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Selected Subjects

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Rules and Regulations

Federal Register
Vol. 48, No. 174
Wednesday, September 7, 1983

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Tobacco Inspection; Alternative Packaging for Burley Tobacco

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department issued a notice of proposed rulemaking in the Federal Register on May 25, 1983, allowing interested parties a 45-day comment period for views and comments on alternative packaging for burley tobacco. Based on comments received from a cross-section of the burley industry, the Department has determined that beginning with the 1983–84 marketing season official grading will be provided to U.S. Type 31 tobacco offered for sale at auction untied on burlap sheets, in addition to the present methods of hand-tied bundles or united in bales.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: Lioniel S. Edwards, Director, Tobacco Division, Agricultural Marketing Service, Room 502 Annex Building, United States Department of Agriculture, Washington, D.C., 20250, (202) 447–2567.

SUPPLEMENTARY INFORMATION: In the interest of improving the current burley marketing program and in the interest of promoting and maintaining orderly marketing conditions in the tobacco industry, the Agricultural Marketing Service (AMS) issued a notice of proposed rulemaking (48 FR 23437, May 25, 1983) allowing burley tobacco, U.S. Type 31, to be officially graded when marketed untied on burlap sheets, as well as tied in hands or untied in approximately 70-pound bales. In addition to the packaging proposal, the Department gave consideration to amending the regulations to alter the method of display of burley tobacco. That proposal required that bales be placed lengthwise on the pallets so that the midribs of the leaves were parallel to the aisle. However, further review of this proposal by the Department, and based on comments received in opposition, the Department has determined that no change be made in the manner of display of baled tobacco. Therefore, for the 1983–84 and succeeding marketing seasons, baled tobacco shall continue to have the stems turned towards the aisle. The authority for promulgating these regulations is contained in the Tobacco Inspection Act of 1935 (49 Stat. 731; 7 U.S.C. *et seq.*).

The notice of proposed rulemaking generated only 83 comments, contrasting the 7,000 comments received on a similar proposal a year ago.

Forty-seven commentors favored the continuance of bales in the burley marketing system; 34 commentors favored the sheeting process as proposed by the Department. One commentor voiced neutrality; one commentor did not, in effect, address the "sheeting" proposal but recommended against changing regulations on display of burely tobacco for sale at auction.

The comments received by the Department favoring untied sheeted sales included one from a congressman, one from a producer group, and several from warehouse and buying concerns.

The comments received by the Department in favor of untied, baled sales included four from producer groups, one from a large tobacco purchasing concern, and several from the warehouse sector.

The Department has focused a great deal of attention on alternative packaging of burley tobacco since 1974. The non-grading of untied, sheeted sales during the 1982–83 season triggered numerous lawsuits against the Department. In December 1982, the Department was ordered by the courts to officially grade untied, sheeted tobacco offered for sale at auction during the 1982–83 marketing season.

There is a strong division of sentiment in the burley region on which packaging concept is: (1) Most economical; (2) best suited to the cold climate of the region; and (3) most conducive to the maintenance of quality. The only point all segments of the industry agree on is that the time has come for a one-package marketing concept, however, there is strong disagreement on what that package should be. Providing grading for untied, sheeted tobacco will now allow all segments of the industry to operate with and evaluate the relative merits of all three types of packaging for burley tobacco. With the experience, it is possible that all segments of the industry may be able to decide on a single package for marketing burley tobacco.

A comment by a buying concern which consistently had been opposed to untied, sheeted sales stated that if untied, sheeted sales were allowed that the action be conditioned by (1) Compliance with the regulations regarding leaf orientation; (2) a 250-pound maximum weight per sheet; and (3) one sheet only should constitute a "lot." These conditions are well received. The Department, in an effort to provide improved services to the industry, shall closely monitor untied, sheeted sales across the burley belt to insure strict compliance with the aforestated conditions.

The timing of the Department's decision in 1982 caused the greatest dissatisfaction in the burley region. Therefore, it is anticipated that the early publication of this final rule will provide ample time for all segments of the industry to prepare for the alternative packaging concept of untied, sheeted tobacco. The method of packaging will be the choice of individual producers, and it is anticipated that all segments of the industry will cooperate with the Department in this endeavor.

This final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512–1 and has been determined to be "nonmajor" because it does not meet any of the criteria established for major rules under the executive order. Initial review of the regulations contained in 7 CFR Part 29, for need currency, clarity, and effectiveness has been completed.

Additionally, in conformance with the provisions of Pub. L. 96–354, Regulatory Flexibility Act, full consideration has been given to the potential economic impact upon small business. Tobacco warehousemen and producers fall

within the confines of "small business" as defined in the Regulatory Flexibility Act. A number of firms which are affected by these adopted regulations do not meet the definition of small business either because of their individual size or because of their dominant position in one or more marketing areas. William T. Manley, Deputy Administrator, AMS, has certified that these actions will have no significant economic impact upon all entities, small or large and will, in no way, affect the normal competition in the market place.

List of Subjects in 7 CFR Part 29

Administrative practices and procedure, Tobacco.

Accordingly, the Regulations under the Tobacco Inspection Act contained in 7 CFR Part 29 are amended as follows:

PART 29—TOBACCO INSPECTION

1. Section 29.3036 is revised to read as follows:

§ 29.3036 Lot.

A pile, basket, bulk, bale or bales, sheet, case hogshead, tierce, package, or other definite package unit.

2. Section 29.3044 is revised to read as follows:

§ 29.3044 Oriented.

A term applied to untied tobacco which denotes the arrangement of leaves in a straight and orderly manner. Oriented includes:

(a) Any lot of baled tobacco in which the leaves are packed parallel to the length of the bale with the butts to the outside and the tips of the leaves overlapping sufficiently to make a level, solid and uniform package;

(b) Any lot of sheeted tobacco in which the leaves are arranged in a circular pattern with the butts to the outside.

Dated: August 31, 1983.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 83-24380 Filed 9-6-83; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

7 CFR Part 760

Special Programs; Dairy Indemnity Payment Programs

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Interim Rule.

SUMMARY: The purpose of this interim rule is to amend the Dairy Indemnity Payment Program Regulations to extend the operation of the program through September 30, 1983. Further, it appears that funds available to the Agricultural Stabilization and Conservation Service (ASCS) will be insufficient to pay all fiscal year 1983 dairy indemnity claims which may be filed. Accordingly, this interim rule provides that beginning with fiscal year 1983 each claimant would be paid a pro rata share of their total claim for the fiscal year if there are insufficient funds to pay all claimants.

EFFECTIVE DATE: This regulation shall become effective September 7, 1983. Comments must be received on or before October 7, 1983.

ADDRESS: Send comments to Director, Emergency Operations and Livestock Programs Division, ASCS, USDA, South Building, Room 4095, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Clarence Domire, Agricultural Program Specialist, Emergency Operations and Livestock Programs Division, ASCS, USDA, South Building, Room 4095, Washington, D.C. 20013; (202) 447-7997.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary Memorandum 1512-1 and has been classified as "not major." This rule has been classified as "not major" since it will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this rule applies are: Title—Dairy Indemnity Payments, Number—10.053, as found in the Catalog of Federal Domestic Assistance Programs.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since ASCS is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

The Dairy Indemnity Payment Program was originally authorized by Section 331 of the Economic Opportunity Act of 1964 (75 Stat. 525). The legislation has been extended several times. The most recent extension, by the Agriculture and Food Act of 1981 (95 Stat. 1220), extended authority for the program through September 30, 1985. The objective of the program is to indemnify dairy farmers and manufacturers of dairy products, who, through no fault of their own, suffer income losses on milk, or milk products removed from commercial markets because such products contain certain harmful residues. In addition, dairy farmers can also be indemnified for income losses due to residues of toxic substances and contamination by nuclear radiation or fallout.

The Agriculture and Food Act of 1981 made no substantive changes with respect to the Dairy Indemnity Payment Program but merely extend time period for conducting the program. The main purpose of this interim rule is to authorize operation of the program through September 30, 1983.

The sum of $7.0 million has been appropriated to cover fiscal year 1982 and 1983 claims under the program. The claims for these two fiscal years will most likely exceed the $7.0 million. Accordingly, this interim rule provides that beginning with fiscal year 1983, each eligible claimant will receive a pro rata share of the remaining funds available to the Department to pay dairy indemnity claims if insufficient funds are available to the Department to pay all eligible claims. All such claims would be paid after the end of the 1983 fiscal year. While it is the present intention of the Department to pay dairy indemnity claims in this manner, consideration may also be given to other methods for paying such claims, such as, payment on the basis of the earliest filing date.

Since the paramount purpose of this interim rule is to extend the operation of the Dairy Indemnity Payment Program, it has been determined that in order to allow eligible claims to be filed and processed as soon as possible, this rule should be published without prior opportunity for public comment. Therefore, this regulation shall become effective upon publication in the Federal Register.

However, the public is invited to submit written comments regarding the method of payment rule to the Director, Emergency Operations and Livestock Programs Division, ASCS, USDA, Room 4095, South Building, Washington, D.C. 20013. Persons submitting comments should include their name and address and give reasons for the comments. Copies of all written comments received will be available for review by interested persons in Room 4095, South

Building, USDA, during regular business hours. Comments must be received by October 7, 1983 to be assured of consideration.

The comment period on this interim rule has been limited to 30 days to give interested persons time for comments and also to expedite payment of eligible fiscal year 1983 dairy indemnity claims.

A final rule will be published in the Federal Register as soon as possible discussing any comments received as well as making any applicable amendments to the regulation.

Information collection requirements contained in this regulation (7 CFR Part 760) have been approved by The Office of Management and Budget under provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0560-0045.

List of Subjects in 7 CFR Part 760

Bees, Dairy products, Honey, Indemnity payments, Pesticides and pests.

Interim Rule

PART 760—[AMENDED]

Accordingly, the regulations at 7 CFR Part 760 are amended as follows:

§ 760.2 [Amended]

1. In § 760.2, paragraphs (k) (1) and (2), (l), and (o) are amended by striking out "1982" and inserting in lieu thereof "1983".

§ 760.8 [Amended]

2. Section 760.8 is amended by striking out "1982" and inserting in lieu thereof "1983".

3. Section 760.33 is revised to read as follows:

§ 760.33 Availability of Funds.

Payment of indemnity claims will be contingent upon the availability of funds to the Department to pay such claims. With respect to claims filed after October 1, 1982, if the Department determines that the amount of claims to be filed under the program will exceed the funds available to the Department, to pay such claims payments will be made so that each eligible claimant will receive a pro rata share of the remaining funds available to the Department to pay dairy indemnity claims.

(Approved by Office of Management and Budget under control No. 0560-0045)

Secs. 1, 2, 3, Pub. L. 90-484, 82 Stat. 750, as amended (7 U.S.C. 450 j, k, l)

Signed at Washington, D.C. on August 31, 1983.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 83-24383 Filed 9-6-83; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 981

Handling of Almonds Grown in California; Extension of Disposition Date for 1982-83 Crop Year Reserve Almonds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Emergency final rule.

SUMMARY: This action extends the time which handlers of California almonds have to sell their 1982-83 crop year reserve almonds from September 1, 1983, to November 1, 1983. Reserve almonds not sold by handlers to reserve outlets by November 1 will be disposed of by the Almond Board of California. This action is needed because of the lengthy startup time required by handlers to develop new markets for reserve almonds.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: Frank M. Grasberger, Acting Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5053.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

The 1982-83 almond reserve was established through a final rule published in the Federal Register, September 30, 1982 (47 FR 42960). That final rule contained a statement that William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that [such] action will not have a significant economic impact on a substantial number of small entities because it will result in only minimal costs being incurred by the regulated 29 handlers.

It has been determined that an emergency situation exists which warrants publication of this final rule without prior authority for public comment. This action will relax a restriction on handlers by allowing them additional time to sell their 1982-83 crop year reserve almonds beyond the current September 1, 1983, deadline. Therefore, this action should take effect on or before September 1, 1983, and consequently, there is not sufficient time to issue a notice of proposed rulemaking soliciting comments from the public.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice of rulemaking and other public procedure with respect to this emergency action are impracticable and contrary to the public interest, and that good cause is found for making this emergency final action effective less than 30 days after publication of this document in the Federal Register.

This final rule adds § 981.466a to Subpart—Administrative Rules and Regulations (7 CFR 981.401-981.474; 48 FR 11249). This subpart is issued under the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California and hereinafter referred to collectively as the "order." Section 981.466a is added pursuant to § 981.66(e) of the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based on a recommendation of the Almond Board of California, hereinafter referred to as the "Board," which works with USDA in administering the order.

Section 981.66(e) provides that any reserve almonds remaining unsold to reserve outlets as of each September 1 subsequent to any crop year in which handlers are required to withhold such almonds from normal outlets shall be disposed of by the Board as soon as practicable through the most readily available reserve outlets. Section 981.66(e) also provides that the date of September 1 may be extended by the Secretary of Agriculture upon recommendation of the Board or the receipt of other information. This action extends the September 1 date to November 1 for the purpose of disposing of 1982-83 crop year reserve almonds.

A two percent reserve requirement was established for marketable California almonds received by handlers during the 1982-83 crop year for the purpose of developing new outlets for almonds noncompetitive with normal domestic and export outlets. The principal outlets targeted for reserve almonds under this program were almond butter and school lunch program markets. This program is new to the industry and has required considerable startup time for almond handlers to develop such markets. Therefore, the Board believes that handlers should be given additional time to dispose of their 1982-83 crop year reserve almonds.

List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, and California.

After consideration of all relevant matter available, including the Board's recommendation, it is further found that to add § 981.466a will tend to effectuate the declared policy of the act.

PART 981—[AMENDED]

Therefore, § 981.466a is added to Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 48 FR 11249) as follows: (This section will not appear in the Code of Federal Regulations).

§ 981.466a Extension of disposition date for 1982–83 crop year reserve almonds.

Pursuant to § 981.66(e), the date of September 1 contained in § 981.66(e) shall be changed to November 1 with regard to the disposition of 1982–83 crop year reserve almonds.

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

Dated: September 1, 1983.

Charles R. Brader,

Director, Fruit and Vegetable Division.

[FR Doc. 83-24415 Filed 9-6-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 369

[Docket No. 30901-179]

Restrictive Trade Practices or Boycotts

AGENCY: International Trade Administration, Commerce.

ACTION: Interpretation.

SUMMARY: The Department is clarifying the application of its antiboycott regulations (15 CFR Part 369) to situations which permit a U.S. person who qualifies as a bona fide resident of a foreign country to furnish information in response to legal requirements of the foreign country, notwithstanding the boycott nature of those requirements.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance, U.S. Department of Commerce (202/377–4550).

SUPPLEMENTARY INFORMATION: The antiboycott regulations include an exception to the prohibitions which permits a U.S. person who qualifies as a "bona fide resident" of a boycotting country to comply with the laws of that country to the extent the U.S. person's activities take place exclusively within the boycotting country [§ 369.3 (f–1)]. Among the activities which the exception specifically permits is the furnishing of otherwise prohibited information about business relationships in response to legal requirements of the boycotting country. OAC believes that it is appropriate at this time to clarify the nature of information that could be provided and the circumstances under which the information could be provided pursuant to this exception. This interpretation sets forth the Department's views with regard to these issues.

List of Subjects in 15 CFR Part 369

Boycotts, Foreign trade, Reporting and recordkeeping requirements, Restrictive trade practices, Trade practices.

Interpretation

The principal author of this interpretation is Howard N. Fenton, Director, Compliance Policy Division, Office of Antiboycott Compliance.

PART 369–[AMENDED]

The following appendix is added to Part 369 as Supplement 9.

Supplement No. 9

Appendix—Interpretation–Activities Exclusively Within a Boycotting Country—Furnishing Information

Section 369.3(f–1) of the regulations provides that a United States person who is a bona fide resident of a boycotting country may comply with the laws of that country with respect to his or her activities exclusively within the boycotting country. Among the types of conduct permitted by this exception is "furnishing information within the host country" § 369.3(f–1)(1)(v). For purposes of the discussion which follows, the Department is assuming that the person in question is a bona fide resident of the boycotting country as defined in § 369.3(f), and that the information to be provided is required by the laws or regulations of the boycotting country, as also defined at § 369.3(f). The only issue this interpretation addresses is under what circumstances the provision of information is "an activity exclusively within the boycotting country.

The activity of "furnishing information" consists of two parts, the acquisition of the information and its subsequent transmittal. Under the terms of this exception, the information may not be acquired outside the country for the purpose of responding to the requirement for information imposed by the boycotting country. Thus, if an American company which is a bona fide resident of a boycotting country is required to provide information about its dealings with other U.S. firms, the company may not ask its parent corporation in the United States for that information, or make any other inquiry outside the boundaries of the boycotting country. The information must be provided to the boycotting country authorities based on information or knowledge available to the company and its personnel located within the boycotting country at the time the inquiry is received [see § 369.3(f–1) examples (iii), (iv), (v)]. Much of the information in the company's possession (transaction and corporate records) may have actually originated outside the boycotting country, and much of the information known to the employees may have been acquired outside the boycotting country. This will not cause the information to fall outside the coverage of this exception, if the information was sent to the boycotting country or acquired by the individuals in normal commercial context prior to and unrelated to a boycott inquiry or purpose. It should be noted that if prohibited information (about business relations with a boycotted country, for example) has been forwarded to the affiliate in the boycotting country in anticipation of a possible boycott inquiry from the boycotting country government, the Department will not regard this as information within the knowledge of the bona fide resident under the terms of the exception. However, if the bona fide resident possesses the information prior to receipt of a boycott-related inquiry and obtained it in a normal commercial context, the information can be provided pursuant to this exception notwithstanding the fact that, at some point, the information came into the boycotting country from the outside.

The second part of the analysis of "furnishing information" deals with the limitation on the transmittal of the information. It can only be provided within the boundaries of the boycotting country. The bona fide resident may only provide the information to the party that the boycotting country law requires (directly or through an agent or representative within the country) so long as that party is located within the boycotting country. This application of the exception is somewhat easier, since it is relatively simple to determine if the information is to be given to somebody within the country.

Note that in discussing what constitutes furnishing information "exclusively within" the boycotting country, the Department does not address the nature of the transaction or activity that the information relates to. It is the Department's position that the nature of the transaction, including the inception or completion of the transaction, is not material in analyzing the availability of this exception.

For example, if a shipment of goods imported into a boycotting country is held up at the time of entry, and information from the bona fide resident within that country is legally required to free those goods, the fact that the information may relate to a transaction that began outside the boycotting country is not material. The availability of the exception will be judged based on the activity of the bona fide resident within the country. If the resident provides that information of his or her own knowledge, and provides it to appropriate parties located

exclusively within the country, the exception permits the information to be furnished.

Factual variations may raise questions about the application of this exception and the effect of this interpretation. In an effort to anticipate some of these, the Department has set forth below a number of questions and answers. They are incorporated as a part of this interpretation.

1. *Q:* Under this exception, can a company which is a U.S. person and a bona fide resident of the boycotting country provide information to the local boycott office?

A: Yes, if local law requires the company to provide this information to the boycott office and all the other requirements are met.

2. *Q:* If the company knows that the local boycott office will forward the information to the Central Boycott Office, may it still provide the information to the local boycott office?

A: Yes, if it is requred by local law to furnish the information to the local boycott office and all the other requirements are met. The company has no control over what happens to the information after it is provided to the proper authorities. (There is obvious potential for evasion here, and the Department will examine such occurrences closely.)

3. *Q:* Can a U.S. person who is a bona fide resident of Syria furnish information to the Central Boycott Office in Damascus?

A: No, unless the law in Syria specifically requires information to be provided to the Central Boycott Office the exception will not apply. Syria has a local boycott office responsible for enforcing the boycott in that country.

4. *Q:* If a company which is a U.S. person and a bona fide resident of the boycotting country has an import shipment held up in customs of the boycotting country, and is required to provide information about the shipment to get it out of customs, may the company do so?

A: Yes, assuming all other requirements are met. The act of furnishing the information is the activity taking place exclusively within the boycott country. The fact that the information is provided corollary to a transaction that originates or terminates outside the boycotting country is not material.

5. *Q:* If the U.S. person and bona fide resident to the boycotting country is shipping goods out of the boycotting country, and is required to certify to customs officials of the country at the time of export that the goods are not of Israeli origin, may he do so even though the certification relates to an export transaction?

A: Yes, assuming all other requirements are met. See number 4 above.

(Pub. L. 96-72, 93 Stat. 503; sec. 8(a), 50 U.S.C. App. 2407 (Supp. III, 1979))

Dated: August 31, 1983.

William V. Skidmore,

Director, Office of Antiboycott Compliance

[FR Doc. 83-24364 Filed 9-1-83; 12:19 pm]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 2H5325/R595; PH-FRL 2428-4]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Thiodicarb

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an interim feed additive regulation to permit the combined residues of the insecticide thiodicarb and its metabolite in or on the need commodities cottonseed and soybean hulls. This regulation to permit marketing of the commodities treaded with the insecticide in accordance with an experimental use permit was requested in a petition by Union Carbide Corporation.

EFFECTIVE DATE: Effective on September 7, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of April 14, 1982 (47 FR 16011), which announced that Union Carbide Corporation, P.O. Box 12114, T.W. Alexander Drive, Research Triangle Park, NC 27709, had submitted feed additive petition 2H5325 to the Agency proposing to amend 21 CFR 561.386 by establishing an interim regulation permitting residues of the insecticide thiodicarb (dimethyl *N*,*N*'-[thiobis[(methylamino) carbonyloxy]] bis [ethanimidothioate], and its metabolite methomyl (*N*-[(methylcarbamoyl)oxy] thioacetimidate in or on the feed commodities cottonseed and soybean hulls at 0.8 part per million (ppm) and 0.4 ppm respectively.

The data submitted and other relevant material have been evaluated and discussed in the April 14, 1982 final rule document.

The petitioner, Union Carbide Corporation, has requested an extension of the interim regulation to permit continued testing and collection of additional data and marketing of the feed commodities. EPA has granted the extension until June 14, 1984.

A related document, [PP 2G2581/T427], establishing interim tolerances for the raw agricultural commodities cottonseed and soybeans, appears elsewhere in today's issue of the **Federal Register.**

The pesticide is considered useful for the purpose for which the regulation is sought. It is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (86 Stat. 973, 89 Stat. 751, U.S.C. 136 *et seq)* and is established as set forth below.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

List of Subjects in 21 CFR Part 561

Feed additives Pesticides and pests

Dated: August 17 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs

PART 561—[AMENDED]

Therefore, 21 CFR 561.386 is revised to read as follows:

§ 561.386 Thiodicarb.

(a) [Reserved]

(b) An interim regulation is established permitting the combined residues of the insecticide thiodicarb (dimethyl *N*' *N*'-[thiobis [(methylamino) carbonyloxy]] bis [ethanimidothioate], and its metabolite methomyl (*N*-[(methylcarbamoyl)oxy] thioacetimidate resulting from application of the pesticide to growing crops under an experimental program.

Feeds	Parts per million	Company	Expiration Date
Cottonseed, hulls	0.8	Union Carbide Corp.	June 14, 1984.
Soybean, hulls	0.4	do	Do.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))

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DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7909]

Income tax; Substantiation of Meal Expenses While Traveling

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations whch give the Commissioner authority to establish an optional method of computing meal expenses in connection with travel. Under the optional method a taxpayer is recieved of substantiating the actual amount of the meal expenses.

EFFECTIVE DATE: These regulations are effective for expenses paid or incurred after December 31, 1982.

FOR FURTHER INFORMATION CONTACT: David R. Haglund of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224. (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

On February 28, 1983, the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 274(d) of the Internal Revenue Code of 1954 (48 FR 8292). The amendments were proposed to give the Commissioner authority to establish an optional method of computing meal expenses while traveling. A number of comments on the proposed regulations were received. A public hearing was not held. After consideration of all the comments regarding the proposed amendments, those amendments are adopted by this Treasury decision without change.

Explanation of Provisions

Section 274(d) of the Internal Revenue Code of 1954 was added by section 4(a)(1) of Revenue Act of 1962 (76 Stat. 974) to require taxpayers to substantiate certain entertainment and travel expenses. The last sentence of section 274(d) gives the Secretary authority to waive by regulations some or all of the substantiation requirements of section 274(d). Paragraph (b)(2) of § 1.274-5 of the Income Tax Regulations (26 CFR Part 1) requires a taxpayer to substantiate the amount of each separate travel expense and the time, place and business purpose of the travel.

This document amends the regulations under § 1.274-5 to give the Commissioner authority to establish a method under which a taxpayer may elect to use a specified amount or amounts for meals while traveling in lieu of substantiating the actual cost of meals. The taxpayer is not relieved of substantiating the actual cost of other travel expenses as well as the time, place and business purpose of the travel.

An Internal Revenue Service news release (IR-83-31) announced that the standard meal allowances under the new method were anticipated to be $14 per day for travel requiring a stay of less than 30 days in one general locality, and $9 per day for travel that requires a stay of 30 days or more in one general locality. A number of comments indicated that the proposed amounts of $14 and $9 were too low and suggested higher figures. The Internal Revenue Service recognizes that actual meal expenses may vary widely. However, the purpose of the regulations is to reduce the recordkeeping burden on taxpayers where relatively small amounts are involved.

One comment expressed concern that the specified amounts may be used as a benchmark to test the reasonableness of the amount of substantiated meal expenses otherwise deductible. The specified amounts are not intended to be used for that purpose.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulations is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of Order dated April 29, 1983.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Treasury has certified that the requirements of the Regulatory Flexibility Act do not apply to this final regulation as it will not have a significant economic impact on the substantial number of small entities. The regulations will tend to reduce the recordkeeping duties of taxpayers rather than increase them.

Drafting Information

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

List of Subjects in 26 CFR Parts 1.61-1 Through 1.281-4

Income taxes, Taxable income, Deductions, Exemptions.

Adoption of Amendments to the Regulations

Accordingly, the proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 274(d), as published in the **Federal Register** (48 FR 8292) on February 28, 1983, are hereby adopted as proposed.

This Treasury decision is issued under the authority contained in sections 274(d) and 7805 of the Internal Revenue Code of 1954 (76 Stat. 975, 26 U.S.C. 274(d); 68A Stat. 917, 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: August 17, 1983.

Ronald A. Pearlman,

Acting Assistant Secretary of the Treasury.

Adoption of amendments to 26 CFR Part 1 are as follows:

PART 1—[AMENDED]

Section 1.274-5 is revised by adding a sentence to the end of paragraphs (f) and (g)(1), by revising paragraph (h) and by adding a new paragraph (i) immediately after paragraph (h), to read as follows:

§ 1.274-5 Substantiation requirements.

* * * * *

(f) Substantiation by reimbursement arrangements or per diem, mileage, and other traveling allowances * * * See

paragraph (h) of this section relating to the substantiation of meal expenses while traveling.

(g) Reporting and substantiation of certain reimbursements of persons other than employees—(1) In general. * * * See paragraph (h) of this section relating to the substantiation of meal expenses while traveling.

* * * * *

(h) Authority for an optional method of computing meal expenses while traveling. The Commissioner may establish a method under which a taxpayer may elect to use a specified amount or amounts for meals while traveling in lieu of substantiating the actual cost of meals. The taxpayer would not be relieved of substantiating the actual cost of other travel expenses as well as the time, and business purpose of the travel. See paragraph (b)(2) and (c) of this section.

(i) Effective date—(1) In general. Section 274(d) and this section apply with respect to taxable years ending after December 31, 1962, but only with respect to period after that date.

(2) Certain meal expenses. Paragraph (h) of this section is effective for expenses paid or incurred after December 31, 1982.

[FR Doc. 83-24317 Filed 9-6-83; 8:45 am]
BILLING CODE 4830-01-M

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26 CFR Parts 1, 25, and 301

[T.D. 7910]

Time for Filing of Gift Tax Returns

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the time for filing gift tax returns and the payment of gift taxes. Changes in the applicable tax law were made by the Economic Recovery Tax Act of 1981. The regulations would provide the public with the guidance needed to comply with the Act and would affect all persons who are required to file gift tax returns and pay gift taxes.

DATES: The regulations are effective for gifts made after December 31, 1981.

FOR FURTHER INFORMATION CONTACT: Barry S. Landua of the Interpretative Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, attention: CC:LR:T (202) 566-3220, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1983 (48 FR 6363), the **Federal Register** published proposed amendments to the Income Tax Regulations (26 CFR Part 1), Gift Tax Regulations (26 CFR Part 25), and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 1015, 2501 through 2504, 2511, 2513, 2514, 2516, 2517, 2522, 2524, 6075 and 6212 of the Internal Revenue Code of 1954 (Code). These amendments were proposed to conform the regulations to section 442 of the Economic Recovery Tax Act of 1981 (Pub. L. 97-34, 95 Stat. 320).

No amendments have been made herein to the regulations under sections 2523 and 6019, which are being considered separately.

A public hearing has not been requested. Three written comments were received. One comment disagreed with proposed § 25.6075-2 to the extent that it would require the gift tax return to be filed under the general rule (April 15 following the close of the calendar year), when the donor's estate tax return is due after April 15. The comment stated that there is no authority in the statute or the legislative history for the proposed rule. We believe that the reason for the rule in section 6075(b)(3) that the due date of the gift tax return for the calendar year that includes the date of death of the donor shall be no later than the due date (including extensions) for filing the estate tax return is that it is necessary to know the amount of the gift tax paid in order to complete the estate tax return. Extending the due date of the gift tax return to the due date of the estate tax return is not necessary in order for the estate tax to be computed. Therefore, these regulations adopt the position taken in the notice that the due date of the gift tax return will not be automatically extended to a later due date for filing the estate tax return.

The same comment also suggested an explicit statement that the general rule for filing the gift tax return (April 15 following the close of the calendar year) applies where no estate tax return is required to be filed. We have adopted this suggestion in section 25.6075-1 of the regulations.

Another comment contained a suggestion relating to the interpretation of the estate tax, a matter outside the scope of these regulations. Additionally, the comments noted typographical errors, which have been corrected. The comments also offered suggestions for stylistic improvements, many of which have been adopted.

Annual Return

These regulations provide for the filing of gift tax returns and the payment of gift taxes on an annual basis. In addition, regulation § 25.6075-1 sets forth rules regarding the time for filing a gift tax return for a calendar year which includes the date of death of the donor.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is, therefore, not required. Although a notice of proposed rulemaking which solicited public comment was issued, the Internal Revenue Service concluded when the notice was issued that the regulations are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 did not apply. Accordingly, the final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these regulations is Barry S. Landau of the Interpretative Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects

26 CFR 1.1001-1—1.1102-3

Income taxes, Gain and loss, Basis, Nontaxable exchanges.

26 CFR 25

Gift taxes.

26 CFR 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Disclosure of information, Filing requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts 1, 25, and 301 are amended as follows:

PART 1—[AMENDED]

Paragraph 1. Section 1.1015-5 is amended as follows:

(a) Paragraph (b)(1)(i) is revised to read as set forth below.

(b) The first sentence of paragraph (b)(1)(ii) is revised to read as set forth below.

(c) The second sentence of paragraph (b)(2) is revised to read as set forth below.

§ 1.1015-5 Increased basis for gift tax paid.

* * * * *

(b) *Amount of gift tax paid with respect to a gift of property.* (1)(i) If only one gift was made during a certain "calendar period" (as defined in § 25.2502-1(c)(1)), the entire amount of the gift tax paid under chapter 12 or the corresponding provisions of prior revenue laws for that calendar period is the amount of the gift tax paid with respect to the gift.

(ii) If more than one gift was made during a certain calendar period, the amount of the gift tax paid under chapter 12 or the corresponding provisions of prior revenue laws with respect to any specified gift made during that calendar period is an amount, A, which bears the same ratio to B (the total gift tax paid for that calendar period) as C (the "amount of the gift," computed as described in this paragraph (b)(1)(ii)) bears to D (the total taxable gifts for the calendar period computed without deduction for the gift tax specific exemption under section 2521 (as in effect prior to its repeal by the Tax Reform Act of 1976) or the corresponding provisions of prior revenue laws). * * *

* * * * *

(2) * * * Where more than one gift of a present interest in property is made to the same donee during a "calendar period" (as defined in § 25.2502-1(c)(1)), the annual exclusion shall apply to the earliest of such gifts in point of time.

* * * * *

PART 25—[AMENDED]

Par. 2. Section 25.0-1 is amended by revising paragraph (a)(1) to read as set forth below.

§ 25.0-1 Introduction.

