAWN 4350	26.0	ARCO OIL & GAS CO
-CARTER ENERGY CORP				RECEIVED:	11/04/83	JA: TX			
8406044	F-09-073956	4223735310		103		J R HALSELL #1	DUNHAM W (BEND CONGL)	40.0	SOUTHWESTERN GAS
-CHAMPLIN EXPLORATION INC				RECEIVED:	11/04/83	JA: TX			
8405955	F-03-073445	4214931397		102-2		C GARRETTE RAY (RRC ID 16022)	GIDDINGS (BUDA)	17.0	PHILLIPS PETROLEU
8405954	F-03-073443	4228731110		102-2		GERDES BREDTHAUER #2 (RRC ID 14903)	GIDDINGS (AUSTIN CHAL	45.0	PHILLIPS PETROLEU
-CIRCLE SEVEN PRODUCTION CO				RECEIVED:	11/04/83	JA: TX			
8405977	F-09-073732	4223735243		103		OWEN #1	DEARING (CADDO)	0.0	SOUTHWESTERN GAS
8406000	F-09-073833	4223735185		102-4		SHOUN #1	KENNEDY (ATOKA)	0.0	SOUTHWESTERN GAS
-CMC ENERGY INC				RECEIVED:	11/04/83	JA: TX			
8406010	F-04-073870	4213100000		108		SOUTHLAND LIFE #3 105099	SOUTHLAND (TEDDLIE)	7.4	TRANSCONTINENTAL
-CONOCO INC				RECEIVED:	11/04/83	JA: TX			
8406082	F-8A-074081	4207930495		108		CONOCO DEAN UNIT #105 ID 60106	SLAUGHTER	75.0	AMOCO PRODUCTION

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8406083	F-8A-074082	4207930927		108		CONOCO DEAN UNIT #126 ID 60106	SLAUGHTER	75.0	AMOCO PRODUCTION
8406084	F-8A-074083	4207930929		108		CONOCO DEAN UNIT #132 ID 60106	SLAUGHTER	11.0	AMOCO PRODUCTION
8406079	F-08-074077	4238900000		108		FORD-GERALDINE UNIT #195 ID 21021	GERALDINE FORD	28.5	EL PASO NATURAL G
8406080	F-08-074078	4238900000		108		FORD-GERALDINE UNIT #278 ID 21021	GERALDINE/FORD	29.2	EL PASO NATURAL G
8406077	F-08-074075	4222700000		108		H R CLAY -G- #3 ID 02694	HOWARD GLASSCOCK	12.0	PHILLIPS PETROLEU
8406078	F-08-074076	4222700000		108		H R CLAY -G- #5 ID 02694	HOWARD GLASSCOCK	12.0	PHILLIPS PETROLEU
8406081	F-08-074079	4200300000		108		WEST FUHRMAN MASCHO UNIT #36 21220	FUHRMAN MASCHO	41.7	PHILLIPS PETROLEU
-CURTIS HANKAMER CORP				RECEIVED:	11/04/83	JA: TX			
8405951	F-03-073431	4229100000		102-4		BERNICE HANKAMER #3	HANKAMER S (MIOCENE 3	200.0	GULF OIL CORP
-DELTA OIL & GAS CO				RECEIVED:	11/04/83	JA: TX			
8405958	F-7B-073450	4242900000		108		COPELAND-MITCHELL RRC #97002	CADDO NORTH (DUFFER)	0.0	LONE STAR GAS CO
-DMC OIL & GAS PRODUCERS				RECEIVED:	11/04/83	JA: TX			
8406051	F-09-073992	4223700000		102-4		SCARBER #1	SCARBER CONGLOMERATE	180.0	TEXAS UTILITIES F
-DORCHESTER EXPLORATION INC				RECEIVED:	11/04/83	JA: TX			
8405974	F-08-073597	4217331411		102-4		CURRIE 41-#2	POWELL	561.0	
-EAGLE OIL & GAS CO				RECEIVED:	11/04/83	JA: TX			
8405924	F-7B-073337	4236732427		102-4		I C MCCARTER #2	DPB CONGLOMERATED FIE	500.0	NATURAL GAS PIPEL
-EDWARDS ENERGY CORP				RECEIVED:	11/04/83	JA: TX			
8406158	F-7C-074277	4243131362		103		JOHN C COPELAND JR ET AL "A" #2	JAMESON (STRAWN)	36.5	SUN EXPLORATION &
-ENERGETICS INC				RECEIVED:	11/04/83	JA: TX			
8406140	F-10-074196	4237530949		103		MASTERSON G-58	PANHANDLE (RED CAVE)	23.0	COLORADO INTERSTA
8406141	F-10-074197	4237530950		103		MASTERSON G-59	PANHANDLE (RED CAVE)	13.5	COLORADO INTERSTA
8406148	F-10-074206	4237530954		103		MASTERSON G-64 (03839)	PANHANDLE (RED CAVE)	14.8	COLORADO INTERSTA
8406149	F-10-074207	4237530955		103		MASTERSON G-65	PANHANDLE (RED CAVE)	10.2	COLORADO INTERSTA
8406142	F-10-074198	4237530951		103		MASTERSON RED CAVE G-61	PANHANDLE (RED CAVE)	40.2	COLORADO INTERSTA
8406143	F-10-074199	4237530952		103		MASTERSON RED CAVE G-62	PANHANDLE (RED CAVE)	15.8	COLORADO INTERSTA
8406147	F-10-074205	4237530953		103		MASTERSON RED CAVE G-63	PANHANDLE (RED CAVE)	16.6	COLORADO INTERSTA
-ENRE CORP				RECEIVED:	11/04/83	JA: TX			
8405966	F-7B-073540	4205934051		103		MITCHAM "D" #1	CALLAHAN COUNTY REGUL	10.0	BENGAL GAS TRANSM
-ENTERPRISE ENERGY CORP				RECEIVED:	11/04/83	JA: TX			
8406033	F-09-073920	4223700000		103		CRUM #1 23413	WOLFE N (CADDO UPPER)	16.4	SOUTHWESTERN GAS
8406034	F-09-073921	4223700000		103		EASTER #1 23071	WOLFE N (CADDO UPPER)	16.4	SOUTHWESTERN GAS
-EXXON CORPORATION				RECEIVED:	11/04/83	JA: TX			
8406043	F-03-073954	4233930599		103		CONROE FIELD UNIT #3207	CONROE	350.0	MORAN UTILITIES C
8406038	F-03-073939	4233930584		103		CONROE FIELD UNIT #3814	CONROE	20.0	MORAN UTILITIES C
8405916	F-03-073294	4208931257		102-4		EAST HAMEL (YEGUA) GAS UNIT #1 #1	EAST HAMEL (YEGUA 464	330.0	ARMCO STEEL CORP
8405920	F-08-073300	4200333497		103		FULLERTON CLEARFORK UNIT #2278	FULLERTON	15.0	PHILLIPS PETROLEU
8405978	F-04-073754	4227331717		103		K R BORREGOS 587 (06544)	BORREGOS (COMBINED ZO	7.0	ARMCO STEEL CORP
8405956	F-03-073446	4247330309		103		KATY GAS FIELD CONS UNIT #4405	KATY (II-AU)	657.0	ARMCO STEEL CORP
8406099	F-04-074106	4227331304		103		KING RANCH ALAZAN 319-D (106854)	ALAZAN (D-9)	150.0	ARMCO STEEL CORP
8406100	F-04-074107	4227331330		102-4		KING RANCH ALAZAN 320-F (106795)	HINOJOSA N (E-95 S)	365.0	ARMCO STEEL CORP
8406102	F-04-074109	4227331772		103		KING RANCH BORREGOS 596 (106850)	BORREGOS (ZONE V-35)	1522.0	ARMCO STEEL CORP
8405918	F-08-073297	4200333459		103		MEANS/SAN ANDRES/UNIT #2670	MEANS	15.0	PHILLIPS PETROLEU
8405917	F-08-073296	4200333458		103		MEANS/SAN ANDRES/UNIT #3456	MEANS	15.0	PHILLIPS PETROLEU
8406103	F-04-074110	4226130790		102-4		MRS S K EAST 137 (106859)	RITA (13-C W)	518.0	ARMCO STEEL CORP
8406109	F-04-074144	4226130792		102-4		R J KLEBERG JR TR STILLMAN PAST #45	TORDILLA (H-70)	355.0	ARMCO STEEL CORP
8405919	F-8A-073298	4216532532		103		ROBERTSON CLEARFORK UNIT 4201	ROBERTSON N (CLEAR FO	15.0	PHILLIPS PETROLEU
8406101	F-04-074108	4226130782		102-4		SOUTH MAY GAS UNIT 5 WELL 1 105345	MAY SOUTH (K-57)	350.0	ARMCO STEEL CORP
8405957	F-06-073448	4234731020		103		TRAWICK GAS UNIT 27 #2	TRAWICK (TRAVIS PEAK)	250.0	ARMCO STEEL CORP
8406098	F-04-074105	4204731227		103		VIBORAS FIELD G U #1 V-108 106773	VIBORAS (MASSIVE SECO	350.0	ARMCO STEEL CORP
8406073	F-08-074050	4217331413		102-4		W H SCHWARTZ #1	SAINT LAWRENCE (STRAW	150.0	
8405970	F-03-073578	4220131571		103		WEBSTER (VICKSBURG) OIL UNIT 2 #1	WEBSTER (VICKSBURG 76	70.0	ENTEX INC
-F W BURGER INC				RECEIVED:	11/04/83	JA: TX			
8405976	F-7B-073691	4225331914		103		B W HAMNER #1 (17546)	CAL-HAM (PALO PINTO R	10.0	TEXAS UTILITIES F
-FAGADAU ENERGY CORP				RECEIVED:	11/04/83	JA: TX			
8405972	F-09-073584	4207732973		103		SCALING RANCH "C" #7 RRC #23480	CLAY COUNTY REGULAR	18.0	BLUEGROVE GASOLIN
-FARREX INC				RECEIVED:	11/04/83	JA: TX			
8406089	F-10-074091	4208730156		108		HARDIN #1 RRC ID NO 090135	EAST PANHANDLE	12.0	EL PASO NATURAL G
8406091	F-10-074093	4208730144		108		LUTES "A" #1	EAST PANHANDLE	6.0	EL PASO NATURAL G
8406090	F-10-074092	4208730123		108		WISCHKAEMPER "B" #1 ID #085629	EAST PANHANDLE	6.0	EL PASO NATURAL G
-FOREE CO				RECEIVED:	11/04/83	JA: TX			
8405937	F-7B-073381	4204900000		103		KYZAR #1	BROWN COUNTY REGULAR	4.0	ODESSA NATURAL CO
8405936	F-7B-073379	4204900000		103		ROWE #1	BROWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
8405935	F-7B-073376	4204900000		103		WYNN NO 1	BROWN COUNTY REGULAR	25.0	ODESSA NATURAL CO
8405928	F-7B-073369	4204900000		103		YORK #1	BROWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
8405929	F-7B-073370	4204900000		103		YORK #2	BROWN COUNTY REGULAR	23.0	ODESSA NATURAL CO
8405930	F-7B-073371	4204900000		103		YORK #4	BROWN COUNTY REGULAR	0.0	ODESSA NATURAL CO
8405931	F-7B-073372	4204900000		103		YORK #5	BROWN COUNTY REGULAR	23.0	ODESSA NATURAL CO
8405932	F-7B-073373	4204900000		103		YORK #7	BROWN COUNTY REGULAR	23.0	ODESSA NATURAL CO
8405933	F-7B-073374	4204900000		103		YORK #8	BROWN COUNTY REGULAR	23.0	ODESSA NATURAL CO
8405934	F-7B-073375	4204900000		103		YORK #9	BROWN COUNTY REGULAR	23.0	ODESSA NATURAL CO
-FREMONT ENERGY CORP				RECEIVED:	11/04/83	JA: TX			
8405953	F-04-073436	4247900000		108		BENAVIDES-CNR #4 055655	LA CRUZ (OLMOS)	15.5	LONE STAR GAS CO
8405952	F-04-073435	4247900000		108		YATES-SCIBIENSKI #1 #067002	LA CRUZ (OLMOS)	4.2	LONE STAR GAS CO
-GEODYNE RESOURCES INC				RECEIVED:	11/04/83	JA: TX			
8406009	F-10-073863	4229531351		102-4		FRAZIER #3	DARDEN (MORROW UPPER)	233.2	PHILLIPS PETROLEU
-GETTY OIL COMPANY				RECEIVED:	11/04/83	JA: TX			
8406144	F-06-074202	4236500000		108		HOUSE "A" NO 2-U RRC ID #02117	CARTHAGE	17.0	TEXAS GAS TRANSMI
8406061	F-7C-074012	4241300000		108		J M TREADWELL #7	FORT MCKAVITT NORTH (	2.1	ARCO OIL & GAS CO
8406064	F-06-074017	4236500000		108		WERNER-GOODSON #2 RRC ID #33554	CARTHAGE (PALUXY)	21.0	TEXAS GAS TRANSMI
8406062	F-7C-074013	4241300000		108		WEST "C" #1	CODY BELL (CANYON)	11.8	ARCO OIL & GAS CO
8405965	F-7C-073527	4238300000		108		WHITEHOUSE HEIRS #2	CALVIN, (DEAN)	2.9	UNION TEXAS PETRO
-GROTHE BROTHERS				RECEIVED:	11/04/83	JA: TX			
8406156	F-7B-074273	4241735076		102-4		ROGERS #1	ROYALL (ELLENBURGER)	40.0	LONE STAR GAS CO
8406157	F-7B-074274	4241735187		102-4		ROGERS #3	ROYALL (ELLENBURGER)	40.0	LONE STAR GAS CO
8406155	F-7B-074272	4241700000		102-4		ROYALL #2	ROYALL (ELLENBURGER)	40.0	LONE STAR GAS CO
-GULF OIL CORPORATION				RECEIVED:	11/04/83	JA: TX			
8405979	F-10-073758	4229531329		103		CLEO BARTON #6-502	BRADFORD (TONKAWA)	62.4	DIAMOND SHAMROCK
8405998	F-08-073829	4247532770		103		CRAWAR FIELD UNIT #19	CRAWAR (SAN ANDRES)	0.0	TRANSWESTERN PIPE
8406068	F-08-074022	4213534149		103		GOLDSMITH C A #1375	GOLDSMITH (5600)	14.0	PHILLIPS PETROLEU
8406035	F-08-073927	4213534228		103		GOLDSMITH C A ETAL #1377	GOLDSMITH (5600)	36.9	PHILLIPS PETROLEU
8406067	F-08-074021	4213534240		103		GOLDSMITH SAN ANDRES UNIT #1378	GOLDSMITH	3.0	PHILLIPS PETROLEU
8405990	F-08-073806	4247532821		103		HUTCHINGS STOCK ASSN #1224	WARD-ESTES NORTH	5.6	CABOT CORP
8406066	F-08-074020	4247532819		103		HUTCHINGS STOCK ASSN #1226	WARD-ESTES NORTH	6.0	CABOT CORP
8406094	F-08-074098	4247532818		103		HUTCHINGS STOCK ASSN #1229	WARD-ESTES NORTH	3.4	CABOT CORP
8406088	F-08-074089	4247532832		103		HUTCHINGS STOCK ASSN #1230	WARD-ESTES NORTH	8.0	CABOT CORP
8406087	F-08-074088	4247532837		103		HUTCHINGS STOCK ASSN #1235	WARD-ESTES NORTH	8.0	CABOT CORP
8406086	F-08-074087	4247532917		103		HUTCHINGS STOCK ASSN #1238	WARD-ESTES NORTH	16.0	CABOT CORP
8406093	F-08-074097	4247532889		103		HUTCHINGS STOCK ASSN #1240	WARD-ESTES NORTH	18.0	CABOT CORP
8405991	F-08-073807	4247532847		103		HUTCHINGS STOCK ASSN #1241	WARD-ESTES NORTH	8.0	CABOT CORP
8405975	F-08-073623	4247532844		103		HUTCHINGS STOCK ASSN #1247	WARD-ESTES NORTH	7.4	CABOT CORP
8405992	F-08-073808	4247532816		103		HUTCHINGS STOCK ASSN #1250	WARD-ESTES NORTH	9.3	CABOT CORP
8406092	F-08-074096	4247532888		103		HUTCHINGS STOCK ASSN #1253	WARD-ESTES NORTH	14.0	CABOT CORP
8406065	F-08-074019	4247532839		103		HUTCHINGS STOCK ASSN #1254	WARD-ESTES NORTH	16.0	CABOT CORP

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8405993	F-08-073809	4247532814		103		HUTCHINGS STOCK ASSN #1262	WARD-ESTES NORTH	15.5	CABOT CORP
8406048	F-08-073986	4210331480		103		J T MCELROY CONSOL #964	MCELROY	4.6	PHILLIPS PETROLEU
8406049	F-08-073987	4210331501		103		J T MCELROY CONSOL #974	MCELROY	6.5	PHILLIPS PETROLEU
8406050	F-08-073989	4210333103		103		MCELROY RANCH CO "G" #21	MCELROY RANCH/WOLFCAM	18.9	VALERO TRANSMISSI
8406107	F-03-074131	4215730950		103		T R BOOTH #26	THOMPSON	80.8	UNITED TEXAS TRAN
8406085	F-08-074085	4238931405		102-4	103	TXL "BM" (NCT-C) #12	JESS BURNER (DELAWARE	12.4	CONOCO INC
-HCW EXPLORATION INC				RECEIVED:	11/04/83	JA: TX			
8405973	F-09-073585	4249732321		108		CLOSE ENCOUNTERS #1	BOONSVILLE (BEND CONG	3.7	LONE STAR GAS CO
-HEYDRICK PETROLEUM CO				RECEIVED:	11/04/83	JA: TX			
8406052	F-09-073993	4207700000		102-4		A VEITENHEIMER C-5 23488	ARROWHEAD (CADDO)	0.0	FAGADAU ENERGY CO
8406053	F-09-073994	4207732994		102-4		A VEITENHEIMER C-6 23488	ARROWHEAD (CADDO)	0.0	FAGADAU ENERGY CO
-HKS OIL CO				RECEIVED:	11/04/83	JA: TX			
8405948	F-8A-073415	4221933858		103		WEIMER #1	LEVELLAND (SAN ANDRES	97.0	CABOT PIPELINE CO
-JASPER EXPLORATION INC				RECEIVED:	11/04/83	JA: TX			
8406037	F-7B-073933	4209331078		103		LEBLEU #1 (105489)	SIPE SPRINGS (MARBLE	100.0	LONE STAR GAS CO
-JOHN Q MCCABE				RECEIVED:	11/04/83	JA: TX			
8406012	F-7C-073877	4241300000		108		J F WEBSTER #1	FT MCKAVITT (LIME 427	0.0	ARCO OIL & GAS CO
-L R PEARSON JR INC				RECEIVED:	11/04/83	JA: TX			
8406131	F-7B-074175	4213333978		102-4		WATSON #3 (18022)	REBECCA (MARBLE FALLS	12.0	LONE STAR GAS CO
8406170	F-7B-074298	4213333978		102-4		WATSON #3 (18022)	REBECCA (MARBLE FALLS	12.0	LONE STAR GAS CO
8406171	F-7B-074299	4213334237		102-4		WATSON #4 (18022)	REBECCA (MARBLE FALLS	16.0	LONE STAR GAS CO
-LA JUANA JO OIL CO				RECEIVED:	11/04/83	JA: TX			
8406016	F-7B-073889	4225332534		102-4		C R HORTON B #1	ANNE (CISCO SAND)	20.0	CONOCO INC
-LACY & BYRD INC				RECEIVED:	11/04/83	JA: TX			
8406151	F-7C-074229	4246132030		103		MEINERS #2 RRC #10153	SPRABERRY (TREND AREA	15.0	MOBIL PRODUCING T
-LAMBERT HOLLUB DRILLING CO				RECEIVED:	11/04/83	JA: TX			
8405986	F-03-073789	4228731427		102-4		JOHN KUBENA #2	HOOKER CREEK (NAVARRO	73.0	PHILLIPS PETROLEU
8405985	F-03-073788	4228731387		102-4		KOUDELKA #1	HOOKER CREEK (NAVARRO	91.0	ORECA GAS CORP
-LIMARK CORP				RECEIVED:	11/04/83	JA: TX			
8406001	F-08-073841	4210333062		103		HALLIE C DAY #1	MC ELROY	50.0	PHILLIPS PETROLEU
-LINDEMANN JAMES D				RECEIVED:	11/04/83	JA: TX			
8406071	F-09-074034	4223700000		102-4		S PEAVY #3	JENNIFER CADDO	200.0	LONE STAR GAS CO
-MAY PETROLEUM INC				RECEIVED:	11/04/83	JA: TX			
8405941	F-10-073403	4229530797		107-TF		PIPER #1 (90752)	BRADFORD (CLEVELAND)	36.5	TRANSWESTERN PIPE
8405942	F-10-073404	4229530838		107-TF		SCHULTZ #1 (94787)	BRADFORD (CLEVELAND)	182.5	TRANSWESTERN PIPE
-MINCO OIL & GAS CO				RECEIVED:	11/04/83	JA: TX			
8406003	F-10-073856	4217931363		103		BELL (05398) #1	PANHANDLE GRAY COUNTY	20.0	CITIES SERVICE OI
8406002	F-10-073855	4217931364		103		BELL (05398) #2	PANHANDLE GRAY COUNTY	170.0	CITIES SERVICE OI
-MOBIL PRDG TEXAS & NEW MEXICO INC				RECEIVED:	11/04/83	JA: TX			
8406032	F-8A-073919	4221933914		103		EAST MALLET UNIT #117	SLAUGHTER	17.9	EL PASO NATURAL G
8405982	F-08-073776	4222733075		103		G O CHALK #36	HOWARD GLASSCOCK (GLO	0.0	PHILLIPS PETROLEU
8405983	F-08-073778	4222733078		103		G O CHALK #37	HOWARD GLASSCOCK (GLO	0.0	PHILLIPS PETROLEU
8406172	F-04-074301	4204900000		108-SA		SOUTH LA GLORIA GAS UNIT #20-U	LA GLORIA (SCOTT)	9.7	TRANSCONTINENTAL
8406173	F-08-074302	4237105325		108		STATE GROVE A/C 2 #2	ABELL (PERMIAN UPPER)	15.0	NORTHERN GAS PROD
8406174	F-10-074303	4221100000		108		URSCHEL ESTATE SEC 4 #1	CANADIAN (NE) DOUGLAS	18.4	WESTAR TRANSMISSI
8405968	F-08-073558	4230130421		103		W D JOHNSON ET AL E #9	DIMMIT (DELAWARE)	33.2	INTRATEX GAS CO
-MONSANTO COMPANY				RECEIVED:	11/04/83	JA: TX			
8406046	F-8A-073983	4241532079		103		JACK NO 23	DIAMOND M (CLEARFORK)	5.0	DIAMOND M-SHARON
8406042	F-8A-073953	4241531763		103		MCLAUGHLIN ACCT #1 - WELL #66	DIAMOND M (CLEARFORK)	4.0	DIAMOND M-SHARON
8406041	F-8A-073952	4241531902		103		MCLAUGHLIN ACCT #1 - WELL #71	DIAMOND M (CLEARFORK)	5.0	DIAMOND M-SHARON
8406040	F-8A-073951	4241531901		103		MCLAUGHLIN ACCT #1 - WELL #72	DIAMOND M (CLEARFORK)	7.0	DIAMOND M-SHARON
8406039	F-8A-073950	4241531899		103		MCLAUGHLIN ACCT #1 - WELL #73	DIAMOND M (CLEARFORK)	4.0	DIAMOND M-SHARON
-MOSBACHER PRODUCTION CO				RECEIVED:	11/04/83	JA: TX			
8406160	F-02-074281	4228531687		103		LOWRANCE RANCH #1	EVANS (7815)	40.0	
-MWJ PRODUCING COMPANY				RECEIVED:	11/04/83	JA: TX			
8405994	F-7C-073813	4223532020		103		HENRY "A" #5	CHRISTI (CANYON 6800)	7.0	NORTHERN NATURAL
-NECESSITY WELL SERVICE				RECEIVED:	11/04/83	JA: TX			
8405925	F-7B-073352	4242933471		103		C W TEMPLETON #1	STEPHENS COUNTY REGUL	20.0	BENGAL GAS TRANSM
-NOEL PAUTSKY				RECEIVED:	11/04/83	JA: TX			
8405938	F-7B-073391	4244733547		102-4		BELLE ATKINSON "C" #2	WOODSON NORTH (CADDO	0.0	LONE STAR GAS CO
-OLSEN ENERGY INC				RECEIVED:	11/04/83	JA: TX			
8406054	F-08-073996	4247532778		103		DORR #7	DORR (QUEEN SAND)	4.4	PERRY PIPELINE CO
8406055	F-08-073997	4247532808		103		DORR #8	DORR (QUEEN SAND)	2.0	PERRY PIPELINE CO
8405989	F-08-073800	4237100000		103		HALL #3	ABELL (PERMIAN GENERA	12.0	NORTHERN NATURAL
-OMEGA ENERGY				RECEIVED:	11/04/83	JA: TX			
8406008	F-10-073861	4217930776		103		GINN (04691) #1	PANHANDLE GRAY COUNTY	70.0	CABOT PIPELINE CO
8406007	F-10-073860	4217930777		103		GINN (04691) #2	PANHANDLE GRAY COUNTY	70.0	CABOT PIPELINE CO
8406006	F-10-073859	4217930929		103		GINN (04691) #3	PANHANDLE GRAY COUNTY	87.0	CABOT PIPELINE CO
-OXTEX INC				RECEIVED:	11/04/83	JA: TX			
8406135	F-03-074182	4248100000		108		ALLENSON #3	N LOUISE	17.6	TENNESSEE GAS PIP
8405971	F-04-073582	4204700000		108		CAGE D-3	CAGE RANCH	19.4	TRUNKLINE GAS CO
-PEARSON & ADAMS INC				RECEIVED:	11/04/83	JA: TX			
8406036	F-7B-073932	4213334516		102-4		WATSON #5 (19798)	REBECCA (MARBLE FALLS	18.0	LONE STAR GAS CO
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	11/04/83	JA: TX			
8405921	F-7B-073304	4215131676		103		BETTIE WADDELL #3	SANDY HILL (STRAWN SA	49.3	TEXAS UTILITIES F
-PETRUS OPERATING CO INC				RECEIVED:	11/04/83	JA: TX			
8406132	F-05-074176	4234933281		102-4		CARPENTER-MCTERNEY #2	INGRAM TRINITY (RODES	0.0	DELHI GAS PIPELIN
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/04/83	JA: TX			
8406014	F-08-073886	4213520697		108		(035610) CLYDE B WELL #148	GOLDSMITH (GRAYBURG)	16.0	EL PASO NATURAL G
8406015	F-7C-073887	4238310306		108		(03593) ZULETTE #16	SPRABERRY (TREND AREA	8.0	NORTHERN NATURAL
8406138	F-08-074190	4200304596		108		(36403) EMBAR B WELL #28-C	GOLDSMITH N SAN ANDRE	19.0	EL PASO NATURAL G
8406013	F-8A-073885	4203330898		103		(61062) WEST JO MILL #805	JO MILL (SPRABERRY)	13.0	GETTY OIL CO
-PRAIRIE OIL CO				RECEIVED:	11/04/83	JA: TX			
8406063	F-10-074015	4206531465		103		ANDERWALD "C" #1 (ID #05474)	PANHANDLE CARSON	40.0	GETTY OIL CO
8406096	F-10-074103	4206531447		103		PATIENCE #1 (ID #05473)	PANHANDLE CARSON	40.0	GETTY OIL CO