(a) *In general.* (1) The regulations in this part are designated "Gift Tax Regulations." These regulations pertain to (i) the gift tax imposed by chapter 12 of subtitle B of the Internal Revenue Code on the transfer of property by gift by individuals in the calendar year 1955, in subsequent calendar years beginning before the calendar year 1971, in calendar quarters beginning with the first calendar quarter of calendar year 1971 through the last calendar quarter of the calendar year 1981, and in calendar years beginning with the calendar year 1982, and (ii) certain related administrative provisions of subtitle F of the Code. It should be noted that the application of some of the provisions of these regulations may be affected by the provisions of an applicable gift tax convention with a foreign country. Unless otherwise indicated, references in these regulations to the "Internal Revenue Code" or the "Code" are references to the Internal Revenue Code of 1954, as amended, and references to a section or other provision of law are references to a section or other provision of the Internal Revenue Code of 1954, as amended. The Gift Tax Regulations are applicable to the transfer of property by gift by individuals in calendar years 1955 through 1970, in calendar quarters beginning with the first calendar quarter of calendar year 1971 through the last calendar quarter of the calendar year 1981, and in calendar years beginning with the calendar year 1982, and supersede the regulations contained in Part 86, Subchapter B, Chapter 1, Title 26, Code of Federal Regulations (1939) (Regulations 108, Gift Tax (8 FR 10858)), as prescribed and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 FR 5167, Aug. 17, 1954).

* * * * *

Par. 3. Section 25.2501-1 is amended as follows:

(a) Paragraph (a)(1) is revised to read as set forth below.

(b) Paragraph (a)(3)(ii) is amended by removing "calendar quarter" the first time it appears and inserting in lieu thereof " "calendar period" (as defined in § 25.2502-1(c)(1))", removing "calendar quarter" every other time it appears and inserting in lieu thereof "calendar period", and by removing "such quarter" and inserting in lieu thereof "such period".

(c) Paragraph (a)(3)(iii) is removed.

§ 25.2501-1 Imposition of tax.

(a) *In general.* (1) The tax applies to all transfers by gift of property, wherever situated, by an individual who is a citizen or resident of the United States, to the extent the value of the transfers exceeds the amount of the exclusions authorized by section 2503 and the deductions authorized by sections 2521 (as in effect prior to its repeal by the Tax Reform Act of 1976), 2522, and 2523. For each "calendar period" (as defined in § 25.2502-1(c)(1)), the tax described in this paragraph (a) is imposed on the transfer of property by gift during such calendar period.

* * * * *

Par. 4. Section 25.2502-1 is amended as follows:

(a) Paragraph (a) is revised to read as set forth below.

(b) Paragraph (b) is revised to read as set forth below.

(c) Paragraph (c) is revised to read as set forth below.

(d) Example (1) of paragraph (d) is revised to read as set forth below.

(e) Example (2) of paragraph (d) is amended by removing "in accordance with rate schedule in paragraph (b)" and inserting in lieu thereof "in accordance with the rate schedule in effect for the year 1955".

(f) Example (3) of paragraph (d) is amended by removing "using rate schedule in paragraph (b) of this section" each time it appears in Example (3) and inserting in lieu thereof "in accordance with the rate schedule in effect for the year 1955". Example (3)(i) is further amended by adding "provided under section 2521, which was in effect at the time," after "Only $25,000 of H's specific exemption".

(g) Example (4)(i) of paragraph (d) is amended by adding "provided under section 2521, which was in effect at the time," after "only $20,000 of her specific exemption".

(h) Example (5) of paragraph (d), is amended by removing "§ 25.2503-2(a)" and inserting in lieu thereof "§ 25.2503-2(b)", by removing "paragraph (a)(1)" and inserting in lieu thereof "paragraph (a)", by removing "preceding calendar years and calendar quarters" from the table and inserting in lieu thereof "preceding calendar periods", and by removing "in accordance with the rate schedule in paragraph (b)" from the table and inserting in lieu thereof "in accordance with the rate schedule in effect for the year 1971".

(i) Paragraph (d) is amended by adding a new example (6) immediately after example (5) to read as set forth below.

§ 25.2502-1 Rate of tax.

(a) *Computation of tax.* The rate of tax is determined by the total of all gifts made by the donor during the calendar period and all the preceding calendar periods since June 6, 1932. See § 25.2502-1(c)(1) for the definition of "calendar period" and § 25.2502-1(c)(2) for the definition of "preceding calendar periods." The following six steps are to be followed in computing the tax:

(1) *First step.* Ascertain the amount of the "taxable gifts" (as defined in

§ 25.2503–1) for the calendar period for which the return is being prepared.

(2) *Second step.* Ascertain "the aggregate sum of the taxable gifts for each of the preceding calendar periods" (as defined in § 25.2504–1), considering only those gifts made after June 6, 1932.

(3) *Third step.* Ascertain the total amount of the taxable gifts which is the sum of the amounts determined in the first and second steps.

(4) *Fourth step.* Compute the tentative tax on the total amount of taxable gifts (as determined in the third step) using the rate schedule in effect at the time the gift (for which the return is being filed) is made.

(5) Fifth step. Compute the tentative tax on the aggregate sum of the taxable gifts for each of the preceding calendar periods (as determined in the second step), using the same rate schedule set forth in the fourth step of this paragraph (a).

(6) *Sixth step.* Subtract the amount determined in the fifth step from the amount determined in the fourth step. The amount remaining is the gift tax for the calendar period for which the return is being prepared.

(b) *Rate of tax.* The tax is computed in accordance with the rate schedule in effect at the time the gift was made as set forth in section 2001(c) or corresponding provisions of prior law.

(c) *Definitions.* (1) The term "calendar period" means:

(i) Each calendar year for the calendar years 1932 (but only that portion of such year after June 6, 1932) through 1970;

(ii) Each calendar quarter for the first calendar quarter of the calendar year 1971 through the last calendar quarter of calendar year 1981; or

(iii) Each calendar year for the calendar year 1982 and each succeeding calendar year.

(2) The term "preceding calendar periods" means all calendar periods ending prior to the calendar period for which the tax is being computed.

(d) * * *

Example (1). Assume that in 1955 the donor made taxable gifts, as ascertained under the first step (paragraph (a)(2) of this section), of $62,500 and that there were no taxable gifts for prior years, with the result that the amount ascertainable under the third step is $62,500. Under the fourth step a tax is computed on this amount. Reference to the tax rate schedule in effect in the year 1955 discloses that the tax on this amount is $7,650.

* * * * *

Example (6). A makes gifts (other than gifts of future interests in property) during the calendar year 1982 of $160,000 to B and $100,000 to C. Two exclusions of $10,000 each are allowable, in accordance with the provisions of section 2503(b), which results in taxable gifts for 1982 of $240,000. In the first calendar quarter of 1978, A made taxable gifts totaling $100,000 on which gift tax was paid. For the calendar year 1969, A made taxable gifts totaling $50,000. The full amount of A's specific exemption provided under section 2521, which was in effect at the time, was claimed and allowed in 1968. The computation of the gift tax for the calendar period 1982 (following the steps set forth in paragraph (a) of this section) is shown below.

(1) Amount of taxable gifts for the calendar year 1982, $240,000.

(2) Total amount of taxable gifts for preceding calendar periods ($100,000 + $50,000), $150,000.

(3) Total taxable gifts, $390,000.

(4) Tax computed on item 3 (in accordance with the rate schedule in effect for the year 1982), $118,400.

(5) Tax computed on item 2 (using same rate schedule), $38,800.

(6) Tax for year 1982 (item 4 minus item 5), $79,600.

Par. 5. The fifth sentence of § 25.2502–2 is revised to read as set forth below.

§ 25.2502–2 Donor primarily liable for tax.

* * * If a husband and wife effectively signify consent, under section 2513, to have gifts made to a third party during any "calendar period" (as defined in § 25.2502–1(c)(1)) considered as made one-half by each, the liability with respect to the gift tax of each spouse for that calendar period is joint and several (see § 25.2513–4). * * *

* * * * *

Par. 6. Section 25.2503–1 is revised to read as set forth below.

§ 25.2503–1 General definitions of "taxable gifts" and of "total amount of gifts."

The term "taxable gifts" means the "total amount of gifts" made by the donor during the "calendar period" (as defined in § 25.2502–1(c)(1)) less the deductions provided for in sections 2521 (as in effect before its repeal by the Tax Reform Act of 1976), 2522, and 2523 (specific exemption, charitable, etc., gifts and the marital deduction, respectively). The term "total amount of gifts" means the sum of the values of the gifts made during the calendar period less the amounts excludable under section 2503(b). See § 25.2503–2. The entire value of any gift of a future interest in property must be included in the total amount of gifts for the calendar period in which the gift is made. See § 25.2503–3.

Par. 7. Section 25.2503–2 is amended as follows:

(a) Paragraphs (a) and (b) are redesignated as (b) and (c) respectively, and a new paragraph (a) is added immediately prior to redesignated paragraphs (b) and (c) to read as set forth below.

(b) Paragraph (b), as redesignated in this document, is amended by inserting "and before January 1, 1982" after "December 31, 1970".

§ 25.2503–2 Exclusions from gifts.

(a) *Gifts made after December 31, 1981.* The first $10,000 of gifts made to any one donee during calendar year 1982 or any calendar year thereafter except gifts of future interests in property as defined in §§ 25.2503–3, and 25.2503–4, is excluded in determining the total amount of gifts for the calendar year. In the case of a gift in trust the beneficiary of the trust is the donee.

* * * * *

Par. 8. Section 25.2503–3 is amended as follows:

(a) The first sentence of paragraph (a) is amended by removing "calendar quarter (calendar year in the case of gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined § 25.2502–1(c)(1))".

(b) The second sentence of paragraph (a) is removed.

Par. 9. Section 25.2504–1 is amended as follows:

(a) Paragraph (a) is revised to read as set forth below.

(b) Paragraph (b) is revised to read as set forth below.

(c) Paragraph (c) is revised to read as set forth below.

(d) The first sentence of paragraph (d) is revised to read as set forth below.

§ 25.2504–1 Taxable gifts for preceding calendar periods.

(a) In order to determine the correct gift tax liability for any calendar period it is necessary to ascertain the correct amount, if any, of the aggregate sum of the taxable gifts for each of the "preceding calendar periods" (as defined in § 25.2502–1(c)(2)). See paragraph (a) of § 25.2502–1. The term "aggregate sum of the taxable gifts for each of the preceding calendar periods" means the correct aggregate of such gifts, not necessarily that returned for those calendar periods and in respect of which tax was paid. All transfers that constituted gifts in prior calendar periods under the laws, including the provisions of law relating to exclusions from gifts, in effect at the time the transfers were made are included in determining the amount of taxable gifts for preceding calendar periods. The deductions other than for the specific exemption (see paragraph (b) of this section) allowed by the laws in effect at the time the transfers were made also

are taken into account in determining the aggregate sum of the taxable gifts for preceding calendar periods. (The allowable exclusion from a gift is $5,000 for years before 1939, $4,000 for the calendar years 1939 through 1942, $3,000 for the calendar years 1943 through 1981, and $10,000 thereafter.)

(b) In determining the aggregate sum of the taxable gifts for the "preceding calendar periods" (as defined in § 25.2502–1(c)(2)), the total of the amounts allowed as deductions for the specific exemption, under section 2521 (as in effect prior to its repeal by the Tax Reform Act of 1976) and the corresponding provisions of prior laws, shall not exceed $30,000. Thus, if the only prior gifts by a donor were made in 1940 and 1941 (at which time the specific exemption allowable was $40,000), and if in the donor's returns for those years the donor claimed deductions totaling $40,000 for the specific exemption and reported taxable gifts totaling $110,000, then in determining the aggregate sum of the taxable gifts for the preceding calendar periods: the deductions for the specific exemption cannot exceed $30,000, and the donor's taxable gifts for such periods will be $120,000 (instead of the $110,000 reported on the donor's returns). (The allowable deduction for the specific exemption was $50,000 for calendar years before 1936, $40,000 for calendar years 1936 through 1942, and $30,000 for 1943 through 1976.)

(c) If the donor and the donor's spouse consented to have gifts made to third parties considered as made one-half by each spouse, pursuant to the provisions of section 2513 or section 1000(f) of the Internal Revenue Code of 1939 (which corresponds to Section 2513), these provisions shall be taken into account in determining the aggregate sum of the taxable gifts for the preceding calendar periods (under paragraph (a) of this section).

(d) If interpretations of the gift tax law in preceding calendar periods resulted in the erroneous inclusion of property for gift tax purposes that should have been excluded, or the erroneous exclusion of property that should have been included, adjustments must be made in order to arrive at the correct aggregate of taxable gifts for the preceding calendar periods (under paragraph (a) of this section). * * *

Par. 10. Section 25.2504–2 is revised to read as set forth below.

§ 25.2504–2 Valuation of certain gifts for preceding calendar periods.

Section 2504(c) provides that if the valuation of a transfer for gift tax purposes with respect to a gift made in a "preceding calendar period," as defined in § 25.2502–1(c)(2), is at issue, and if the statutory period within which an assessment may be made with respect to the gift has expired and a tax has been actually assessed or paid for such prior calendar period, then the value of the gift, for purposes of arriving at the correct amount of the taxable gifts for the preceding calendar periods (under § 25.2504–1(a)), is the value that was used in computing the tax for the last preceding calendar period for which a tax was assessed or paid under chapter 12 of the Internal Revenue Code of 1954 or the corresponding provisions of prior laws. However, this rule will not prevent an adjustment in value where no tax was paid or assessed for the prior calendar period. Furthermore, this rule does not apply to adjustments involving issues other than valuation. See paragraph (d) of § 25.2504–1.

§ 25.2511–1 [Amended]

Par. 11. Section 25.2511–1 is amended as follows:

(a) The second sentence of paragraph (d) is amended by removing "calendar quarter (or calendar year)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(b) The last sentence of paragraph (d) is removed.

§ 25.2511–2 [Amended]

Par. 12. Section 25.2511–2 is amended as follows:

(a) The third from last sentence of paragraph (f) is amended by removing "calendar quarter or calendar year" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(b) The next to last sentence of paragraph (f) is removed.

(c) The first sentence of paragraph (j) is amended by removing "calendar quarter or calendar year" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(d) The last sentence of paragraph (j) is removed.

Par. 13. Section 25.2513–1 is amended as follows:

(a) The second sentence of paragraph (a) is amended by removing "calendar quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(b) The last sentence of paragraph (a) is removed.

(c) The first sentence of paragraph (b) is amended by removing "calendar quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1)", and by removing "calendar quarter (or calendar year)" and inserting in lieu thereof "calendar period".

(d) The third sentence of paragraph (b) is amended by removing "calendar quarter (or calendar year)" and inserting in lieu thereof "calendar period" and by removing "calendar quarter or calendar year" and inserting in lieu thereof "calendar period".

(e) Paragraph (b)(1) is amended by removing "calendar quarter or calendar year" each time it appears and inserting in lieu thereof "calendar period".

(f) Paragraph (b)(2) is amended by removing "calendar quarter or calendar year" each time it appears and inserting in lieu thereof "calendar period".

(g) Paragraph (b)(5) is amended by removing "calendar quarter or calendar year" each time it appears and inserting in lieu thereof "calendar period".

(h) Paragraph (c) is revised to read as set forth below.

§ 25.2513–1 Gifts by husband or wife to third party considered as made one-half by each.

* * * * *

(c) If a husband and wife consent to have the gifts made to third party donees considered as made one-half by each spouse, and only one spouse makes gifts during the "calendar period" (as defined in § 25.2502–1(c)(1)), the other spouse is not required to file a gift tax return provided: (1) The total value of the gifts made to each third party donee since the beginning of the calendar year is not in excess of $20,000 ($6,000 for calendar years prior to 1982), and (2) no portion of the property transferred constitutes a gift of a future interest. If a transfer made by either spouse during the calendar period to a third-party represents a gift of a future interest in property and the spouses consent to have the gifts considered as made one-half by each, a gift tax return for such calendar period must be filed by each spouse regardless of the value of the transfer. (See § 25.2503–3 for the definition of a future interest.)

* * * * *

§ 25.2513–2 [Amended]

Par 14. Section 25.2513–2 is amended as follows:

(a) The first sentence of paragraph (a)(1) is amended by removing "calendar quarter (a calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(b) The next to last sentence of paragraph (a)(1) is amended by removing "calendar quarter (or a calendar year)" and inserting in lieu thereof "calendar period".

(c) The last sentence of paragraph (a)(1) is amended by removing "§ 25.6075–1" and inserting in lieu thereof "§§ 25.6075–1 and 25.6075–2".

(d) The first sentence of paragraph (a)(2) is amended by inserting "For gifts made after December 31, 1970, and before January 1, 1982," prior to "Subject to the limitations", and by removing "Subject" and inserting "subject".

(e) Paragraph (b) is amended by redesignating paragraph (b)(1) as paragraph (b)(2) and paragraph (b)(2) as (b)(1) and by placing redesignated paragraph (b)(2) immediately following redesignated paragraph (b)(1).

(f) The first sentence of paragraph (b)(1), as redesignated by this document, is amended by removing "With respect to gifts made before January 1, 1971" and inserting in lieu thereof "With respect to gifts made after December 31, 1981, or before January 1, 1971".

(g) The first sentence of paragraph (b)(2), as redesignated by this document is amended by removing "With respect to gifts made after December 31, 1970" and inserting in lieu therefore "With respect to gifts made after December 31, 1970 and before January 1, 1982".

(h) Paragraph (d) is amended by removing "calender quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

§ 25.2513–3 [Amended]

Par. 15. Section 25.2513–3 is amended as follows:

(a) Paragraph (a) is amended by redesignating paragraph (a)(1) as paragraph (a)(2) and paragraph (a)(2) as (a)(1) and by placing redesignated paragraph (a)(2) immediately following redesignated paragraph (a)(1).

(b) The first sentence of paragraph (a)(1), as redesignated by this document, is amended by removing "With respect to gifts made before January 1, 1971" and inserting in lieu thereof "With respect to gifts made after December 31, 1981, or before January 1, 1971".

(c) The first sentence of paragraph (a)(2), as redesignated by this document, is amended by removing "With respect to gifts made after December 31, 1970" and inserting in lieu thereof "With respect to gifts made after December 31, 1970, as before January 1, 1982".

(d) The last sentence of paragraph (a)(2), as redesignated by this document, is removed.

§ 25.2513—4 [Amended]

Par. 16. Section 25.2513–4 is amended as follows:

(a) The first sentence is amended by removing "calendar quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" " (as defined in § 25.2502–1(c)(1))".

(b) The last sentence is removed.

§ 25.2514–3 [Amended]

Par. 17. Section 25.2514–3 is amended as follows:

(a) The next to last sentence of paragraph (c)(2) is amended by removing "calendar year or calendar quarter" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(b) The last sentence of paragraph (c)(2) is removed.

§ 25.2516–1 [Amended]

Par. 18. Section 25–2516–1 is amended as follows:

(a) The first sentence of paragraph (b) is amended by removing "calendar quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1))".

(b) The last sentence of paragraph (b) is removed.

§ 25.2517–1 [Amended]

Par. 19. Section 25.2517–1 is amended as follows:

(a) The next to last sentence of paragraph (a)(1) is amended by removing "calendar quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof " "calendar period" (as defined in § 25.2502–1(c)(1)".

(b) The last sentence of paragraph (a)(1) is removed.

§ 25.2522(a)–1 [Amended]

Par. 20. The first sentence of paragraph (a) of § 25.2522(a)–1 is amended by removing "in determining the amount of taxable gifts for the calendar quarter as defined in § 25.2502–1(c)(1) (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof "In determining the amount of taxable gifts for the "calendar period" (as defined in § 25.2502–1(c)(1))", and by removing "calendar quarter or calendar year" and inserting in lieu thereof "calendar period".

§ 25.2524–1 [Amended]

Par. 21. Section 25.2524–1 is amended by removing "calendar quarter (with respect to gifts made after December 31, 1970) or calendar year (with respect to gifts made before January 1, 1971)" and inserting in lieu thereof "calendar period" (as defined in § 25.2502–1(c)(1))". Section 25.2524–1 is further amended by adding ",which was in effect at the time" following "section 2521" within the parenthesis, in the second sentence.

§ 25.6075–1 [Amended]

Par. 22. (a) Section 25.6075–1 is redesignated as § 25.6075–2 and a new § 25.6075–1 to read as set forth below is added immediately following § 25.6065–1.

(b) Section 25.6075–2, as redesignated by this document, is amended as follows:

(1) The heading of § 25.6075–2, as redesignated in this document, is amended by removing "after December 31, 1976" and inserting in lieu thereof "after December 31, 1976, and before January 1, 1982".

(2) Paragraph (a)(2)(ii) is amended by removing "For gifts made on or after January 1, 1979" and inserting in lieu thereof "For gifts made after December 31, 1978, and before January 1, 1982".

(3) Paragraph (b)(2)(ii) is amended by removing "For gifts made on or after January 1, 1979" and inserting in lieu thereof "For gifts made after December 31, 1978, and before January 1, 1982".

(4) Paragraph (e) is amended by removing "December 31, 1976" and inserting in lieu thereof "December 31, 1976, and before January 1, 1982".

§ 25.6075–1 Returns, time for filing gift tax returns for gifts made after December 31, 1981.

(a) *In general.* Except as provided in paragraphs (b) (1) and (2) of this section, a return required to be filed under section 6019 for gifts made after December 31, 1981, must be filed on or before the 15th day of April following the close of the calendar year in which the gift was made.

(b) *Special rules*—(1) *Extensions.* Except as provided in paragraph (b)(2) of this section, if a taxpayer files an income tax return on the calendar year basis and the taxpayer is granted an extension of time for fiing the return of income tax imposed by Subtitle A of the Internal Revenue Code, then such taxpayer shall also be deemed to have been granted an extension of time for filing the gift tax return under section 6019 for such calendar year equal to the extension of time granted for filing the income tax return. See section 6081 and the regulations thereunder for rules relating to extension of time for filing returns.

(2) *Death of donor.* Where a gift is made during the calendar year in which the donor dies, the time for filing the return made under section 6019 shall not be later than the time (including extensions) for filing the return made under section 6018 (relating to estate tax returns) with respect to such donor. In addition, should the time for filing the estate tax return fall later than the 15th day of April following the close of the calendar year, the time for filing the gift tax return shall be on or before the 15th day of April following the close of the calendar year, unless an extension (not extending beyond the time for filing the estate tax return) was granted for filing the gift tax return. If no estate tax return is required to be filed, the time for filing the gift tax return shall be on or before the 15th day of April following the close of the calendar year, unless an extension was granted for filing the gift tax return.

(c) Paragraphs (a) and (b) may be illustrated by the following examples.

Example (1). Donor makes a taxable gift on April 1, 1982, for which a return must be made under section 6019. Donor files the income tax return on the calendar year basis. The donor was granted a 4-month extension from April 15, 1983 to August 15, 1983, in which to file the 1982 income tax return. Under these circumstances, the donor is not required to file the gift tax return prior to August 15, 1983. See paragraph (b)(1) of this section.

Example (2). Donor makes a taxable gift on April 1, 1982, for which a return must be made under section 6019. The donor dies on May 1, 1982. Under these circumstances, since the due date for filing the estate tax return, February 1, 1983 (assuming an estate tax return under 6018 was required to be filed), falls prior to the due date for the gift tax return (as specified in section 6075(b)(1)), the last day for filing the gift tax return is February 1, 1983. See paragraph (b)(2) of this section.

Example (3). The facts are the same as in example (2), except the donor dies on November 30, 1982. Although the estate tax return if due on or before August 30, 1983, the last day for filing the gift tax return is April 15, 1983. See paragraph (b) of this section.

Example (4). The facts are the same as in example (3), except that the executor receives a 4-month extension for filing the decedent's income tax return. Under these circumstances, the last day for filing the gift tax return is August 15, 1983. See paragraphs (b) (1) and (2) of this section.

Example (5) The facts are the same as in example (3), except that the donor-decedent receives an extension of 6 months for filing the gift tax return. See section 6081 and § 25.6081. Since section 6075(b)(3) and § 25.6075–2(b) provide that the time for filing the gift tax return made under section 6019 shall not be later than the time (including extensions) for filing the estate tax return made under section 6018, the last day for filing the gift tax return is August 30, 1983.

(d) See section 7503 and § 301.7503–1 concerning the timely filing of a return that falls due on a Saturday, Sunday of legal holiday. As to additions to the tax for failure to file the return within the prescribed time, see section 6651 and § 301.6651–1.

PART 301—[AMENDED]

Par. 23. Paragraph (c) of § 301.6212–1 is amended by removing "calendar quarter (calendar year with respect to gifts made before January 1, 1971)" and inserting in lieu thereof "calendar period" (as defined in § 25.2502–1(c)(1))".

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].

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: August 19, 1983.

Ronald A. Pearlman,
Acting Assistant Secretary of the Treasury.

[FR Doc. 83-24436 Filed 9-6-83; 8:45 am]
BILLING CODE 4830-01-M

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26 CFR Part 301

[T.D. 7911]

Disclosures of Returns and Return Information to Officers and Employees of Department of Labor and Pension Benefit Guaranty Corporation

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to disclosures of returns and return information to officers and employees of the Department of Labor and the Pension Benefit Guaranty Corporation for purposes of administering titles I and IV of the Employee Retirement Income Security Act of 1974 ("ERISA"). These regulations affect disclosures of returns and return information under section 6103(l)(2) of the Internal Revenue Code of 1954 and provide Internal Revenue Service personnel with the guidance needed to comply with the law.

DATES: These amendments are to be effective with respect to disclosures of returns and return information made after September 7, 1983.

FOR FURTHER INFORMATION CONTACT: Mitchell H. Rapaport of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, attention: CC:LR:T (202–566–3288).

SUPPLEMENTARY INFORMATION:

Background

On August 3, 1982, the **Federal Register** published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6103 of the Internal Revenue Code of 1954 (47 FR 33519). These amendments were proposed to make revisions in the manner in which the Internal Revenue Service may disclose additional tax information to the Department of Labor and the Pension Benefit Guaranty Corporation which may be necessary to administer title I or IV of ERISA. No written comments responding to this notice were received, and no public hearing was requested or held. Those proposed amendments are adopted as revised by this Treasury decision.

Explanation of Provisions

ERISA, enacted in 1974, imposes upon three agencies, the Department of Labor, the Pension Benefit Guaranty Corporation, and the Internal Revenue Service, the responsibility for its administration. Because these statutory administrative responsibilities involve a high degree of coordinated effort and cooperation among these agencies, often involving exchanges of information, section 1022(h) of ERISA amended section 6103 of the Internal Revenue Code to authorize the Service to disclose tax information to the Department of Labor and the Pension Benefit Guaranty Corporation for purposes of administering titles I and IV of ERISA. When section 6103 was revised by the Tax Reform Act of 1976, this disclosure authority was provided in what is now section 6103(l)(2).

These regulations would permit the Service, in connection with the automatic disclosure of any item within 27 specifically described categories of returns and return information, to voluntarily disclose to the Department of Labor and the Pension Benefit Guaranty Corporation such additional tax information as the Service determines is or may be necessary in the administration of title I or IV of ERISA. This additional disclosure would be permitted only where the Commissioner has received an annual written request for such disclosure from the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate. This additional disclosure authority would enhance the coordination of the various administration responsibilities imposed

by ERISA and the ability of the Department of Labor and the Pension Benefit Guaranty Corporation to carry out their statutory functions under titles I and IV. In addition, § 301.6103(l)(2)–3(a) has been amended to permit the written request required by that paragraph to be made together with the written request for additional disclosure under § 301.6103(l)(2)–3(b)(ii).

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this Treasury decision is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 29, 1983.

Regulatory Flexibility Analysis

The Secretary of the Treasury has certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

Drafting Information

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

List of Subjects in 26 CFR 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 Part 301 is amended as follows:

The last sentence of paragraph (a) of § 301.6103(l)(2)–3, relating to disclosures following general requests, and paragraph (b) of § 301.6103(l)(2)–3, relating to additional returns and return information subject to disclosure to officers and employees of the Department of Labor and the Pension Benefit Guaranty Corporation, are revised to read as follows:

§ 301.6103(l)(2)–3 Disclosure to Department of Labor and Pension Benefit Guaranty Corporation of certain returns and return information.

(a) *Disclosures following general requests.* * * * Disclosure of returns or return information as provided by this paragraph will be made only following receipt by the Commissioner of Internal Revenue or his delegate of an annual written request for such disclosure by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate describing the categories of returns or return information to be disclosed by the Service and the particular purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of the Department of Labor or such corporation to whom such disclosure is authorized.

(b) *Additional returns and return information subject to disclosure*—(1) *Returns and return information relating to automatic notification.* (i) Subject to the requirements of subparagraph (3)(i) of this paragraph, officers or employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation for purposes of, but only to the extent necessary in, the administration of title I or IV of the Act additional return and return information relating to any item described in paragraph (a) of this section.

(ii) Subject to the requirements of subparagraph (3)(ii) of this paragraph, in connection with the disclosure of any item as provided by paragraph (a) of this section, officers and employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation such additional returns and return information relating to such item as the Service determines are or may be necessary in the administration of title I or IV of the Act.

(2) *Other returns and return information.* Subject to the requirements of subparagraph (3)(i) of this paragraph, officers or employees of the Service may disclose to officers and employees of the Department of Labor or the Pension Benefit Guaranty Corporation returns and return information (other than returns and return information disclosed as provided by paragraph (a) of this section or § 301.6103(l)(2)–1 or § 301.6103(l)(2)–2 for purposes of, but only to the extent necessary in, administration of title I or IV of the Act.

(3) *Procedures.* (i) Disclosure of returns or return information by officers or employees of the Service as provided by subparagraph (1)(i) or (2) of this paragraph will be made only following receipt by the Commissioner of Internal Revenue or his delegate of a written request for such disclosure by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate identifying the particular taxpayer by whom such return was made or to whom such return information relates, describing the particular returns or return information to be disclosed, stating the purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of such department or corporation to whom such disclosure is authorized.

(ii) Disclosure of returns or return information by officers or employees of the Service as provided by subparagraph (1)(ii) of this paragraph will be made only following receipt by the Commissioner of Internal Revenue or his delegate of an annual written request for such disclosure by the Secretary of Labor or his delegate or the Executive Director of the Pension Benefit Guaranty Corporation or his delegate stating the purpose for which the returns or return information is needed in the administration of title I or IV of the Act, and designating by title the officers and employees of such department or corporation to whom such disclosure is authorized

* * * * *

This Treasury decision is issued under the authority contained in sections 6103(q) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1685, 68A Stat. 917; 26 U.S.C. 6103(q) and 7805).

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

Approved: August 26, 1983.

John E. Chapoton,
Assistant Secretary of the Treasury.

[FR Doc. 83-24433 Filed 9-6-83; 8:45 am]
BILLING CODE 4830-01-M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-144; Re: Notice No. 442]

Establishment of the Ohio River Valley Viticultural Area

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Indiana, Ohio, West Virginia and Kentucky known as "Ohio River Valley." The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will help consumers better identify wines they purchase. The use of this viticultural area as an appellation of origin will also help winemakers distinguish their products from wines made in other areas.

EFFECTIVE DATE: October 7, 1983.

FOR FURTHER INFORMATION CONTACT: John A. Linthicum, (202) 566-7602.

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definitive viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area.

Mr. John A. Garrett, proprietor of Villa Milan Vineyards located in Milan, Indiana, petitioned ATF for the establishment of a viticultural area in Indiana, Ohio, West Virginia and Kentucky to be known as "Ohio River Valley." In response to this petition, ATF published a notice of proposed rulemaking (Notice No. 442) in the **Federal Register** on December 14, 1982 (47 FR 55961) proposing the establishment of the Ohio River Valley viticultural area.

General Description

The area consists of approximately 26,000 square miles. There are 570 acres of grapevines growing in the proposed area. There are 463 grape growers and 18 wineries in the proposed area.

There are 42 counties which are wholly included in the proposed area and 55 counties which are partially included. However, the portions of Rowan County, Kentucky, and Hocking County, Ohio, included in the area are almost entirely public park lands.

The Ohio River Valley is rich in winemaking tradition. One of the leading American winemakers of the Nineteenth Century, Nicholas Longworth, producted one of the nation's first sparkling wines in the Ohio River Valley. His wines were praised in a poem, "Ode to Catawba Wine," written by the famous American poet Henry Wadsworth Longfellow. Ohio was the leading wine producing State in 1859, producing more than one-third of the national total. Black rot and powdery mildew destroyed nearly all of the Ohio River Valley vineyards around the time of the American Civil War.

Name. The Iroquois word "Ohyui," meaning "great river," was applied to the Ohio River by the earliest cartographers, Henricus Hondius (1631), and Johann Baptist Homann (c. 1718), who modernized the spelling to its current form "Ohio." In the Northwest Ordinance of 1787, Congress used the Ohio River in describing the southern boundaries of the territories which became the States of Illinois, Indiana, and Ohio, establishing the application of the name Ohio to the river from Pennsylvania to its confluence with the Mississippi River. There is voluminous additional evidence supporting application of the name Ohio to the river flowing from Pittsburgh, Pennsylvania to the Mississippi River at Cairo, Illinois.