8406095	F-10-074102	4206531448		103		PATIENCE #2 (ID #05473)	PANHANDLE CARSON	75.0	GETTY OIL CO
-QUESTA OIL & GAS CO				RECEIVED:	11/04/83	JA: TX			
8406018	F-7C-073894	4210534375		103	107-TF	PIERCE 44A-1	OZONA (CANYON SAND)	0.0	VALERO TRANSMISSI
8406017	F-7C-073893	4210534406		103	107-TF	PIERCE 44A-2	OZONA (CANYON SAND)	0.0	VALERO TRANSMISSI
-RK PETROLEUM CORP				RECEIVED:	11/04/83	JA: TX			
8405922	F-8A-073319	4211531847		102-4		VOGLER #1	CMI (SPRABERRY)	9.0	PHILLIPS PETROLEU
-SANDERS OIL CO				RECEIVED:	11/04/83	JA: TX			
8405947	F-8A-073413	4221933274		103		SANDERS #2	LEVELLAND (SAN ANDRES	54.0	CABOT PIPELINE CO
8405946	F-8A-073412	4221933296		103		SANDERS #3	LEVELLAND (SAN ANDRES	15.0	CABOT PIPELINE CO
8405945	F-8A-073411	4221933297		103		SANDERS #4	LEVELLAND (SAN ANDRES	41.0	CABOT PIPELINE CO
8405944	F-8A-073410	4221900000		103		SANDERS #5	LEVELLAND (SAN ANDRES	73.0	CABOT PIPELINE CO
-SCANDRILL INC				RECEIVED:	11/04/83	JA: TX			
8406011	F-09-073876	4223734715		103		PEMBERTON #11	JACK COUNTY REGULAR	25.6	LONE STAR GAS CO
-SNOW OIL CO				RECEIVED:	11/04/83	JA: TX			
8406031	F-7B-073912	4213331874		103		DAVENPORT #1 (15271)	LAKE LEON (DUFFER)	200.0	LONE STAR GAS CO
8406027	F-7B-073907	4213332105		102-4		HUNTER #1 (15862)	JOSHUA (CONGL)	14.0	LONE STAR GAS CO
8406026	F-7B-073906	4213332117		102-4		HUNTER #2 (15862)	JOSHUA (CONGL)	18.0	LONE STAR GAS CO
8406028	F-7B-073909	4213331870		103		SIKES #1 (15254)	LAKE LEON (DUFFER)	1.0	LONE STAR GAS CO
8406030	F-7B-073911	4213332004		102-4		WOODS #1 (15561)	JOSHUA (CONGL)	54.0	LONE STAR GAS CO

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8406029	F-7B-073910	4213332218		103		WOODS #2 (103924)	EASTLAND COUNTY REGUL	19.0	LONE STAR GAS CO
-SOUTH TEXAS DRILLING & EXPL INC				RECEIVED:	11/04/83	JA: TX			
8406150	F-09-074219	4207700000		103		MAURICE LUTZ #3	BASS (BRYSON)	30.0	FAGADAU ENERGY CO
-SOUTHEASTERN RESOURCES CORP				RECEIVED:	11/04/83	JA: TX			
8406072	F-7B-074045	4213335059		102-4		M K COURTNEY "E" #2 (20035)	JMJ (MARBLE FALLS)	140.0	EL PASO HYDROCARB
-SOUTHLAND ROYALTY CO				RECEIVED:	11/04/83	JA: TX			
8405988	F-08-073798	4231732709		103		UNIVERSITY "G" #2	LACAFF	30.0	PHILLIPS PETROLEU
-SPG EXPLORATION CORP				RECEIVED:	11/04/83	JA: TX			
8406045	F-01-073982	4216300000		108		R C WALDEN #1	WEST BIG FOOT/GAS	15.2	TRANSCONTINENTAL
-SUN EXPL. & PROD. CO. - HOUSTON				RECEIVED:	11/04/83	JA: TX			
8405940	F-04-073393	4242700000		108		GEORGE H SPEER "B" #22	SUN	1.0	TRANSCONTINENTAL
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/04/83	JA: TX			
8405939	F-04-073392	4242700000		108		BENTSEN BROS -E- #1T	JUDD CITY (PIRTLE 596	9.0	FLORIDA GAS TRANS
8406104	F-7B-074112	4213300000		108		BRASHEARS #1	RANGER	4.0	LONE STAR GAS CO
8406020	F-8A-073896	4221933851		103		CENTRAL LEVELLAND UNIT #280	LEVELLAND	0.7	AMOCO PRODUCTION
8406163	F-7C-074287	4208100000		108		CENTRAL NATIONAL BANK #A-13	LYGAY	5.0	LONE STAR GAS CO
8406164	F-7C-074288	4208100000		108		CENTRAL NATIONAL BANK A-9	LYGAY	6.0	LONE STAR GAS CO
8405961	F-7C-073500	4232700000		108		E G WILKINSON #8	FERRIS	0.1	
8406167	F-04-074292	4242700000		108		GEORGE H SPEER #5	SUN	0.0	FLORIDA GAS TRANS
8406105	F-7B-074113	4213300000		108		J T EARNEST #6	EASTLAND COUNTY REGUL	2.0	LONE STAR GAS CO
8406162	F-7B-074286	4213300000		108		J WILLIAMSON #1	EASTLAND COUNTY REGUL	3.0	LONE STAR GAS CO
8406161	F-7C-074285	4208100000		108		JAMESON STRAWN SAND UNIT #6-48	JAMESON	0.2	LONE STAR GAS CO
8406059	F-8A-074008	4216500000		108		M S DOSS #2	ROBERTSON NORTH	8.0	PHILLIPS PETROLEU
8406166	F-7B-074291	4213300000		108		M CENTRAL RANGER UNIT #5-11	EASTLAND COUNTY REGUL	4.0	LONE STAR GAS CO
8406097	F-08-074104	4200333480		103		O B HOLT GRAYBURG #2-42	COWDEN NORTH	7.0	AMOCO PRODUCTION
8406058	F-08-074007	4200333478		103		O B HOLT GRAYBURG #3-36	COWDEN NORTH	6.0	AMOCO PRODUCTION
8406057	F-08-074006	4200333479		103		O B HOLT GRAYBURG #335	COWDEN NORTH	4.0	AMOCO PRODUCTION
8406165	F-7B-074289	4213300000		108		R S HARRIS #3	EASTLAND COUNTY REGUL	2.0	LONE STAR GAS CO
8405999	F-7C-073830	4238332469		103		RUPERT P RICKER #3	SPRABERRY (TREND AREA	68.0	EL PASO NATURAL G
8406019	F-8A-073895	4221933806		103		SOUTHEAST LEVELLAND UNIT #302	LEVELLAND	7.0	EL PASO NATURAL G
8406168	F-7B-074293	4213300000		108		W M MYERS A/C-1 #3	EASTLAND COUNTY REGUL	11.0	LONE STAR GAS CO
8405962	F-7C-073503	4246100000		108		W W MCCLURE A/C-1 #8U	KING MOUNTAIN (STRAWN	10.0	PHILLIPS PETROLEU
8406106	F-8A-074118	4250100000		108		WASSON M CLEARFORK UNIT #93	WASSON	0.1	SHELL OIL CO
-SUPERIOR OIL CO				RECEIVED:	11/04/83	JA: TX			
8405984	F-8A-073779	4211531815		103		ACKERLY (DEAN) FIELD UNIT #1803	ACKERLY (DEAN SAND)	15.0	GETTY OIL CO
8406177	F-8A-074313	4211531828		103		ACKERLY (DEAN) FIELD UNIT #2001	ACKERLY (DEAN SAND)	11.0	GETTY OIL CO
8406069	F-08-074027	4210333145		102-4	103	UNIVERSITY "25" WELL #2	MCELROY (DEVONIAN LOW	34.0	PHILLIPS PETROLEU
-TAMARACK PETROLEUM CO INC				RECEIVED:	11/04/83	JA: TX			
8406021	F-08-073900	4232931129		103		TXL #1 (RRC #28070)	SPRABERRY (TREND AREA	11.0	EL PASO NATURAL G
-TAUBERT & STEED				RECEIVED:	11/04/83	JA: TX			
8406176	F-06-074307	4249931115		102-4		BUTANE SUPPLIES UNIT #1	NEUHOFF (WOODBINE)	74.5	UNITED GAS PIPELI
-TAYLOR OPERATING COMPANY				RECEIVED:	11/04/83	JA: TX			
8406134	F-09-074180	4249700000		103		KENT #1 (23506)	ALVORD WEST (CADDO LI	87.6	LONE STAR GAS CO
8406133	F-09-074179	4250300000		102-4		SHANAFELT "C" NO 4 (106755)	SHANAFELT (BRYSON 325	204.4	SOUTHWESTERN GAS
-TEXACO INC				RECEIVED:	11/04/83	JA: TX			
8406114	F-08-074155	4243131295		107-TF		R E GLASS #3	CONGER (PENN)	330.3	VALERO TRANSMISSI
8406115	F-08-074156	4243131344		107-TF		R E GLASS #4	CONGER (PENN)	127.4	VALERO TRANSMISSI
8406128	F-08-074170	4243131277		107-TF		STERLING "D" FEE #5	CONGER (PENN)	38.0	VALERO TRANSMISSI
8406116	F-08-074157	4243131167		107-TF		STERLING "E" FEE #10	CONGER (PENN)	245.1	VALERO TRANSMISSI
8406117	F-08-074158	4243131166		107-TF		STERLING "E" FEE #11	CONGER (PENN)	157.3	VALERO TRANSMISSI
8406118	F-08-074159	4243131165		107-TF		STERLING "E" FEE #12	CONGER (PENN)	109.5	VALERO TRANSMISSI
8406119	F-08-074160	4243131169		107-TF		STERLING "E" FEE #13	CONGER (PENN)	305.8	VALERO TRANSMISSI
8406113	F-08-074154	4243131154		107-TF		STERLING "G" FEE #4	CONGER (PENN)	245.3	VALERO TRANSMISSI
8406127	F-08-074169	4243131175		107-TF		STERLING "I" FEE #5	CONGER (PENN)	155.1	VALERO TRANSMISSI
8406126	F-08-074168	4243131174		107-TF		STERLING "I" FEE #6	CONGER (PENN)	170.4	VALERO TRANSMISSI
8406125	F-08-074167	4243141173		107-TF		STERLING "I" FEE #7	CONGER (PENN)	155.1	VALERO TRANSMISSI
8406146	F-08-074204	4243131229		107-TF		STERLING "J" FEE #5	CONGER (PENN)	108.8	VALERO TRANSMISSI
8406145	F-08-074203	4243131234		107-TF		STERLING "J" FEE #6	CONGER (PENN)	83.6	VALERO TRANSMISSI
8406110	F-08-074151	4243131233		107-TF		STERLING "K" FEE #6	CONGER (PENN)	128.8	VALERO TRANSMISSI
8406123	F-08-074164	4243131112		107-TF		STERLING "N" FEE #3	CONGER (PENN)	289.4	VALERO TRANSMISSI
8406122	F-08-074163	4243131113		107-TF		STERLING "N" FEE #4	CONGER (PENN)	330.4	VALERO TRANSMISSI
8406121	F-08-074162	4243131243		107-TF		STERLING "N" FEE #5	CONGER (PENN)	82.1	VALERO TRANSMISSI
8406120	F-08-074161	4243131244		107-TF		STERLING "N" FEE #6	CONGER (PENN)	384.0	VALERO TRANSMISSI
8406112	F-08-074153	4243131245		107-TF		STERLING "O" FEE #5	CONGER (PENN)	115.3	VALERO TRANSMISSI
8406111	F-08-074152	4243131246		107-TF		STERLING "O" FEE #6	CONGER (PENN)	194.6	VALERO TRANSMISSI
8406130	F-08-074173	4243131151		107-TF		STERLING "Q" FEE #2	CONGER (PENN)	263.2	VALERO TRANSMISSI
8406129	F-08-074171	4243131274		107-TF		STERLING "S" FEE #2	CONGER S W (PENN)	43.8	VALERO TRANSMISSI
8406124	F-08-074166	4243131281		107-TF		V E BROWNFIELD #5	CONGER (PENN)	195.7	VALERO TRANSMISSI
-THE ARD DRILLING COMPANY INC				RECEIVED:	11/04/83	JA: TX			
8406137	F-8A-074188	4211531851		103		W E LOVE "A" #2	JO-MILL (SPRABERRY)	12.8	TEXACO INC
-TOM BROWN INC				RECEIVED:	11/04/83	JA: TX			
8405967	F-7C-073543	4243532937		102-4		HILL-RANDEE FAWCETT "A" #1	FAWCETT (WOLFCAMP)	631.0	LONE STAR GAS CO
8405950	F-7C-073429	4243500000		103	107-TF	HILL-RANDEE FAWCETT TRUST "K" #1	SAWYER (CANYON)	73.0	LONE STAR GAS CO
-TUCKER DRILLING COMPANY INC				RECEIVED:	11/04/83	JA: TX			
8405980	F-7C-073765	4241300000		107-PE		THOMSON "E" #1	W J B (CANYON)	300.0	LONE STAR GAS CO
-TXO PRODUCTION CORP				RECEIVED:	11/04/83	JA: TX			
8406152	F-09-074236	4233732102		103		BURKE "G"	SEAY (CADDO CONGLOMER	30.0	J L DAVIS
8405969	F-10-073577	4235731162		103		MCLAIN "A" #2	PAN PETRO	20.0	PHILLIPS PETROLEU
-UNION OIL COMPANY OF CALIF				RECEIVED:	11/04/83	JA: TX			
8406108	F-08-074140	4200333585		103		DOLLARHIDE UNIT #8-26-C	DOLLARHIDE (CLEAK FOR	10.0	DOLLARHIDE GASOLI
8406154	F-08-074265	4213534242		103		MOSS UNIT #20-10	COWDEN SOUTH	3.0	ODESSA NATURAL CO
-WAGNER & BROWN				RECEIVED:	11/04/83	JA: TX			