Geographical Features. The proposed Ohio River Valley viticultural area, consisting of the Ohio River Minor Tributaries Hydrological Sub-Basin, excludes areas in western Kentucky and southern Illinois which are predominantly marshy, and areas north of 40 degrees north latitude parallel where the growing season is generally less than 175 days.

The area is characterized by a distinctive rainfall pattern, called "Ohio Type" by Robert DeCourcy Ward in *The Climates of the United States.* One characteristic of "Ohio Type" rainfall is accumulated rainfall in excess of 2.5 inches within a 24-hour period. This phenomenon occurs monthly except in October and could be expected to cause severe flood damage were it not for two other distinctive features of the proposed area. The moderate to slow permeability of the dominant soil group, Gray-Brown Podzolic, and the general topography of the valley permit rapid drainage of the excessive rains.

Gray-Brown Podzolic soils are not dominant in the surrounding area, making it another distinctive feature of the proposed area.

The area is also distinguished by a unique climate influenced by winds traveling up the river valley from the Mississippi River valley, orginating in the Gulf of Mexico. The climate within a few miles of the river is more moderate, with less dramatic temperature extremes during the growing season, than other areas of similar latitude.

Comments

In response to Notice No. 442, ATF received 23 comments, as follows: 10 from grape-growers, including 6 who are also winemakers, 4 from State government officials, 3 from winemaker associations, 2 from members of Congress, and 4 others. All of the commenters were in favor of establishment of the Ohio River Valley viticultural area, although some commenters suggested changes to the area as proposed. The following is a summary of some of the comments.

Stone Quarry Winery, located in Waterford, Ohio, stated that grapes purchased from southwest Ohio, southern Indiana, and Kentucky all have exactly the same unique characteristics which are quite different from the same grape varieties grown in northern Ohio or upstate New York. This comment supports the claim that there are geographical features affecting the viticultural features which distinguish the area from its surroundings.

In Notice No. 442, ATF specifically asked for comments on whether such a large area could be a meaningful appellation of origin for consumers. The petitioner's comment argues that large areas are more meaningful to consumers than small areas. He states that "French Burgundy" is more widely asked for by consumers than any of the myriad names of districts in Burgundy. The names of the subdivisions may be more meaningful to a connoisseur but the average consumer is more likely to use the name of a larger overall district. The Ohio River Valley viticultural area is large because the valley itself is large. The area meets the criteria by being geographically distinguished from its surroundings. It is a more meaningful appellation of origin than "American" or the names of the States involved.

Charles D. McIntosh, a winemaker located in Bethel, Ohio, proposed that the States of Kentucky and West Virginia be deleted from the Ohio River Valley viticultural area because they contribute very little to the wine industry. However, this is not one of the regulatory criteria used to establish a viticultural area. Mr. McIntosh also proposed that the word "River" be deleted from the name of the approved

area. ATF believes that the name "Ohio Valley" implies an area confined to one State. While it is natural for residents to drop the word "river" in naming their valley, consumers from other parts of the United States might be confused. Most consumers outside the immediate area might not associate the States of Indiana, Kentucky or West Virginia with the name "Ohio Valley." "Ohio River Valley" is a less confusing name since most consumers could associate the river with more than one State. Also, "Ohio Valley" could be more easily confused with an Ohio State appellation while "Ohio River Valley" would be less likely to be confused with a "State" appellation. Mr. McIntosh also proposed that the Ohio portion of the valley be named "Ohio Valley" and the Indiana portion of the valley be named "Lower Ohio Valley." ATF believes that the Ohio-Indiana State line is not a geographic feature which affects the viticultural characteristics of the Ohio River Valley. Moreover, the name Ohio River Valley applies equally to the valley in any State.

Boundary Adopted as Proposed

Based on the comments received, ATF is establishing the Ohio Valley viticultural area as proposed in Notice No. 442. ATF believes that the Ohio River Valley is distinguished from the surrounding area by its unique topography, climate and soil. These unifying geographic characteristics distinguish the valley from areas located a short distance inland from the river.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this final rule because it will not have a significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this final rule will not have a significant economic impact on a substantial number of small entities.

Compliance With E.O. 12291

In compliance with Executive Order 12291 the Bureau has determined that this regulation is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This regulation is issued under the authority in 27 U.S.C. 205. Accordingly, 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Par. 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.78. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.78 Ohio River Valley.

Par. 2. Subpart C is amended by adding § 9.78. As added, § 9.78 reads as follows:

§ 9.78 Ohio River Valley.

(a) *Name.* The name of the viticultural area described in this section is "Ohio River Valley."

(b) *Approved maps.* The approved maps for determining the boundary of the Ohio River Valley viticultural area are 12 U.S.G.S. topographic maps in the scale 1:250,000, as follows:

(1) Paducah NJ 16-7 (dated 1949, revised 1969);

(2) Belleville NJ 16-4 (dated 1958, revised 1977);

(3) Vincennes NJ 16-5 (dated 1956, revised 1969);

(4) Louisville NJ 16-6 (dated 1956, revised 1969);

(5) Cincinnati NJ 16-3 (dated 1953, revised 1974);

(6) Columbus NJ 17-1 (dated 1967);

(7) Clarksburg NJ 17-2 (dated 1956, limited revision 1965);

(8) Canton NJ 17-11 (dated 1957, revised 1969);

(9) Charleston NJ 17-5 (dated 1957, limited revision 1965);

(10) Huntington NJ 17-4 (dated 1957, revised 1977);

(11) Winchester NJ 16-9 (dated 1957, revised 1979); and

(12) Evansville NJ 16-8 (dated 1957, revised 1974);

(c) *Boundary.* The Ohio River Valley viticultural area is located in Indiana, Ohio, West Virginia and Kentucky. The boundary description in paragraphs (c)(1)-(c)(21) of this section includes, for each point, the name of the map sheet (in parentheses) on which the point can be found.

(1) The beginning point is the point at which the Kentucky, Illinois, and Indiana State lines converge at the confluence of the Wabash River and the Ohio River (Paducah map).

(2) The boundary follows the Illinois-Indiana State line northerly (across the Belleville map) to Interstate Route 64 (Paducah map).

(3) From the intersection of Interstate Route 64 and the Wabash River, the boundary proceeds in a straight line northeasterly to the town of Oatsville in Pike County, Indiana (Vincennes map).

(4) The boundary proceeds in a straight line southeasterly to the point in Spencer County, Indiana, at which State Route 162 diverges northerly from U.S. Route 460, which is knownlocally as State Route 62 (Vincennes map).

(5) The boundary proceeds in a straight line northeasterly to the point in Harrison County, Indiana, at which State Route 66 diverges northerly from State Route 64 (Vincennes map).

(6) The boundary proceeds in a straight line northeasterly (across the Louisville map) to the town of New Marion in Ripley County, Indiana (Cincinnati map).

(7) The boundary proceeds in a straight line northerly to the town of Clarksburg in Decatur County, Indiana (Cincinnati map).

(8) The boundary proceeds in a straight line easterly to the town of

Ridgeville in Warren County, Ohio (Cincinnati map).

(9) The boundary proceeds in a straight line southeasterly to the town of Chapman in Jackson County, Ohio (Columbus map).

(10) The boundary proceeds in a straight line northeasterly to the town identified on the map as Hesboro, also known as Ilesboro, in Hocking County, Ohio (Columbus map).

(11) The boundary proceeds in a straight line northeasterly to the town of Tacoma in Belmont County, Ohio (Clarksburg map).

(12) The boundary proceeds in a straight line easterly to the town of Valley Grove in Ohio County, West Virginia (Canton map).

(13) The boundary proceeds in a straight line southerly to the town of Jarvisville in Harrison County, West Virginia (Clarksburg map).

(14) The boundary proceeds in a straight line southwesterly to the town of Gandeeville in Roane County West Virginia (Charleston map).

(15) The boundary proceeds in a straight line southwesterly to the town of Atenville in Lincoln County West Virginia (Huntington map).

(16) The boundary proceeds in a straight line westerly to the town of Isonville in Elliott County, Kentucky (Huntington map).

(17) The boundary proceeds in a straight line northwesterly to the town of Berlin in Bracken County, Kentucky (Louisvilie map).

(18) The boundary proceeds in a straight line westerly to the town of Dry Ridge in Grant County, Kentucky (Louisville map).

(19) The boundary proceeds in a straight line southwesterly to the town of Crest in Hardin County, Kentucky (Winchester map).

(20) The boundary proceeds in a straight line westerly to the intersection of State Route 56 and U.S. Route 41 in the city of Sebree in Webster County, Kentucky (Evansville map).

(21) The boundary proceeds in a straight line northwesterly to the beginning point (Paducah map).

Signed: August 1, 1983.

Stephen E. Higgins,

Director.

Approved: August 16, 1983.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 83-24427 Filed 9-6-83; 8:45 am]

BILLING CODE 4910-31-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 251

Geological and Geophysical Explorations on the Outer Continental Shelf

Correction

In FR Doc. 83-23008, beginning on page 37967 in the issue of Monday, August 22, 1983, make the following corrections:

1. On page 37968, third column, first line, "assigned" should have read "and assigned".

2. Same column, § 251.7-2, fourth line "The shall" should have read "This shall".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR 165

[Third Coast Guard District Reg. CCGD3-83-49]

Safety Zone Regulations; New York, New Jersey, New York Harbor

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in New York, New Jersey, New York Harbor. This zone is needed to protect vessels from the safety hazards associated with the fireworks display being held near Liberty Island. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATES: This regulation is effective at 7:30 PM E.D.S.T. 08 September 1983 and terminates at 8:30 PM E.D.S.T. 08 September 1983.

FOR FURTHER INFORMATION CONTACT: Commander M. W. Pierson, Captain of the Port, New York (212)-668-7917.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to public interest since immediate action is needed to respond to any potential hazards.

Drafting information: The drafters of this regulation are Lieutenant G. W. Chappell, Project Officer for the Captain of the Port, and Lieutenant Commander J. J. D'Alessandro, Project Attorney, Third Coast Guard District Legal Office.

Discussion of regulation: The circumstances requiring this regulation result from the potential hazard to navigation associated with the fireworks display being held near Liberty Island.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, part 165 of Title 33, Code of Federal Regulations, is amended by adding 165-T-03-369 to read as follows:

§ 165-T-03-369 Safety Zone: New York, New Jersey, New York Harbor.

(a) *Location.*—The following area is a Safety Zone: the waters within a boundary of Federal Anchorage 20 "C" around Liberty Island.

(b) *Regulations.*—(1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

(33 U.S.C. 1225 and 1231; 49 CFR 1.46; 33 CFR 165.3)

Dated: August 30, 1983.

M. W. Pierson,

Commander, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 83-24292 Filed 9-6-83; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Part 668

Student Assistance General Provisions; Registration With Selective Service

AGENCY: Department of Education.

ACTION: Final rule; notice of further revision of schedule.

SUMMARY: The Secretary of Education amends the notice announcing the schedule for implementation of the regulations on registration with Selective Service as a condition for receipt of student financial assistance. The purpose of this amendment is to afford institutions of higher education ample time to begin implementing the regulations.

EFFECTIVE DATE: June 24, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. William Moran, Office of Student Financial Assistance, U.S. Department

of Education, 400 Maryland Ave., SW., (Room 4100, Regional Office Building 3), Washington, D.C. 20202. Telephone: (202) 245-2247.

SUPPLEMENTARY INFORMATION: On July 6, 1983, the Secretary of Education published a notice announcing a schedule for initial implementation of the regulations for the Student Assistance General Provisions—Selective Service Registration Requirements (48 FR 31175). On July 22, 1983 the Secretary revised that schedule for initial implementation in order to allow additional time for institutions of higher education to begin implementation of these regulations (48 FR 33695).

PART 668—[CORRECTED]

In order to allow further time for institutions of higher education to begin implementing these regulations, the Secretary is revising the initial schedule as follows:

On page 31175, column 2, in numbered paragraph (1), line 10, the July 31, 1983 date is changed to read "September 30, 1983."

On page 31175, column 2, in the last full paragraph, line 1, the August 1, 1983 date is changed to read "October 1, 1983."

On page 31175, column 3, in the first and second lines, the July 31, 1983 date is changed to read "September 30, 1983."

On page 31175, column 3, in the sixth and seventh lines, the August 1, 1983 date is changed to read "October 1, 1983."

(20 U.S.C. 1091, 1094; 50 U.S.C. App. 462)

Dated: September 1, 1983.

(Catalog of Federal Domestic Assistance Numbers: Supplemental Educational Opportunity Grant Program, 84.007; Guaranteed Student Loan program, 84.032; PLUS program, 84.032; College Work-Study program, 84.033; National Direct Student Loan program, 84.038; Pell Grant program, 84.063; State Student Incentive Grant program, 84.069)

T. H. Bell,

Secretary of Education.

[FR Doc. 83-24378 Filed 9-6-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 219

National Forest System Land and Resource Management Planning

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule revises 36 CFR 219.17, Wilderness designation. The rule directs reevaluation through forest planning of those National Forest System roadless and undeveloped areas recommended in 1979 for wilderness designation or designated for nonwilderness uses. Reevaluation does not apply to those roadless areas which have been designated as wilderness or for nonwilderness uses, or released from further consideration for wilderness by law. The revised rule is necessary to respond to a recent court ruling that the environmental statement on which the 1979 roadless area decisions were based did not adequately meet the National Environmental Policy Act requirements.

EFFECTIVE DATE: October 7, 1983.

FOR FURTHER INFORMATION CONTACT: Comments or questions on this final rule may be addressed to Charles R. Hartgraves, Director, Land Management Planning, Forest Service, USDA, Room 4021–South Building, P.O. Box 2417, Washington, D.C. 20013, (202) 447–6697.

SUPPLEMENTARY INFORMATION:

Background

In January 1979 the Forest Service issued a national environmental impact statement documenting the results of a review of 62 million acres of roadless and undeveloped areas within the National Forest System (RARE II). On the basis of the environmental impact statement, the Department of Agriculture announced decisions to recommend that Congress designate 15.1 million acres as wilderness, to continue to study an additional 10.8 million acres, and to manage the remaining 36 million acres for multiple uses other than wilderness. Consistent with those decisions, the regulations governing National Forest Land and Resource Management Planning specify, at 36 CFR 219.17, that the 36 million acres are to be managed for nonwilderness uses and that no such area will be considered for wilderness designation until a forest plan is revised.

In 1979, the State of California filed a lawsuit challenging the adequacy of the RARE II Environmental Impact Statement as the basis for deciding to manage 47 roadless areas in California for uses other than wilderness. In October 1982, the U.S. Court of Appeals for the Ninth Circuit ruled that the RARE II Environmental Impact Statement did not adequately meet the requirements of the National Environmental Policy Act (NEPA) with regard to evaluation of environmental consequences of the actions proposed for these areas. *California, et al. v. Block, et al.*, Nos. 80–4101, 80–111, 80–4112, 80–4115, 80–4218 (Ninth Circuit, October 22, 1982). The Ninth Circuit ruling leaves the regulation at 36 CFR 219.17 vulnerable to future court challenge unless it is changed to direct further NEPA evaluation of these areas.

The recommendations that Congress designate other National Forest System roadless areas as wilderness also were left vulnerable to future court challenge by the Ninth Circuit ruling. These decisions relied on the same evaluation that was found inadequate under NEPA by the court. The court's decision also left unanswered the question of whether administrative decisions to recommend individual roadless areas for wilderness designation or to manage them for uses besides wilderness may be made outside the forest planning process required by the National Forest Management Act and described in 36 CFR Part 219.

For these reasons, this rule removes the prohibition against further consideration for potential wilderness designation of those roadless areas made available to nonwilderness uses as a result of RARE II. In order to minimize future risk of court challenge, the rule directs that all roadless areas reviewed in RARE II or identified in existing unit and forest plans, and any other areas that may be determined by the Forest Supervisor are subject to evaluation for their wilderness designation potential in current and future forest planning cycles. This direction applies if the roadless area remains essentially roadless and undeveloped, and if it has not been designated wilderness or released for nonwilderness uses by an Act of Congress. The rule is so written that this direction is subject to existing and future legislation by Congress. For example, in regard to National Forest roadless areas in Alaska, Colorado, Indiana, Missouri, New Mexico, and West Virgina, Congress has ratified the legal adequacy of the RARE II Environmental Impact Statement and study process and has prohibited further review of roadless areas for wilderness designation potential in each State except as provided in the respective statutes.

The Administration supports such legislative solutions, and is providing relevant information to Congress upon request to expedite resolution.

The final rule recognizes that considerable evaluation of roadless areas has already been completed in RARE II and existing plans. Nevertheless, draft forest plans which have been published and accompanying draft environmental impact statement

documents may be amended and supplemented accordingly (see 40 CFR 1502.9).

All evaluations will include consideration of the items currently listed in 36 CFR 219.17(b)(2), as well as address the concerns described in the *California v. Block* decision. Additional evaluation will fully utilize existing information and analysis available for roadless areas from RARE II and other sources, but will not be bound by past recommendations for or against wilderness designation for these areas. Under the rule, information and analysis in addition to that available from RARE II and other sources will be developed for each area that is subject to evaluation. For each area designated for evaluation, the determinaton of the significant resource issues will be developed with public participation.

Except as they may be modified through the legislative process, RARE II wilderness recommendations or management of areas for non-wilderness uses on individual National Forests will be determined through the forest planning process. Any such changes will be implemented only with adequate notice to Congress and the public.

Analysis of Public Comment

A notice of the proposed revision to the National Forest System Land and Resource Management Planning rules was published on April 18, 1983, (48 FR 16505) with a request for public comments to be received on or before June 17, 1983.

The proposed rule generated modest public interest. A total of 38 responses were received on the proposed rule as follows:

Type of respondent	Number of comments received	Percent of the total
Citizens	21	55
Environmental organizations	4	10
Resource development businesses	9	25
State and Federal agencies	4	10
Total	38	100

Ten of the respondents did not specifically address the proposed rule change but were concerned with protecting existing wilderness, and/or adding to the present wilderness system. Eight respondents had suggestions not germane to the rule or to the necessity for it. Those comments which specifically addressed the proposed rule can be placed into three categories: (1) Favored the proposed rule without modification, (2 respondents); (2) favored the proposed rule with some modification (12 respondents); and (3) opposed the proposed rule, (5 respondents). One letter was illegible.

All comments and suggestions were reviewed and considered in preparation of this final rule.

Responses are available for review at the office of Charles R. Hartgraves, Director, Land Management Planning Staff, Forest Service, USDA, Room 4021 South Building, 12th and Independence Avenue, SW., Washington, D.C.

The following discussion summarizes the comments and suggestions received which specifically addressed the proposed revisions of 36 CFR 219.17(a), followed by the Department's response to these comments:

1. *Comment:* The evaluation of the areas should follow all forest planning steps in order to assure a thorough review and analysis of the responses and environmental effects.

Response: Specific analysis procedures have been prepared for Forest use in reevaluating these areas and are consistent with the Forest planning process as directed by 36 CFR 219.12.

2. *Comment:* We object to including public lands adjacent to the Forest in the evaluation process.

Response: The final rule clarifies that it specifically applies to the National Forest System. A comprehensive evaluation must consider all effects, including the effects of recommended wilderness on adjacent lands and the effects of adjacent lands on the area being evaluated. This is consistent with both the NFMA and NEPA requirements. The Forest Service will coordinate its planning with the planning of other Federal, public land management agencies such as the Bureau of Land Management and National Park Service wilderness studies.

3. *Comment:* The inclusion of essentially roadless areas in the evaluation is inconsistent with the purpose of RARE II and the intent of the Wilderness Act.

Response: The term "essentially roadless" is consistent with criteria used to develop the RARE II inventory. It conveys the notion that while the absence of roads is a standard, past developments under some circumstances should not necessarily preclude consideration of an area for wilderness potential. Therefore, the term is retained in the current rule.

4. *Comment:* We recommend including reference to § 219.22 (Mineral Resources) in this section of the rule.

Response: The evaluation of roadless areas will be done within the framework of the Forest planning process, which includes consideration of all resources. Since mineral consideration is already expressed as a requirement in § 219.22, it need not be repeated in § 219.17.

5. *Comment:* Include in the body of the rule exclusion (release) of those States where Congress has ratified the legal adequacy of the RARE II EIS, and specifically prohibit further review of these areas.

Response: Wilderness legislation which includes release language already exists for some States and is being actively considered for several others. The rule does not specify each specific area or State excluded because amendments to the rule would be needed each time a new exclusion was brought about by legislation.

6. *Comment:* Include National Grasslands in the reevaluation.

Response: The NFMA planning process applies to the National Forest System (NFS), which includes the National Forests and National Grasslands. Therefore, National Grassland components are included in roadless area reevaluations.

7. *Comment:* The provisions of the Federal Land Policy and Management Act should be applied in Forest planning to designate utility corridors, thus removing such areas from further consideration for wilderness designation.

Response: NFMA Forest planning (36 CFR 219.27), following standards and guidelines in Regional Guides (36 CFR 219.9), will consider designating lands for transportation and utility corridor purposes along with other possible uses for these same areas, including wilderness use.

8. *Comment:* All roadless areas in the National Forest System should be included in the reevaluation, not just those included in RARE II.

Response: The final rule is written to permit evaluation of other essentially roadless areas in addition to those previously inventoried in RARE II, a unit plan or a Forest plan. The rule has been modified to make clear that the role of public participation is to help define the significant resource issues. This will assist the Forest Service in defining the scope and depth of analysis needed to resolve the issues.

9. *Comment:* Further study or reevaluation of our wilderness areas is not needed and would be an improper use of public funds.

Response: Many respondents misinterpreted the rule, believing that currently designated wilderness areas would also be subject to reevaluation. The rule does not apply to roadless areas which have been designated as wilderness by an Act of Congress.

10. *Comment:* With respect to my State, the RARE II Environmental Impact Statement is adequate. Additional expenditures for wilderness studies in this State are not warranted.

Response: RARE II decisions are vulnerable to legal challenge unless the deficiencies found by the Ninth Circuit Court are overcome. Two alternatives for doing so are reasonable: (1) Through restudy of the roadless areas in question through the NFMA Forest planning process, or (2) a legislative solution whereby Congress designates certain roadless areas as wilderness and releases other ones from further review for potential addition to the National Wilderness Preservation System. The legislative solution has been used in six States to date, and bills are pending in the House or Senate for several others.

11. *Comment:* Reevaluation of RARE II areas recommended for wilderness designation is inappropriate. The court found that the RARE II FEIS was legally insufficient to support nonwilderness decisions and specifically rejected allegations that RARE II recommendations for wilderness designations were insufficient.

Response: The court did not address whether wilderness designation recommendations were legally insufficient because no such claim was made by plaintiff in the original suit. Litigation was thus limited to the single issue of nonwilderness designation decisions failing to follow prescribed procedures. Notwithstanding the court's focus only on the nonwilderness component of the RARE II decision, the procedure used by the Forest Service to arrive at its wilderness designations was the same procedure used to arrive at nonwilderness recommendations. Since the court found the process legally insufficient for one, it can reasonably be assumed to be insufficient for the other, even though the court did not address this issue. Consequently, the Forest Service decided to subject its RARE II wilderness recommendations to reevaluation in NFMA Forest planning along with the nonwilderness decision.

12. *Comment:* The Forest Service should not be permitted to develop nonwilderness RARE II areas while simultaneously studying these same areas for their wilderness potential.

Response: The court's findings in *California v. Block* apply only to 47 RARE II areas in California. Unless successfully challenged elsewhere, the RARE II decision remains the basis Nation-wide for planning, scheduling, and implementing a variety of nonwilderness multiple use management activities. However, these activities may be dropped or modified as a consequence of the RARE II reevaluation in NFMA Forest planning.

Finding of No Significant Environmental Impact

This rule change is not a major Federal action significantly affecting the quality of the human environment and, therefore, does not require the preparation of an environmental impact statement. The change is procedural only and directs further evaluation of environmental consequences of actions as part of the land and resource management planning process. The regulation change, therefore, has no potential for significant effect on the physical and biological components of the human environment.

Regulatory Impact

The Assistant Secretary for Natural Resources and Environment has determined that the rule is "nonmajor" as defined in Executive Order 12291. Therefore, a regulatory impact analysis is not required for this rulemaking. The rule requires the Forest Service to further study roadless areas as part of a legally required planning process. Increases in costs of planning to the Forest Service are necessary to avoid even greater costs to the government from further delay and other disruption of planning and management activities due to legal challenges. The rule, therefore, would not cause a major increase in cost or prices to consumers, individual industries, Federal, State, or local government agencies, a geographic region. It would not have an annual effect on the economy of $100 million or more, or have significant adverse effect on competition, employment, investment, productivity, innovation, or ability of United States based enterprises to compete with foreign based enterprises.

The Assistant Secretary for Natural Resources and Environment has also determined that this rule will not have a significant economic impact on a substantial number of small entities. The proposed rule imposes no direct or indirect costs on small entities. It imposes no paperwork or recordkeeping requirement as defined in the Paperwork Reduction Act of 1980; it does not affect the competitive position of small entities in relation to large entities; it does not affect the ability of a small entity to stay in the market, and it does not require that small entities obtain professional assistance to meet regulatory requirements.

List of Subjects in 36 CFR Part 219

Environmental impact statements, National forests.

PART 219—PLANNING [AMENDED]

Therefore, for the reasons set forth in the preamble, 36 CFR Part 219, Subpart A, is amended as follows:

1. The authority citation for 36 CFR 219, Subpart A reads as follows:

Authority: Secs. 6 and 15, 90 Stat. 2949, 2952, 2958 (16 U.S.C.) 1604, 1613); and 5 U.S.C. 301.

2. Section 219.17 is amended by changing the title from "Wilderness Designation" to "Evaluation of Roadless Areas"; by removing paragraph (a); by renumbering paragraph (b) as (a); by revising the introductory text of redesignated paragraphs (a) and (a)(1), and by revising paragraphs (a)(1)(i), and the introductory text of (a)(2) to read as follows:

§ 219.17 Evaluation of roadless areas.

(a) Unless otherwise provided by law, roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential wilderness areas during the forest planning process, as provided in paragraphs (a)(1) and (a)(2) of this section.

(1) During analysis of the management situation, the following areas shall be subject to evaluation:

(i) Roadless areas including those previously inventoried in the second roadless area review and evaluation (RARE II), in a unit plan, or in a forest plan, which remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for nowilderness uses by law. In addition, other essentially roadless areas may be subject to evaluation at the discretion of the Forest Supervisor.

* * * * *

(2) For each area subject to evaluation under paragraph (a)(1) of this section, the determination of the significant resource issues, which in turn affect the detail and scope of evaluation required by the Forest Service, shall be developed with public participation. As a minimum, the evaluation shall include consideration of:

* * * * *

Dated: August 22, 1983.

Douglas W. MacCleery,

Deputy Assistant Secretary for Natural Resources and Environment.

[FR Doc. 83-24382 Filed 9-6-83; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2F2728/R600; PH-FRL 2427-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Iprodione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide iprodione, its isomer, and its metabolites in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of the pesticide was requested pursuant to a petition by Rhone-Poulenc, Inc.

EFFECTIVE DATE: Effective on September 7, 1983.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: By mail: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. Office location and telephone number: Rm. 229, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 22, 1982 (47 FR 41854), which announced that Rhone-Poulenc, Inc., P.O. Box 125, Monmouth Junction, NJ 08852, had submitted pesticide petition 2F2728 to EPA proposing that 40 CFR 180.399 be amended by establishing tolerances as follows:

1. For residues of the fungicide iprodione 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its metabolites 3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide and 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodities almond nutmeat at 0.05 ppm and almond hulls at 0.25 ppm.

2. For the combined residues of 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its nonhydroxylated metabolites, typically 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide, by converting the nonhydroxylated phenyl ring moiety to the *N*-heptaflurobutyrate derivative of 3-,5-dichloroaniline common moiety, as iprodione equivalents in or on the raw agricultural commodities meat and meat byproducts (meat, kidney, fat, and liver) of cattle, goats, hogs, horses, and sheep at 0.80 ppm.

3. For the combined residues of 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide, 3-(3,5-dichloro-4-hydroxyphenyl)-ureido carboxamide by converting, respectively, the hydroxylated and the nonhydroxylated moiety to the 4-methoxy-3,5-dichloroaniline and the 3,5-dichloroaniline heptaflurobutyrates, as iprodione equivalents in or on the commodity milk at 0.15 ppm.

EPA issued an amended notice in the **Federal Register** of April 6, 1983 (48 FR 15003) which announced that Rhone-Poulenc, Inc., had requested the petition be amended in 2. and 3. above as follows:

By decreasing the tolerance levels for meat and meat byproducts (meat, kidney, fat, liver) of cattle, goats, hogs, horses, and sheep from 0.80 ppm to 0.1 ppm.

By decreasing the tolerance level for milk from 0.15 ppm to 0.02 ppm.

EPA issued an amended notice published in the **Federal Register** of August 17, 1983 (48 FR 37283), which announced that Rhone-Poulenc, Inc., had requested that the petition be amended in 2. and 3. above as follows:

1. By changing the expression of residues to the combined residues of 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its nonhydroxylated metabolites (expressed as iprodione equivalents) in or on the raw agricultural commodities fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm.

2. By changing the expression of residues to the combined residues of 3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide and its nonhydroxylated and hydroxylated metabolites (expresse as iprodione equivalents) in or on the raw agricultural commodity milk at 0.02 ppm.

There were no comments received in response to the notices of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerances include a 2-year rat-feeding study with a no-observed-effect level (NOEL) of 1,000 ppm (50 milligrams per kilogram of body weight per day (mg/kg/day)); an 18-month mouse oncogenic study, negative for oncogenic potential at 1,250 ppm (187.5 mg/kg/day); a 3-generation rat reproduction study with a NOEL of 500 ppm (25 mg/kg/day); and a mutagenicity study in the mouse with no evidence of mutagenicity or adverse effect on fertility at 1,500 and 6,000 ppm.

Data currently lacking include a teratology study in a second species and mutagenicity studies including at least the following: (1) DNA repair; (2) gene mutation, mammalian, preferably in vitro; and (3) chromosomal aberration, mammalian preferably in vitro.

The acceptable daily intake (ADI) based on the 3-generation rat reproduction study (NOEL of 25 mg/kg/day) and using a 100-fold safety factor is calculated to be 0.2500 mg/kg/day. The maximum permissible intake (MPI) for a 6-kg human is calculated to be 15.00 mg/day. The theoretical maximum residue contribution (TMRC) from existing tolerances for a 1.5-kg daily diet is calculated to be 1.0310 mg/day (for a 60-kg person), which represents 6.87 percent of the ADI. The current action will contribute 0.0248 mg/day to the TMRC and will result in a total ADI use of 7.04 percent.

The nature of the residues is adequately understood, and an analytical method, gas chromatography using an electron capture detector, is available for enforcement purposes. Any secondary residues in meat or milk resulting from the feeding of almond hulls to livestock will be adequately covered by this action. There are currently no actions pending against the continued registration of the chemical.

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the

Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: August 24, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.399 is revised to read as follows:

§ 180.399 Iprodione; tolerances for residues.

(a) Tolerances are established for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide], its isomer 3-(1-methylethyl)-*N*-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide, and its metabolite 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidine-carboxamide in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds, hulls	0.25
Almonds, meat	0.05
Apricots	20.0
Cherries (sour)	20.0
Cherries (sweet)	20.0
Kiwi fruit	10.0
Nectarines	20.0
Peaches	20.0
Plums	20.0
Prunes	20.0

(b) Tolerances are established for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide] and its nonhydroxylated metabolites (expressed as iprodione equivalents) in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, mbyp	0.1
Goat, fat	0.1
Goat, meat	0.1
Goat, mbyp	0.1
Hog, fat	0.1
Hog, mbyp	0.1
Horses, fat	0.1
Horses, mbyp	0.1
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mbyp	0.1

(c) A tolerance of 0.02 part per million is established for the combined residues of the fungicide iprodione [3-(3,5-dichlorophenyl)-*N*-(1-methylethyl)-2,4-dioxo-1-imidazolidinecarboxamide] and its nonhydroxylated and hydroxylated metabolites (expressed as iprodione equivalents) in or on the raw agricultural commodity milk.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a (d)(2)))

[FR Doc. 83-24143 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 71]

ADP Contracting; Correction

AGENCY: General Services Administration.

ACTION: Temporary regulation; correction.

SUMMARY: This document corrects a temporary regulation on ADP Contracting that appeared on page 37031 in the **Federal Register** of Tuesday, August 16, 1983 (48 FR 37031).

FOR FURTHER INFORMATION CONTACT: David R. Mullins or Phillip R. Patton, Policy Branch (KMPP), Office of Information Resources Management (202) 566-0194.