8406075	F-08-074057	4243131312		103		GLASS "E" #8-36	CONGER (PENN)	39.6	TEXAS UTILITIES F
-WARREN PETR CO A DIV OF GULF OIL CO				RECEIVED:	11/04/83	JA: TX			
8405997	F-08-073828	4210333153		103		J B TUBB "A" (TR B) #39	SAND HILLS (MCKNIGHT)	45.0	EL PASO NATURAL G
8405996	F-08-073827	4210333140		103		M B MCKNIGHT #148	SAND HILLS (MCKNIGHT)	47.2	EL PASO NATURAL G
8406074	F-08-074053	4210333203		103		M B MCKNIGHT #149	SAND HILLS (MCKNIGHT)	85.9	EL PASO NATURAL G
8405995	F-08-073826	4210333218		103		P J LEA ETAL (TR B) #157	LEA SOUTH (CLEARFORK)	36.9	EL PASO NATURAL G
-WESTERN PRODUCTION CO				RECEIVED:	11/04/83	JA: TX			
8405963	F-7B-073519	4213331165		102-4		H O SMITH #1	GREEN SHOW (UPPER CAD	9.0	EL PASO HYDROCARB
-WILHAM INVESTMENTS INC				RECEIVED:	11/04/83	JA: TX			
8406056	F-10-073999	4206531430		103		RED RAIDER "B" (05453) #3	PANHANDLE CARSON COUN	48.0	GETTY OIL CO
8406047	F-10-073985	4206531431		103		RED RAIDER "B" (05453) #4	PANHANDLE CARSON COUN	95.0	GETTY OIL CO
-WINN EXPLORATION/DULCE CO				RECEIVED:	11/04/83	JA: TX			
8405923	F-01-073320	4250731854		102-4		PRYOR RANCH #160	WINN-DULCE	0.0	VALERO TRANSMISSI
-WOODBINE EXPLORATION				RECEIVED:	11/04/83	JA: TX			
8405987	F-7B-073796	4225332583		103		WILDER #2	NOODLE N (CISCO LOWER	21.6	UNITED TEXAS TRAN
-WY-VEL CORP				RECEIVED:	11/04/83	JA: TX			
8406175	F-10-074305	4217931337		103		AEBERSOLD (04904) #7	PANHANDLE	109.0	CABOT CORP
8406070	F-10-074029	4206531438		103		BURNETT #13	PANHANDLE-CARSON COUN	3.7	PHILLIPS PETROLEU

[FR Doc. 83-32971 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1016]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 6, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1,000 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

ISSUED DECEMBER 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
INDIANA DEPARTMENT OF NATURAL RESOURCES									
-REYNOLDS RESOURCES INC				RECEIVED:	11/07/83	JA: IN			
8406197		1314720715		102-4		EDWARD BURGDORF #1	PUEBLO	100.0	ALUMINUM CO OF AM
KANSAS CORPORATION COMMISSION									
-GULF OIL CORPORATION				RECEIVED:	11/07/83	JA: KS			
8406218	K-79-1259	1500700619		108-PB		FORSYTH B #1	MEDICINE LODGE	0.0	NORTHWEST CENTRAL
8406217	K-80-0342	1500701002		108-PB		INSLEE /A/ #1	RHODES/MISSISSIPPI	7.9	NORTHWEST CENTRAL
8406216	K-80-0334	1500797003		108-PB		VERNON G COLEMAN #1	RHODES NE	17.0	NORTHWEST CENTRAL
LOUISIANA OFFICE OF CONSERVATION									
-EXXON CORPORATION				RECEIVED:	11/07/83	JA: LA			
8406219	82-3384	1710922371		103		EXXON FEE #16 LIR 8200' RA SU	LIRETTE	700.0	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:	11/04/83	JA: LA			
8406193	82-0295	1707522796		103		J G TIMOLAT "B" 149 WB 6B(RG)SU	WEST BAY	146.0	TEXAS EASTERN TRA
8406192	82-828	1707522890		103		J G TIMOLAT "B" 152 WB 3A(RB)SU	WEST BAY	0.7	TEXAS EASTERN TRA
8406194	82-749	1705703715		103		S L PP 192 #280 TB D-10 AB SU	TIMBALIER BAY	102.0	TENNESSEE GAS PIP
-GULF OIL CORPORATION				RECEIVED:	11/07/83	JA: LA			
8406224	82-2855	1707522970		103		S L 195 QQ #12 LCA N-1 RA SU	LAKE CAMPO FIELD	29.9	SOUTHERN NATURAL
-MARATHON OIL COMPANY				RECEIVED:	11/04/83	JA: LA			
8406195	83-1478	1711900774		108		UNION PROD E L STEWART #1 CVSU	COTTON VALLEY	0.0	UNITED GAS PIPE L
-MID LOUISIANA GAS COMPANY				RECEIVED:	11/07/83	JA: LA			
8406221	82-3212	1711123616		103		MLGC FEE GAS #1121	MONROE GAS FIELD	25.5	MID LOUISIANA GAS
-SEVARG COMPANY INC				RECEIVED:	11/07/83	JA: LA			
8406222	82-3230	1709720686		103		ALLEN SMITH #2 GUILLORY SUD	SAVOY	50.0	TEXAS EASTERN TRA
-STONE PETROLEUM CORP				RECEIVED:	11/04/83	JA: LA			
8406196	82-2787	1709120018		102-4		CARTER #1 TUSC RA SUE	GREENSBURG	55.0	
-SUN EXPL. & PROD. CO. - HOUSTON				RECEIVED:	11/07/83	JA: LA			
8406223	82-3306	1711321107		103		ALCEE A BROUSSARD #1	MAURICE	755.0	TEXAS GAS TRANSMI
-SUPERIOR OIL CO				RECEIVED:	11/07/83	JA: LA			
8406225	82-3152	1704720664		103		SCHWING L & S CO #84	BAYOU BLEU	1.0	
-TENNECO OIL COMPANY				RECEIVED:	11/07/83	JA: LA			
8406220	82-3054	1702721059		103		LANNIE LOWE #1 SMK "C" SUD	HAYNESVILLE	1000.0	ARKANSAS LOUISIAN
-TEXACO INC				RECEIVED:	11/07/83	JA: LA			
8406226	83-571	1705120622		103		LEO A MARRERO ET AL #44	LAFITTE	13.0	KAISER ALUMINUM &
8406227	83-573	1705120605		103		RIG CF CO #166 LFT 3900 RA SU	LAFITTE	1.0	KAISER ALUMINUM &
8406228	83-536	1705120632		103		RIGOLETS C F CO #167	LAFITTE	1.5	KAISER ALUMINUM &
8406229	83-406	1710121121		103		WKL #50 BAL SU	BATEMAN LAKE	209.9	CITY OF MORGAN CI
MONTANA BOARD OF OIL & GAS CONSERVATION									
-BURTON/HAWKS INC				RECEIVED:	11/07/83	JA: MT			
8406231	7-83-100	2510121650		108		LUNDIN #1-1	SOUTHWEST KEVIN	0.0	ALOE VENTURES GAT
-CONSOLIDATED OIL & GAS INC				RECEIVED:	11/04/83	JA: MT			
8406191	5-83-76	2598321673		103		CONSOLIDATED-VANDERHOOF #1-20	FAIRVIEW	60.0	MGPC INC

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-FLARE ENERGY CORP				RECEIVED:	11/04/83	JA: MT			
8406184	4-83-63	2508321644		102-2		BURLINGTON NORTHERN #10X-23	ENID NORTH	25.0	PHILLIPS PETROLEU
8406188	4-83-62	2508321609		102-2		BURLINGTON NORTHERN #23-1	ENID NORTH	25.0	PHILLIPS PETROLEU
-H O & E OIL CO				RECEIVED:	11/07/83	JA: MT			
8406234	5-83-81	2510122008		108		SORRELL #1 T34N R3W SEC 1 SW NE SE	KEVIN-SUNBURST	12.0	ALOE VENTURES GAT
-LADD PETROLEUM CORPORATION				RECEIVED:	11/07/83	JA: MT			
8406235	5-83-78	2508321670		102-2		HOPPERSTAD #11-44	WILDCAT	691.5	MGPC INC
-MIDLANDS GAS CORPORATION				RECEIVED:	11/07/83	JA: MT			
8406230	6-83-90	2507121412		108		2033-1	WILDCAT	8.0	K-N ENERGY INC
-SHELL OIL CO				RECEIVED:	11/04/83	JA: MT			
8406187	4-83-65	2507921030		103		PINE UNIT 11X-13B	NORTH PINE	1.1	MONTANA DAKOTA UT
-SHELL OIL CO				RECEIVED:	11/07/83	JA: MT			
8406236	6-83-85	2502521223		103		UNIT 34-36	PENNEL	1.5	MONTANA DAKOTA UT
-SUN EXPLORATION & PRODUCTION CO				RECEIVED:	11/07/83	JA: MT			
8406238	5-83-77	2508521309		102-2		BOB MATTINGLY #1-9	RED BANK (MISSION CAN	0.0	DOME PETROLEUM CO
-SUNBURST EXPLORATION INC				RECEIVED:	11/04/83	JA: MT			
8406185	5-83-66	2510121303		102-2		ASCHIM #1	POLICE COULEE	0.0	MONTANA POWER CO
8406186	5-83-67	2510121561		102-2		ASCHIM #2	POLICE COULEE	0.0	MONTANA POWER CO
8406181	5-83-68	2510121971		102-2		ASCHIM #3	POLICE COULEE	0.0	MONTANA POWER CO
8406179	5-83-69	2510121472		102-2		NUTTER #1	WILDCAT	0.0	MONTANA POWER CO
8406180	5-83-70	2510100000		102-2		NUTTER #2	POLICE COULEE	0.0	MONTANA POWER CO
8406183	5-83-71	2510121267		102-2		THORNTON #2	WILDCAT	0.0	MONTANA POWER CO
8406182	5-83-72	2510121851		102-2		THORNTON #4	POLICE COULEE	0.0	MONTANA POWER CO
8406190	5-83-73	2510121852		102-2		THORNTON #5		0.0	MONTANA POWER CO
-TRICENTROL UNITED STATES INC				RECEIVED:	11/07/83	JA: MT			
8406232	6-83-91	2504122244		102-4		JOHNSON 25-13	BULLHOOK UNIT	182.5	NORTHERN NATURAL
-UNION TEXAS PETROLEUM				RECEIVED:	11/04/83	JA: MT			
8406189	5-83-74	2508321649		102-2		HARDSCRABBLE 1-28	WILDCAT	75.0	
-WEST GAS INC				RECEIVED:	11/07/83	JA: MT			
8406233	7-83-99	2509521149		108		LEUTHOLD 10-24	LAKE BASIN	21.5	MONTANA DAKOTA UT
-WESTERN NATURAL GAS COMPANY				RECEIVED:	11/07/83	JA: MT			
8406237	5-83-79	2504122219		103		KAERCHER 4-15 T32N R14E SEC 15	TIGER RIDGE	20.0	NORTHERN NATURAL
8406239	5-83-80	2504122218		103		PARENT 1-10 T32N R14E SEC 10	TIGER RIDGE	20.0	NORTHERN NATURAL
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NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
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-LENAPE RESOURCES CORP				RECEIVED:	11/07/83	JA: NY			
8406249	5648	3105117306		108		A E SCOTT #2 LRC #103	WILDCAT	7.9	ELIZABETHTOWN GAS
8406256	5659	3105116196		108		A K MCILWAINE #1 LRC #88	CALEDONIA	9.2	ELIZABETHTOWN GAS
8406288	5694	3103713987		108		C G FOUND #1 LRC #35	PAVILION	5.0	ELIZABETHTOWN GAS
8406283	5687	3112113994		108		C H STEDMAN JR #1 LRC #49	DANLEY CORNERS	11.7	ELIZABETHTOWN GAS
8406270	5673	3105116143		108		C S BICKFORD #1 LRC #70	CALEDONIA	7.5	ELIZABETHTOWN GAS
8406250	5657	3105117302		108		D MUSSHAFEN #1 LRC #99	WILDCAT	5.0	ELIZABETHTOWN GAS
8406268	5671	3105116142		108		E C DALEY #1 LRC #72	CALEDONIA	7.4	ELIZABETHTOWN GAS
8406252	5655	3105116193		108		E VOGEL UNIT #1 LRC #92	CALEDONIA	2.3	ELIZABETHTOWN GAS
8406274	5677	3105116140		108		E WYAND #1 LRC #63	CALEDONIA	3.9	ELIZABETHTOWN GAS
8406294	5702	3112113964		108		F CZWORKA #1 LRC #16	DANLEY CORNERS	1.0	ELIZABETHTOWN GAS
8406267	5670	3105116131		108		G F PRINGLE #1 LRC #74	CALEDONIA	7.3	ELIZABETHTOWN GAS
8406265	5668	3105116132		108		G MITCHELL #1 LRC #76	CALEDONIA	1.7	ELIZABETHTOWN GAS
8406260	5663	3105116191		108		G P MANCUSO #1 LRC #83	CALEDONIA	1.2	ELIZABETHTOWN GAS
8406253	5656	3105117316		108		H & R SIN CLAIR #1 LRC #91	CALEDONIA	4.4	ELIZABETHTOWN GAS
8406293	5701	3103713961		108		H CROSS #1 LRC #21	UHLEY CORNERS	4.0	ELIZABETHTOWN GAS
8406259	5662	3105116194		108		H W STEIN #1 LRC #84	CALEDONIA	4.3	ELIZABETHTOWN GAS
8406287	5693	3103713989		108		J CARNEY #1 LRC #36	UHLEY CORNERS	13.8	ELIZABETHTOWN GAS
8406245	5643	3105117319		108		J CARNEY #2 LRC #139	WILDCAT	16.0	ELIZABETHTOWN GAS
8406284	5689	3105114450		108		J CRIPPS #1 LRC #44	UHLEY CORNERS	10.3	ELIZABETHTOWN GAS
8406291	5699	3105113967		108		J HOAG #1 LRC #23	UHLEY CORNERS	7.0	ELIZABETHTOWN GAS
8406295	5703	3105113628		108		J J WADSWORTH #1 LRC #15	FINNEGAN HILL	7.1	ELIZABETHTOWN GAS
8406290	5696	3105114169		108		J J WADSWORTH #2 LRC #31	FINNEGAN HILL	11.6	ELIZABETHTOWN GAS
8406281	5684	3105116107		108		J J WADSWORTH #4 LRC #56	FINNEGAN HILL	3.1	ELIZABETHTOWN GAS
8406280	5683	3105116108		108		J J WADSWORTH #5 LRC #57	FINNEGAN HILL	3.1	ELIZABETHTOWN GAS
8406279	5682	3105116109		108		J J WADSWORTH #6 LRC #58	FINNEGAN HILL	6.8	ELIZABETHTOWN GAS
8406278	5681	3105116114		108		J J WADSWORTH #7 LRC #59	FINNEGAN HILL	6.3	ELIZABETHTOWN GAS
8406261	5664	3105116192		108		J P KRENZER UNIT #1 LRC #82	CALEDONIA	9.2	ELIZABETHTOWN GAS
8406273	5676	3105116137		108		J R DALEY UNIT #1 LRC #65	CALEDONIA	7.2	ELIZABETHTOWN GAS
8406262	5665	3105116124		108		J SKELLY #1 LRC #80	CALEDONIA	6.2	ELIZABETHTOWN GAS
8406251	5654	3105116197		108		K E ROGERS UNIT #1 LRC #93	WILDCAT	15.3	ELIZABETHTOWN GAS
8406286	5692	3103713988		108		L C GLEBER #1 LRC #37	UHLEY CORNERS	4.6	ELIZABETHTOWN GAS
8406263	5666	3105116125		108		L D'ANGELO #1 LRC #79	CALEDONIA	4.3	ELIZABETHTOWN GAS
8406276	5679	3105116105		108		L L CALLAN #1 LRC #61	FINNEGAN HILL	2.7	ELIZABETHTOWN GAS
8406275	5678	3105116106		108		L L CALLAN #2 LRC #62	FINNEGAN HILL	7.4	ELIZABETHTOWN GAS
8406297	5705	3103713570		108		LRC #10 - R MILLS #1	UHLEY CORNERS	3.2	ELIZABETHTOWN GAS
8406248	5646	3105117311		108		LRC #105 C A ANDERSON #1	WILDCAT	5.8	ELIZABETHTOWN GAS
8406296	5704	3103713568		108		N A THATER #1 LRC #14	UHLEY CORNERS	5.5	ELIZABETHTOWN GAS
8406282	5685	3103714526		108		N W THATER #2 LRC #53	PAVILION	8.0	ELIZABETHTOWN GAS
8406246	5644	3105117303		108		R GRANT #1 LRC #133	CALEDONIA	8.3	ELIZABETHTOWN GAS
8406257	5660	3105116195		108		R HOAG UNIT #1 LRC #87	CALEDONIA	15.3	ELIZABETHTOWN GAS
8406292	5700	3103713966		108		R RIDLEY #1 LRC #22	UHLEY CORNERS	4.0	ELIZABETHTOWN GAS
8406247	5645	3105116190		108		S DEUEL #1 LRC #132	WILDCAT	9.5	ELIZABETHTOWN GAS
8406266	5669	3105116145		108		S J MACY #1 LRC #75	CALEDONIA	3.1	ELIZABETHTOWN GAS
8406264	5667	3105116146		108		S J MACY UNIT #1 LRC #77	CALEDONIA	5.9	ELIZABETHTOWN GAS
8406289	5695	3103713986		108		S SPENCER #1 LRC #34	UHLEY CORNERS	4.7	ELIZABETHTOWN GAS
8406271	5674	3105116141		108		T COONEY UNIT #1 LRC #69	CALEDONIA	7.0	ELIZABETHTOWN GAS
8406285	5690	3112113995		108		T GEITNER #1 LRC #43	DANLEY CORNERS	8.8	ELIZABETHTOWN GAS
8406277	5680	3105116104		108		T P LINDER #1 LRC #60	FINNEGAN HILL	9.7	ELIZABETHTOWN GAS
8406258	5661	3105117308		108		W A DENOON #1 LRC #85	CALEDONIA	4.3	ELIZABETHTOWN GAS
8406255	5658	3105116188		108		W A NIXON #1 LRC #89	CALEDONIA	9.7	ELIZABETHTOWN GAS
8406254	5657	3105116189		108		W A NIXON #2 LRC #90	CALEDONIA	5.9	ELIZABETHTOWN GAS
8406272	5675	3105116135		108		W J REID #1 LRC #66	CALEDONIA	3.1	ELIZABETHTOWN GAS
8406269	5672	3105116134		108		W L DEARCOP #1 LRC #71	CALEDONIA	5.5	ELIZABETHTOWN GAS
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ARMCLAR GAS CO				RECEIVED:	11/07/83	JA: PA			
8406305	20399	3703121120		103		WOLFEGANG #2 SERIAL #98A	SUMMERVILLE	15.5	PHILLIPS GAS CO
-CNG DEVELOPMENT CO				RECEIVED:	11/07/83	JA: PA			
8406328	21109	3702120211		103		AARON LEAMER #2	SUSQUEHANNA TOWNSHIP	6.0	
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	11/07/83	JA: PA			
8406302	19650	3703320998		108		DONALD FLEMING #1 WN-1812	BRADY	6.0	GENERAL SYSTEM PU
8406303	20036	3703321140		108		L L MANLEY #1 WN-1877	PENN	11.0	GENERAL SYSTEM PU
8406300	19584	3703300479		108		LILLIAN MANLEY #1 WN-1195	PENN	24.0	GENERAL SYSTEM PU
8406301	19586	3703320957		108		PAUL J GREGORY WN-1805	BRADY	3.0	GENERAL SYSTEM PU
-DELTA DRILLING CO				RECEIVED:	11/07/83	JA: PA			
8406317	21072	3706327534		102-4		BENNETT #1 IND 27534	CHERRYHILL	0.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-DORAN & ASSOCIATES INC				RECEIVED:	11/07/83	JA: PA			
8406327	21100	3706327565		103		E MCHENRY #1 KA-176	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8406349	21231	3706327221		103		JOSEPH DUDEK #1 KA-18	UPPER DEVONIAN SANDS	0.0	COLUMBIA GAS TRAN
-FAIRMAN DRILLING CO				RECEIVED:	11/07/83	JA: PA			
8406314	21045	3706327530		103		KENNETH L NEAL #3 F-3758	BIG RUN	22.0	CONSOLIDATED GAS
8406403	21223	3706327253		103		KRAYNAK BROTHERS #1 F-3648	BURNSIDE	10.0	CONSOLIDATED GAS
-GULF OIL CORPORATION				RECEIVED:	11/04/83	JA: PA			
8406244	20521	3703320541		108-PB		FEE "A" #83	REED-DEEMER (UPPER DE	9.0	NATIONAL FUEL GAS
8406242	20519	3703320591		108-PB		FEE "A" #85	REED-DEEMER (UPPER DE	9.0	NATIONAL FUEL GAS
8406240	15817	3703320601		108-PB		FEE "A" #88	REED-DEEMER	14.0	NATIONAL FUEL GAS
8406243	20520	3706521745		108-PB		MCCLURE HARRIET #11	REED-DEEMER (UPPER DE	9.0	NATIONAL FUEL GAS
8406241	15798	3706500000		108-PB		SEIFERT #2	REED-DEEMER	14.0	NATIONAL FUEL GAS
-GULF OIL CORPORATION				RECEIVED:	11/07/83	JA: PA			
8406359	21261	3706521260		108		STUMPF /A/ #1	REED DEEMER (UPPER DE	0.0	NATIONAL FUEL GAS
-HANLEY & BIRD				RECEIVED:	11/07/83	JA: PA			
8406351		3700522842		103		LEROY STEFFY #3 SN1723	DAYTON	24.6	T W PHILLIPS GAS
8406350	21251	3700522843		103		MCKISSICK - YOCKEY #2 SHB-13	GASTOWN	14.7	T W PHILLIPS GAS
-J & J ENTERPRISES INC				RECEIVED:	11/07/83	JA: PA			
8406315	21047	3706327475		103		MARTHA A MILLS #2	YOUNG	0.0	PEOPLES NATURAL G
8406316	21048	3706327477		103		MARTHA MILLS #4	YOUNG	0.0	PEOPLES NATURAL G
8406346	21185	3706327267		103		S W JACK JR #2 (110.85A)	WHITE	0.0	COLUMBIA GAS TRAN
-J C ENTERPRISES				RECEIVED:	11/07/83	JA: PA			
8406363	21269	3706326094		108		GERTRUDE WILLIAMS #159-1 IND-26094	CHERRY TREE	5.4	COLUMBIA GAS TRAN
8406365	21271	3700522850		103		MARLIN B STEELE ARM-22805 #210-1	PLUMVILLE	36.5	
8406364	21270	3706522805		103		MARY TOTH JEFF-22805 #207-1	TIMBLIN	27.4	
8406306	20421	3700522344		103		PAUL WALKER #121-1 ARM-22344	PLUMVILLE	20.0	
8406362	21268	3706326093		108		PETER COLGAN #158-1 IND-26093	CHERRY TREE	4.4	COLUMBIA GAS TRAN
-MERIDIAN EXPLORATION CORP				RECEIVED:	11/07/83	JA: PA			
8406299	19314	3703921816		107-TF		FINCK #642-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8406298	19313	3703921815		107-TF		FINCK #643-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8406336	21121	3703921957		102-2		FLOREK #693-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406337	21122	3703921957		107-TF		FLOREK #693-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406308	20641	3703921954		107-TF		GONSAR #695-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406309	20642	3703921954		102-2		GONSAR 695-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406347	21193	3703921962		102-2		QUIRING UNIT (MCCLELLAN) #694-2	ROCKDALE	0.0	COLUMBIA GAS TRAN
8406348	21194	3703921962		107-TF		QUIRING UNIT (MCCLELLAN) #694-2	ROCKDALE	0.0	COLUMBIA GAS TRAN
8406338	21123	3704922966		102-2		SIMMONS #690-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406341	21134	3704922966		107-TF		SIMMONS #690-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406339	21124	3704922883		102-2		SIMMONS #691-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406340	21125	3704922883		107-TF		SIMMONS #691-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406332	21117	3704922967		107-TF		STEWART #703-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406334	21119	3704922967		102-2		STEWART #703-1	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406333	21118	3704922968		107-TF		STEWART #704-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
8406335	21120	3704922968		102-2		STEWART #704-2	EDINBORO NORTH	30.0	COLUMBIA GAS TRAN
-MID-EAST OIL CO				RECEIVED:	11/07/83	JA: PA			
8406352	21254	3706326355		103		DOROTHY V RUFFNER #1	CLYMER	10.4	
8406355	21257	3706326221		103		JOHN F KUNTZ TRUST #1	MCINTYRE	8.7	
8406356	21258	3706326222		103		JOHN F KUNTZ TRUST #2	BLAIRSVILLE	7.3	
8406354	21256	3706326535		103		LENORE HENRY #1	COMMODORE	10.8	
8406353	21255	3706326377		103		MILTON R BROWN JR #1	CLYMER	8.6	
8406358	21260	3706325812		103		STANLEY KUKULA #1	NEW FLORENCE	3.7	
8406357	21259	3706325813		103		STANLEY KUKULA #2	NEW FLORENCE	3.2	
-NEA CROSS CO				RECEIVED:	11/07/83	JA: PA			
8406322	21077	3704922659		102-2		ALBERT & FRANCIS OCONNELL #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8406323	21078	3704922659		107-TF		ALBERT & FRANCIS OCONNELL #2	LEBOEUF	10.0	NATIONAL FUEL GAS
8406344	21162	3704923067		102-2		DAVID G RUPP #3	LEBOEUF	10.0	NATIONAL FUEL GAS
8406345	21163	3704923067		107-TF		DAVID G RUPP #3	LEBOEUF	10.0	NATIONAL FUEL GAS