PART 1-4—[AMENDED]

Accordingly, the General Services Administration corrects FR Doc. 83-22165 as follows:

1. On page 37031, in the third colum, in paragraph 1.b., in the second line, "Administrator of" is corrected to read "Administrator for".

2. On page 37032, in the third column, § 1-4.1102-1(a)(7) is corrected by removing the reference at the end of paragraph (a)(7). Paragraph (a)(7) is corrected to read as follows:

§ 1-4.1102-1 Automatic data processing equipment.

* * * * *

(a) * * *

(7) Equipment used in office automation applications that is designed to be controlled by a general purpose data processing language primarily to be applied through the internal execution of series of instructions, not limited to specific key stroke functions, and designed to process a variety of applications.

* * * * *

3. On page 37036, in the first column, paragraph b., in the fifteenth line, "Administrator for Information Resources" is corrected to read "Administrator for Information Resources Management".

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Frank J. Carr,

Assistant Administrator, Office of Information Resources Management.

Dated: August 25, 1983.

[FR Doc. 83-24379 Filed 9-6-83; 8:45 am]

BILLING CODE 6820-25-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Ch. 7

[AIDPR Notice 84-1]

Revision of Noncompetitive Procurement Coverage

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: This AIDPR Notice implements FPR Amendment 230 on maximizing the use of competition and minimizing the number of noncompetitive procurements. The Agency's coverage of noncompetitive negotiation that conflicted with the new FPR coverage has been removed or revised; however, three circumstances that are unique to the Foreign Assistance Program have been retained to supplement the eight FPR circumstances permitting noncompetitive procurement. The three circumstances are: contracts for personal services aboard under Section 636(a)(3) of the Foreign Assistance Act of 1961, as amended; procurements of $100,000 or less by overseas procuring activities; and procurements where the Assistant Administrator responsible for the program determines that only one source should be solicited on the basis that procurement from any other source would impair foreign assistance objectives and would be inconsistent with fulfillment of the foreign assistance program.

EFFECTIVE DATE: This AIDPR Notice is effective on August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Frank L. Calkins, M/SER/CM/SD/POL, Agency for International Development, Washington, D.C. 20523. Telephone (703) 235–9107.

SUPPLEMENTARY INFORMATION: This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Section 8(b) of the Order, by the Director, OMB, in a letter dated April 8, 1981, as amended on October 4, 1982. The determination required by paragraph 4a of OFPP Policy Letter 80–5, and the certification required by the Regulatory Flexibility Act have been made and are included in the body of this AIDPR Notice.

List of Subjects in 41 CFR Part 7

Government procurement.

PART 7–3—PROCUREMENT BY NEGOTIATION

1. The subpart table of contents is revised as follows:

Subpart 7–3.1—Use of Negotiation

Sec.
7–3.102–50 Adaptability to overseas conditions.
7–3.103–50 Debriefing of unsuccessful offerors.
7–3.103–51 Lead time for preparation and submission of bids or proposals.
7–3.107 Justification of noncompetitive procurements.
7–3.107–50 Additional circumstances permitting noncompetitive procurements.
7–3.107–51 Authority to approve noncompetitive procurements.

Authority: Sec. 621, 75 Stat. 445, as amended (22 U.S.C. 2381).

§ 7–3.101–50 [Removed]

2. Section 7–3.101–50 Justification for noncompetitive negotiation is removed.

3. A new § 7–3.107 is added, as follows:

§ 7–3.107 Justification of noncompetitive procurements.

In addition to the eight circumstances permitting noncompetitive procurements in FPR 1–3.107(a), the Agency also has the three circumstances set forth in § 7–3.107–50. The three additional circumstances are based on the unique authorities of the Foreign Assistance Act of 1961, as amended, and are justified as being necessary to effectively carry out the Foreign Assistance Program.

4. A new § 7–3.107–50 is added as follows:

§ 7–3.107–50 Additional circumstances permitting noncompetitive procurements.

(a) There are three additional circumstances where noncompetitive negotiation may be permissible; these are set out in paragraphs (b), (c), and (d) of this section. In each of these cases, however, consideration of as many sources as is practicable, including informal solicitation to the maximum extent practicable, is required. In each case, the contract file will include appropriate explanation and support justifying the noncompetitive award.

(b) An award, under section 636(a)(3) of the Foreign Assistance Act of 1961, as amended, involving a personal services contractor serving abroad (see Appendix F of this Chapter).

(c) An award of $100,000 or less by any overseas procuring activity (i.e., a Mission as defined in AIDPR 7–1.256).

(d) An award for which the Assistant Administrator responsible for the program makes a formal written determination, with supporting findings, that procurement from any other source would impair foreign assistance objectives, and would be inconsistent with the fulfillment of the Foreign Assistance Program.

5. A new § 7–3.107–51 is added as follows:

§ 7–3.107–51 Authority to approve noncompetitive procurements.

(a) Authority to approve noncompetitive procurements is separate from and *in addition to* any delegation of contracting authority. While a contracting official may have been delegated unlimited contracting authority, his/her authority to approve noncompetitive procurements is limited by this section.

(b) Authority to approve noncompetitive procurements under FPR 1–4.910 and AIDPR 7–3.107–50(d) rests with the Assistant Administrator having the program responsibility.

(c) Authority to approve noncompetitive procurements under both FPR 1–3.107(a)(5) and (a)(6) rests with the head of the agency, as defined in AIDPR 7–1.206.

(d) Authority to approve noncompetitive procurements under FPR 1–3.107(a)(1), (2), (3), (4), (7), (8) and AIDPR 7–3.107–50(b), executed by AID/Washington, is based on the estimated cost of the procurement and is assigned as follows:

Dollar amount	Approving authority
(1) 0 to $10,000	The contracting officer.
(2) $10,000 to $100,000	Cognizant M/SER/CM Division Chief.
(3) $100,000 to $250,000	Director or Deputy Director, M/SER/CM.
(4) Over $250,000	The Noncompetitive Review Board.

(e) Authority to approve noncompetitive procurements under FPR 1–3.107 (a) (1), (2), (3), (4), (7), (8) and AIDPR 7–3–107–50(b) and –50(c), excuted by a Mission, is based on the estimated cost of the procurement and is assigned as follows:

Dollar amount	Approving authority
(1) 0 to $10,000	The Mission contracting officer, if other than the Mission Director.
(2) 0 to $100,000	The Mission Director.
(3) Over $100,000	The Mission Noncompetitive Review Board.

(f) The Mission Noncompetitive Review Board is appointed by the Mission Director, who serves as Chairman of the Review Board. As a minimum, Review Board membership must include in addition to the Chairman, the Mission or Regional Legal Advisor (or the Deputy Director if no Legal Advisor is available at the Mission), and a senior project officer not concerned with the procurement under consideration by the Review Board. The Mission Noncompetitive Review Board has jurisdiction over both Mission procurements and procurements being awarded by the Area Contracting Officer (ACO) serving the Mission. However, when a noncompetitive procurement exceeds either the Mission Director's or the ACO's contracting authority, as opposed to their authority to approve noncompetitive procurements (see paragraph (a) of this section), the Mission Director must first obtain and ad hoc redelegation of contracting authority for the noncompetitive procurement from M/SER/CM.

Determination

As required by paragraph 4a of OFPP Policy Letter 80–5, I hereby determine that this AIDPR Notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93–400, as amended by Pub. L. 96–83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act.

Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Certification

Pursuant to the Regulatory Flexibility Act, I hereby certify as the Agency's Procurement Executive that this regulation will not have a significant economic impact on a substantial number of small entities, including small

businesses, small organizational units and small governmental jurisdictions.

Dated: August 26, 1983.

John F. Owens,

Associate Assistant to the Administrator for Management.

[FR Doc. 83-24331 Filed 9-6-83; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1160 and 1168

[Ex Parte No. 55 (Sub-No. 56)]

Applications for Operating Authority Motor Passenger Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Amendment of final rules.

SUMMARY: The Commission has reopened this proceeding on its own motion and amended its rules at 49 CFR Parts 1160 and 1168, to permit a protesting party in an application for motor passenger carrier authority under 49 U.S.C. 10922(c)(1)(A), (c)(2)(A), or (c)(2)(B), to reply to an applicant's evidentiary submission regarding the impact of the proposed transportation on the public interest or on commuter bus operations. We have concluded that existing procedure is not sufficient to satisfy the requirements of due process when a protestant puts into issue the question of consistency with the public interest, or the effect on commuter services. We now believe due process standards require that a protesting party be given an opportunity to respond to evidence submitted contrary to its interests. The Commission has also amended its rules to clarify the scope of the applicant's evidence on reply under §§ 1160.83(b) and 1168.3(b) to make the regulations consistent with the discussion in the text of the earlier decision adopting the rules.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: Andrew Lyon, 202-275-7805; or Howell I. Sporn, 202-275-7691.

SUPPLEMENTARY INFORMATION: Following the enactment of the Bus Regulatory Reform Act of 1982, Pub. L. 97-261, 96 Stat. 1102 (1982), the Commission promulgated rules governing the processing of applications for motor passenger carrier operating authority. 47 FR 53260 November 19, 1982; 132 M.C.C. 62 (Nov. 19, 1982). Under the statute and the Commission's regulations, an applicant for such authority bears the burden of presenting evidence that it is fit, willing, and able to perform the operations, and to comply with the statute and the Commission's regulations. *See* 49 U.S.C. 10922(c)(1)(A), (c)(2)(A), and (c)(2)(B). A protesting party bears the burden of presenting evidence that the proposed service is not consistent with the public interest, *see* 49 U.S.C. 10922(c)(1)(A) and (c)(2)(B), or that the proposed service will have have an adverse effect on directly competing commuter operations, *see* 49 U.S.C. 10922(c)(2)(A). *See generally Applications For Operating Authority—Motor Passenger Carriers*, 47 FR 53260, 53262, (November 19, 1982).

Under the rules previously adopted by the Commission, we followed the usual sequence of events in a licensing proceeding, *i.e.*, the filing of an application followed by the filing of protest statements, and a reply by the applicant. *See* 49 CFR 1660 and 1168. We have now concluded that this procedure is not sufficient to satisfy the requirements of due process when a protestant puts into issue the question of consistency with the public interest, or the effect on commuter services.

When a party opposes an application on "public interest" grounds, *see* 49 CFR 1160.71(b), or on the basis of the effect on existing commuter operations, *see* 49 CFR 1168.3(h), the burden of proof is on the protesting party. Thus, the first evidence regarding public interest or commuter operations is presented in the protest, and applicant's first evidence on those subjects is presented in its reply statement. We have previously observed, in *Applications For Operating Authority—Motor Passenger Carriers, supra*, 47 FR 53262, that when a protestant raises the "public interest" issue an applicant may address any factor involved in public interest on reply. However, our rules do not afford an opportunity for the protestant to rebut the applicant's submission.

We now believe due process standards require that a protesting party be given an opportunity to respond to evidence submitted contrary to its interests. *See, e.g.*, 5 U.S.C. 556(d) ("A party is entitled to * * * submit rebuttal evidence. . . "); *National Trailer Convoy, Inc.* v. *United States*, 293 F. Sup. 634, 636 (N.D. Okla. 1968), and cases cited therein. The rules are amended here to ensure that protestants to motor passenger carrier applications will receive their full due process rights.

We will also take this opportunity to clarify a portion of the rules regarding applicant's reply to a protest in a passenger carrier application under 49 U.S.C. 10922 (c)(1)(A) or (c)(2)(B). Section 1160.83 of the rules states that a reply statement "may not contain new evidence." However, as we explained in *Applications For Operating Authority—Motor Passenger Carriers, supra*, 47 FR 53262, when a protestant puts into issue the question of consistency with the public interest, an applicant may, in its reply statement, offer any evidence addressing the public interest question. To avoid any confusion, we are amending 49 CFR 1160.83(b) to reflect the discussion in the underlying decision that any evidence submitted by an applicant in reply to a protestant's challenge on the public interest question is not "new evidence." Similarly, we are amending 49 CFR 1168.3(h) to correct any uncertainty in the regulations for applications under 49 U.S.C. 10922(c)(2)(A). These amendments merely put into the regulations the substance of the decision, and contain no substantive change in the regulations.

The amendments to our rules of practice will become effective upon publication in the **Federal Register**. We do not believe that notice and comment is required. Under 5 U.S.C. 553(b)(A), "rules or agency organization, procedure, or practice" are exempt from the notice and comment requirements of the Administrative Procedure Act. The amendments adopted here simply add due process protections for the public and incorporate into the body of the rules a statement of their previously announced effect. Thus the amendments do not have a substantial impact on the public, and do not require notice and comment. See *Commonwealth of Pennsylvania* v. *United States*, 361 F. Supp. 208, 220-22 (M.D. Pa.), *aff'd*, 414 U.S. 1017 (1973).

List of Subjects in 49 CFR Parts 1160 and 1168

Administrative practice and procedure, Buses.

(49 U.S.C. 10321 and 10922, and 5 U.S.C. 553.)

It is ordered:

1. The proceeding is reopened on our own motion for reconsideration.

2. Title 49, Part 1160, is amended by adding § 1160.95a, and by amending paragraph 1160.83(b), as set forth in the appendix.

3. Title 49, Part 1168, is amended by adding paragraph § 1168.4(e), and by amending paragraph § 1168.3(h), as set forth in the appendix.

4. This decision shall be effective on the date of publication in the **Federal Register**.

Decided: August 30, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix A

Title 49 of the CFR is amended as follows:

PART 1160—HOW TO APPLY FOR OPERATING AUTHORITY

1. Part 1160 is amended by adding new § 1160.95a, as follows:

§ 1160.95a Rebuttal in public interest applications.

(a) When a protestant has protested an application on public interest grounds as provided under § 1160.95, and an applicant has replied to the public interest arguments under § 1160.83, the protestant may file a rebuttal statement within 70 days of the **Federal Register** publication.

(b) The rebuttal statement may not contain new evidence. It shall only rebut or further explain matters previously raised.

(c) The rebuttal statement need not be notarized or verified. Protestant understands that the oath in the protest applies to all evidence submitted in the application. Separate legal argument by counsel need not be notarized or verified.

2. Part 1160 is amended by adding the following sentence to the end of § 1160.83(b):

§ 1160.83 Filing a reply statement.

* * * * *

(b) * * * However, if a protestant has raised the "public interest issue" under § 1160.95, an applicant may submit any reply evidence to the "public interest issue."

* * * * *

PART 1168—RULES GOVERNING THE ISSUANCE OF A CERTIFICATE TO PROVIDE REGULAR-ROUTE TRANSPORTATION OF PASSENGERS ENTIRELY IN ONE UNDER 49 U.S.C. 10922(c)(2)(A)

3. Part 1168 is amended by adding the following sentence to the end of § 1168.3(h):

§ 1168.3 Filing of applications.

* * * * *

(h) * * * However, if a protestant has raised the question of the effect on commuter bus service operations under § 1168.4(d)(6), an applicant may submit any reply evidence in response to the commuter service issue.

4. Part 1168 is amended by adding new paragraph (e) to § 1168.4 as follows:

§ 1168.4 Processing of applications.

* * * * *

(e) Filing a reply statement. If the protestant has filed a protest under § 1168.4(d)(6), and applicant has replied to the commuter operations arguments under § 1168.3(h), protestant may file a rebuttal statement at the Commission within 35 days after publication of the notice of the application in the **Federal Register.** The rebuttal statement shall contain no new evidence, but shall only rebut or further explain matters previously raised concerning commuter operations. The rebuttal need not be verified.

[FR Doc. 83-24374 Filed 9-6-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 174
Wednesday, September 7, 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

Soil Conservation Service

7 CFR Part 660

Cooperative Relationships and Arrangements

AGENCY: Soil Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Soil Conservation Service published the schedule for review of 7 CFR Part 660, Cooperative Relationships and Arrangements, in the Federal Register on October 28, 1982, at 47 FR 48310. SCS completed the review and proposes to remove and reserve 7 CFR Part 660 as the material in this part is now covered in the USDA uniform Federal assistance regulations and other agency directives.

DATE: Comments are due November 7, 1983.

ADDRESS: Written comments on the proposed action should be addressed to: Deputy Chief for Administration, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013, (202) 447–6297.

FOR FURTHER INFORMATION CONTACT: Wayne F. Maresch, Director, Administrative Services Division, Soil Conservation Service, USDA, P.O. Box 2890, Washington, D.C. 20013, or telephone (202) 447–5111.

SUPPLEMENTARY INFORMATION: Section 7 CFR 660.1 and 7 CFR 660.2 pertain to cooperative relationships and arrangements between SCS and nonfederal parties. This material was formulated in 1974 based on existing statutes, policies, authorities, and circumstances. At that time, cooperative agreements could be used to document a broad category of relationships involving mutual benefits. Since that time, the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95–224; 41 U.S.C. 501–509) has been enacted and implemented, and the U.S. Department of Agriculture (USDA) published the Uniform Federal Assistance Regulations (7 CFR 3015). These two related developments significantly impact the policy and procedures of §§ 660.1 and 660.2. The Act defines procurement and Federal assistance relationships and prescribes policies and procedures for those relationships that preempt any existing agency policy and procedures. The policy and procedures set forth in § 660.3 on cooperation with conservation districts are USDA in nature and scope. USDA policies and procedures are set forth in the USDA Directives System.

Section 660.4 largely pertains to administrative and internal personnel functions covered by other USDA directives and issuances.

List of Subjects in 7 CFR Part 660

Technical assistance, Water resources, Grant programs—natural resources.

David G. Unger,
Associate Chief.
August 31, 1983.

PART 660—[RESERVED]

Accordingly, Chapter VI of Title 7 would be amended by removing and reserving Part 660.

[FR Doc. 83-24413 Filed 9-6-83; 8:45 am]
BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[EDR–460B; Economic Regulations Docket 41496]

Tariffs; Extension of Comment Period

August 31, 1983.

AGENCY: Civil Aeronautics Board.

ACTION: Extension of Comment Period.

SUMMARY: The CAB is extending the comment and reply comment periods for 3 weeks for its notice of proposed rulemaking on justification of fares or rates outside the zones of flexibility. This action is taken on the Board's initiative in order to allow all interested persons sufficient time to comment on the proposal.

DATES: Comments by September 23, 1983.

Reply comments by October 7, 1983.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 41496, civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board 1825 Connecticut Avenue, NW., Washington, D.C., 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: In EDR–460, 48 FR 24916, June 3, 1983, the Board proposed to amend its tariff rules to require that U.S. and foreign air carriers justify fares or rates that are outside the zones of flexibility permitted by the Standard Foreign Rate Level. This amendment, if adopted, would also conform tariff-filing procedures to the changes made by the International Air Transportation Competition Act of 1979, which established zones of flexibility for foreign passenger fares, and a recent Board policy statement permitting zones of flexibility for cargo rates in foreign air transportation. The proposal was made at the Board's initiative in order to analyze more efficiently fares and rates submitted outside the zones. Comments on this rulemaking were originally due on August 2, 1983. The Board extended the comment period for 1 month and added a 2-week reply comment period by EDR–460A, 48 FR 34060, July 27, 1983, at the request of Pan Am and the Latin American Civil Aviation Conference.

The Board is aware of the widespread interest in this proposed rule. The staff has received some informal inquiries concerning the late filing of comments by carriers and foreign governments. The Board wants to ensure that all interested persons have an adequate opportunity to respond to both the proposal and the comments of others. In order to ensure the maximum amount of public discussion, the Board on its own initiative is extending both the comment period and the reply comment period for 3 weeks.

Accordingly, under authority delegated in 14 CFR 385.20(d), the comment period is hereby extended for

Docket 41496. Comments are now due September 23, 1983, and reply comments by October 7, 1983.

List of Subjects in Part 221

Air rates and fares, Credit, Explosives, Freight, and Handicapped.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788; 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

By the Civil Aeronautics Board.

Richard B. Dyson,

Associate General Counsel Rules and Legislation.

[FR Doc. 83-24423 Filed 9-6-83; 8:45 am]

BILLING CODE 6320-01-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 225, 226, and 227

Computation of Railroad Retirement Act Annuities

AGENCY: Railroad Retirement Board.

ACTION: Proposed rule.

SUMMARY: The Railroad Retirement Board is proposing regulations which explain the primary insurance amount (PIA) used to compute an employee, spouse, divorced spouse, or survivor annuity. Part 225 deals with the computation of primary insurance amounts used in the computation of the tier I components of railroad retirement annuities. Part 227 explains how to compute a supplemental annuity as provided under section 2(b)(1) of the Railroad Retirement Act of 1974.

DATE: Comments must be submitted on or before November 7, 1983.

ADDRESS: Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn Berg, Planning and Procedures Section, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4818 (FTS 751-4818).

SUPPLEMENTARY INFORMATION: The Railroad Retirement Board (Board) proposes to redesignate the current Part 225, Computation of Annuity, as Part 226, to add a new Part 225, Primary Insurance Amount Determinations, and a new Part 227, Computing Supplemental Annuities. The proposed new Part 225 explains the primary insurance amounts used to compute an employee, spouse, or survivor annuity. The current Part 225, is proposed to be redesignated as Part 226, but no other changes would be made to this Part at this time. The proposed new Part 227 explains how to compute a supplemental annuity as provided under section 2(b)(1) of the Railroad Retirement Act of 1974.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no Regulatory Impact Analysis is required. In addition, these parts do not impose any requirements for the collection of information within the meaning of the Paperwork Reduction Act of 1980.

List of Subjects

20 CFR Part 225

Retirement, Railroad retirement, Railroad employees, Pensions, Annuities.

20 CFR Part 226

Retirement, Railroad retirement, Railroad employees, Pensions, Annuities.

20 CFR Part 227

Retirement, Railroad retirement, Railroad employees, Pensions, Employee benefit plans, Annuities.

Title 20 CFR Chapter II, is proposed to be amended as follows:

1. The table of contents for Title 20, Chapter II, Railroad Retirement Board, Subchapter B, is proposed to be revised by redesignating the current Part 225, "Computation of annuity", as Part 226, adding a new Part 225 titled "Primary insurance amount", and adding a new Part 227 titled "Computing supplemental annuities".

PART 225—[REDESIGNATED AS PART 226]

2. Current 20 CFR Part 225 is proposed to be redesignated as Part 226 (and remains unchanged at this time).

3. A new 20 CFR Part 225 is proposed to be added as follows:

PART 225—PRIMARY INSURANCE AMOUNT DETERMINATIONS

Subpart A—General

Sec.

Subpart B—PIA's Used to Compute Employee and Spouse Annuities

Subpart C—PIA's Used to Compute Survivor Annuities and the Residual Lump Sum

Subpart D—Delayed Retirement Credits

Subpart E—Cost-of-Living Increases in PIA's

Subpart F—Recomputing PIA's

Authority: 45 U.S.C. 231b, 45 U.S.C. 231c, 45 U.S.C. 231f, sec. 1119, Pub. L. 97-35, 95 Stat. 632-635 (45 U.S.C. 231c).

Subpart A—General

§ 225.1 Introduction.

This part explains the primary insurance amounts (PIA's) used to compute an employee, spouse, divorced spouse, or survivor annuity. Included is an explanation of when and how delayed retirement credits are added to a PIA and when and how a PIA is recomputed. A primary insurance amount or PIA is the basis for computing the amount of a social security benefit. The various social security PIA formulas used are decribed in section 215 of the Social Security Act and and in the regulations of the Social Security Administration (20 CFR 404, Subpart C). PIA is used in this part to refer to every type of PIA formula unless otherwise specified. Parts 226, 228, and 229 of this chapter explain how PIA's are used in the annuity computation.

§ 225.2 Definitions.

As used in this part:

Average indexed monthly earnings means the monthly average determined by dividing the total indexed earnings used in computing a PIA by the total months in the years for which the earnings are credited. Indexed earnings

are determined under section 215(b) of the Social Security Act.

Average monthly wage is the result of dividing the total earnings used in computing a PIA by the total months in the years for which the earnings are credited.

Benefit computation years means the years used in computing the average monthly wage or average indexed monthly earnings. The number of benefit computation years is based on the employee's age or when the employee becomes disabled or dies.

Period of disability is a period during which an employee is disabled for work in any substantial gainful activity. A period of disability is not usually counted in figuring a disabled employee's average monthly wage or average indexed monthly earnings. This is explained in Part 220 of this chapter.

Special Minimum PIA means a primary insurance amount computed under a special formula to provide a higher benefit for wage earners with consistently low earnings. Delayed retirement credits are not added to a special minimum PIA. The special minimum PIA is used to compute a social security or railroad retirement benefit only if it is higher than any other type of PIA plus any delayed retirement credits. Years of coverage are used instead of an average monthly wage or average indexed monthly earnings to compute a special minimum PIA.

§ 225.3 Use of compensation as social security earnings to compute PIA's.

Railroad compensation is added to social security earnings to obtain the total earnings used in computing the tier I PIA (see § 225.5), the combined earnings dual benefit PIA (see § 225.8), and the 100% O/M PIA (see § 225.9). The total combined earnings for each year used in computing the PIA's cannot be higher than the maximum social security earnings creditable in that year under sections 209(a) and 211(b) of the Social Security Act. The compensation used in computing the RR earnings dual benefit PIA (see § 225.7) is also limited to the maximum creditable social security earnings.

Subpart B—PIA's Used to Compute Employee and Spouse Annuities

§ 225.5 Tier I PIA.

(a) *General.* The tier I PIA or special minimum PIA, whichever is higher, which is used to compute the employee, spouse, and divorced spouse tier I amounts, is determined under current rules in sections 215 and 223 of the Social Security Act using combined railroad and social security earnings after 1950 (or after 1936, if a higher PIA would result). This PIA is computed as if an employee age annuity were an old age insurance benefit and a disability annuity were a disability insurance benefit under sections 215 and 223 of the Social Security Act. The employee's railroad compensation is treated as social security earnings. The following rules also apply to the tier I PIA amount:

(1) The tier I PIA amount may be adjusted for additional earnings or a cost-of-living increase as shown in subparts E and F.

(2) Delayed retirement credits are added to the tier I PIA, as shown in subpart D.

(b) *Age annuity at age 60.* If the employee is entitled to an age annuity at age 60, as shown in § 216.5(a)(2) of this chapter, the following rules are used, in addition to those in paragraph (a) of this section, to determine the tier I PIA and special minimum PIA:

(1) The PIA formula used is the formula from section 215 of the Social Security Act that would apply if the employee were 62 years old and, therefore, eligible for a social security benefit based on age, on the date the annuity begins, if he or she is under 62 years old on that date.

(2) The benefit computation years used to compute the tier I PIA are determined as if the employee were 65 years old on the date the annuity begins, if he or she is under 65 years old on that date.

(c) *Disability annuity.* If an employee is entitled to a disability annuity under § 216.6 of this chapter, the tier I PIA and special minimum PIA are determined as if the employee were 62 years old on the earlier of the date the annuity begins or the date any period of disability begins, if the employee is under 62 years old on that date.

§ 225.6 SS earnings dual benefit PIA.

(a) *General.* The social security earnings dual benefit PIA (SS earnings dual benefit PIA) is used to compute the employee vested dual benefit. This PIA is determined under the rules in section 215 of the Social Security Act that applied on December 31, 1974 and is based on the earnings shown in paragraph (b) or (c) of this section. The higher of the PIA or special minimum PIA is used in determining the vested dual benefit amount.

(b) *Employee insured on own wage record on December 31, 1974.* If the employee is permanently insured under the Social Security Act, as shown in § 216.82 of this chapter, on December 31, 1974, the SS earnings dual benefit PIA is computed using social security earnings after 1950 (or after 1936, if a higher PIA would result) through December 31, 1974.

(c) *Employee insured on own wage record in last year of railroad service.* If the employee is permanently insured under the Social Security Act, as shown in § 216.82 of this chapter, on December 31 of the year before 1974 in which the employee last worked in railroad service, the SS earnings dual benefit PIA is computed using social security earnings after 1950 (or after 1936, if a higher PIA would result) through December 31 of the employee's last year of railroad service.

§ 225.7 RR earnings dual benefit PIA.

(a) *General.* The railroad earnings dual benefit PIA (RR earnings dual benefit PIA) is used to compute the employee vested dual benefit. This PIA is determined under the rules in section 215 of the Social Security Act that applied on December 31, 1974 and is based on the earnings shown in paragraph (b) or (c) of this section. The higher of the PIA or special minimum PIA is used.

(b) *Employee insured on own wage record on December 31, 1974.* If the employee is permanently insured under the Social Security Act, as shown in § 216.82 of this chapter, on December 31, 1974, the RR earnings dual benefit PIA is computed using compensation after 1950 (or after 1936, if a higher PIA would result) through December 31, 1974. The compensation is treated as social security earnings.

(c) *Employee insured on own wage record in last year of railroad service.* If the employee is permanently insured under the Social Security Act, as shown in § 216.82 of this chapter, on December 31 of the year before 1974 in which the employee last worked in railroad service, the RR earnings dual benefit PIA is computed using compensation after 1950 (or after 1936, if a higher PIA would result) through December 31 of the employee's last year of railroad service. The compensation is treated as social security earnings.

§ 225.8 Combined earnings dual benefit PIA.

(a) *General.* The combined earnings dual benefit PIA is used to compute the employee vested dual benefit. This PIA is determined under the rules in section 215 of the Social Security Act that applied on December 31, 1974 and is based on the earnings shown in paragraph (b) or (c) of this section. The higher of the PIA or special minimum PIA is used.

(b) *Employee insured on own wage record on December 31, 1974.* If the

employee is permanently insured under the Social Security Act, as shown in § 216.82 of this chapter, on December 31, 1974, the combined earnings dual benefit PIA is computed using combined railroad and social security earnings after 1950 (or after 1936, if a higher PIA would result) through December 31, 1974. The railroad compensation is treated as social security earnings.

(c) *Employee insured on own wage record in last year of railroad service.* If the employee is permanently insured under the Social Security Act, as shown in § 216.82 of this chapter, on December 31 of the year before 1974 in which the employee last worked in railroad service, the combined earnings dual benefit PIA is computed using combined railroad and social security earnings after 1950 (or after 1936, if a higher PIA would result) through December 31 of the employee's last year of railroad service. The railroad compensation is treated as social security earnings.

§ 225.9 100% O/M PIA.

The 100% overall minimum PIA (100% O/M PIA) or special minimum PIA is used in computing the 100% social security overall minimum amount (100% O/M), as explained in Part 229 of this chapter. The 100% O/M PIA is computed under current rules in sections 215 and 223 of the Social Security Act using combined railroad and social security earnings. The railroad compensation is treated as social security earnings. The following rules also apply to the 100% O/M PIA amount:

(a) The employee is entitled to a 100% O/M PIA amount only if he or she is eligible for an old age insurance benefit or a disability insurance benefit under sections 215 and 223 of the Social Security Act, based on combined railroad and social security earnings.

(b) The 100% O/M PIA amount may be adjusted for additional earnings or a cost-of-living increase as shown in subparts E and F.

(c) Delayed retirement credits are added to the 100% O/M PIA, as shown in Subpart D.

Subpart C—PIA's Used to Compute Survivor Annuities and the Residual Lump Sum

§ 225.20 Survivor tier 1 PIA.

The survivor tier I PIA or special minimum PIA, whichever is higher, is used to compute the tier I amount of a surviving spouse's, surviving divorced spouse's remarried widow or widower's, child's, or parent's annuity. This PIA is determined under current rules in section 215 of the Social Security Act using the employee's combined railroad and social security earnings after 1950 (or after 1936, if a higher PIA would result) through the date of the employee's death. This PIA is computed as if a survivor under the Railroad Retirement Act were entitled to a survivor benefit under section 202 of the Social Security Act. A surviving spouse or parent who is under 62 years old and is entitled to an annuity based on age is deemed to be age 62 and a surviving spouse or child who is entitled to an annuity based on disability is deemed to be entitled to a benefit based on disability under the Social Security Act. These deeming provisions do not apply in computing the tier I PIA of a surviving divorced spouse or remarried widow or widower. The employee's railroad compensation is treated as social security earnings. The survivor tier I PIA may be adjusted for additional earnings or a cost-of-living increase as shown in subparts E and F. Delayed retirement credits are added to a surviving spouse's, surviving divorced spouse's, or remarried widow or widower's tier I PIA as shown in Subpart D.

§ 225.21 Employee fictional RIB PIA.

The employee fictional retirement insurance benefit PIA (employee fictional RIB PIA) or special minimum PIA is used to compute the survivor employee fictional RIB amount, as described in Part 228 of this chapter. This PIA is computed under current rules in section 215 of the Social Security Act using the employee's combined railroad and social security earnings. The employee's railroad compensation is treated as social security earnings. The employee's railroad compensation is treated as social security earnings. The rules in § 225.20 for the survivor tier I PIA also apply to the employee fictional RIB PIA. This PIA will differ from the survivor tier I PIA only if the employee has earnings in the year of death. Earnings in the year of death are not used to compute the initial employee fictional RIB PIA amount but can be used to recompute the PIA beginning January 1 of the year after the employee's death.