8406320	21075	3704922681		107-TF		GEORGE & LOIS LENART #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8406321	21076	3704922681		102-2		GEORGE & LOIS LENART #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8406324	21079	3704922690		102-2		GEORGE BREWER/GERARD OSBORN #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8406325	21080	3704922690		107-TF		GEORGE BREWER/GERARD OSBORN #1	LEBOEUF	10.0	NATIONAL FUEL GAS
8406342	21158	3704922871		102-2		MICHAEL MELNICK #3	LEBOEUF	10.0	COLUMBIA GAS TRAN
8406343	21159	3704922871		107-TF		MICHAEL MELNICK #3	LEBOEUF	10.0	COLUMBIA GAS TRAN
8406307	20690	3704922839		102-2		MILDRED HANAS #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8406310	20692	3704922839		107-TF		MILDRED HANAS #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8406318	21073	3704923013		102-2		WILLIAM KOVSCHAK #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
8406319	21074	3704923013		107-TF		WILLIAM KOVSCHAK #1	LEBOEUF	10.0	COLUMBIA GAS TRAN
-PETROLINE EXPLORERS INC				RECEIVED:	11/07/83	JA: PA			
8406311	20719	3708336149		108		PETROLINE #2	WESTLINE	3.6	NATIONAL FUEL GAS
8406312	20720	3708336431		108		PETROLINE #3	WESTLINE	2.9	NATIONAL FUEL GAS
8406313	20721	3708336746		108		PETROLINE #4	WESTLINE	3.6	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO				RECEIVED:	11/07/83	JA: PA			
8406331	21112	3706327578		103		LARRY MACK #1	BURRELL	25.0	
8406330	21111	3706327535		103		NORTH CAMBRIA FUEL CO #1	BURRELL	25.0	
8406329	21110	3706327537		103		WALTER J LYDA ESTATE #1	BURRELL	35.0	
-QUAKER STATE OIL REFINING CORP				RECEIVED:	11/07/83	JA: PA			
8406366	21281	3712327615		108		ZORO (LOT 451) - 01	GLADE POOL	0.8	NATIONAL FUEL GAS
8406372	21292	3712329353		108		ZORO (LOT 451) - 012	GLADE POOL	0.8	NATIONAL FUEL GAS
8406373	21293	3712329354		108		ZORO (LOT 451) - 013	GLADE POOL	0.8	NATIONAL FUEL GAS
8406374	21294	3712329367		108		ZORO (LOT 451) - 014	GLADE POOL	0.8	NATIONAL FUEL GAS
8406375	21295	3712329368		108		ZORO (LOT 451) - 015	GLADE POOL	0.8	NATIONAL FUEL GAS
8406376	21296	3712329369		108		ZORO (LOT 451) - 016	GLADE POOL	0.8	NATIONAL FUEL GAS
8406377	21297	3712329370		108		ZORO (LOT 451) - 017	GLADE POOL	0.8	NATIONAL FUEL GAS
8406378	21298	3712329371		108		ZORO (LOT 451) - 018	GLADE POOL	0.8	NATIONAL FUEL GAS
8406379	21299	3712329372		108		ZORO (LOT 451) - 019	GLADE POOL	0.8	NATIONAL FUEL GAS
8406367	21282	3712329593		108		ZORO (LOT 451) - 02	GLADE POOL	0.8	NATIONAL FUEL GAS
8406380	21300	3712329373		108		ZORO (LOT 451) - 020	GLADE POOL	0.8	NATIONAL FUEL GAS
8406381	21301	3712329374		108		ZORO (LOT 451) - 021	GLADE POOL	0.8	NATIONAL FUEL GAS
8406382	21302	3712329594		108		ZORO (LOT 451) - 022	GLADE POOL	0.8	NATIONAL FUEL GAS
8406383	21303	3712329375		108		ZORO (LOT 451) - 023	GLADE POOL	0.8	NATIONAL FUEL GAS
8406384	21304	3712329376		108		ZORO (LOT 451) - 024	GLADE POOL	0.8	NATIONAL FUEL GAS
8406385	21305	3712329355		108		ZORO (LOT 451) - 025	GLADE POOL	0.8	NATIONAL FUEL GAS
8406386	21306	3712329356		108		ZORO (LOT 451) - 026	GLADE POOL	0.8	NATIONAL FUEL GAS
8406387	21307	3712329357		108		ZORO (LOT 451) - 027	GLADE POOL	0.8	NATIONAL FUEL GAS
8406388	21308	3712329595		108		ZORO (LOT 451) - 028	GLADE POOL	0.8	NATIONAL FUEL GAS
8406389	21309	3712329358		108		ZORO (LOT 451) - 029	GLADE POOL	0.8	NATIONAL FUEL GAS
8406390	21310	3712329359		108		ZORO (LOT 451) - 030	GLADE POOL	0.8	NATIONAL FUEL GAS
8406392	21312	3712329361		108		ZORO (LOT 451) - 032	GLADE POOL	0.8	NATIONAL FUEL GAS
8406393	21313	3712329362		108		ZORO (LOT 451) - 033	GLADE POOL	0.8	NATIONAL FUEL GAS
8406394	21314	3712329363		108		ZORO (LOT 451) - 034	GLADE POOL	0.8	NATIONAL FUEL GAS
8406395	21315	3712329364		108		ZORO (LOT 451) - 035	GLADE POOL	0.8	NATIONAL FUEL GAS
8406396	21316	3712329365		108		ZORO (LOT 451) - 036	GLADE POOL	0.8	NATIONAL FUEL GAS
8406397	21317	3712329377		108		ZORO (LOT 451) - 037	GLADE POOL	0.8	NATIONAL FUEL GAS
8406398	21318	3712329378		108		ZORO (LOT 451) - 038	GLADE POOL	0.8	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8406399	21319	3712329379		108		ZORO (LOT 451) - 039	GLADE POOL	0.8	NATIONAL FUEL GAS
8406400	21320	3712329380		108		ZORO (LOT 451) - 040	GLADE POOL	0.8	NATIONAL FUEL GAS
8406401	21321	3712329381		108		ZORO (LOT 451) - 041	GLADE POOL	0.8	NATIONAL FUEL GAS
8406402	21322	3712329382		108		ZORO (LOT 451) - 042	GLADE POOL	0.8	NATIONAL FUEL GAS
8406368	21285	3712329346		108		ZORO (LOT 451) - 05	GLADE POOL	0.8	NATIONAL FUEL GAS
8406369	21286	3712329347		108		ZORO (LOT 451) - 06	GLADE POOL	0.8	NATIONAL FUEL GAS
8406370	21287	3712329348		108		ZORO (LOT 451) - 07	GLADE POOL	0.8	NATIONAL FUEL GAS
8406371	21288	3712329349		108		ZORO (LOT 451) - 08	GLADE POOL	0.8	NATIONAL FUEL GAS
8406391	21311	3712329360		108		ZORO (LOT 451) -031	GLADE POOL	0.8	NATIONAL FUEL GAS
-S T JOINT VENTURE - 81-B				RECEIVED:	11/07/83	JA: PA			
8406304	20194	3706522431		108		BUHITE #2	MC CALMONT	25.0	NATIONAL FUEL GAS
-VICTORY DEVELOPMENT CO				RECEIVED:	11/07/83	JA: PA			
8406326	21083	3706327318		103		COBLE #1	GREEN	36.0	CONSOLIDATED GAS
-VICTORY ENERGY CO				RECEIVED:	11/07/83	JA: PA			
8406361	21266	3703321622		103		BARNES #1 CLE-21622	BELL	36.0	CONSOLIDATED GAS
8406360	21265	3703321600		103		FRANCE #1 CLE-21600	PIKE	36.0	CONSOLIDATED GAS
**********									
WEST VIRGINIA DEPARTMENT OF MINES									
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-INDUSTRIAL GAS ASSOCIATES				RECEIVED:	11/04/83	JA: WV			
8406178		4708503802		108-SA		BEE #1	UNION DIST	0.0	CONSOLIDATED GAS
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY									
**********									
-BEARTOOTH OIL & GAS CO				RECEIVED:	11/07/83	JA: UT 5			
8406205	012-83	4301931021		103		HANCOCK FEDERAL #20-1	STATE LINE	36.0	NORTHWEST PIPELIN
8406206	013-83	4301931014		103		HANCOCK FEDERAL #27-9	STATE LINE	36.0	NORTHWEST PIPELIN
8406204	011-83	4301931019		103		HANCOCK FEDERAL #3-8	STATE LINE	310.0	NORTHWEST PIPELIN
8406203	010-83	4301931013		103		HANCOCK FEDERAL #8-3	STATE LINE	190.0	NORTHWEST PIPELIN
8406207	014-83	4301931011		103		HANCOCK GOVT #11	STATE LINE	128.0	NORTHWEST PIPELIN
-BELCO DEVELOPMENT CORP				RECEIVED:	11/07/83	JA: UT 5			
8406212	019-83	4304731157		103	107-TF	CHAPITA WELLS 217-23	CHAPITA WELLS	0.0	MOUNTAIN FUEL SUP
-ENSERCH EXPLORATION INC				RECEIVED:	11/07/83	JA: UT 5			
8406200	005-83	4304730524		107-TF		BITTER CREEK FEDERAL #1-3	ASPHALT CREEK	328.0	NATURAL GAS PIPEL
-FRANK B ADAMS				RECEIVED:	11/07/83	JA: UT 5			
8406213	020-83	4301930992		103		FEDERAL #3-03/	GREATER CISCO AREA	0.0	NORTHWEST PIPELIN
-GULF ENERGY CORP				RECEIVED:	11/07/83	JA: UT 5			
8406208	015-83	4301330702		102-2		MONUMENT BUTTE FEDERAL #1-13	MONUMENT BUTTE	55.0	MOUNTAIN FUEL SUP
8406211	018-83	4301330703		102-2		MONUMENT BUTTE FEDERAL #1-14	MONUMENT BUTTE	55.0	MOUNTAIN FUEL SUP
8406210	017-83	4301330646		102-2		MONUMENT BUTTE FEDERAL #1-23	MONUMENT BUTTE	55.0	MOUNTAIN FUEL SUP
8406209	016-83	4301330701		102-2		MONUMENT BUTTE FEDERAL #1-24	MONUMENT BUTTE	55.0	MOUNTAIN FUEL SUP
-MARATHON OIL COMPANY				RECEIVED:	11/07/83	JA: UT 5			
8406202	006-83	4303730690		102-2		TIN CUP MESA #1-25	TIN CUP	36.0	
8406201	007-83	4303730808		102-2		TIN CUP MESA #2-23	TIN CUP	151.0	
-NATURAL GAS CORPORATION OF CALIF				RECEIVED:	11/07/83	JA: UT 5			
8406214	021-83	4301330670		103		FEDERAL #32-5-G	WILDCAT	0.0	PACIFIC GAS & ELE
8406215	022-83	4301330638		103		FEDERAL 42-4	WILDCAT	154.0	PACIFIC GAS & ELE
**********									
** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, TULSA,OK									
**********									
-GULF OIL CORPORATION				RECEIVED:	11/07/83	JA: OK 6			
8406199	OK-T-5-83	3506321822		103		M HARJO 6-4	ALABAMA (HUNTON LIME)	0.0	
8406198	OK-T-6-83	3506321848		103		M HARJO 7-4	ALABAMA (HUNTON)	0.0	

[FR Doc. 83-32972 Filed 12-12-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 1017]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: December 6, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1,000 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
ISSUED DECEMBER 6, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES									
-ALLEGHENY LAND & MINERAL COMPANY				RECEIVED:	11/07/83	JA: WV			
8406578		4708300239		108		A-768	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8406577		4708300262		108		A-817	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8406576		4708300272		108		A-823	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8406572		4709702054		108		A-860	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406573		4709702062		108		A-863	WASHINGTON DISTRICT	0.0	CONSOLIDATED GAS
8406575		4708300292		108		A-872	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8406571	A-879	4709702072		108		A-879	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8406574		4708300307		108		A-888	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8406570		4709702153		108		A-928	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
-ALLSTATE ENERGY CORP				RECEIVED:	11/07/83	JA: WV			