§ 225.22 Survivor combined earnings PIA.

(a) *General.* The survivor combined earnings PIA or special minimum PIA is used to compute an employee tier II amount on which a survivor tier II amount is based and the restored amount in tier II of a surviving spouse's annuity. This PIA is determined under the rules in section 215 of the Social Security Act that applied on December 31, 1974. It is computed using the employee's combined railroad and social security earnings after 1950 (or after 1936, if a higher PIA would result) through December 31, 1974. Railroad compensation is treated as social security earnings. If a retirement annuity was not paid before the employee's death, the PIA is determined as if the employee were 65 years old in the month of his or her death.

(b) *Survivor combined earnings PIA based on earnings before 1937.* The average monthly compensation (see Part 226 of this chapter) for service before 1937 is used as an average monthly wage to determine the survivor combined earnings PIA used in computing the restored amount if—

(1) The deceased employee had no railroad or social security earnings after 1936; and

(2) The employee was entitled to an annuity that began before 1948; and

(3) The employee had 120 or more months of railroad service and a current connection with the railroad industry, as shown in Part 216 of this chapter, when his or her annuity began.

§ 225.23 Survivor SS earnings PIA.

The survivor social security earnings PIA (SS earnings PIA) or special minimum PIA, whichever is higher, is used to compute the employee tier II amount on which tier II of a survivor annuity is based. This PIA is usually the same as the SS earnings dual benefit PIA used to compute the employee vested dual benefit, as described in § 225.6. However, if a retirement annuity was not paid before the employee's death, the PIA is determined as if the employee were 65 years old in the month of his or her death.

§ 225.24 Survivors RR earnings PIA.

The survivor railroad earnings PIA (RR earnings PIA) or special minimum PIA, whichever is higher, is used to compute an employee tier II amount on which tier II of a survivor annuity is based. This PIA is usually the same as the RR earnings dual benefits PIA used to compute the employee vested dual benefit, as described in § 225.7. However, if a retirement annuity was not paid before the employee's death, the PIA is determined as if the employee were 65 years old in the month of his or her death.

§ 225.25 RLS PIA.

The residual lump-sum PIA (RLS PIA) or special minimum PIA is used to compute employee and spouse regular annuity amounts based only on railroad compensation, as shown in Part 234 of this chapter. These amounts are deducted from the gross residual amount

to determine the residual lump sum. The RLS PIA is determined under current rules in section 215 of the Social Security Act, using the employee's railroad compensation after 1950 (or after 1936, if a higher PIA would result) as if it were social security earnings. The RLS PIA is computed using the rules in § 225.5 that are used to determine the tier I PIA used in computing the employee annuity. The RLS PIA is different from the employee's tier I PIA only because social security earnings are not used to compute the RLS PIA.

Subpart D—Delayed Retirement Credits

§ 225.30 Delayed retirement credit, defined.

A delayed retirement credit is an amount which is added to a PIA for months in which an employee is 65 years old or older but under 72 years old and is either not entitled to an annuity or has permanent work deductions. Delayed retirement credits are added to the employee's tier I PIA and 100% O/M PIA, to the RLS PIA, and to the survivor tier I PIA and the employee fictional RIB PIA used to compute a surviving spouse, surviving divorced spouse, or remarried widow or widower annuity based on age or disability. Delayed retirement credits are not added to a special minimum PIA, as defined in § 225.2, and are not used to compute a spouse's, child's, or parent's annuity or an annuity for a surviving spouse, surviving divorced spouse, or remarried widow or widower who is caring for the employee's child.

§ 225.31 Months for which delayed retirement credits are due.

An eligible employee or surviving spouse, surviving divorced spouse, or remarried widow or widower, as shown in §§ 225.32 and 225.33, is entitled to a delayed retirement credit for any month after December 1970 in which the employee:

(a) Is 65 years old or older and under 72 years old; and

(b) Is fully insured under section 214(a) of the Social Security Act based on combined railroad and social security earnings; and either

(c) Is not entitled to a tier I benefit based on age or an increase under the social security overall minimum guarantee (see Part 229); or

(d) Is entitled to a tier I benefit based on age or an increase under the social security overall minimum guarantee but has the full amount of the social security overall minimum rate or the tier I and vested dual benefit work deduction components withheld for permanent work deductions. Work deductions are explained in Part 230 of this chapter. A delayed retirement credit can be added to the employee's tier I and 100% O/M PIA's for a month before January 1975 in which a full work deduction applies only if an employee filed an application in 1975 but has an annuity beginning date in 1974.

§ 225.32 When an employee is eligible for delayed retirement credits.

(a) *Before January 1, 1979.* An employee's tier I or 100% O/M PIA can be increased for delayed retirement credits before January 1, 1979 if the employee is entitled to an age annuity that begins in or after the month he or she becomes 65 years old. An employee's 100% O/M PIA can be increased for delayed retirement credits before January 1, 1979 if the annuity is paid under the social security overall minimum rate, as explained in Part 229 of this chapter, before the employee becomes 65 years old, but full work deductions apply in every month before the employee become 65 years old. In that case, the age reduction in the social security overall minimum rate would be removed when the employee became 65 years old.

(b) *January 1, 1979 or Later.* Beginning January 1, 1979, delayed retirement credits are added to the employee's tier I or 100% O/M PIA if the employee is entitled to an age annuity at any age. If the annuity began before the employee became 65 years old, delayed retirement credits earned for months before January 1979 can be added to the tier I or 100% O/M PIA amount on January 1, 1979.

§ 225.33 When a surving spouse, surviving divorced spouse, or remarried widow or widower is eligible for delayed retirement credits.

Beginning on June 1, 1978, a surviving spouse's, surviving divorced spouse's, or remarried widow or widower's tier I PIA or employee fictional RIB PIA can be increased for delayed retirement credits that the employee earned or would have earned during his or her lifetime. Only delayed retirement credits that were or would have been added to the employee's tier I PIA are included. Delayed retirement credits cannot be included in a surviving spouse, surviving divorced spouse, or remarried widow or widower annuity based on caring for a child. They cannot be included in a surviving spouse, surviving divorced spouse, or remarried widow or widower annuity based on age of disability if—

(a) The employee died before February 1973; or

(b) The employee was entitled to an age annuity beginning in a month before he or she became 65 years old, as shown in § 216.5 of this chapter, and the employee died before February 1979; or

(c) The employee was entitled to a full-age or disability annuity under the 1937 Act and the surviving spouse's annuity rate includes an RIB limitation, as shown in Part 228 of this chapter, because the employee received a social security benefit that was reduced for age.

§ 225.34 When an annuity is increased for delayed retirement credits.

(a) *Employee annuity.* Delayed retirement credits for years before the year the employee annuity begins are added to an employee's primary insurance amount on the date the annuity begins. Delayed retirement credits for months in the year the annuity begins are added to the tier I and 100% O/M PIA's on January 1 of the next year. Delayed retirement credits for years after the annuity begins, up to the year the employee becomes 72 years old, are added to the tier I and 100% O/M PIA's on January 1 of the year after they are earned. Any delayed retirement credits for the year the employee becomes 72 years old are added to the primary insurance amount on the first day of the month the employee becomes 72 years old. The earliest date a full-age or disability annuity can include delayed retirement credits is January 1, 1973. The earliest date an age annuity to which an employee is entitled before the month he or she becomes 65 years old can include delayed retirement credits is January 1, 1979.

(b) *Surviving spouse, surviving divorced spouse, or remarried widow or widower annuity.* Delayed retirement credits that were or would have been earned during the employee's lifetime are added to the surviving spouse's, surviving divorced spouse's, or remarried widow or widower's tier I original rate, when it is based on an employee fictional RIB PIA, beginning on the later of June 1, 1978 or the beginning date of the survivor tier I benefit. Delayed retirement credits cannot be added to a surviving spouse's, surviving divorced spouse's, or remarried widow or widower's tier I original rate, when it is based on a survivor tier I PIA, until January 1 of the year after the annuity begins. In computing an RIB limitation amount, delayed retirement credits are not included until January 1 of the year after they are earned or, if earlier, the month the employee became 72 years old, but not before February 1, 1979. Delayed

retirement credits for years before the employee died are included in the initial computation of the RIB limitation amount.

§ 225.35 Amount of delayed retirement credit.

(a) *Employee age 62 after December 1978.* If an employee becomes 62 years old after December 1978, the amount of a delayed retirement credit added to the tier I, 100% O/M, survivor tier I, employee fictional RIB, or RLS PIA is one-fourth of one percent of the PIA for each month shown in § 225.31.

Example: A is fully insured under the Social Security Act when he becomes 65 years old in January 1982, but does not file for and become entitled to an age annuity until March 1983. His tier I primary insurance amount is $226.30. Delayed retirement credits are due for the 14 months from the month he became 65 years old (January 1982) until the first month in which he is entitled to an annuity (March 1983). Therefore, his tier I PIA is increased by 3 percent (one quarter of 1 percent times 12 months, for the year before the annuity begins) to $233.08 (rounded down to the next lower $0.10 to equal $233.00) on March 1, 1983. It is increased by 3.5 percent (one quarter of one percent times 14 months, including the two months in the year the annuity begins) to $234.22 (rounded to $234.20) on January 1, 1984.

(b) *Employee age 62 before January 1979.* If the employee became 62 years old before January 1979, the amount of a delayed retirement credit is one-twelfth of one percent of the tier I, 100% O/M, survivor tier I, employee fictional RIB, or RLS PIA for each month shown in § 225.31.

Subpart E—Cost-of-Living Increases in PIA's

§ 225.40 Cost-of-Living increase, defined.

A cost-of-living increase is an automatic increase in a PIA provided under section 215(i) of the Social Security Act. The increase is payable when the average monthly consumer price index for the first quarter of one year exceeds the average consumer price index for the first quarter of a previous year (or the last quarter in which a general benefit increase was effective) by at least 3 percent. No increase is payable in the year after a general benefit increase is effective. The increase amount is determined by multiplying the PIA by the percentage increase in the consumer price index between the first quarter of the current year and the appropriate quarter of the previous year. The percentage amount of the cost-of-living increase is published in the **Federal Register** by the Secretary of Health and Human Services within 45 days after the close of the quarter for which it is due.

§ 225.41 What PIA's are subject to cost-of-living increases.

Only the tier I PIA, the 100% O/M PIA, the survivor tier I PIA, the fictional RIB PIA, and the RLS PIA adjusted for cost-of-living increases. The remaining PIA's are frozen at the amounts determined under the Social Security Act rules that applied on December 31, 1974.

§ 225.42 When a cost-of-living increase is payable.

A cost-of-living increase is payable beginning with June of the year for which the increase is due. Cost-of-living increases are applied to most types of PIA's as early as June 1, 1975. However, a cost-of-living increase can first apply to a special minimum PIA on June 1, 1979.

Subpart F—Recomputing PIA's

§ 225.45 Recomputation, defined.

The recomputation of a PIA is a change in the computation to include additional earnings or to use a different PIA formula, as shown in section 215(f) of the Social Security Act. The PIA is recomputed only if the recomputation increases the PIA by at least $1. Most recomputations are done automatically, without any action on the part of the annuitant.

§ 225.46 What PIA's can be recomputed.

Only the tier I PIA, the 100% O/M PIA, the survivor tier I PIA, the fictional RIB PIA, and the RLS PIA are recomputed. All other PIA's used in computing railroad retirement benefits can only include earnings used in the original PIA computation and are not affected by social security amendment changes after December 31, 1974.

§ 225.47 Why a primary insurance amount may be recomputed.

(a) *Earnings not included in earlier computation or recomputation.* The most common reason for recomputing a primary insurance amount is to include earnings that were not used in the first computation or in an earlier recomputation, as described in paragraphs (b) through (e) of this section. These earnings will result in a revised average monthly wage or revised average indexed monthly earnings.

(b) *Earnings in the year an employee becomes 62 years old, becomes entitled to an age annuity, or becomes disabled.* Earnings in the year an employee becomes 62 years old, becomes entitled to an age annuity, or becomes disabled are not used in the initial computation of the primary insurance amount. However, the Board can use those earnings in a recomputation of the primary insurance amount. The Board recomputes the primary insurance amount and begins paying the higher benefits at the time shown in § 225.48.

(c) *Earnings not reported in time to use them in the computation of the primary insurance amount.* Because of the way reports of earnings are made, the earnings an employee has in the year before he or she becomes age 62, becomes entitled to a benefit based on age, becomes disabled, or dies, might not be reported in time to use them in computing the primary insurance amount. The Board recomputes the primary insurance amount based on the new earnings information and begins paying the employee (or survivors) the higher benefits based on the additional earnings at the time shown in § 225.48.

(d) *Earnings after entitlement that are used in a recomputation.* An employee's earnings for a year after he or she becomes entitled to an age annuity will be used in a recomputation of a primary insurance amount if they are higher than the earnings for a year used in the previous computation. If the employee is receiving a disability annuity, earnings after the employee becomes 65 years old or, if earlier, is considered to be 65 years old (three years after the disability annuity or period of disability begins) will be included if they are higher than the earnings for a year used in the previous computation.

(e) *New computation method enacted.* If a new method of computing or recomputing primary insurance amounts is enacted into law, the Board will compute a primary insurance amount under the new method if the annuitant is eligible for the recomputation and it would increase the primary insurance amount.

(f) *Recomputation under different method.* In some cases, a primary insurance amount may be recomputed under a computation method different from the method used in the computation (or earlier recomputation) of the primary insurance amount. The employee must be eligible for a computation or recomputation under the different method.

§ 225.48 Effective date of recomputations.

(a) *Earnings recomputations.* The recomputed survivor tier I PIA is effective as of the month in which the employee dies. The recomputed RLS or fictional RIB PIA is effective in a survivor case in January of the year following the year of death. A

recomputed PIA is payable in a retirement case at the following times:

(1) January of the year following the year an employee receiving an age annuity becomes 62 years old or, if later, begins receiving the annuity; or

(2) January of the year following the year an employee becomes disabled; or

(3) January of the year following the year in which the employee has additional earnings.

Example: A, a railroad employee, becomes entitled to a full age annuity in June 1974, the month he becomes 65 years old. Although A has earnings of $13,200 in the first five months of 1974, those earnings cannot be used in the initial computation of the tier I PIA. However, beginning January 1, 1975, the tier I PIA is recomputed to include the earnings for 1974. The 1974 earnings are used instead of $4,200 in earnings for 1956, the lowest yearly earnings included in the previous computation. Because of this substitution, the total earnings used in computing the tier I PIA are increased from $110,400 to $119,400 ($110,400 minus $4,200 for 1956 plus $13,200 for 1974).

(b) *Change in computation method.* The tier I, RLS, or 100% O/M PIA can be recomputed under a new PIA formula in the month provided in the amendment which established the new method or the month the PIA under the new method is higher than the PIA used in the previous computation.

§ 225.49 Automatic recomputations.

Periodically, the Board examines the earnings record of every retired, disabled, and deceased employee to see if the employee's primary insurance amount may be recomputed under any of the methods described. When a recomputation is called for, the Board performs it automatically and begins paying the higher benefits based on the recomputed primary insurance amount for the earliest possible month that the recomputation can be effective. The employee does not have to request this service, although he or she may request a recomputation at an earlier date than one would otherwise be performed (see § 225.50). Doing so, however, does not allow the increased primary insurance amount to be effective any sooner than it would be under an automatic recomputation. An employee may also waive a recomputation if it would be to his or her disadvantage.

§ 225.50 How to request an immediate recomputation.

An employee may request that his or her primary insurance amount be recomputed sooner than it would be recomputed automatically. To do so, the employee must make the request in writing and provide acceptable evidence of the earnings not included in the first computation or earlier recomputation of the primary insurance amount. If a recomputation will increase the primary insurance amount, the Board will recompute it. However, the Board cannot begin paying higher benefits on the recomputed primary insurance amount any sooner than under an automatic recomputation, i.e., January of the year following the year in which the earnings were paid or acquired.

§ 225.51 Waiver of recomputation.

If an employee or his or her family would be disadvantaged in some way by a recomputation of a primary insurance amount, or the employee and every member of his or her family do not want the primary insurance amount to be recomputed for any other reason, the employee may waive (that is, give up the right to) a recomputation in writing. If an employee waives one recomputation, however, any recomputations for which he or she might be eligible in the future are still payable.

4. 20 CFR Part 227 is proposed to be added as follows:

PART 227—COMPUTING SUPPLEMENTAL ANNUITIES

Sec.

Authority: 45 U.S.C. 231b and 45 U.S.C. 231f.

§ 227.1 Introduction.

This part explains how to compute a supplemental annuity. A supplemental annuity is payable to an employee who meets the requirements in § 216.12 of this chapter.

§ 227.2 Initial supplemental annuity rate.

The supplemental annuity rate, before reduction for the railroad retirement family maximum or any private pension, is $23 for an employee's first 25 years of service plus $4 for each added year of service up to 30 years. The highest supplemental annuity rate is $43 for an employee with 30 or more years of service.

§ 227.3 Reduction for railroad retirement family maximum.

If the railroad retirement family maximum applies, and the reduction amount is higher than the spouse tier II rate, as shown in Part 226 of this chapter, the initial supplemental annuity rate from § 227.2 is reduced by the smaller of:

(a) The difference between the total railroad retirement maximum reduction amount and the reduction in the spouse annuity; or

(b) The total supplemental annuity rate from § 227.2.

§ 227.4 Reduction for employer pension.

(a) *General.* The supplemental annuity for each month is reduced by the amount of any private pension the employee is receiving for that month based on the contributions of a railroad employer. This reduction is applied to the supplemental annuity amount after any reduction for railroad retirement family maximum. Private pension is explained in § 216.14 of this chapter.

(b) *Private pension reduced for supplemental annuity.* If the employer reduces the private pension for the employee's entitlement to the supplemental annuity, the reduced pension amount is subtracted from the supplemental annuity. However, the reduction in the supplemental annuity can be no greater than the difference between the supplemental annuity amount, after any reduction for railroad retirement family maximum, and the amount the private pension is reduced for the supplemental annuity. This guarantees that the sum of the reduced supplemental annuity and the reduced employer pension is not less than the amount of the full employer pension.

Example: The full employer pension is $80. This is reduced by $35 because of the employee's entitlement to a supplemental annuity. The initial supplemental annuity rate is $43.

Full employer pension	$80
Reduction for supplemental annuity	−35
Reduced pension amount	45
Supplemental annuity	43
Reduced pension amount	−45
	0
Guarantee amount:	
Supplemental annuity	43
Reduction in private pension	−35
	8
Supplemental annuity	43
Reduction for private pension	−8
Reduced supplemental annuity	35

The reduced supplemental annuity amount is $35. This amount plus the reduced employer pension of $45 equals $80, the full amount of the employer pension.

(c) *Part of private pension based on employee contributions.* If the employer pension is based on both employer and employee contributions, a special formula is used to determine the amount to be subtracted from the supplemental annuity. The Board first computes the pension amount the employee's contributions could have purchased

from a private insurance company. That amount is subtracted from the total employer pension. The result is the pension amount used to reduce the supplemental annuity.

§ 227.5 Employer tax credits.

Employers are entitled to tax credits if they pay non-negotiated pensions to former employees whose supplemental annuities are reduced because of the pensions. Non-negotiated pensions are paid under pension plans that are not established by collective bargaining agreements. The tax credits for each month equal the sum of the reductions for employer pensions in the supplemental annuities of all former employees for that month. The Board sends a report of total tax credits to each employer after the end of each calendar quarter. The credits are applied to the man-hour supplemental annuity tax the employer pays the Internal Revenue Service under section 3221 of the Railroad Retirement Tax Act.

Dated: August 4, 1983.

By Authority of the Board.

Beatrice Ezerski,

Secretary.

[FR Doc. 83-24168 Filed 9-6-83; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Surface Coal Mining and Reclamation Operations on Federal Lands Under the Permanent Program; State-Federal Cooperative Agreements; Ohio

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is proposing to adopt a cooperative agreement between the Department of the Interior and the State of Ohio for the regulation of surface coal mining and reclamation operations on Federal lands in Ohio under the permanent regulatory program. Such cooperative agreement is provided for in the Surface Mining Control and Reclamation Act of 1977. This notice of proposed rulemaking provides additional information on the proposed terms of the cooperative agreement and other issues.

DATES: The public comment period on this proposed rule will extend until October 11, 1983. The public hearing, if held, will be at the location shown in "**ADDRESSES**," below, on September 28, 1983 beginning at 10 a.m. Any person interested in making an oral or written presentation at the hearing must contact OSM at the address and phone number listed under "**FOR FURTHER INFORMATION CONTACT**" by September 23, 1983.

ADDRESSES: Written comments must be mailed to: Administrative Record, Office of Surface Mining, Room 5315–L, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

Written comments may be hand carried to: Office of Surface Mining Administrative Record, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

Copies of the proposed agreement and of the related information required under 30 CFR Part 745 are available for inspection Monday through Friday, 8:30 a.m. to 4 p.m., excluding holidays, at the following addresses:

State of Ohio, Department of Natural Resources, Division of Reclamation, Fountain Square, Columbus, Ohio

Office of Surface Mining, Room 5315–L, 1100 L Street, NW., Washington, D.C.

The public hearing, if held, will be at the Office of Surface Mining, Columbus Field Office, 2nd Floor, 2242 South Hamilton Road, Columbus, Ohio, beginning at 9 a.m. If no person has contacted OSM by September 23, 1983 to express an interest to participate in the hearing, the hearing will be cancelled. Persons interested in attending but not testifying at the hearing should contact OSM at the address and phone number listed under "**FOR FURTHER INFORMATION CONTACT**" prior to the scheduled hearing date to see if the hearing has been cancelled.

FOR FURTHER INFORMATION CONTACT: H. Leonard Richeson, Branch of Regulatory Programs, Office of Surface Mining, 1951 Constitution Avenue N.W., Washington, D.C. 20240, Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION: The preamble to the proposed rulemaking is divided into four parts as follows:

I. Procedural Matters
II. The State of Ohio's Application
III. Summary of the Terms of the Proposed Cooperative Agreement
IV. Administrative Matters

I. Procedural Matters

A. Public Hearing

Individual testimony at the public hearing will be limited to 15 minutes. The hearings will be transcribed by a court reporter. Filing of a written statement at the time of giving oral testimony will be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing by providing an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying.

B. Public Meetings

Representives of OSM will be available to meet during the comment period at the request of members of the public to receive their recommendations and comments concerning the proposed cooperative agreements. In order to schedule or attend such meetings, contact the individual listed under "**FOR FURTHER INFORMATION CONTACT.**" OSM representatives will be available for these meetings between 9 a.m. and 4 p.m. local time, Monday through Friday, excluding holidays. All such meetings will be open to the public. Notices of such meetings and where they will be held will be posted in advance in the Administrative Record Room, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

C. Contacts with State Representatives

The Department has previously announced (45 FR 58378, September 3, 1980) its intention to follow the "Guidelines for Contacts with Employees and Officials During Consideration of State Permanent Regulatory Programs" published at 44 FR 54444 (September 19, 1979), during the process of developing cooperative agreements with the States. As written, the guidelines apply only to the State program review and decision process. However, the Department believes that the guidelines should also be applied in the development of State-Federal permanent program cooperative agreements because of the close interrelationship between each cooperative agreement and the approved State program. The need to preserve the ability of the Department and the State to work together through the stages of the cooperative agreement and the right of the public to be informed and to have the opportunity to comment meaningfully on issues raised are principles applicable to permanent program cooperative agreement rulemakings.

This decision requires that minor changes in the guidelines be made to clarify their applicability to cooperative agreement rulemakings. Accordingly, revised guidelines for contacts with Departmental employees and officials

during permanent program cooperative agreement rulemakings are given below. See the notice of September 19, 1979, 44 FR 54444, for a full discussion of the guidelines and supporting principles. The September 19, 1979, guidelines remain fully applicable to the State program review process.

1. Upon request the Department will meet with any member of the public through the end of the public comment period. Notices of scheduled meetings will be posted in a public place. The meetings will be open.

2. The Department will meet with the State representatives or have telephone conversations with them, upon the initiative of either party, up to the point of the Secretary's decision to enter into a permanent program cooperative agreement with a State. These meetings will be open to the public unless the Department decides an executive session is appropriate. Advance notice of scheduled meetings will be posted in a public place. Notice of the executive sessions will be posted in a public place.

3. The Department will keep a summary record of all meetings and discussions, whether in person of by telephone, on a proposed cooperative agreement. This record will include a summary of the discussion and a list of all written information OSM receives. All such records along with all written communications relating to the cooperative agreement shall be made available to the public.

4. In those instances where the Department has conducted meetings or discussions with a State after the close of the public comment period, the Department will include summaries of the meetings in the record and, if necessary to assure an effective opportunity for public participation, provide an opportunity for the public to review the record of such meetings and discussions and to comment on them before a decision is made to enter into a permanent program cooperative agreement.

D. Public Comments

Written and oral comments should be as specific as possible. Although all comments are invited, those most likely to influence decisions on the cooperative agreement will be those which are supported by reasoning. OSM requests that five copies of written comments be submitted.

All written comments must be received by OSM by 5:00 p.m. local time on the date the comment period closes. Comments received after that date will not necessarily be considered or included in the administrative record of this rulemaking. OSM cannot ensure that written comments received after the close of the comment period or delivered during the comment period to locations other than those specified above will be considered and included in the administrative record. Notices of meetings, summaries of all meetings and telephone conversations, all public comments received, and a transcript of the public hearing will be made available for public review in the Office of Surface Mining at the address noted above.

II. The State of Ohio's Application

On May 2, 1983, Ohio submitted a proposed permanent program cooperative agreement between the Department of the Interior and the State of Ohio which would make Ohio the regulatory authority for the regulation of surface coal mining and reclamation operations on certain described Federal lands in that State. The purpose of this notice is to begin the rulemaking process for adopting such a cooperative agreement. Section 523(c) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.*, and the implementing regulations at 30 CFR Part 745 allow for the State and the Secretary of the Interior to enter into a permanent program cooperative agreement if the State has an approved State program for the regulation of surface surface coal mining and reclamation operations on non-Federal and non-Indian lands.

Permanent program cooperative agreements are authorized by the first sentence of section 523(c), which provides that "[a]ny State *with an approved State program* may elect to enter into a cooperative agreement with the Secretary to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State, provided the Secretary determines in writing that such State has the necessary personnel and funding to fully implement such a cooperative agreement in accordance with the provision of this Act." 30 U.S.C. 1273(c) (emphasis added).

The requirements for States to elect to enter into permanent program cooperative agreements are found in 30 CFR Part 745. For recent amendments of these rules, see 48 FR 6912 (February 16, 1983). Sections 745.11 (b) and (f) of the regulations require that certain information relating to a State's ability to administer a cooperative agreement in accordance with the Act be submitted with a request for a permanent program cooperative agreement except to the extent that the information has previously been included in the approved State Program.

Ohio satisfied the requirements of 30 CFR 745.11(f)(1) when it obtained conditional approval of its State program on August 10, 1982 (47 FR 34688). The information required in 30 CFR 745.11 (b)(1) and (f)(2) was included in Ohio's request for approval of its State program and in subsequent request for administrative and enforcement funding under 30 CFR Part 735. The information relating to Ohio's authority to enter into the cooperative agreement was provided in a letter from the Assistant Attorney General dated August 5, 1983, in which the Assistant Attorney General stated that there exists no statutory, regulatory, or legal constraint within the State of Ohio which would preclude the Ohio regulatory authority from fully carrying out the provisions of the agreement.

III. Summary of the Terms of the Proposed Cooperative Agreement

A summary of the proposed cooperative agreement appears below. OSM emphasizes that the proposed permanent program cooperative agreement is subject to further change because of public comments and/or further discussion with the State of Ohio.

Article I: Introduction, Purpose, and Responsible Administrative Agency

Article I would set forth the legal authority for the cooperative agreement which is contained in section 523(c) of the Act. The purposes of the agreement and designation of the responsible administrative agency of the Department and of the State are also included in Article I. This article would also include a provision clarifying the separate role of the Forest Service in regulating mining operations since the only Federal lands covered by this agreement are those under the jurisdiction of the Forest Service. Any mining operations on Forest Service lands would be subject to regulation by that agency with respect to laws and regulations for which the Forest Service is responsible.

Article II: Effective Date

Article II provides that the cooperative agreement would be effective after it has been signed by the Secretary and the Governor, and upon publication as a final rule in the **Federal Register**. It would remain in effect until terminated as provided in Article X.

Article III: Definitions

Article III would provide that any terms and phrases used in the agreement be given the same meanings

as set forth in the Act, regulations promulgated pursuant to the Act under 30 CFR Parts 700, 701, and 740, and the approved State program. Defining terms and phrases in this manner would ensure consistency between applicable regulations and the agreement. Where there are conflicts in definitions, those included in the approved State program would apply, provided there are no conflicts with responsibilities of the Secretary that cannot be assumed by the State under the agreement.

Article IV: Applicability

Article IV would state that the laws, rules, terms, and conditions of Ohio's approved State program are applicable to surface coal mining and reclamation operations on Federal lands in Ohio except as otherwise stated in the cooperative agreement, the Act, 30 CFR 745.13, or other applicable laws or regulations. Thus, this provision is consistent with the Federal lands program which adopted the Ohio State program as substantive Federal law on all Federal lands in Ohio and made it enforceable by the State and the United States. The reference to the Ohio State Program is intended to encompass the conditional approval of that State program on August 10, 1982 (47 FR 34688) and any amendments thereto which are approved in accordance with 30 CFR 732.17. Because the State only wishes to assume responsibility for regulating surface coal mining and reclamation operations on Forest Service lands, this agreement applies only to such lands. Excluded from the scope of the agreement are the authorities and responsibilities reserved to the Secretary pursuant to the Act and 30 CFR 745.13.

Article V: General Requirements

Article V would mutually bind the Governor and the Secretary to the provisions of the cooperative agreement and the conditions and requirements contained in article V. Paragraph A of Article V would require that the Division of Reclamation of Ohio's Department of Natural Resources (the agency designated by the Governor to administer the agreement) continue to have authority under State law to carry out this cooperative agreement.

Paragraph B of Article V would provide that, upon application for funds, the State may be reimbursed pursuant to section 705(c) of the Act if the cooperative agreement has been implemented and if necessary funds have been appropriated to OSM by Congress. Section 705(c) of the Act provides that a State with a cooperative agreement may receive an increase in its annual grant for the development, administration and enforcement of a State program on Federal lands by an amount which the Secretary determines is approximately equal to the amount the Federal government would have expended to regulate surface coal mining and reclamation operations on the Federal lands within the State. See 30 U.S.C. 1295(c). The reference in section 705(c) to section 523(d) is obviously a typographical error. The correct reference is section 523(c). The regulations implementing section 705(c) appear at 30 CFR 735.16 through 735.26. If, when requested by the State, adequate funds have not been appropriated, OSM and the Division will meet to decide on appropriate measures to insure that mining operations are regulated in accordance with the approved State program. Any funds granted to the State pursauant to the cooperative agreement would be reduced by the amount of any fees collected by the State that are attributable to the Federal lands covered by the agreement in accordance with the Office of Management and Budget (OMB) Circular A–102 (Uniform Requirements for Assistance to State and Local Governments), Attachment E (Program Income).

Paragraph C of Article V would require the State to make annual reports to OSM with respect to compliance with this agreement. Paragraph C also provides for a general exchange of information developed under the agreement, unless such an exchange is prohibited by Federal law.

Paragraph D of Article V would require the Division to maintain the necessary personnel to fully implement this agreement.

Paragraph E of Article V would require that the Division avail itself of the facilities necessary to carry out the requirements of the agreement. This provision would ensure that the State has access to and would utilize any resources necessary to conduct inspections, investigations, studies, tests, and analyses required to fulfill the requirements of this agreement.

Article VI: Review of a Permit Application Package

Paragraphs A through G of Article VI would generally describe the procedures the State would follow in the review and analysis of permit application packages on Forest Service lands. The proposed cooperative agreement identifies the Division as having the primary responsibility for the analysis, review, and approval or disapproval of the permit application package on Federal lands administered by the Forest Service in Ohio containing non-Federal coal. In assuming primary responsibility for review, analysis, and approval or disapproval of permit applications, the Division would also be responsible for coordinating the review of a permit application package with the Forest Service and other Federal agencies affected by the proposed surface coal mining and reclamation operations to ensure compliance with Federal laws other than the Act and regulations other than those implementing SMCRA. If requested by the State, OSM would assist in identifying Federal agencies which may be affected by the proposed mining operation. Under Paragraph A, an operator on Federal lands would be required by the Division to submit a permit application package in an appropriate number of copies to the Division. The term "permit application package" as used in the cooperative agreement beginning in this article, is a new term adopted by OSM in revising the Federal lands program (48 FR 6912, February 16, 1983). It appropriately describes the material submitted by an applicant proposing to mine on Federal lands and includes materials submitted with applications for permit revisions and renewals.

OSM adopted the term because there are requirements for mining on Federal lands that are in addition to those required by a permit application under the approved State program for non-Federal lands. For example, operations on Federal lands may be subject to requirements of the Federal land management agency (under this agreement, the Forest Service) under Federal laws other than the Act. The package concept allows for such information to be included with the permit application required by the approved State program. See the definition of "permit application package" under 30 CFR 740.5.

At a minimum, the permit application package must include the information necessary for the Division to make a determination of compliance with the approved State program and for the Forest Service and OSM to make determinations of compliance with applicable requirements of other Federal laws and regulations for which they are responsible.

Paragraph B would require the Division to provide copies of the complete permit application package to the Forest Service and to other Federal agencies affected by the surface coal mining and reclamation operation. Providing copies of the permit application package to the Forest Service and other Federal agencies

affected by the mining proposal would allow those agencies an opportunity to review the permit application package for compliance with requirements of laws and regulations for which they are responsible. For example, the Forest Service must ensure that any mining operations occur in a manner that is consistent with competing uses of the forest and that reclamation is consistent with post-mining land uses. If requested by the State, OSM would assist in identifying other Federal agencies which may be affected by the mining proposal. Further, as required by OSM, copies of all or portions of the permit application package would be required to be submitted to OSM so that OSM, in consultation with the Forest Service, could determine whether the proposed operation is prohibited or limited because it would be in an area designated by Congress as unsuitable for mining.

Paragraph C would limit routine OSM contact with the applicant regarding the review of a permit application package. Any matters which may be of concern to OSM during the review process would normally be channelled to the operator through the State. OSM may, however, act independently of the State (including contact with the operator) to carry out non-delegable responsibilities under Federal laws other than the Act.

Under paragraph D the Division would be required to maintain a file of all original correspondence with an applicant and any other information received which may have a bearing on decisions regarding a mining proposal. When requested by OSM or the Forest Service, the Division would be required to provide to OSM or the Forest Service for their review, copies of this information. OSM must have access to this information in order to carry out an effective oversight program while the Forest Service will need the information to ensure compliance with Federal laws and regulations within its area of responsibility.

Paragraph E provides that the Division may approve a permit application or an application for permit revision or renewal and issue a permit after consultation with the Forest Service. Paragraph E further provides that the permit shall condition the initiation of surface coal mining and reclamation operations on compliance with the requirements of the approved State program and, as applicable, requirements of OSM or the Forest Service under Federal laws other than the Act and regulations other than approved State program. Paragraph E also requires the Division to send a notice of the action on the permit application package to OSM and the Forest Service.

Article VII: Inspections

Article VII would specify that the Division must conduct inspections on Forest Service lands covered by this agreement and prepare and file inspection reports in accordance with its approved program. Paragraph A would require that the report be filed with OSM within 15 days of the inspection.

Administrative provisions of paragraph B include designation of the Division as the primary point of contact with the operator. However, paragraphs B and C would preserve the right of OSM to conduct inspections of surface coal mining and reclamation operations on Federal lands without prior notice to the Division for the purpose of evaluating the manner in which the cooperative agreement is being carried out and insuring that performance and reclamation standards are being met.

The right of Federal and State agencies to conduct inspections for purposes outside the scope of the proposed cooperative agreement would not be affected. In particular, this article would preserve OSM's obligation and authority to conduct inspections pursuant to 30 CFR Part 842.

Paragragh D would provide that personnel of the State and OSM be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VIII: Enforcement

Article VIII would set forth the enforcement obligations and authorities of OSM and the Division. Under paragraph A the Division would have primary enforcement authority on Federal lands in accordance with the requirements of the cooperative agreement and the approved State program.

Under paragraph B the Division would be required to notify the Forest Service of violations of applicable laws, regulations, orders, and approved permits for surface coal mining and reclamation operations on those Federal lands covered under this agreement.

Paragraph C would continue the Secretary's obligation to enforce violations of Federal law other than the Act and would preserve OSM's authority to take enforcement action to comply with Parts 843 and 845. Such action would be based upon the Act or the substantive provisions contained in the approved State program, but would use the Federal procedures and penalty system.

Article IX: Bonds

Under paragraph A the Division would require each operator on Federal lands covered by this agreement to submit a single performance bond to meet Federal and State requirements. The bond would be payable to the State and the United States. The Division would be required to obtain the concurrence of the Forest Service prior to releasing an operator from any obligations covered by the performance bond. If the cooperative agreement is terminated, paragraph A would require that the bond revert to being payable solely to the United States to the extent that Federal lands are involved in the permit area and that the Division deliver the bond to OSM if only Federal lands are covered by the bond.

Paragraph B would obligate the State of Ohio to use its Reclamation Forfeiture Special Account to complete reclamation of any surface coal mining and reclamation operation on Federal land in accordance with the approved State program and permit where there is a forfeiture of the performance bond and where the cost of reclamation exceeds the bond amount. This provision would be included because the approved State program requires only that an operator submit a minimum bond which in some cases, does not cover the full cost of reclamation. When a forfeiture occurs, the State supplements the operator's bond with funds from the State of Ohio Reclamation Forfeiture Special Account to complete reclamation. Thus, this provision would ensure that, similar to operations on non-Federal lands, the State regulatory authority would ensure that adequate funds are made available for reclamation activities on Federal lands covered by this agreement.

OSM invites comments on the adequacy of this provision to ensure that reclamation would occur on Federal lands covered by the cooperative agreement in the event of bond forfeiture.

Article X: Termination of Cooperative Agreement

Article X would specify that this cooperative agreement may be terminated as specified under 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

Article XI would provide that, if terminated, the cooperative agreement may be reinstated under 30 CFR 745.16. That provision allows for reinstatement of the cooperative agreement upon application by the Division after remedying the defects for which the

agreement was terminated and the submission of evidence to the Secretary that the Division can and will comply with all of the provisions of the agreement.

Article XII: Amendment of Cooperative Agreement

Article XII would provide that the cooperative agreement may be amended by mutual agreement of the Governor and Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

Paragraph A of Article XIII would recognize that the Secretary or the State may, from time to time, promulgate new or revised performance or reclamation requirements, or enforcement and administration procedures. OSM and the Division would immediately inform each other of these changes and of the effect such changes may have on the cooperative agreement. If it were determined to be necessary to keep the agreement in force, the State would request necessary legislative action and either the State or OSM would change or revise its regulations or promulgate new regulations, as applicable. Such changes would be made in accordance with 30 CFR Part 732 for changes to the approved State program and sections 501 and 523 of the Act for changes to the permanent regulatory program and to the Federal lands program.

Paragraph B would require the State and OSM to provide each other with copies of changes in their respective laws and regulations.

Article XIV: Changes in Personnel and Organization

Article XIV would require the State and the Department to advise each other of substantial changes in statutes, regulations, funding, staff, or other changes which could affect administration or enforcement of the cooperative agreement.

Article XV: Reservation of Rights

Article XV would recognize that the Act, 30 CFR 745.13, and other authorities prohibit the Secretary from delegating certain authorities to the State. Article XV would state that this agreement does not delegate nor shall it be construed to delegate any authority that the Secretary has under 30 CFR 745.13, laws other than the Act, or regulations promulgated thereto.

IV. Administrative Matters

1. E.O. 12291 and Regulatory Flexibility Act

In a "Determination of Significance" document prepared on December 31, 1979, and approved by the Assistant Secretary, Energy and Minerals, on January 7, 1980, the Department determined that the "promulgation of proposed or final rules for entering into a cooperative agreement with a State pursuant to 30 U.S.C. 1273 for State regulation of surface coal mining and reclamation operations on Federal lands was not a significant action and would not require a regulatory analysis." A copy of this determination was filed with the Department's Office of Policy Analysis and the Division of General Law in accordance with Departmental procedures.

The Department has reviewed this determination in light of Executive Order 12291, February 17, 1981; the Regulatory Flexibility Act (Pub. L. 96–354); and the Paperwork Reduction Act of 1980 (Pub. L. 96–511). Having conducted this review, the Department has determined that this document is not a major rule and does not require a regulatory impact analysis under Executive Order 12291. The document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under the Regulatory Flexibility Act, 5 U.S.C. 605(b). This determination was made by the Director, OSM and approved by the Assistant Secretary, Energy and Minerals. A copy is on file in the OSM Administrative Record Room, Room 5315, 1100 L Street, NW., Washington, D.C. 20005.

2. Recordkeeping and Reporting Requirements

There are recordkeeping and reporting requirements in the proposed rules which are the same as and required by the permanent program regulations. Those regulations required clearance from the Office of Management and Budget under 44 U.S.C. 3507 and were assigned the following clearance numbers:

Location of requirement	OMB clearance No.
Article VI.A. (Required by 30 CFR Part 786)	1029–0041
Article VII.A. (Required by 30 CFR Part 840)	1029–0051
Article IX.A. (Required by 30 CFR 800)	1029–0043

3. National Environmental Policy Act

Proceedings relating to adoption of a permanent program cooperative agreement are part of the Secretary's implementation of the Federal lands program pursuant to section 523 of the Act. Such proceedings are, therefore, exempt under section 702(d) of the Act from the requirements to prepare a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

List of Subjects in 30 CFR Part 935

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

For the reasons set forth herein, it is proposed to amend 30 CFR Part 935.

Dated: August 30, 1983.

J. R. Harris,

Director, Office of Surface Mining.

(Pub. L. 95–87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*).)

1. Section 935.30 is added to read as follows:

§ 935.30 State-Federal Cooperative Agreement.

Cooperative Agreement

The Governor of the State of Ohio, acting through the Department of Natural Resources, Division of Reclamation (Division), and the Secretary of the Department of the Interior, acting through the Office of Surface Mining (OSM), enter into a Cooperative Agreement (Agreement) to read as follows:

Article I: Introduction, Purpose, and Responsible Administrative Agency

A. *Authority:* This Agreement is authorized by section 523(c) of the Surface Mining Control and Reclamation Act (Act), 30 U.S.C. 1273(c), which allows a State with a permanent regulatory program approved by the Secretary under 30 U.S.C. 1253, to elect to enter into an Agreement with the Secretary of the Department of the Interior for State regulation of surface coal mining and reclamation operations on Federal lands. This Agreement provides for State regulation of surface coal mining and reclamation operations on Federal lands in Ohio which are under the jurisdiction of the United States Department of Agriculture, Forest Service, except those lands containing leased Federal coal, consistent with State and Federal laws governing such activities in Ohio, the Federal lands program (30 CFR Parts 740–745) and the Ohio State program (approved State program).

B. *Purpose:* The purpose of this Agreement is to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations; (b) eliminate intergovernmental overlap and duplication; and (c) provide uniform and effective application of the approved State program on all lands in Ohio, except those containing leased Federal coal, in accordance with the Act, the approved State program, and this Agreement.

C. *Responsible Administrative Agencies:* The Division shall be responsible for administering this Agreement on behalf of the Governor. The Assistant Secretary, Energy and Minerals, acting through OSM, shall administer this Agreement on behalf of the Secretary in accordance with the regulations in 30 CFR Chapter VII. The Federal lands in Ohio covered by this Agreement are only those under the jurisdiction of the United States Department of Agriculture, Forest Service (Forest Service) and include all or parts of the Wayne National Forest. It is understood by both parties that the Forest Service will continue to be involved in mining operations on its respective lands pursuant to its laws, regulations, agreements and restrictions. These requirements are in addition to the reqnirements discussed in this Agreement.

Article II: Effective Date

After it has been signed by the Secretary and the Governor, this Agreement shall be effective upon publication in the **Federal Register** as a final rule. This Agreement shall remain in effect until terminated as provided in Article X.

Article III: Definitions

Any terms and phrases used in this Agreement which are defined in the Act, 30 CFR Parts 700, 701, and 740, or the approved State program, shall be given the meanings set forth in said definitions. Where there is a conflict between the above referenced State and Federal definitions, the definitions used in the approved State program will apply, except in the case of a term which defines the Secretary's non-delegable responsibilities under the Act and other laws.

Article IV: Applicability

In accordance with the Federal lands program in 30 CFR Parts 740–745, the laws, regulations, terms and conditions of the approved State program (conditionally approved on August 10, 1982, 30 CFR Part 935, or as hereinafter amended in accordance with 30 CFR 732.17] are applicable to surface coal mining and reclamation operations on Federal lands in Ohio except as otherwise stated in this Agreement, the Act, 30 CFR 745.13, or other applicable laws or regulations.

This Agreement does not apply to surface coal mining and reclamation operations on lands containing leased Federal coal. This Agreement applies only to lands under the jurisdiction of the Forest Service.

Article V: General Requirements

The Governor and the Secretary affirm that they will comply with all the provisions of this Agreement and will continue to meet all the conditions and requirements specified in this Article.

A. *Authority of State Agency:* The Division has and shall continue to have the authority under State law to carry out this Agreement.

B. *Funds:* Upon application by the Division and subject to the availability of appropriations, the Department shall provide the State with the funds to defray the costs associated with carrying out responsibilities under this Agreement as provided in section 705(c) of the Act and 30 CFR 735.16. If the State requests funds and sufficient funds have not been appropriated to OSM, OSM and the Division shall meet promptly to decide on appropriate measures that will ensure that mining operations are regulated in accordance with the approved State program. If agreement cannot be reached, then either party may terminate the Agreement. Funds provided to the State under this Agreement shall be reduced in proportion to the amount of fees collected by the State that are attributable to the Federal lands covered by this Agreement.

C. *Reports and Records:* The Division shall make annual reports to OSM on the results of the Division's implementation and administration of this Agreement, pursuant to 30 CFR 745.12(d). The Division and OSM shall exchange, upon request, except where prohibited by Federal law, information developed under this Agreement. OSM shall provide the Division with a copy of any final evaluation report prepared concerning the Division's administration and enforcement of this Agreement.

D. *Personnel:* The Division shall have the necessary personnel to fully implement this Agreement in accordance with the provisions of the Act and the approved State program.

E. *Equipment and Laboratories:* The Division will assure itself access to facilities which are necessary to carry out the requirements of the Agreement.

Article VI: Review of a Permit Application Package

The Division shall assume the primary responsibility for the review of permit application packages for surface coal mining and reclamation operations on Forest Service lands covered by this Agreement. The Division shall coordinate the review of permit application packages with the Forest Service and other Federal agencies which may be affected by the proposed surface coal mining and reclamation operation to ensure compliance with Federal laws other than the Act and regulations other than the approved State program. When requested by the State, OSM shall assist the State in identifying Federal agencies other than the Forest Service which may be affected by the mining proposal.

A. *Submission of Permit Application Package:* The Division shall require an operator proposing to mine on Forest Service lands to submit a permit application package in an appropriate number of copies to the Division. The permit application package shall be in the format required by the Division and include any supplemental information (as specified by OSM or the Forest Service) needed to satisfy the requirements of Federal laws other than the Act and regulations other than the approved State program.

B. *Coordination With Affected Agencies.* Upon receipt, the Division shall transmit a copy of the complete permit application package to the Forest Service or to other Federal agencies affected by the proposed surface coal mining and reclamation operation with a request for review pursuant to 30 CFR 740.13(b)(4). OSM shall determine whether or not a proposed surface coal mining and reclamation operation is prohibited or limited by the requirements of section 522(e) of the Act (30 U.S.C. 1272(e)) and 30 CFR Parts 760–762 with respect to Federal areas designated by Congress as unsuitable for mining. The Division shall obtain, in a timely manner, the comments of the Forest Service and other Federal agencies affected by the mining proposal.

C. *Contact With the Applicant.* As a matter of practice, OSM will not independently initiate contacts with the applicant regarding permit application packages. However, OSM reserves the right to act independently of the Division to carry out any non-delegable responsibilities under the Act, or under other Federal laws and regulations, provided, however, that OSM shall inform the Division of the necessity of such action taken and send copies of all relevant correspondence to the Division.

D. *Files and Records.* The Division shall maintain a file of all original correspondence with the applicant and any information received which may have a bearing on decisions regarding surface coal mining and reclamation operations on Forest Service lands. Upon request, the Division shall provide, for OSM or Forest Service review, copies of any files and records for mines on Forest Service lands.

E. *Permit Application Decision and Permit Issuance.* After consultation with the Forest Service and after making a finding of compliance with the approved State program and this Agreement, the Division may approve a permit application or application for permit revision or renewal and issue a permit.

The permit issued by the Division shall condition the initiation of surface coal mining and reclamation operations on compliance with the requirements of the approved State program and, as applicable, requirements of OSM or the Forest Service pursuant to Federal laws other than the Act and regulations other than the approved State program. After the Division issues its decision on the permit application, it shall send a notice of the action to OSM and to the Forest Service.

Article VII: Inspections

The Division shall conduct inspections on Forest Service lands covered by this Agreement and prepare and file inspection reports in accordance with the approved State program.

A. *Inspection Reports:* The Division shall, within 15 days of conducting any inspection on Federal lands, file with OSM an inspection report describing (1) the general conditions of the lands under the permit; (2) whether the operator is complying with the applicable performance and reclamation requirements; and (3) the manner in which specific operations are being conducted.

B. *Division Authority:* The Division shall be the point of contact and primary inspection authority in dealing with the operator concerning operations and compliance with the requirements covered by this agreement, except as described in this Agreement and the Secretary's regulations. Nothing in this Agreement shall prevent inspections by authorized Federal or State agencies for

purposes other than those covered by this Agreement.

C. *OSM Authority:* For the purpose of evaluating the manner in which this Agreement is being carried out and to insure that performance and reclamation standards are being met, OSM may conduct inspections of surface coal mining and reclamation operations on Federal lands, without prior notice to the Division. In order to facilitate a joint Federal-State inspection, when OSM is responding to a citizen complaint of an imminent danger to the health or safety of the public or of a significant, imminent environmental harm pursuant to 30 CFR 842.11(b)(1)(i), it will contact the Division if circumstances and time permit, prior to the Federal inspection. OSM may conduct any inspections necessary to comply with 30 CFR Part 842. If an inspection is made without Division inspectors, OSM shall provide the Division with a copy of the inspection report within 10 days after inspection.

D. *Witness Availability:* Personnel of the State and OSM shall be mutually available to serve as witnesses in enforcement actions taken by either party.

Article VIII: Enforcement

A. *Division Enforcement:* The Division shall have primary enforcement authority in accordance with the approved State program and this Agreement. During any joint inspection by OSM and the Division, the Division shall take appropriate enforcement action, including issuance of orders of cessation and notices of violation.

B. *Notification:* The Division shall promtly notify the Forest Service of all violations of applicable laws, regulations, orders, and approved permits for surface coal mining and reclamation operations.

C. *Secretary's Authority:* (1) This Agreement does not affect or limit the Secretary's authority to enforce violations of laws other than the Act. (2) During an inspection made solely by OSM or any joint inspection where the Division and OSM fail to agree regarding the propriety of any particular enforcement action, OSM may take any enforcement action necessary to comply with 30 CFR Parts 843 and 845. Such enforcement action shall be based on the Act or the substantive provisions included in the regulations of the approved State program and shall be taken using the procedures and penalty system contained in 30 CFR Parts 843 and 845.

Article IX: Bonds

A. *Performance Bond:* The Division shall require all operators on Federal lands covered by this Agreement to submit a performance bond to cover the operator's responsibilities under the Federal Act and the approved State program, payable to both the United States and Ohio. The performance bond shall be of sufficient amount to comply with the requirements of the approved State program and any other conditions of the permit. Release of the performance bond shall be conditioned upon compliance with all applicable requirements. The Division shall obtain the concurrence of the Forest Service prior to releasing the operator from any obligation under the performance bond. If this Agreement is terminated, (1) the bond will revert to being payable only to the United States to the extent that Federal lands are involved, and (2) the bond will be delivered by the Division to OSM if only Federal lands are covered by the bond.

B. *Forfeiture:* In the event of forfeiture by an operator of the performance bond for surface coal mining and reclamation operations on Federal lands covered by this Agreement, the State shall use funds received from bond forfeiture and, where necessary, funds from the Ohio Reclamation Forfeiture Special Account (pursuant to Section 1513.18 of the Ohio Revised Code) to ensure that reclamation is accomplished in accordance with the approved State program and the approved permit.

Article X: Termination of Cooperative Agreement

This Agreement may be terminated by the Governor or the Secretary under the provisions of 30 CFR 745.15.

Article XI: Reinstatement of Cooperative Agreement

If this Agreement has been terminated in whole or in part it may be reinstated under the provisions of 30 CFR 745.16.

Article XII: Amendment of Cooperative Agreement

This Agreement may be amended by mutual agreement of the Governor and the Secretary in accordance with 30 CFR 745.14.

Article XIII: Changes in State or Federal Standards

A. *Time for Changes:* The Secretary or the State may from time to time promulgate new Federal or State regulations, including new or revised performance or reclamation requirements or enforcement or administration procedures. OSM and the Division shall immediately inform each other of any final changes and of any effect such changes may have on the cooperative agreement. If it is determined to be necessary to keep this Agreement in force, the Division shall request necessary State legislative action and each party shall change or revise its regulations or promulgate new regulations, as applicable. Such changes shall be made under the procedures of 30 CFR Part 732 for changes to the approved State program and sections 501 and 523 of the Federal Act for changes to the Federal lands program.

B. *Copies of Changes:* The State and OSM shall provide each other with copies of any changes to their respective laws, rules, regulations, and standards pertaining to the enforcement and administration of this Agreement.

Article XIV: Changes in Personnel and Organization

The Division and the Secretary shall, consistent with 30 CFR Part 745, advise each other of substantial changes in statutes, regulations, funding, staff, or other changes which could affect the administration and enforcement of this Agreement.

Article XV: Reservation of Rights

This Agreement does not delegate nor shall it be construed to delegate any of the authority that the Secretary has under 30 CFR 745.13 or under other laws or regulations.

Approved:

———— ————,

Governor of Ohio.

Date: ————————

———— ————,

Secretary of the Interior.

Date: ————————

[FR Doc. 83-24308 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-10-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty, Manufactured Housing Loans; Computation of Guaranty Claims

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations concerning the amount of interest a holder may include in a claim under the guaranty on a defaulted manufactured home loan. The amendments are for the purpose of assuring the payments of a fair rate of interest on a holders loan guaranteed claim.

DATES: Comments must be received on or before October 7, 1983. It is proposed to make these amendments effective on the date of final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until October 17, 1983. Persons visiting Central Office for the purpose of inspecting comments will be received by the Central Office Veterans Service Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202) 389-3668.

SUPPLEMENTARY INFORMATION: When a VA-guaranteed manufactured home loan

goes into insoluble default the holder of the loan repossesses and sells the security and then submits a claim to the Administrator under the guaranty. Sections 36.4283(g)(1) and 36.4284(c) prescribe the amount of interest the holder may include in a claim to the Administrator. From the date of default up to the applicable cutoff date prescribed by § 36.4284(a), the holder's claim may include interest at the contract interest rate on the particular loan. The cutoff date for computation of interest at the contract rate is the date of the judgment or decree of foreclosure, or date of repossession if no foreclosure. However, if no security is available the cutoff date is the date of claim, but not more than 6 months after the first uncured default.

The claim may also include additional interest at the rate of 6 percent from the applicable cutoff date to the date of the holder's claim but not to exceed sixty days. The 6 percent interest figure was established at the inception of the manufactured home program in 1971, at which time it was set 4.75 percent below the then maximum contract interest rate of 10.75 percent. The established 4.75 percent differential corresponded to the elimination of the holder's 2.75 percent prevailing servicing fee, which the holder of the loan no longer pays because the loan is terminated, plus a further reduction of 2 percent, to provide the holder with an incentive for reselling the unit as soon as possible.

Since 1971, the maximum contract interest rate has been adjusted with changes in the cost of funds in the capital markets. However, corresponding changes were never made in post-cutoff date interest rate, which continued at the 6 percent maximum. With the recent experience of contract interest rates far above 10.75 percent, the 6 percent rate for computing post-cutoff date interest is an unreasonable burden upon holders. If in the future interest rates should fall substantially, the 6 percent rate would be unnecessarily high.

The solution we propose to this problem is to allow the post-cutoff date interest rate to float 4.75 percent below the maximum contract interest rate. In this way the original intent of the provision would be fulfilled.

It is also proposed to make a technical amendment to § 36.4253(b). On November 1, 1982, the VA published in the **Federal Register** (47 FR 49392) amendments to that section which under certain circumstances authorized loans on homes encumbered by State and local housing authority deed restrictions and on homes in communities which limit sale, lease or occupancy on the basis of age. The amendments were made at § 36.4253(b)(5)(iv). It is now proposed to redesignate those amended provisions as paragraphs (6) and (7) of § 36.4253(b), and to also redesignate present paragraphs (6), (7) and (8) as (8), (9) and (10) of § 36.4253(b). These proposed amendments are strictly editorial; no substantive changes are contemplated in present § 36.4253(b).

Technical amendments are also proposed for paragraphs (f) and (g) of § 36.4283 to change the term "Mobile Home" to "Manufactured Home" as required by Pub. L. 97-306, 96 Stat. 1429, enacted October 14, 1982.

The Administrator hereby certifies that these regulations, if adopted, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. sections 601-612. The proposed amendments will affect only holders of VA guaranteed manufactured home loans. There are few such holders nationwide, as this is a highly specialized field of finance. Small government jurisdictions or other small organizations usually do not make such loans and thus will not be affected. There will be no change in compliance costs or reporting burdens. The effect of the proposed change will be minor and in fact beneficial to program participants which are small businesses. Since the inception of the manufactured home program in 1971, the interest rate on VA guaranteed manufactured home loans has remained within the 10¾-19½ percent range. Applying the new regulation to a defaulted manufactured home loan made at a rate of say 16¾ percent, the effect would be that the VA would pay the holder post cut-off date interest at a rate of 12 percent per annum instead of the present 6 percent per annum, for up to sixty days. Assuming that the calculation is based on a typical indebtedness of say $20,000.00, the claim payment to the holder would increase by a maximum of $200.00 over the sixty days. The effect is beneficial, but also minor, since equal or greater rates of return on capital are readily available in the financial markets. In fact, the reason for the proposed change is to bring our current procedure more closely in line with the realities of the marketplace. Since we do not foresee at this time a drop in interest rates to pre-1971 levels, we anticipate no adverse effects upon small entities as a result of the floating rate. If such a drop were to occur, the impact would be minor, as the interest rates on competitive financial investments would likewise fall. Pursuant to 5 U.S.C. section 605(b), these regulations are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The proposed amendments have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulations. The proposed regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of $100 million or more, and will not cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; nor will they have other 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.

(Catalog of Federal Domestic Assistance Program Number, 64.119)

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing Loan programs—housing and community development, Manufactured homes, Veterans.

These amendments are proposed under authority granted to the Administrator by sections 210(c) and 1819(g) of title 38, United States Code.

Approved: August 18, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

August 18, 1983.

PART 36—LOAN GUARANTY

It is proposed to amend 38 CFR Part 36 as follows:

§ 36.4253 [Amended]

1. In § 36.4253, the introductory text of paragraph (b) is reprinted for the convenience of the reader, paragraph (b)(5)(iv) is removed, paragraphs (b) (6) through (8) are redesignated as paragraphs (b) (8) through (10), respectively and revised, and new paragraphs (b) (6) and (7), (formerly (b)(5)(iv) are added to read as follows:

* * * * *

(b) Any such property or estate will not fail to comply with the requirements of paragraph (a) of this section by reason of the following:

* * * * *

(5) * * *

* * * * *

(iv) [Reserved]

(6) State and local housing agency deed restrictions provided that the veteran obtained the property under a State or local political subdivision

program designed to assist low- or moderate-income purchasers, and as a condition the purchaser must agree to one or more of the following restrictions:

(i) If the property is resold within a time period as established by local law or ordinance, after the purchaser acquires title, the purchaser must first offer the property to the government housing agency, or a low- or moderate-income purchaser designated by such agency, provided the option to purchase is exercised within 90 days after notice by the purchaser to the agency of intention to sell;

(ii) If the property is resold within a time period as established by local law or ordinance, after the purchaser acquires title, a governmental agency may specify a maximum price for the property upon resale; or

(iii) Such other restriction approved by the Administrator designed to insure either that a property acquired under such program again be made available to low- or moderate-income purchasers, or to prevent a private purchaser from obtaining a windfall profit on the resale of such property, while assuring that the purchaser has a reasonable opportunity to dispose of the property without undue difficulty at a reasonable price.

The sale price of a property under any of the restrictions of paragraph (b)(6) of this section shall not be less than the lowest of the following: The price designated by the owner as the asking price; the appraised value of the property; or the original purchase price of the property, increased by a factor reflecting all or a reasonable portion of the increased costs of housing or the percentage increase in median income in the area between the date of original purchase and resale, plus the reasonable value or actual costs of any capital improvements made by the owner, plus a reasonable real estate commission less the cost of necessary repairs required to place the property in saleable condition; or other reasonable formula approved by the Administrator. The veteran must be fully informed and consent in writing to the deed restrictions. A copy of the veteran's consent statement must be forwarded with the application for manufactured home loan guaranty or the report of a manufactured home loan processed on the automatic basis; (38 U.S.C. 1819(g))

(7) A recorded restriction on title limits the sale, lease, or occupancy, of a dwelling to person based on age, including prohibitions against the permanent occupancy of the dwelling by children. The Administration may refuse to approve a property with such a restriction if its operation would work an undue hardship upon the owner in the case of sudden, unforeseen events or be likely to result in an increased risk of default. Examples of restrictions that could work an undue hardship include, but are not limited to, requirements for sale in lieu of leasing or renting of the property if the owner-occupant becomes the guardian or custodian of a minor child who must reside with the owner-occupant upon the death or incapacity of the child's parents and restrictions that do not permit persons younger than the specified age who inherit the property either to rent or lease such property to a qualified occupant. The enforcement of an age restriction which would authorize the eviction of owners who adopt or give birth to a child is not considered an undue hardship. The veteran is fully informed and consents in writing to the age restrictions. A copy of the veteran's consent statement must be forwarded with the application for manufactured home loan guaranty or the report of a manufactured home loan processed on the automatic basis; (38 U.S.C. 1819(g))

(8) Building and use restrictions whether or not enforceable by a reverter clause if there has been no breach of the conditions affording a right to an exercise of the reverter;

(9) Violation of a restriction based on race, color, creed, or national origin, whether or not such restriction provides for reversion or forfeiture of title or a lien for liquidated damages in the event of a breach;

(10) Any other covenant, condition, restriction, or limitation approved by the Administrator in the particular case. Such approval shall be a condition precedent to the guaranty of the loan;

* * * * *

2. In § 36.4283, paragraph (f)(3)(iv)(F) and (g)(1) are revised as follows: (The introductory text of paragraph (g) is reprinted for the convenience of the reader).

§ 36.4283 Foreclosure or repossession.

* * * * *

(f) * * *

(3) * * *

(iv) * * *

(F) The holder agrees to comply with VA manufactured home regulations as if the original loan had not been terminated. (38 U.S.C. 1819(g))

(g) If at the end of 6 months from the date of acquisition the holder has been unable to resell the property a claim may be submitted under the guaranty and the Administrator will pay to the holder upon submission of such claim:

(1) The difference between the appraised value of the property as determined by the Administrator and the indebtedness including those costs allowable under § 36.4276 and the costs of repossessing the manufactured home not to exceed $100, plus any accrued and unpaid interest to the applicable cutoff date as set forth in § 36.4284(a) at the maximum rate allowable plus accrued interest at a rate 4.75 percent below the contract rate from such cutoff date of the date of claim but not to exceed 60 days or,

* * * * *

In § 36.4284, paragraph (c) is revised as follows:

§ 36.4284 Computation of guaranty claims.

* * * * *

(c) Any allowable expenditures or costs, paid by the holder, and any accrued and unpaid interest to the applicable cutoff date as set forth in paragraph (a) of this section at the maximum rate allowable, plus accrued interest at a rate 4.75 percent below the contract rate from such cutoff date to the date of resale or other liquidation but not to exceed 60 days may be deducted from the proceeds of the sale of the property, or may be included in the accounting to the Administrator on such loan.

* * * * *

(38 U.S.C. 210(c) and 1819(g))

[FR Doc. 83-24259 Filed 9-6-83; 8:45 am]

BILLING CODE 8320-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Listing of Two Spanish Reptiles and the Delisting of the Indian Flap-Shelled Turtle

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list the Hierro giant lizard (*Gallotia simonyi simonyi*) as an Endangered species and the Ibiza wall lizard (*Podarcis pityusensis*) as a Threatened species under provisions of the Endangered Species Act of 1973, as amended. The threats believed to affect these lizards revolve chiefly around habitat destruction, predation by domestic and feral animals, and overcollection. Both species live on islands under Spanish jurisdiction and there is no commercial trade in them into the United States. If made final, this rule would implement the Endangered Species Act of 1973, as

amended, with regard to these species. In addition, the Service proposes to delist the Indian flap-shelled turtle (*Lissemys punctata punctata*), presently listed as Endangered, from provisions of the Act. This turtle is neither Endangered nor Threatened; indeed, it may be one of the most abundant turtles in India and Sri Lanka..