8406596		4710701138		103		LANE #1	UNION DISTRICT	3.3	
8406595		4708505692		103		RUTHERFORD #1-63	MURPHY DISTRICT	21.9	CONSOLIDATED GAS
8406594		4701303522		103		WATSON #10	SHERIDAN DISTRICT	21.9	CONSOLIDATED GAS
-APPCO OIL & GAS CORP				RECEIVED:	11/07/83	JA: WV			
8406491		4708506258		107-DV		GIBONEY #4A	GRANT	1.0	CONSOLIDATED GAS
8406502		4708506258		103		GIBONEY #4A	GRANT	1.0	CONSOLIDATED GAS
8406492		4708506288		107-DV		ROBINSON #2	GRANT	1.0	CONSOLIDATED GAS
8406500		4708506288		103		ROBINSON #2	GRANT	1.0	CONSOLIDATED GAS
8406490		4708505953		107-DV		SEMMELMAN #2	GRANT	1.0	CONSOLIDATED GAS
8406499		4708505953		103		SEMMELMAN #2	GRANT	1.0	CONSOLIDATED GAS
8406493		4710701243		107-DV		WINE #1	GRANT	1.0	CONSOLIDATED GAS
8406501		4710701243		103		WINE #1	GRANT	1.0	CONSOLIDATED GAS
8406494		4710701238		107-DV		WITTE #1	GRANT	1.0	GAS TRANSPORT
8406503		4710701238		103		WITTE #1	GRANT	1.0	GAS TRANSPORT
-ASHLAND EXPLORATION INC				RECEIVED:	11/07/83	JA: WV			
8406616		4701900482		102-2		CHRISTIAN COLLIERY #4 - 094261	PAINT CREEK	31.0	COLUMBIA GAS TRAN
8406580		4708100628		103		EAGLE LAND CO #5 - 096791	PAINT CREEK	14.0	COLUMBIA GAS TRAN
8406609		4708100628		107-DV		EAGLE LAND CO #5 - 096791	PAINT CREEK	14.0	COLUMBIA GAS TRAN
8406617		4703901704		108		EASTERN GAS & FUEL #8 - 029940	PAINT CREEK	8.0	COLUMBIA GAS TRAN
8406610		4701900513		107-DV		H T SMARR #2 - 097081	PAINT CREEK	2.0	COLUMBIA GAS TRAN
8406613		4701900513		102-2		H T SMARR #2 - 097081	PAINT CREEK	2.0	COLUMBIA GAS TRAN
8406579		4703903948		103		L M LAFOLLETTE #1 - 094851	PAINT CREEK	2.0	
8406618		4703903948		107-DV		L M LAFOLLETTE #1 - 094851	PAINT CREEK	2.0	
8406607		4701900474		102-2		LAWSON HAMILTON #1 - 093121	PAINT CREEK	112.0	COLUMBIA GAS TRAN
8406612		4701900505		107-DV		LAWSON HAMILTON #2 - 095611	PAINT CREEK	25.0	COLUMBIA GAS TRAN
8406615		4701900505		102-2		LAWSON HAMILTON #2 - 095611	PAINT CREEK	25.0	COLUMBIA GAS TRAN
8406611		4701900510		107-DV		LAWSON HAMILTON #3 - 096211	PAINT CREEK	3.0	COLUMBIA GAS TRAN
8406614		4701900510		102-2		LAWSON HAMILTON #3 - 096211	PAINT CREEK	3.0	COLUMBIA GAS TRAN
8406608		4701900512		103		POCAHONTAS LAND CO #37 - 096451	LOUP CREEK	29.0	COLUMBIA GAS TRAN
-BUCKEYE OIL PRODUCING CO				RECEIVED:	11/07/83	JA: WV			
8406592		4708504769		108		DAVIS #13	UNION	3.0	CONSOLIDATED GAS
8406593		4708504774		108		PRINCE #9	UNION	2.0	CONSOLIDATED GAS
8406591		4708504405		108		WEAVER #4	UNION	18.0	CABOT CORP
8406590		4708503133		108		YOCKEY 6	UNION	6.0	CABOT CORP
-CABOT OIL & GAS CORP				RECEIVED:	11/07/83	JA: WV			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8406407		4703903573		108		ALLEN #1	WASHINGTON	8.5	TENNESSEE GAS PIP
8406566		4703902204		108		AMANDA BAILEY #1	UNION	5.2	COLUMBIA GAS TRAN
8406564		4708100507		108		BEAVER A-41	TOWN	5.1	COLUMBIA GAS TRAN
8406565		4708100504		108		BEAVER A-45	SLAB FORK	5.1	COLUMBIA GAS TRAN
8406406		4703901775		108		BERRY HILLS 1-1115	JEFFERSON	7.2	TENNESSEE GAS PIP
8406568		4710900018		108		C C SHARP #3	CENTER	5.9	TENNESSEE GAS PIP
8406410		4703903624		108		C E BURFORD #1	JEFFERSON	15.2	TENNESSEE GAS PIP
8406521		4703903727		108		C LIVELY #1	JEFFERSON	6.2	TENNESSEE GAS PIP
8406462		4706700433		108		C&H CORP B-17	JEFFERSON	10.4	TENNESSEE GAS PIP
8406466		4701900210		108		CANNELTON B-1	FALLS	16.7	CABOT CORP
8406464		4703902345		108		DAVISON FUEL & DOCK B-1	UNION	1.8	COLUMBIA GAS TRAN
8406518		4703903749		108		ELLIS #2	WASHINGTON	18.9	TENNESSEE GAS PIP
8406438		4707901018		108		FRYE #1	UNION	13.5	TENNESSEE GAS PIP
8406520		4703903728		108		G C WEBSTER #1	JEFFERSON	16.7	TENNESSEE GAS PIP
8406413		4703903752		108		GATES & TAYLOR #1	WASHINGTON	11.6	TENNESSEE GAS PIP
8406523		4707900866		108		HARDY B-3	UNION	13.4	TENNESSEE GAS PIP
8406415		4707900875		108		HARDY B-4	UNION	13.2	TENNESSEE GAS PIP
8406416		4707900919		108		HOWARD HILL #1	UNION	20.0	TENNESSEE GAS PIP
8406559		4703902266		108		I M BAILEY #2	UNION	3.7	COLUMBIA GAS TRAN
8406433		4707900996		108		J L MCLEAN A-16	UNION	10.2	TENNESSEE GAS PIP
8406434		4707900998		108		J L MCLEAN A-18	UNION	5.1	TENNESSEE GAS PIP
8406420		4707900963		108		J L MCLEAN A-25	UNION	10.2	TENNESSEE GAS PIP
8406427		4707900980		108		J L MCLEAN A-26	UNION	5.1	TENNESSEE GAS PIP
8406421		4707900964		108		J L MCLEAN A-27	UNION	2.9	TENNESSEE GAS PIP
8406435		4707900999		108		J L MCLEAN A-28	UNION	14.6	TENNESSEE GAS PIP
8406437		4707901008		108		J L MCLEAN A-29	UNION	14.6	TENNESSEE GAS PIP
8406422		4707900965		108		J L MCLEAN A-31	UNION	3.6	TENNESSEE GAS PIP
8406424		4707900976		108		J L MCLEAN A-35	UNION	11.3	TENNESSEE GAS PIP
8406423		4707900967		108		J L MCLEAN A-42	UNION	6.9	TENNESSEE GAS PIP
8406432		4707900994		108		J L MCLEAN A-44	UNION	2.1	TENNESSEE GAS PIP
8406425		4707900977		108		J L MCLEAN A-47	UNION	6.9	TENNESSEE GAS PIP
8406426		4707900978		108		J L MCLEAN A-50	UNION	12.4	TENNESSEE GAS PIP
8406429		4707900982		108		J L MCLEAN A-51	UNION	12.0	TENNESSEE GAS PIP
8406436		4707901001		108		J L MCLEAN A-58	UNION	6.5	TENNESSEE GAS PIP
8406441		4707901022		108		J L MCLEAN A-91	UNION	11.3	TENNESSEE GAS PIP
8406418		4707900925		108		J L STEPHENS #1	UNION	16.0	TENNESSEE GAS PIP
8406524		4703903647		108		JOHN TAIT #1	WASHINGTON	9.8	TENNESSEE GAS PIP
8406408		4703903591		108		JOHN TURLEY #1	WASHINGTON	13.8	TENNESSEE GAS PIP
8406409		4703903611		108		JOHN W FORD #1	JEFFERSON	13.8	TENNESSEE GAS PIP
8406412		4703903673		108		KIRK & MILLER #1	WASHINGTON	6.5	TENNESSEE GAS PIP
8406522		4703903674		108		KIRK & MILLER #2	JEFFERSON	20.8	TENNESSEE GAS PIP
8406405		4703900471		108		L A MEYERS A-12-494	MALDEN	1.0	CABOT CORP
8406419		4707900933		108		L BUSH #1	UNION	6.2	TENNESSEE GAS PIP
8406561		4703900667		108		LAFOLLETTE #1	UNION	7.3	COLUMBIA GAS TRAN
8406560		4703901228		108		LAFOLLETTE #4	UNION	4.4	COLUMBIA GAS TRAN
8406519		4703903729		108		LOUIE FOSTER #1	WASHINGTON	5.4	TENNESSEE GAS PIP
8406411		4703903625		108		M K MCCORMICK #1	JEFFERSON	12.4	TENNESSEE GAS PIP
8406461		4708100527		108		NEW RIVER COAL #18	TOWN	13.1	TENNESSEE GAS PIP
8406404		4700500250		108		PEYTONA COAL 22-419	SHERMAN	1.6	TENNESSEE GAS PIP
8406598		4708100377		103		PINEY COKING A-31	SLAB FORK	22.7	TENNESSEE GAS PIP
8406465		4704700606		108		POCAHONTAS LAND D-1	SANDY RIVER	16.6	CABOT CORP
8406463		4708100505		108		POCAHONTAS N-1	SLAB FORK	2.1	COLUMBIA GAS TRAN
8406428		4707900981		108		PUTNAM B-19	UNION	9.9	TENNESSEE GAS PIP
8406430		4707900989		108		PUTNAM B-20	UNION	15.2	TENNESSEE GAS PIP
8406439		4707901020		108		PUTNAM B-24	UNION	10.5	TENNESSEE GAS PIP
8406440		4707901021		108		PUTNAM B-25	UNION	11.3	TENNESSEE GAS PIP
8406417		4707900923		108		PUTNAM CO B-10	UNION	18.2	TENNESSEE GAS PIP
8406414		4707900870		108		PUTNAM CO B-7	UNION	20.4	TENNESSEE GAS PIP
8406431		4707900993		108		PUTNAM COMPANY B-15	UNION	5.8	TENNESSEE GAS PIP
8406484		4707900706		108		RAYMOND CITY 5-1555	POCATALICO	19.0	TENNESSEE GAS PIP
8406517		4703903750		108		S C MALLORY #1	WASHINGTON	2.5	TENNESSEE GAS PIP
8406460		4703902796		108		SHONK #31	CABIN CREEK	17.6	CONSOLIDATED GAS
8406489		4700501417		102-2		SHONK #32	SHERMAN	35.0	CONSOLIDATED GAS
8406602		4700501417		103		SHONK #32	SHERMAN	35.0	CONSOLIDATED GAS
8406516		4703903751		108		TROWBRIDGE #2	WASHINGTON	4.4	TENNESSEE GAS PIP
8406567		4710700774		108		W I CALE #2	WALKER	2.8	CABOT CORP
8406569		4710700817		108		W I CALE #7	WALKER	2.3	CABOT CORP
8406581		4710700818		108		W I CALE #8	WALKER	0.5	CABOT CORP
8406563		4708100519		108		WESTMORELAND #2	SLAB FORK	6.9	COLUMBIA GAS TRAN
8406562		4708100531		108		WESTMORELAND #6	SLAB FORK	12.4	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:	11/07/83	JA: WV			
8406513		4704500639		107-DV		COL GAS FEE TR #1 808531	W VA FIELD AREA B	25.6	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	11/07/83	JA: WV			
8406530		4704101795		108		BERTHA H NAY 11338	FREEMANS CREEK	11.0	GENERAL SYSTEM PU
8406469		4704500453		108		BOONE COUNTY COAL CORP 9929	LOGAN	4.0	GENERAL SYSTEM PU
8406526		4704700851		108		CONSOLIDATED COAL #869 12655	ELKHORN	16.0	GENERAL SYSTEM PU
8406536		4700100385		108		GENERAL G PROUDFOOT 10971	PLEASANT	9.0	GENERAL SYSTEM PU
8406532		4710501010		103		GEORGE C GROW 12816	BURNING SPRINGS	18.0	GENERAL SYSTEM PU
8406531		4710501028		103		GEORGE GROW #7 12884	BURNING SPRINGS	14.0	GENERAL SYSTEM PU
8406529		4704101656		108		J E NORRIS 8203	FREEMANS CREEK	17.0	GENERAL SYSTEM PU
8406528		4704101582		108		J W NORRIS 10944	FREEMANS CREEK	12.0	GENERAL SYSTEM PU
8406535		4703301221		108		LEEMAN MAXWELL 12471	GRANT	17.0	GENERAL SYSTEM PU
8406527		4704700322		108		OLGA COAL COMPANY 10808	SANDY RIVER	19.0	GENERAL SYSTEM PU
8406525		4706100440		108		RALPH D NEAL 12537	CLINTON	3.0	GENERAL SYSTEM PU
8406534		4703300940		108		SUSAN V CURRY 12057	GRANT	20.0	GENERAL SYSTEM PU
-DEVON ENERGY CORP				RECEIVED:	11/07/83	JA: WV			
8406604		4705300147		107-DV		C R GILL #886	MT ALTO	18.0	