DATES: Comments from the public and from the governments of the countries where these species occur must be received by November 7, 1983. Public hearing requests must be received by October 24, 1983.

ADDRESSES: Submit comments to Associate Director—Federal Assistance, OES, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this proposed rule are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background On August 15, 1980 the Service published a notice of review in the **Federal Register** (45 FR 54685–54686) to the effect that a review of the status of 18 species of foreign reptiles would be conducted to determine whether enough information existed to list them as Endangered or Threatened species under provisions of the Endangered Species Act of 1973, as amended. The Hierro giant lizard was included on that notice, and based on information received that the lizard was extinct, the Service decided no further action was warranted. When the Service subsequently proposed 17 foreign reptiles to be added to the list of Endangered and Threatened species (January 20, 1983; 48 FR 2562–2566), comments were received concerning *Gallotia simonyi simonyi*.

On February 7, 1983, Dr. Brian Groombridge of the International Union for the Conservation of Nature (IUCN), Cambridge, England, noted that *Gallotia simonyi simonyi* was not considered extinct. Included was a copy of an article by Rica (1982). The Service believes that this species should now be proposed for listing as an Endangered species. The information presented below is based on that contained in Rica (1982); additional information may be found in Honegger (1978).

The Hierro giant lizard is a large species (up to 70 cm from snout to tip of tail) found only in the the Canary Islands. It is nearly black with gray patches on the sides of the adults, and is entirely herbivorous. Although believed extinct until 1975, the lizard survives on a steep rocky arid cliff. Reproduction is occurring on this refugium, as about half of the estimated total population of 200 lizards in 1975 were juveniles. Rica (1982) considers the lizard's status as "critical and the danger of extinction is strong." A stone-breaking plant has been proposed to be built on the cliff which would directly impact the lizard and adversely affect its plant food sources. In addition, goats which graze the area could be competing with the lizard for the young plant leaves on which it depends. Honegger (1978) cites two scientists (A. Salvador and J. Mellado) as stating that collection of specimens has contributed to the decline of this species. Much of the data contained in the above references was collected in the mid 1970's, and it is unlikely the status of the species has improved. In 1980, R. Honegger told personnel of the Service that he believed the lizard to be extinct although he did not include it in his worldwide list of extinct reptiles and amphibians (Honegger, 1980–81). Until such time as it can be proved otherwise, the lizard should be considered Endangered. Dr. Groombridge states: "You now quote a communication from R. Honneger (48 FR 2563) to the effect that the lizard is extinct. This appears to be incorrect." He continues: "Since the estimated population is around 200 individuals, and there is a threat of habitat distrubance, I would strongly suggest the taxon requires Endangered listing. It is considered a top priority for action and research by the Conservation Committee of the Societas Europaea Herpetologica. We are at present hoping to delay the construction of a planned road near the hillside where *G. s. simonyi* lives until an impact report can be prepared." Thus, concerns about the species' extinction appear to have been, fortunately, premature.

The Ibiza wall lizard (*Podarcis pityusensis*) is a small lizard found in the Balearic Islands, mainly around Ibiza and Formetera, and in some parts of Mallorca, in the Mediterranean Sea. Becuase of the large number of small islands, considerable evolutionary divergence has occurred, and there are 35 described subspecies. Rica and Costa (1982) estimate that only 12 would remain valid after a through taxonomic study.

Rica and Costa (1982) have assessed the status of the Ibiza wall lizard on some 70 small islands around Ibiza and Formentera. Lizards were found on 43, and only 10 sites had substantial populations. The vast majority of the lizard populations have been impacted due to one or a combination of the following reasons: predation by gulls (a minor problem), collection for scientific and commercial purposes, the human-mediated hybridization of various subspecies (lizards were transported by fishermen between islands and released), habitat alteration and destruction, and direct killing by poisoning. Rica and Costa (1982) provide a review of 32 of the subspecies and their status on their ofter small island habitats. These authors stress the need for adequate protective measures for the conservation of remaining populations.

Neither of the above two species is involved in commercial trade to the United States.

The Indian flap-shelled turtle, *Lissemys punctata punctata*, is one of the softshell turtles, males usually less than 6 inches and females less than 11 inches. It has a somewhat domed shell and is mostly a uniform brown color but may have scattered dark markings. Observations on the population of one particular drying lake in India are provided by Auffenberg (1981).

Following the taxonomic arrangement of Webb (1982), two subspecies are recognized in India: *L. p. punctata* from southern and central India and Sri Lanka and *L. p. andersoni* from northern India, Pakistan, Nepal, Bangladesh, and Burma. While *L. p. punctata* is listed under provisions of the Endangered Species Act of 1973, the range under "Known distribution" includes areas where this subspecies is not known to occur. It is unclear from reviewing the administrative record which subspecies (or both?) was included in the original listing; the taxonomic history provided by Webb (1982) provides background as to the complexities of previous arrangements.

The Indian flap-shelled turtle was listed as Endangered on June 14, 1976 (41 FR 24062–24067), and this document should be consulted for the circumstances surrounding the listing. The listing was apparently based on recommendations by Bangladesh that the species be included on Appendix I of the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES).

As part of the Service's continual efforts to ensure that the biological status is reflected in the status of species protected by the Act, a literature review was conducted to determine if supporting evidence justified its present

Endangered status. No such supporting data could be found. The Service then contacted a number of scientists to determine what field data might support the listing. The unanimous consensus was that there is no justification for listing under either the Act of CITES. For instance, Dr. E. O. Moll, chairman of the IUCN Freshwater Turtle Specialist Group, who is presently conducting turtle studies in India, states: "The species is seemingly the most common and widespread turtle in India. As for the subspecies, it is frequently seen in the Calcutta markets suggesting that it is still easily attainable. How it ever made Appendix I is a big mystery."

Dr. Brian Groombridge of the IUCN states: "Certainly *Lissemys p. punctata* (correctly named *L. p. andersoni*) is generally considered the commonest aquatic turtle in India, and it should not be listed on CITES nor on the U.S. list."

After carefully considering the status of *L. p. punctata*, the Service concludes that this species is neither Endangered nor Threatened as defined by the Act, and that there is no justification for retaining it on the U.S. list of Endangered and Threatened wildlife.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) state that the Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. This authority has been delegated to the Assistant Secretary for Fish and Wildlife and Parks. These factors are as follows:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

The reptiles proposed for listing as Endangered and Threatened species relate to these factors as follows (letters refer to factors above):

Hierro giant lizard—(A) While the Hierro giant lizard is found on a rather steep cliff, there is a threat from a stone-breaking operation that could destroy or otherwise adversely modify the only known habitat of this species. In addition to direct habitat alteration, Rica (1982) believes that dust from such a stone working operation could adversely impact the plants on which this herbivorous lizard depends; (B) Several European scientists have indicated that overcollection has contributed to the precarious status of this species. Certainly, removal of any animals except for strict conservation purposes could adversely affect the species; (C) Gulls may prey on juvenile lizards, but the overall effect to its status remains unknown; (D) Royal Decree 3181/1980 protests nearly all Spanish reptiles and amphibians from hunting, capturing, trafficking, or exportation. The efficacy of this law has yet to be determined. In any case, there is no habitat protection, nor is the lizard covered under the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; (E) Goats may be competing with the lizard for food, especially young shoots and leaves.

Ibiza wall lizard—(A) On numerous islands inhabited by this species, humans are altering the environment during the course of building and development for the tourist industry. Some islands have been modified by dynamiting to ease perceived navigation problems whereas others have served as targets for military bombardment. The threats of habitat alteration and destruction are serious, depending on the particular island, and have been documented by Rica and Costa (1982). The problems of habitat alteration are particularly apparent on Espalmador, Ratas, and Torretas; (B) This appears to have been a major factor in the status of this species. Collecting by local fisherman for scientists occurred as early as the 1950's when specimens from remote island brought premium prices (see below). In the 1960's Rica and Costa (1982) note that large numbers of lizards were removed for commercial pet shops, especially in Holland and Germany. They state that, "captures made for commercial purposes were very large, sometimes several hundred animals bing taken from one locality." As late as 1979, more than 100 *P. p. maluquerorum* were exported from Ibiza. Such trade is detrimental to the survival of the lizard; (C) Predation by gulls, rats, and feral cats may be affecting the survival of this species, depending on population involved; (D) Royal Decree 3181/1980 protects nearly all Spanish reptiles and amphibians from hunting, capturing, trafficking, or exportation. The efficacy of this law has yet to be determined. In any case, there is no habitat protection, nor is the lizard covered under the appendices to Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); (E) Hybridization has been a threat to many individual subspecies of *Podarcis pityusensis*. For instance, Rica and Costa (1982) indicate that the subspecies *miguelensis, subformenterae, algae, sabinae,* and *grueni* may now be extinct due to hybridization. Various lizards were introduced onto islands where they did not naturally occur by fishermen who hoped to obtain money from collectors by producing lizards from remote areas; in some cases this resulted in the colonization of unihabited islands whereas in others, the new lizards hybridized with a resident population.

With regard to the Indian flap-shelled turtle, the same factors used to list a species are discussed in terms of the species' delisting. These factors:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range*—There is a large amount of available habitat for this species on the Indian subcontinent and Sri Lanka. There is no evidence of the destruction, modification or curtailment of this species' habitat or range such as to justify a listing of Endangered under provisions of the Act. Indeed, herpetologists familiar with the turtles of this region believe that *Lissemys punctata* may be the most abundant freshwater turtle in India.

B. *Overutilization for commercial, recreational, scientific, or educational purposes*—This species is widely used ad food in India and is still abundant in local markets. There is no evidence of overexploitation.

C. *Disease or predation*—Not known to be a problem with this species.

D. *The inadequacy of existing regulatory mechanisms*—This species is listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The lack of regulations regarding this species is not a factor in its present status.

E. *Other natural or manmade factors affecting its continued existence*—Not applicable.

Effects of the Proposal if Published as Final Rule

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered and Threatened species. These regulations are found at §§ 17.21 and 17.31 of Title 50, and are summarized below.

With respect to the Hierro gaint lizard and Ibiza wall lizard, all prohibitions of Section 9(A)(1) of the Act, as

implemented by 50 CFR 17.21 and 17.31, would apply. These prohibitions, in part, would make it illegal for any persons subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered and Threatened species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, the enhancement or propagation or survival of the species, and economic hardship.

With regard to the Indian flap-shelled turtle, all such prohibitions as described above, which are presently in effect for this species, would be terminated. This proposal does not affect its Appendix I listing under CITES however, and all restrictions regarding trade into and from the United States with reference to Appendix I species will remain in effect.

Literature cited

Auffenberg, W.A. 1981. Behavior of *Lissemys punctata* (Reptilia, Testudinata, Trionychidae) in a drying lake in Rajasthan, India. J. Bombay Nat. Hist. Soc. 78(3):487–493.

Honegger, R.E. 1978. Threatened amphibians and reptiles in Europe. Council of Europe Nature and Environmemt Series No. 15, 123 pp.

Honegger, R.E. 1980–81. List of amphibians and reptiles either know or thought to have become extinct since 1600. Biol. Conserv. 19:141–158.

Rica, J.P.M. 1982. Primeros datos sobre la poblacion de lagarto negro (*Gallotia simonyi* Steind.) de la Isla de Hierro. Amphibia-Reptilia 2:369–380.

Rica, J.P.M. and A.M.C. Costa. 1982. Notes on some endangered species of Spanish herpetofauna: I. *Podarcis pityusensis* Bosca. Biol. Conserv. 22:295–314.

Webb, R.G. 1962 Taxonomic notes concerning the trionychid turtle *Lissemys punctata* (Lacepede). Amphibia-Retilia 3:179–184.

Public Comments solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of the Hierro giant lizard and Ibiza wall lizard and in the proposal to delist the Indian flapshelled turtle. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological and other relevant data concerning any threat (or lack thereof) to these species, and

2. Additional information concerning the range and distribution of the species.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing to the Director, U.S. Fish and wildlife Service, Department of the Interior, Washington, D.C. 20240.

Final promulgation of the regulations on these reptiles will take into consideration the comments and any additional information received by the Service, and such communications may lead it to adopt a final rule that differs from this proposal.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours (7:45–4:15pm). A determination will be made at the time of a final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Author

The primary author of this proposed rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is proposed that Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations be amended as follows:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat.884 Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*)

2. It is proposed to amend § 17.11(h) by adding, in alphabetical order, the following to the list of reptiles:

§ 17.11 Endangered and threatened wildlife.

* * * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Lizard, Hierro giant	*Gallotia simonyi simonyi.*	Spain (Canary Islands).	Entire	E	NA	NA	NA.
Lizard, Ibiza wall	*Podarcis pityusensis.*	Spain (Balearic Islands).	Entire	T	NA	NA	NA.

3. It is further proposed to amend § 17.11(h) by removing the entry for the Indian flap-shelled turtle, under "Reptiles," from the List of Endangered and Threatened Wildlife.

Dated: July 27, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-24393 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status and Critical Habitat for Gouania hillebrandii

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The service proposes to list a plant, *Gouania hillebrandii*, as an

County of Maui, Hawaii. The populations of this species are vulnerable to any substantial habitat alternation and face threats of browsing and trampling by livestock in at least one of these areas. A determination that *Gouania hillebrandii* is an Endangered species and designation of its Critical Habitat would implement the protection provided by the Endangered Species Act of 1973, as amended. Comments and related material from the public are solicited. The Service also requests information on environmental impacts that would result from listing *Gouania hillebrandii* as an Endangered species.

DATES: Comments from the public and the Hawaiian State agencies must be received by November 7, 1983. Public hearing requests must be received by October 24, 1983.

ADDRESSES: Comments or other materials should be sent to the Pacific Islands Administrator, U.S. Fish and Wildlife Service, P.O. Box 50167, Honolulu, Hawaii 96850. Comments and materials relating to this proposal are available for public inspection by appointment during normal business hours at the Service's Office of Endangered Species, 300 Ala Moana Boulevard, Room 6307, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Kosaka, Project Leader for Environmental Services, U.S. Fish and Wildlife Service, P.O. Box 50167, Honolulu, Hawaii 96850 (808/546–7530), or Mr. John L. Spinks, Jr., Chief, Washington Office of Endangered Species, U.S. Fish and Wildlife Service, Washington D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

The type specimen of *Gouania hillebrandii* was collected by the German physician and botanist William Hillebrand in August 1870. Since 1870, the taxon has been collected only occasionally (1910, 1943, 1955, 1966, 1978 and 1980). All collections prior to 1979 were probably from the dry gulches and ridges behind Lahaina, West Maui (St. John, 1969). Although the type specimen is labelled "Maui! gulches of Kula and Lahaina," no collections from the Kula region (East Maui) have been verified as *Gouania hillebrandii*. In 1979, Robert Hobdy and Rene Sylva of Maui discovered additional small stands of *Gouania hillebrandii* behind Olawalu, some 2 to 3 miles from the Lahaina population. Today, it is known only from two general areas on the west-facing slopes of Pa'upa'u and Lihau in the district of Lahaina, county and island of Maui, Hawaii.

No Hawaiian name has been recorded for this taxon. However, archaeological sites in the vicinity of present day populations and the highly developed botanical knowledge of the Hawaiians before European contact indicate that a Hawaiian name probably did exist but has been lost.

The plant is a shrub ranging from a few inches to 6 feet tall, often a single or sparsely branched stem when below 2 feet, but becoming more branched and rounded with increased height. Branches are slender and covered with a rust of ash-colored fuzz. Leaves are oval and oblong, 1½ to 2½ inches by ¾ to 1 inch, with ½ to 1 inch leaf stems, broadly pointed, entire (without toothed or lobed edges), dark green, fuzzy and pale below, thin and somewhat papery. Flowers are quite small and nearly white, quite fragrant, and borne on short fuzzy branching flower stalks that arise from the junction of the leaves with the stem. Flower stalks are 1 to 1½ inches long, and bear 3 to 5 flowers each. The tiny brown seeds are in small, 3-winged capsules covered with soft white fuzz.

Livestock and exotic insects pose serious threats to this native shrub. Browsing and trampling by domestic cattle have decimated this taxon, especially at Pa'upa'u, and will probably extirpate that population if continued. The introduced insect *Pinnaspis strachani* (hibiscus snow scale) now infests at least half of all known plants. Many of the most heavily infested plants have died.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of this report as a petition within the context of Subsection 4(c)(2) of the Act, and of its intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant taxa, including *Gouania hillebrandii*, to be Endangered species. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Gouania hillebrandii* was included in the July 1, 1975, notice and the June 16, 1976, proposal. General comments on the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909).

The Endangered Species Act Amendments of 1978 (Pub. L. 95–632) required that all proposals over two years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the June 16, 1976, proposal along with other proposals which had expired (44 FR 70796). At this time the Service is reproposing *Gouania hillebrandii*. Such reproposals were authorized by the 1982 Amendments to the Endangered Species Act. New information includes a detailed status report by a University of Hawaii botanist (Holt, 1982).

Summary of Factors Affecting the Species

Subsection 4(a)(1) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) states that the Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in that subsection.

These factors and their application to *Gouania hillebrandii* are as follows:

A. *The present of threatened destruction, modification or curtailment of its habitat or range.* Feral and domestic livestock (cattle and goats) have probably been the greatest threat historically to the habitat of *Gouania hillebrandii*. Their trampling removes vegetation and liter important to soil-water relations, compacts the soil and promotes erosion. Cutting of native trees and subsequent reforestation attempts have further altered the habitat at Pa'upa'u. Agricultural pressures have been relaxed at Lihau, but domestic cattle continue to graze and trample the Pa'upa'u habitat, promoting erosion, especially along ridge-top paths, and favoring the survival of the less palatable introduced plant species over native species.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not applicable to this species.

C. *Disease or predation* (including grazing). Grazing has been a serious problem for the habitat of *Gouania hillebrandii*, as indicated under Factor A. above. Undiscovered populations have probably been eliminated before they could be found. Additionally, an insect herbivore, *Pinnaspis strachani* (hibiscus snow scale) has been present at Pa'upa'u at least since 1943, and is now present at Lihau. Many of the *Gouania hillebrandii* at Pa'upa'u have been killed by this insect. Finally, unknown chewing insects have caused

extensive leaf damage in populations monitored since about 1955.

D. *The inadequacy of existing regulatory mechanisms.* This species is not now the subject of any regulation.

E. *Other natural or man-made factors affecting its continued existence.* Exotic plant species, especially matted grasses and trees, may compete adversely with *Gouania hillebrandii.* Other factors of probable importance, such as pollinating organisms, need additional study before they can be identified.

Critical Habitat

The Act defines "Critical Habitat" as "(i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species."

Proposed Critical Habitat for *Gouania hillebrandi* includes two zones of Lahaina District, island and County of Maui, Hawaii, as follows: (1) Pa'upa'u Zone—a quadrangular area of approximately 52 acres centered about one-half mile east of Lahainaluna School, on three ridges that form the south wall of Kanaha Stream valley; (2) Lihau Zone—approximately 60 acres of land divided among three circular areas of 0.1 mile radius (about 20 acres) each, lying between 800 ft and 1,700 ft of elevation on the west flank of Lihau Mountain above Olawalu cinder pits; one area centered at Pu'u Hipa Peak, and the two others centered about 0.7 miles southeast and south by southeast respectively from Pu'u Hipa Peak. Within the designated areas are irregular, smaller areas of primary habitat consisting of dry, exposed ridge crests and north-facing slopes down to about 160 ft below the crests, where strong prevailing winds exclude much of the competing exotic vegetation, allowing the wind-adapted *Gouania hillebrandii* to survive. In total, the Pa'upa'u Zone includes approximately 15 acres and the Lihau Zone approximately 20 acres of such primary habitat for this plant.

At this time, primary constituent elements of this habitat are considered to include: (a) Xeric climate, wind exposure and certain soil and drainage factors that discourage introduced plants or herbivorous insects, and (b) permanent freedom from unrestricted browsing and trampling by feral or domestic livestock. Other elements needing additional research, such as types of organisms important for pollination, may prove to be primary elements as well.

Subsection 4(b)(8) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such a designation. Such activities are identified below for this species. It should be emphasized that Critical Habitat designation will not affect most of the activities mentioned below, as Critical Habitat designation only relates to programs or activities conducted by Federal agencies, through Section 7 of the Act.

Any activity that would significantly disturb the soil, topography or other physical and biological components of the area where *Gouania hillebrandii* occurs could adversely modify its Critical Habitat. Livestock grazing and other land uses in the immediate vicinity of the population and in its surroundings should be examined carefully to prevent such modifications. Any effective conservation program might require measures such as fencing to prevent livestock grazing within the primary habitat areas, although to the extent that no Federal agency involvement is connected with the State leasing program, any such modifications of existing patterns of land use would be voluntary on the part of the State. Any direct, unselective removal of vegetation or alteration of wind exposure or moisture regime would probably adversely modify this habitat.

Subsection 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service believes that economic and other impacts of this action are not significant in the foreseeable future.

The Service has contacted the Hawaii Division of Forestry and Wildlife, and the Maui District Department of Education, which has jurisdiction over the land under consideration in this proposed action. Interested Federal and State agencies as well as other interested persons or organizations are requested to submit information on economic or other impacts of the proposed action. The Service will prepare a final assessment prior to preparing a final rule.

Available Conservation Measures

Subsection 7(a) of the Act as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This rule requires Federal agencies to satisfy their statutory obligations with respect to this proposed species, that is, under Section 7(a)(4) to informally confer with the Service on any action that is likely to jeopardize this species or result in destruction or adverse modification of its proposed Critical Habitat. If the species is listed, Section 7 requires Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of this species, and to insure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Secretary.

The Act and implementing regulations published in the June 24, 1977, **Federal Register** (42 FR 32373) set forth a series of general trade prohibitions and exceptions which apply to all Endangered plant species. The regulations pertaining to plants are found at 50 CFR 17.61 and are summarized below.

With respect to *Gouania hillebrandi* all trade prohibitions of Section 9(a)(2) of the Act, as implemented by 50 CFR 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species under certain circumstances. No trade in this species is known. It is anticipated that few trade permits involving the species would never be requested.

If this plant is listed an an Endangered species and its Critical Habitat designated, certain conservation authorities would become available and protective measures may be undertaken for it. These could include increased management of the species and its habitat, the provision of three-fourths Federal (and one-fourth State) funds for the species should Hawaii qualify for a cooperative agreement under Subsection 6(c)(2) of the Act, and the development

of a recovery plan for the species as specified in Subsection 4(g).

If listed as Endangered under the Act, the Service will review this species to determine whether it should be considered for the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere for placement upon its Annex, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Pacific Islands Area Office, 300 Ala Moana Boulevard, Room 6307, Honolulu, Hawaii 96850, and may be examined by appointment during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted be as accurate and effective as possible in the conservation of Endangered species. Therefore any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

(2) The location of any population of *Gouania hillebrandii* and the reasons why any habitat of this species should or should not be designated as Critical Habitat;

(3) Additional information concerning the range and distribution of this species;

(4) Current or planned activities in the subject area and the probable impact of such activities on the area designated as Criteria Habitat; and

(5) The foreseeable economic and other impacts of the Critical Habitat designation on federally funded and authorized activities.

Final promulgation of a rule on *Gouania hillebrandii* will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Pacific Islands Administrator (see **ADDRESSES**).

Author

The primary author of this proposed rule is Dr. Derrall Herbst, U.S. Fish and Wildlife Service, P.O. Box 50167, Honolulu, Hawaii (808/546–5615). Status information and a preliminary listing package were provided by R. Alan Holt, Department of Bontany, University of Hawaii at Manoa, Honolulu, Hawaii. Drs. Paul A. Opler and George E. Drewry of the Service's Washington Office served as editors.

References

Doty, M.S. and D. Mueller-Dombois. 1966. Atlas for bioecology studies in Hawaii Volcanoes National Park. Hawaii Botanical Science Paper No. 2. University of Hawaii, Honolulu. 507 pp.

Engler, A. and K. Prantl. 1973. Die naturlichen Pflanzenfamilien, 2nd ed. (H. Harms, editor). 20d: Rhamnaceae, by K. Suessenguth, pp. 1–173. Berlin.

Fosberg, F.R. and D. Herbst. 1975. Rare and endangered species of Hawaiian vascular plants. Allertonia 1(1):1–72.

Hillebrand, W. 1888. Flora of the Hawaiian Islands. Carl Winter, London, New York, and Heidelberg. 673 pp.

Hobdy, R. 1980. Threatened and endangered species action plan for *Gouania hillebrandii*. Maui District, State of Hawaii Division of Forestry and Wildlife. Unpubl. rept.

Holt, R.A. 1982. Status report on *Gouania hillebrandii*. Report on contract 14–16–0001–79096 to U.S. Fish and Wildlife Service.

St. John, H. 1969. Monograph of the Hawaiian species of *Gouania* (Rhamnaceae). Hawaiian plant studies 34. Pacific Sci. 23(4):507–543.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

§ 17.12 [Amended]

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order by family and genus, the following to the list of Endangered and Threatened plants:

Species		Historic range	Status	When listed	Critical Habitat	Special rules
Scientific Name	Common Name					
*	*	*	*	*	*	
Rhamnaceae—Buckthorn Family:						
Gouania hillebrandii	None	USA(HI)	E	NA	17.96(a)	NA
*	*	*	*	*	*	

3. It is proposed to amend § 17.96(a), plants, by adding the Critical Habitat of *Gouania hillebrandii* as follows:

§17.96 [Amended]

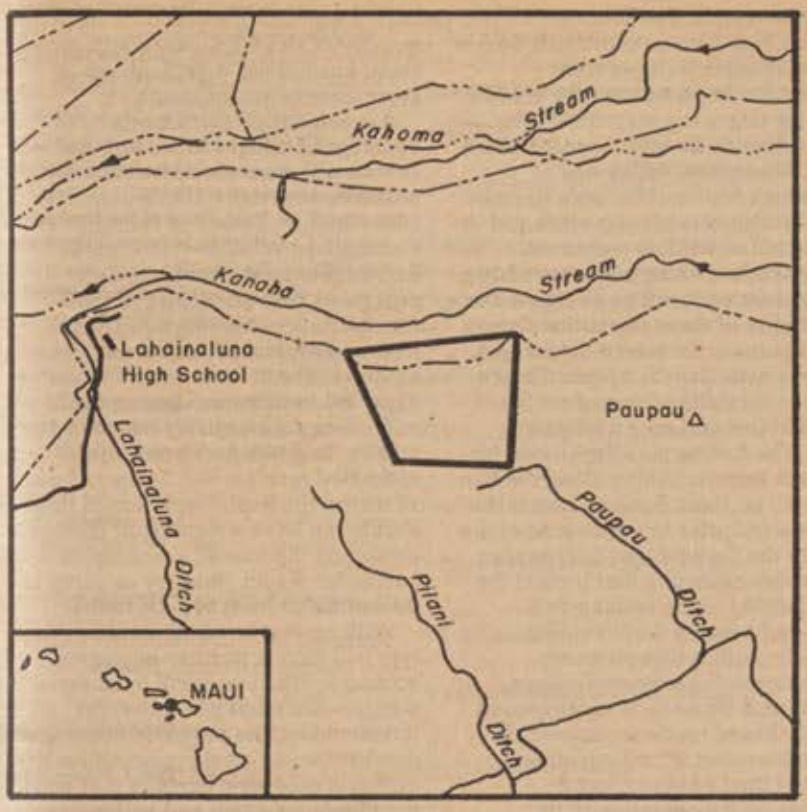
Critical Habitat of Gouania Hillebrandii

Gouania hillebrandii: Primary constituent habitat elements are considered to be climatic and edaphic factors that discourage introduced plant competitors and insect pests, and freedom from unrestricted browsing and trampling by domestic or feral livestock.

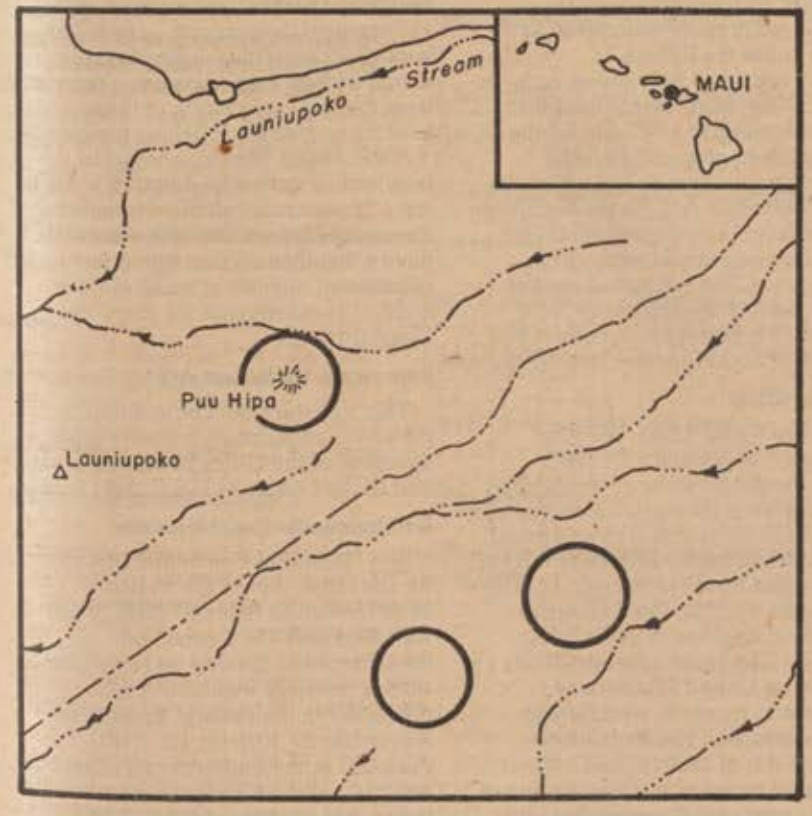
Hawaii, Maui Island, Maui County, Lahaina District, two zones located as follows:

(1) Pa'upa'u Zone, Ahupua'a of Kuia. The following Universal Transverse Mercator (UTM) designations form the corners of the quadrangular Pa'upa'u habitat area:

NW: 0744123121
NE: 0744723122
SW: 0744223118
SE: 0744723117



(2) Lihau Zone, Ahupua'a of Kula. This zone consists of three circular areas having radii of 0.1 mile on the western slopes of Lihau Mountain, one centered at Pu'u Hipa (near UTM 0746823070), one at UTM 0747723063, and the third at UTM 0747223059.



June 9, 1983.

J. Craig Potter,

Acting Secretary, Fish and Wildlife and Parks.

[FR Doc. 83-24386 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Parts 32 and 33

Proposed Addition of Thirteen National Wildlife Refuges to the Lists of Open Areas for Migratory Bird Hunting, Upland Game Hunting, Big Game Hunting, and/or Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to add thirteen refuges to the lists of open areas for migratory bird hunting, upland game hunting, big game hunting, and/or sport fishing. The Director has determined that this action would be in accordance with the provisions of all applicable laws, would be compatible with the principles of sound wildlife management, would otherwise be in the public interest, and that such uses would be compatible with the major purposes for which each refuge was established. The hunting of migratory birds, upland game and big game, and/or sport fishing will provide additional public recreational opportunities.

DATE: Comments must be received on or before October 7, 1983.

ADDRESSES: Comments may be addressed to the Director (FWS/RF), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: James Gillett, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240; Telephone (202) 343-4311.

SUPPLEMENTARY INFORMATION: National Wildlife Refuges are closed to hunting and sport fishing until opened by rulemaking. The Director may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the major purposes for which refuge areas were established, and that funds are available for development, operation, and maintenance of a hunting or fishing program. The action also must be in accordance with provisions of all laws applicable to the areas, must be compatible with the principles of sound wildlife management, and must

otherwise be in the public interest. The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. It is therefore the purpose of this proposed rulemaking to seek public input regarding opening the refuges cited below to the hunting of migratory birds, upland game or big game, and/or sport fishing. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposal. All relevant comments will be considered by the Department prior to issuance of a final rule.

Conformance With Statutory and Regulatory Authorities

The National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd) and the Refuge Recreation Act of 1962 (16 U.S.C. 470k) govern the administration and public use of National Wildlife Refuges. Specifically, section 4(d)(1)(A) of the Refuge System Administration Act authorizes the Secretary to permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations and access when he determines that such uses are compatible with the major purposes for which such areas were established, provided that the taking of migratory game birds will be permitted on no more than 40 percent of any area that has been designated as an inviolate sanctuary for migratory game birds. Of the refuges that would be open to the hunting of migratory birds by this rule, only Pee Dee National Wildlife Refuge (NWR) was originally established as an inviolate sanctuary for migratory birds. This proposed rule considers the opening of less than 40 percent of Pee Dee NWR to migratory game birds and therefore conforms to the 40 percent provision of this act.