8406605		4705300261		107-DV		FRANK MCDERMITT #998	MT ALTO	9.0	
-ENERGY UNLIMITED INC				RECEIVED:	11/07/83	JA: WV			
8406515		4708505546		103		GOLDIN D-8	MURPHY DISTRICT	0.0	CONSOLIDATED GAS
-ERWIN WILLARD H JR				RECEIVED:	11/07/83	JA: WV			
8406582		4703901362		108		W H DURHAM #1	ELK DISTRICT	10.0	COLUMBIA GAS TRAN
-FRANCIS E CAIN				RECEIVED:	11/07/83	JA: WV			
8406470		4701300926		108		BUSCH-FERRELL GAS CONT 2501 #1933	SHERIDAN	0.0	CONSOLIDATED GAS
-HAUGHT INC				RECEIVED:	11/07/83	JA: WV			
8406583		4708505898		107-DV		A M DOUGLASS H-1355	GRANT DISTRICT	15.0	CONSOLIDATED GAS
8406584		4708505732		107-DV		D L KIMBLE H-1336	GRANT DISTRICT	15.0	ROARING FORK GAS
-J & J ENTERPRISES INC				RECEIVED:	11/07/83	JA: WV			
8406589		4703302479		103		B-411	EAGLE	0.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	11/07/83	JA: WV			
8406558		4703301143		108		BOGGESS #1 S-231	COAL	0.2	CONSOLIDATED GAS
8406483		4706700588		108		JOHN RADER SW-411	HAMILTON	0.2	CONSOLIDATED GAS
8406597		4701703202		103		STONEYBROOK #2 S-452	GREENBRIER	0.3	CONSOLIDATED GAS
8406606		4701703202		102-2		STONEYBROOK #2 S-452	GREENBRIER	0.3	CONSOLIDATED GAS

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8406556		4703301039		108		WILLIAMS #1 S-200	COAL	0.0	CONSOLIDATED GAS
8406557		4703301051		108		WILLIAMS #2 S-201	COAL	0.0	CONSOLIDATED GAS
-KAISER EXPLORATION & MINING CO				RECEIVED:	11/07/83	JA: WV			
8406486		4703501664		107-DV		M R GREENE KEM #90	ELK/POCA	21.2	KAISER ALUMINUM &
-KEITH CRIHFIELD				RECEIVED:	11/07/83	JA: WV			
8406456		4701303351		103		T P MCCUNE #3	ORMA	12.0	CABOT CORP
8406455		4701303353		103		T P MCCUNE #5	ORMA	12.0	CABOT CORP
8406457		4701303354		103		T P MCCUNE #6	ORMA	12.0	CABOT CORP
-MIDGET OIL COMPANY				RECEIVED:	11/07/83	JA: WV			
8406458		4701303173		108		WARREN WESTFALL #2	ISAAC RUN	14.0	CONSOLIDATED GAS
8406459		4701303305		108		WARREN WESTFALL #3	ISSAC RUN OF WEST FOR	14.0	CONSOLIDATED GAS
-PEAKE OPERATING CO				RECEIVED:	11/07/83	JA: WV			
8406555		4708100583		108		LILLY #1-A	(BECKLEY DISTRICT)	5.0	ROARING FORK GAS
-PENNZOIL COMPANY				RECEIVED:	11/07/83	JA: WV			
8406542		4704302327		108		A A WOODRUM #7	GRIFFITHSVILLE NE	0.1	CONSOLIDATED GAS
8406539		4702102086		108		BILLY B BURKE #3	UNION	1.6	CONSOLIDATED GAS
8406553		4704700881		103		G W C LAND COMPANY #23	ADKINS	27.1	COLUMBIA GAS TRAN
8406538		4704301630		108		R A ESCUE #2	GRIFFITHSVILLE NE	1.2	CONSOLIDATED GAS
8406541		4708503659		108		S C HAMMETT #17	HAMMETT	0.0	CONSOLIDATED GAS
8406588		4704301563		108		SWEETLAND L & M #1	GRIFFITHSVILLE NE	1.1	COLUMBIA GAS TRAN
8406540		4704301595		108		SWEETLAND L & M #10	GRIFFITHSVILLE NE	1.1	COLUMBIA GAS TRAN
8406537		4704301584		108		SWEETLAND L & M #4	UNION	1.1	COLUMBIA GAS TRAN
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	11/07/83	JA: WV			
8406508		4708506171		107-DV		ORPHA RIGGS #1	GRANT	188.0	CONSOLIDATED GAS
8406549		4708506171		103		ORPHA RIGGS #1	GRANT	188.0	CONSOLIDATED GAS
8406507		4708505899		107-DV		R VALENTINE #1	GRANT	58.4	CONSOLIDATED GAS
8406550		4708505899		103		R VALENTINE #1	GRANT	58.4	CONSOLIDATED GAS
8406509		4708506092		107-DV		STEARNS #2	GOOSE CREEK	44.5	CONSOLIDATED GAS
8406548		4708506092		103		STEARNS #2	GOOSE CREEK	44.5	CONSOLIDATED GAS
8406551		4708505555		103		VARNER #1	GRIFFIN	94.5	CONSOLIDATED GAS
-PETROLEUM RESOURCES INC				RECEIVED:	11/07/83	JA: WV			
8406533		4704103258		103		ERVIN #1A	BERLIN	50.0	CONSOLIDATED GAS
-PHICO GAS CO				RECEIVED:	11/07/83	JA: WV			
8406544		4706500499		108		ALDREDGE & HARRIS #2	CHAPMANVILLE	1.0	ROARING FORK GAS
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	11/07/83	JA: WV			
8406587		4707700127		108		JASPER B #1	SOUTH BURNS CHAPEL	17.5	CONSOLIDATED GAS
-ROSS-WHARTON GAS CO				RECEIVED:	11/07/83	JA: WV			
8406546		4704102979		103		SPIKER #2	HACKERS CREEK	35.0	CONSOLIDATED GAS
-SCHOONOVER PATRICK				RECEIVED:	11/07/83	JA: WV			
8406543		4701502203		108		L H SAMPLES #A-11	UNION DISTRICT	2.1	SOUTHEASTERN GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	11/07/83	JA: WV			
8406510		4705901016		107-DV		C-40	HARDEE	35.0	COLUMBIA GAS TRAN
8406512		4705901039		107-DP		C-43	LEE	35.0	COLUMBIA GAS TRAN
8406511		4705901030		107-DV		C-45	HARDEE	35.0	COLUMBIA GAS TRAN
8406552		4709702437		103		J C HOOVER #2-A	WASHINGTON	35.0	TENNESSEE GAS PIP
8406603		4705901040		107-DV		SMITH-ROBERTS #3-A	HARDEE	35.0	COLUMBIA GAS TRAN
-SLAUGHTER NORMAN C				RECEIVED:	11/07/83	JA: WV			
8406514		4703501628		103		LOFTUS #1	GRANT	15.0	COLUMBIA GAS TRAN
-SPARTAN GAS COMPANY				RECEIVED:	11/07/83	JA: WV			
8406485		4710900905		107-TF		Y & O COAL CO 91-S	CENTER	36.0	COLUMBIA GAS TRAN
-STERLING DRILLING AND PROD CO INC				RECEIVED:	11/07/83	JA: WV			
8406476		4701501688		108		ALOI 28 SDP #188	BUFFALO DISTRICT	72.0	EQUITABLE GAS CO
8406487		4701502195		103		APPALACHIAN ROYALTIES #783	HENRY DISTRICT	3.0	
8406488		4701502197		103		APPALACHIAN ROYALTIES #785	OTTER DISTRICT	7.5	
8406473		4704102992		108		CREASEY #356	SKIN CREEK DISTRICT	32.0	BROOKLYN UNION GA
8406471		4708703345		108		DRAKE #166	GEARY DISTRICT	8.0	COLUMBIA GAS TRAN
8406475		4701501988		108		GREEN #520	OTTER DISTRICT	1.6	EQUITABLE GAS CO
8406474		4701501989		108		GREEN #521	OTTER DISTRICT	8.8	EQUITABLE GAS CO
8406478		4701303316		108		HAMILTON #487	CENTER DISTRICT	5.0	ROARING FORK GAS
8406479		4701303315		108		HAMILTON #488	CENTER DISTRICT	19.0	ROARING FORK GAS
8406482		4701501973		108		MCCRACKEN #515	OTTER DISTRICT	60.0	BROOKLYN UNION GA
8406472		4704103120		108		MCWHORTER #549	SKIN CREEK DISTRICT	4.0	BROOKLYN UNION GA
8406480		4701502050		108		MIDCAP #656	OTTER DISTRICT	20.4	BROOKLYN UNION GA
8406477		4701502004		108		SPINKS #503	OTTER DISTRICT	45.9	EQUITABLE GAS CO
8406481		4701502048		108		SPINKS #652	OTTER DISTRICT	7.2	BROOKLYN UNION GA
-STONESTREET LANDS CO				RECEIVED:	11/07/83	JA: WV			
8406599		4701303514		103		JACOBS #31-S-381	ELMIRA	5.0	CONSOLIDATED GAS
8406601		4701303516		103		JACOBS #32-S-382	ELMIRA	4.0	CONSOLIDATED GAS
8406600		4701303482		103		M YOST #3-S-364	ELMIRA	18.0	COLUMBIA GAS TRAN
-TIARA INC				RECEIVED:	11/07/83	JA: WV			
8406586		4702101189		103		ARBUCKLE #1	DEKALB DISTRICT	0.0	CONSOLIDATED GAS
8406585		4702102177		103		LUTHER ELLYSON #1	DEKALB DISTRICT	0.0	CONSOLIDATED GAS
-TONEY BRANCH GAS CO				RECEIVED:	11/07/83	JA: WV			
8406545		4704500466		108		HARRISON KITCHEN #1	CHAPMANVILLE	8.0	ROARING FORK GAS
-TROPETCO 82				RECEIVED:	11/07/83	JA: WV			
8406554		4708506016		102-2		TROISI #2 PERMIT 47-085-6016	ELLENBORO CLAY DISTRI	10.0	CONSOLIDATED GAS
-UNION DRILLING INC				RECEIVED:	11/07/83	JA: WV			
8406445		4709702449		107-DV		AMY TENNEY #1 1799	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8406446		4709702392		107-DV		CASTO #1 1661	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8406453		4709701971		107-DV		DWIGHT & CAROLYN CARPENTER 1535	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8406450		4709702248		107-DV		FOSTER-SETTLE #1 1674	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406454		4709701967		107-DV		GLENN O BOYLES 1518	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
8406449		4709702259		107-DV		HARRY MCMULLAN #1C 1699	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406442		4708300525		107-DV		HARRY MCMULLAN #14B 1711	ROARING CREEK DISTRIC	0.0	
8406447		4709702362		107-DV		HARRY MCMULLAN #3C 1753	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406504		4708300487		107-DV		HARRY MCMULLAN #4C 1702	MIDDLE FORK DISTRICT	0.0	COLUMBIA GAS TRAN
8406505		4708300310		107-DV		HARRY MCMULLAN #6 1548	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8406448		4709702261		107-DV		HARRY MCMULLAN #6C 1708	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406506		4708300299		107-DV		HARRY MCMULLAN JR #5 1547	ROARING CREEK DISTRIC	0.0	COLUMBIA GAS TRAN
8406452		4709702028		107-DV		J C & KYLE OBRADY 1539	BANKS DISTRICT	0.0	COLUMBIA GAS TRAN
8406444		4709702460		107-DV		MARY G WARD #1 1800	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406443		4709702461		107-DV		MARY WARD #1 1801	WASHINGTON DISTRICT	0.0	COLUMBIA GAS TRAN
8406451		4709702152		107-DV		WARREN HOSAFLOOK #1 1620	MEADE DISTRICT	0.0	COLUMBIA GAS TRAN
-UNITED PETRO LTD				RECEIVED:	11/07/83	JA: WV			
8406467		4701303364		108		L C SAMPSON #1	RUSH RUN	10.0	CONSOLIDATED GAS
8406468		4701303363		108		L C SAMPSON #2	RUSH RUN	10.0	CONSOLIDATED GAS
-WACO OIL AND GAS CO INC				RECEIVED:	11/07/83	JA: WV			
8406496		4702103941		107-DV		MESSENGER #1A	MUDLICK RUN	45.0	COLUMBIA GAS TRAN
8406495		4702103940		107-DV		MESSENGER #2A	MUDLICK RUN	18.0	COLUMBIA GAS TRAN
8406497		4702104019		103		WAGGONER #1	BULL FORK	15.0	CONSOLIDATED GAS
8406498		4702103901		103		WRIGHT #1A	BULL FORK	10.0	CONSOLIDATED GAS
-WEVA OIL CORP				RECEIVED:	11/07/83	JA: WV			
8406547		4710500527		103		P G MARKS #12	CRESTON	18.0	CONSOLIDATED GAS

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