The Refuge Recreation Act authorizes the Secretary of the Interior to administer refuge areas within the National Wildlife Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that is is practicable and not inconsistent with the primary objectives for which the areas were established. In addition, the Refuge Recreation Act requires that the Secretary shall determine that funds be made available for the development, operation, and maintenance of these permitted forms of recreation, prior to initiating such uses of refuge areas.

The primary purpose for which Big Boggy, Chassahowitzka, Deer Flat, Eufaula, Nisqually, Pee Dee, San Francisco Bay, Tensas and Upper Souris National Wildlife Refuges were established is to protect and/or provide habitat for migratory waterfowl. The primary purpose for which great Dismal Swamp, Minnesota Valley and Muscatatuck National Wildlife Refuges were established is conservation and management of wildlife resources. Hunting and/or fishing plans have been developed for each refuge to assure the compatibility of these recreational uses with the purpose for which the refuges have been established. Antioch Dunes NWR was established to protect the critical habitat of three endangered species. The fishing plan developed for this refuge permits fishing along the San Joaquin River. Bank fishing along this river occurred prior to acquisition of the refuge by the Service. The fishing plan incorporates measures that protect the critical habitat of the endangered species and assures that fishing is compatible with refuge purposes.

Environmental assessments have been pepared for each of the proposed openings. Based on these assessments and consideration of, among other things, the final Environmental Statement on the operation of the National Wildlife Refuge System, it has been determined that implementation of proposed hunting and/or fishing programs on these refuges would be compatible with the above refuge purposes and primary objectives as required under the Refuge Administration and Recreation Acts. In addition, it has been determined that sufficient funding is available for the implementation of hunting and/or fishing programs as required under the Refuge Recreation Act. Funds have been allocated from the Interpretation and Recreation programs at each of the above refuges. The estimated annual costs for these programs range from approximately $600 at Nisqually NWR to $10,000 at San Francisco Bay NWR.

Economic Effect

Executive Order 12291, "Federal Regulation," of February 17, 1981, requires the preparation of regulatory impact analyses for major rules. A major rule is one 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, government agencies or geographic regions; or significant adverse effects on the ability of United States-based enterprises to compete with foreign-based enterprises. The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) further requires the preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions.

It is estimated that the proposed openings of refuges to hunting and fishing will generate approximately 90,000 annual visits. Using data from the 1980 National Survey of Hunting, Fishing, and Wildlife-Associated Recreation, total annual receipts generated from purchases of food, transportation, hunting equipment, fishing gear, fees, licenses, etc., associated with these programs are expected to be approximately $2.3 million, or substantially less than $100 million. In addition, since these estimated receipts will be spread over 12 states, the implementation of this rule should not have a significant economic impact on the overall economy, or a particular region, industry or group of industries, or level of government.

With respect to small entities, this rule will have a positive aggregate economic effect on small businesses, organizations and governmental jurisdictions. The proposed opening will provide recreational opportunities and generate economic benefits that would not otherwise exist, and will impose no new costs on small entities. While the number of small entities likely to be affected is not known, the number is judged to be small. Moreover, the added cost to the Federal government of law enforcement, posting, etc., needed to implement activities under this rule would be less than the income generated from the implementation of these hunting and/or sport fishing programs.

Accordingly, the Department of the Interior has determined that this rule is not a "major rule" within the meaning of Executive Order 12291 and would not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Environmental Considerations

The "Final Environmental Statement for the Operation of the National Wildlife Refuge System" [FES 76-59] was filed with the Council on Environmental Quality on November 12, 1976; a notice of availability was published in the **Federal Register** on November 19, 1976 (41 FR 51131). Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)),

environmental assessments and Findings of No Significant Impact have been prepared for these proposed openings. Section 7 evaluations have been prepared where appropriate pursuant to the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543). These documents are available for public inspection and copying in Room 2343, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, or by mail, addressing the Director at the address above.

Richard Frietsche, Division of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (Telephone 202–343–3719) is the primary author of this proposed rulemaking document.

List of Subjects

50 CFR Part 32

Hunting, National Wildlife Refuge System, Wildlife refuges.

50 CFR Part 33

Fishing, National Wildlife Refuge System, Wildlife refuges.

PART 32—HUNTING

Accordingly, it is proposed to amend 50 CFR Part 32 by the addition of Big Boggy National Wildlife Refuge, Chassahowitzka National Wildlife Refuge, Deer Flat National Wildlife Refuge, Eufaula National Wildlife Refuge, Great Dismal Swamp National Wildlife Refuge, Muscatatuck National Wildlife Refuge, Pee Dee National Wildlife Refuge, Tensas National Wildlife Refuge and Upper Souris National Wildlife Refuge in § 32.11, 32.21, and 32.31 as follows:

§32.11 List of open areas; migratory game birds.

* * * * *

Louisiana

* * * * *

Tensas National Wildlife Refuge

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North Carolina

* * * * *

Pee Dee National Wildlife Refuge

* * * * *

Texas

* * * * *

Big Boggy National Wildlife Refuge

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§ 32.21 List of open areas; upland game.

Alabama

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Eufaula National Wildlife Refuge

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Florida

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Chassahowitzka National Wildlife Refuge

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Georgia

* * * * *

Eufaula National Wildlife Refuge

* * * * *

Lousiana

* * * * *

Tensas National Wildlife Refuge

* * * * *

North Carolina

* * * * *

Pee Dee National Wildlife Refuge

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North Dakota

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Upper Souris National Wildlife Refuge

* * * * *

Oregon

* * * * *

Deer Flat National Wildlife Refuge

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§ 32.31 List of open areas; big game.

Florida

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Chassahowitzka National Wildlife Refuge

* * * * *

Indiana

* * * * *

Muscatatuck National Wildlife Refuge

* * * * *

Lousiana

* * * * *

Tensas National Wildlife Refuge

* * * * *

North Carolina

* * * * *

Great Dismal Swamp National Wildlife Refuge

* * * * *

Oregon

* * * * *

Deer Flat National Wildlife Refuge

* * * * *

PART 33—SPORT FISHING

Accordingly, it is proposed to amend 50 CFR Part 33 by the addition of Antioch Dunes National Wildlife Refuge, Deer Flat National Wildlife Refuge, Eufaula National Wildlife Refuge, Minnesota Valley National Wildlife Refuge, Nisqually National Wildlife Refuge and San Francisco Bay National Wildlife Refuge in § 33.4 as follows:

§ 33.4 List of open areas; sport fishing.

* * * * *

Alabama

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Eufaula National Wildlife Refuge

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California

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Antioch Dunes National Wildlife Refuge
San Francisco Bay National Wildlife Refuge

* * * * *

Georgia

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Eufaula National Wildlife Refuge

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Minnesota

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Minnesota Valley National Wildlife Refuge

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Oregon

* * * * *

Deer Flat National Wildlife Refuge

* * * * *

Washington

* * * * *

Nisqually National Wildlife Refuge

* * * * *

(16 U.S.C. 460k, 668dd, 1531–1543; 42 U.S.C. 4332(C))

Dated: August 16, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-24401 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 48, No. 174
Wednesday, September 7, 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

Office of the Secretary

Review of the United States Sugar Import Quota System

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: This notice reviews the U.S. sugar import quota system established by Presidential Proclamation 4941 of May 5, 1982. (47 FR 19661.)

SUPPLEMENTARY INFORMATION:

I. Introduction

In accordance with paragraph (f) of Headnote 3, subpart A, part 10, schedule 1 of the Tariff Schedules of the United States (TSUS), the Secretary of Agriculture has consulted with the U.S. Trade Representative, the Department of State, and other concerned agencies on the operation of the sugar import quota system established under the authority of Headnotes 2 and 3 of subpart A of part 10 of schedule 1 of the TSUS, the International Sugar Agreement, 1977, Implementation Act, and Section 201 of the Trade Expansion Act of 1962. After reviewing the operation of the sugar import quota system, the Secretary of Agriculture has determined that the system should be continued in effect in order to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade (GATT). The rationale for this decision is based on the following analysis.

A. Current World and U.S. Sugar Market Situation

A fundamental imbalance between world sugar supplies and demand is foreseen during 1982/83. World output of centrifugal sugar in 1982/83 is estimated at 99.7 million metric tons, while consumption is projected at around 93.0 million metric tons. U.S. centrifugal sugar production is estimated at 5.8 million short tons (5.3 million metric tons), and utilization is expected to be 9.05 million short tons (8.21 million metric tons).

During the period October 1, 1982, through August 26, 1983, 2.62 million short tons were charged against the quotas for the 37 countries which have allocations totalling 2.8 million short tons. The domestic price of raw sugar (c.i.f., duty and fee paid, No. 12 contract as published by the New York Coffee, Sugar and Cocoa Exchange) averaged 21.61 cents per pound for the first nine months of the quota year.

B. Outlook for World and U.S. Sugar Market

After two years of substantial world surpluses, world centrifugal sugar production and consumption levels in 1983/84 are likely to be in closer balance. Prospects for 1983/84 world centrifugal sugar production point to a downturn in output to around 94.9 million metric tons (5.75 million short tons in the United States), while global consumption of between 95–96 million metric tons is anticipated (8.75 million short tons in the United States).

However, while world production and consumption are likely to be in rough balance or in slight deficit, large world sugar stocks as well as the continued growth in some markets of alternative sweeteners to sugar should continue to have a dampening effect on prices. This analysis is reflected in world sugar futures prices which currently range between 10 cents per pound for contracts due in September 1983 and 13 cents per pound for contracts due to mature in September 1984.

Given these factors, we anticipate that world prices will remain at levels that make it impossible to achieve, even after accounting for duties and fees on imported sugar, market conditions that give due consideration to the interests of domestic producers in the U.S. sugar market.

II. Percentage Allocations

In order to give due consideration to the interests in the United States sugar market of materially affected contracting parties to the General Agreement on Tariffs and Trade, the President allocated the global restrictive quota on a country-by-country basis.

Under paragraph (c) of Headnote 3, the Secretary was authorized, after consultation with the U.S. Trade Representative, the Department of State, and the Department of the Treasury, to issue regulations modifying the allocation provisions governing the category "Other specified countries and areas" if he determined that such modifications were appropriate to provide such countries and areas reasonable access to the United States sugar market.

After consultations, the Secretary determined that modifications to the allocation provisions governing "Other specified countries and areas" were appropriate. Regulations governing allocations of sugar import quotas and "Other specified countries or areas" were published on August 11, 1982. Due to potential inequities caused by the first-come first-served basis for the "basket category", each country in the basket category was assigned a specific quota.

Each country with a pro-rata share greater than 0.5 percent received a quota allocation equal to that share. Countries with less than a 0.5 percent share were permitted to ship 16,500 short tons, the size of an economically feasible shipment of sugar to the United States from the distant exporting countries.

These provisions yielded twelve new individual country allocations (Barbados, Bolivia, Fiji, Haiti, India, Malagasy Republic, Malawi, Mexico, Paraguay, St. Christopher-Nevis, Trinidad-Tobago, and Zimbabwe). The Ivory Coast was also added under a separate action because of its membership in the International Sugar Organization.

III. Provision To Suspend Allocations Or Modify Quota Period

Paragraph (d) of Headnote 3 authorized the Secretary, after appropriate consultations, to establish quantitative limitations for periods of time other than calendar quarters as provided in paragraph (b) if he determined that such action was appropriate to give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

On August 11, 1982, after appropriate consultations, the Secretary published regulations changing the sugar import quota period from a quarterly quota period to an annual quota period beginning October 1, 1982. It was felt that establishment of an annual quota would facilitate the access of U.S. trading partners to the U.S. sugar market, thereby providing greater flexibility in shipping schedules and the size of individual shipments. Correspondingly, exporters and users of foreign sugar would be able to develop purchasing and production plans with a greater degree of certainty.

IV. Modification of Individual Allocations

Paragraph (e) of Headnote 3 authorized the U.S. Trade Representative, after appropriate consultations, to modify the allocation provisions of paragraph (e) if he found that such actions were appropriate to carry out the obligations of the United States under the International Sugar Agreement and if due consideration were given to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the GATT.

After appropriate consultations, two modifications were made in the quota regime for 1982/83.

—The Ivory Coast was allocated a quota of 16,500 short tons. Initially, the Ivory Coast was not given a quota because it had only exported sugar to the United States in one of the seven years used for the representative period. As an ISO member, the Ivory Coast could not be denied access to our market. Thus, the decision was made to allocate them a quota.

—Zimbabwe's quota was increased from 0.1 percent to 1.2 percent. Article XIII, paragraph 2(d) of the GATT requires that, when administering quotas, due consideration should be taken of special factors that affect trade in a product. Because U.N. sanctions were in place against Zimbabwe (Rhodesia) until December 1979, its export performance was limited to 1980 and 1981. Zimbabwe's quota was thus adjusted so that it would not be penalized for nonperformance during those years when it was barred from the U.S. market.

V. Conclusion

In accordance with paragraph (f) of Headnote 3, subpart A, part 10, schedule 1 of the TSUS, I have determined that the continued operation of paragraphs (b), (c), (d) and (e) of Headnote 3 gives due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the GATT, and that paragraph (g) of that headnote, which would allow for entry of sugar into the United States not to exceed 6.90 million short tons, would not give due consideration to such interests.

Signed at Washington, D.C. on September 1, 1983.

Daniel G. Amstutz,

Secretary of Agriculture.

[FR Doc. 83-24421 Filed 9-1-83; 4:25 pm]

BILLING CODE 3410-10-M

Rural Electrification Administration

Wolverine Power Supply Cooperative, Inc., Big Rapids, Michigan; Stipulation and Settlement Agreement Consent Judgment

AGENCY: Rural Electrification Administration (REA), USDA.

ACTION: Notice of: Stipulation and Settlement Agreement Consent Judgment.

SUMMARY: Pursuant to Section 10 of the Settlement Agreement, REA is required to publish this notice within 30 days of the entry of the Consent Judgment, which was August 8, 1983. (Court orders are attached.)

Note.—Publish attached Court Order in entirety.

FOR FURTHER INFORMATION CONTACT: Mr. Martin G. Seipel, Director, Northeast Area—Electrical, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382-1420.

Dated: August 31, 1983.

Harold V. Hunter,

Administrator.

United States District Court, Western District of Michigan, Southern Division

Rodney A. Bailey, et al., plaintiffs, v. Rural Electrification Administration, U.S. Department of Agriculture, et al., defendants. File No. G77-607CA7.

Consent Judgment

At a session of said Court held in the Federal Courthouse, Grand Rapids, Kent County, Michigan, on the ———— day of ————, 1983.

Present: Honorable Douglas W. Hillman, District Court Judge for the United States District Court.

The parties having stipulated that the above-entitled cause may be concluded by this Court by a Consent Judgment; and

The parties having entered into a Stipulation for settling this cause, the said Stipulation having been filed with this Court; and the Court having been advised in the premises;

Now, therefore, it is ordered and adjudged that the Stipulation, and the terms and provisions therein, attached hereto as Exhibit A, shall be and hereby is incorporated and made part of this Order of the Court.

It is further ordered and adjudged that the said Stipulation of the parties is approved.

It is further ordered and adjudged that in accordance with the Stipulation of the parties, no costs or fees are to be awarded to any party, except as provided in paragraph 11 of the Stipulation.

Dated August 8, 1983.

Honorable Douglas W. Hillman,

District Court Judge.

United States District Court, For the Western District of Michigan Southern Division

Rodney A. Bailey, Robert G. Asperger, and Bruce Sanderson, Plaintiffs, v. the U.S. Department of Agriculture, Rural Electrification Administration (REA); Joe S. Zoller, Director, Northeast Area—Electric, REA; David A. Hamil, as Administrator, REA; and Wolverine Power Supply Cooperative, Inc., a Michigan corporation, defendants. Filed No. G77-607-CA7.

Stipulation and Settlement

Now come the Plaintiffs, Rodney Bailey, Robert A. Asperger and Bruce Sanderson, by and through their attorney, James M. Olson, and the Defendants, United States Department of Agriculture, Rural Electrification Administration ("REA"), Joe S. Zoller, Director of Northeast Area—Electric, REA, and David A. Hamil, Administrator, REA, by and through their attorney, Thomas Gezon, Assistant United States Attorney for the Western District of Michigan, and Wolverine Power Supply Cooperative, Inc. (A corporation resulting from the December 31, 1983 merger of Northern Michigan Electric Cooperative and Wolverine Electric Cooperative), by and through its attorney, Richard A. Bandstra, of Warner, Norcross & Judd, and hereby stipulate and agree that the Court may enter a Consent Judgment in the above-entitled action, incorporating the terms and conditions of this stipulation as if fully stated therein. The terms and provisions of this Stipulation and Settlement are as follows:

1. Defendants United States Department of Agriculture, Rural Electrification Administration, Joe S. Zoller, Director, Northeast Area—Electric, REA, and David A. Hamil, Administrator, REA, are all hereinafter referred to as "USA Defendants." Defendant Wolverine Power Supply Cooperative, Inc. is hereinafter referred to as "WPSC", and the use of this term may also, as the context requires, refer to the actions, liabilities, etc. of the predecessors in interest of Wolverine Power Supply Cooperative, Inc., namely Northern Michigan Electric Cooperative and Wolverine Electric Cooperative. The Plaintiffs Rodney A. Bailey, Robert G. Asperger, and Bruce Sanderson are hereinafter referred to as "Plaintiffs".

2. Plaintiffs allege that the USDA Defendants' issuance of a final environmental impact statement ("EIS"), covering the WSPC's participation in the Detroit Edison Fermi Unit No. 2 Nuclear Power Plant, was not in accordance with the then applicable REA bulletin and the environmental impact

statement requirements of § 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. § 4332(2)(c). Plaintiffs sought a judgment that the approval of the loan guarantees was contrary to the National Environmental Policy Act of 1969, and regulations applicable at the time of such approvals, and adopted by Defendant USA pursuant ot that Act. The USA Defendants deny Plaintiffs' allegation and contend that the judgment sought is not warranted. The USA Defendants' regulations and guidelines have been amended to expressly permit adoption of an environmental impact statement previously prepared by another federal agency. A substantial and significant portion of the funds provided to WPSC pursuant to the REA guarantees for the construction of Fermi II, pursuant to the participation agreement between WPSC and Detroit Edison for the construction of Enrico Fermi Nuclear Power Plant Unit No. 2, has been spent and used by Detroit Edison for said construction. And, in lieu of litigation, and pursuant to this Stipulation and the Consent Judgment, the USA Defendants, WPSC and Plaintiffs make no admission of liability or failure to prove the claim by this Stipulation.

3. Plaintiffs release, and waive, any claim they may have against the USA Defendants or WPSC arising out of the claims of the Complaint and amended Complaints, filed in this action. Specifically, but not by way of limitation, Plaintiffs expressly waive and release any claim they may have with respect to the validity of loan guarantees and financing arrangements between USA Defendants and WPSC on the alleged grounds that the USA Defendants and WPSC onthe alleged grounds that the USA Defendants did not comply with the National Environmental Policy Act of 1969, supra, or REA Bulletin 20–21, dated May 20, 1974, with respect to the preparation of environmental impact statements; further, Plaintiffs specifically agree that the terms and provisions of the Consent Judgment and this Stipulation constitute full and complete relief as prayed for in the Complaint and Amended Complaints, as filed herein.

4. Whether or not required by the National Environmental Policy Act of 1969, in conjunction with the next or any pending application for REA loans or loan guarantees by WPSC to finance WPSC's ownership interest in the Enrico Fermi Unit #2 Nuclear Power Plant (if any), WPSC agrees that it shall schedule and arrange, as hereinafter provided, and USA Defendants agree that they shall chair, one (1) public meeting to be held in Traverse City, Michigan, for the purpose of taking oral and/or written statements from any of the parties hereto or from any member of the general public. The scope of said meeting shall be to receive statements from the public concerning (1) the environmental impact of any past or pending or the next loan or loan guarantee application and proposed approval; (2) any unavoidable adverse environmental effects of such action or proposed action; (3) alternatives to such action or proposed action; (4) short term uses of man's environment versus maintenance and enhancement of long-term productivity with respect to such actions or proposed actions; and (5) irreversible and irretrievable commitments of resources involved in such actions or proposed actions. It is understood that any statement as to past loan or loan guarantees is for information purposes only and shall not in any way effect the validity of any loans or federal actions. No such meeting is required under this Stipulation unless an application for further loan guarantees is now pending or is in the future made by WPSC.

5. The said meeting shall be held at least forty (40) days prior to any USA Defendants' approval of such loan or loan guarantee application or pending loan guarantee application, if any, and WPSC shall cause to be published one (1) written notice of said hearing in newspapers of general circulation throughout WPSC's service area. The notice must be in advertisement form and at least one-eighth (⅛) page, in addition to publication in legal notice. This notice shall be published in said newspapers at least twenty (20) days before the date of the said hearing. Publication of notices in the local newspapers in the following cities (if such cities have local newspapers) shall constitute compliance with this provision: Traverse City, Petoskey, Cadillac, Manistee, Alpena, Charlevoix, Boyne City, Gaylord, Grayling and West Branch. If there is no paper in the cities listed, a notice need not be published there; however, a notice must be published in some other newspaper circulated in the county wherein the city is located.

6. The notice specified in the preceding paragraph shall state a time, place and date of said meeting; the name and address of the officials of REA who shall chair said meeting; further, the notice shall describe the purpose and scope of said meeting, to wit, to hear statements from the public concerning: the environmental impact of any past or pending or the next loan or loan guarantee application and proposed approval; any unavoidable adverse environmental effects of such action or proposed action; alternatives to such action or proposed action; short-term uses of man's environment versus maintenance and enhancement of long-term productivity with respect to such actions or proposed actions; irreversible or irretrievable commitments of resources involved in such actions or proposed actions; and the now applicable REA regulations and guidelines with respect to the National Environmental Policy Act, in relation to the next or pending application for a further REA loan guarantee to WPSC.

The said notice shall provide that any written statements may be mailed to the REA official in charge, at the address specified in the notice, prior to, at, or within thrity (30) days from the close of said meeting. The notice shall also state that anyone can make an oral statement at said meeting within the purposes and scope thereof.

7. The meeting shall be transcribed by a certified court reporter, at WPSC's expense, and the transcript, together with both written statements or exhibits, shall be made part of the official public record of the Rural Electrification Administration with respect to the next or pending application for a fruther REA loan guarantee to WPSC with respect to Fermi #2. Copies of said public record shall be available to the public upon reasonable request and at a reasonable expense as determined by the REA, USA Defendants' regulations and guidelines of the Federal Freedom of Information Act, 15 U.S.C. 552, as amended by 5 U.S.C. 552(b)(3). One copy of the public record, together with all exhibits and written statements, shall be provided free of charge by the REA to the Plaintiffs (as a group) and to the WPSC. Written or oral statements introduced into the public record may concern past actions of REA with respect to financing purchase by the Defendant Co-Ops of an ownership interest in the Enrico Fermi Unit #2 Nuclear Power Plant with the express understanding that such statements are for information purposes only and in no way affect the validity of any loans or federal actions.

8. At the beginning of said meeting, USA Defendants, REA, shall state the purpose of the meeting and summarize the past procedures and approvals regarding the loan guarantees and compliance with the National Environmental Policy Act of 1969 and REA bulletins and guidelines with respect to WPSC's participation in the Enrico Fermi Unit #2 Power Plant. Plaintiffs shall summarize the allegations in the previous lawsuit, their waiver of any and all relief requested therein, and the terms and provisions of this Stipulation and Consent Judgment. USA Defendants and WPSC may, if they so choose, as part of their statement at the beginning of said meeting, summarize and explain the Stipulation and Consent Judgment.

9. After publication of the notice described in paragraph 5 above, any party to this lawsuit, or any person, may request, in writing, the USA Defendants, REA, to comment or to respond in any manner relevant to the purpose of said meeting. REA may respond to said written questions at said meeting, or may respond in writing within sixty (6) days after said meeting. Under no circumstances shall USA Defendants, REA, respond or comment on said questions later than ninety (90) days from the date of said meeting without the mutual consent of the other parties hereto. Written questions by any party or persons shall be relevant to the scope and purposes of said meeting as set forth herein.

10. The Consent Judgment or Consent Decree entered pursuant to this Stipulation, and this Stipulaiton, shall be published in the **Federal Register** within thirty (30) days after the entry of the Consent Judgment.

11. WPSC shall pay costs and attorney fees to Plaintiffs in the aggregate amount of One Thousand Dollars ($1,000.00).

12. This Stipulation, and the Consent Judgment entered pursuant hereto, are in complete and full satisfaction of any and all claims of the Plaintiffs as set forth in their Complaint, or their Amended Complaints, and Plaintiffs hereby waive any and all claims of any nature arising out of their Complaint and Amended Complaints, or the subject matter covered by their Complaint and Amended Complaint and will not assist any other person in any legal action against any of the Defendants involving the subject matter of the Complaint and the Amended Complaint.

13. The written signatures of the attorneys of the parties to this Stipulation fully bind the parties to the terms and provisions hereof; and, upon the signing by all parties' attorneys of this Stipulation, the said Stipulation and Consent Judgment shall be filed with the Court for signature and entry.

Dated: July 26, 1983

James M. Olson,

Attorneys for Plaintiffs.

Dated: July 15, 1983.

Thomas Gezon,

United States Attorney's Office, Attorneys for USA Defendants.

Dated: July 27, 1983.

Richard A. Bandstra,

Attorney for Defendant WPSC.

[FR Doc. 83-24414 Filed 9-6-83; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

[Docket 41441]

Denham Aircraft Services Corp. II Fitness Investigation; Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 9, 1983, 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., August 31, 1983.

John M. Vittone,

Administrative Law Judge.

[FR Doc. 83-24442 Filed 9-6-83; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

California Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the California Advisory Committee to the Commission will convene at 10:00 a.m. and will end at 1:00 p.m., on September 29, 1983, at the University of Southern California, Institute of Politics and Government, JEF-110 Room, University Park, Los Angeles, California. The purpose of the meeting is to discuss plans for a possible conference on civil rights issues in the communication industry.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Ms. Helen H. Snoddy, 1598 Beloit Avenue, Claremont, California 91711, (714) 624-5542; or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles, California 90010, (213) 798-3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 31, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-24376 Filed 9-6-83; 8:45 am]

BILLING CODE 6335-01-M

Maine Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Maine Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 8:00 p.m., on September 28, 1983, at the Maine Teachers Association, Conference Room, 35 Community Drive, Augusta, Maine. The purposes of the meeting are to discuss the regional block grant project, implementation of the law requiring a survey of educational programs for refugees and the status of a Maine civil rights bill.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Lois G. Reckitt, 38 Myrtle Avenue, South Portland, Maine 04106, (207) 775-1451; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 31, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-24375 Filed 9-1-83; 8:45 am]

BILLING CODE 6335-01-M

Texas Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Texas Advisory committee to the Commission will convene at 10:00 a.m. and will end at 3:00 p.m., on September 29, 1983, at the Sheraton Crest Inn, Nueces Room, Congress and First Streets, Austin, Texas. The purpose of the meeting is to discuss program plans.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Denzer Burke, 1421 Pine Street, Texarkana, Texas 75501 (214) 794-9741; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, Texas 78204 (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 31, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-24377 Filed 9-6-83; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

Nomination Procedures To Award the National Technology Medal

AGENCY: Office of the Assistant Secretary for Productivity, Technology and Innovation.

ACTION: Nomination of candidates for the National Technology Medal.

SUMMARY: This notice describes the procedures and criteria for the nomination of candidates for the National Technology Medal. The medal, being authorized under the Stevenson-Wydler Technology Innovation Act of 1980 (Pub. L. 96-480, 15 U.S.C. 3711), will be presented by the President to individuals and/or companies for their outstanding contributions to the promotion of technology or technological manpower with results leading to the improvement of the well-being of the United States.

FOR FURTHER INFORMATION CONTACT: Dr. Philip Goodman, Senior Technical Adviser, Office of the Assistant Secretary for Productivity, Technology and Innovation, U.S. Department of Commerce, Room 4824, Washington, D.C. 20230, Telephone: (202) 377-0825.

SUPPLEMENTARY INFORMATION: Pursuant to the Stevenson-Wydler Technology Innovation Act of 1980 (Pub. L. 96-480, 15 U.S.C. 3711), the President is authorized to award medal(s) to recipient(s) deserving special recognition for outstanding contributions to the promotion of technology or technological manpower that improve the economic, environmental or social well-being of this nation.

Criteria

Impact of the contributions on the economy, environment, or social well-

being of the United States will be judged as follows:

(a) *Promotion of Technology.*

(1) Demonstrated and successful accomplishment. The contribution results in competitive advantage in domestic and/or foreign markets, provides economically feasible environmental protection, or improves health care of safety. Key considerations will be the breadth of influence on a number of industrial sectors and the extent to which a market need is filled.

(2) Technological merit. Technology is critical to the contribution. Such contribution to technology must be ingenious in the use of new or established technology.

(3) The role of the nominee. Considerations will include: risk-taking, vision, persistence, management skills, and entrepreneurial or organizational skills.

(b) *Promotion of Technological Manpower.*

(1) Improvements in the resulting quality of technological manpower;

(2) Alleviation of manpower shortages;

(3) Motivation and improved performance of available manpower.

Recipients and Eligibility

Any citizen of the United States or U.S.-owned company, or a combination of the two, are eligible recipients of the medal. Members of the Steering Committee, the Evaluation Committee, or other advisory bodies utilized by the Secretary of Commerce shall not be eligible for the award during the period of service or a period of five years (5) thereafter.

Processing Nominations

Nominations should be submitted to: Assistant Secretary of Commerce for Productivity, Technology and Innovation, U.S. Department of Commerce, room 4824, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The envelope should be clearly market "Nomination for National Technology Medal."

For the year 1983, nominations will only be considered if received on or before November 30, 1983. To be considered in succeeding years, applications must be received between May 1 and July 31 of each year.

Submissions should provide the name of nominee, nature of affiliation with the submitter, employer, summary of achievement, and contain a separate discussion addressing the specified criteria.

The Secretary of Commerce has appointed a Steeing Committee chaired by the Assistant Secretary of Commerce for Productivity, Technolgy and innovation, with the Director of the National Bureau of Standards and the Commissioner of the Patent and Trademark Office making up the balance of the Commission. The Steering Committee will transmit all nominations to an Evaluation Committee, consisting of 6 to 12 members, which shall review nominations from all sources and recommend to the Steering Committee a priority listing of nominees deserving the medal. The Secretary of Commerce at his/her discretion may consult other bodies for advice on the merit and relative priority of nominations submitted by the Steering Committee. After consideration of the nominees, the Secretary of Commerce shall forward to the President a description of contributions and a listing in priority order of candidates who, in the Secretary's opinion, deserve special recognition as authorized in Section 12 of the Act. The President will thereafter make the ultimate determination(s).

An appropriate award ceremony will be held wherein the President will make the presentations.

Dated: August 31, 1983.

Robert G. Dederick,

Under Secretary for Economic Affairs.

[FR Doc. 83-24424 Filed 9-6-83; 8:45 am]

BILLING CODE 3510-18-M

International Trade Administration

[Case No. 626]

Piher Semiconductores, S.A.; Order Amending Temporary Denial of Export Privileges

In the matter of Piher Semiconductores, S.A., Avda. San Julian, s/n, Apartado Correos 177, Granallers (Barcelona), Spain.

By Orders of April 9, 1982, 47 FR 16819 (April 20, 1982), June 2, 1982, 47 FR 24765 (June 8, 1982), August 3, 1982, 47 FR 35808 (August 17, 1982), October 12, 1982, 47 FR 46558 (October 19, 1982), December 7, 1982, 47 FR 55989 (December 14, 1982), March 22, 1983, 48 FR 12762 (March 28, 1983), and May 19, 1983, 48 FR 23471 (May 25, 1983), the Order of February 25, 1982, 47 FR 9044 (March 3, 1982) Temporarily Denying Export Privileges was amended so as to authorize certain exports by Piher International Corp. The Order of May 19, 1983 further provided that Piher International Corp. could apply for an extension of such authorization to export if serious economic hardship would be caused by a failure of such extension coupled with a continuing consideration of a motion filed by Piher International Corp. that requested exception from the provisions of Paragraph III of the Order of February 25, 1982.

Consideration of this motion to except Piher International Corp. is still continuing, and it has now applied for an extension of its authorization to make certain exports, asserting that failure to obtain the extension will entail serious economic hardship.

Based on the representations made by Piher International Corp., I find that its application for an extension of its authorization to make certain exports is justified, and that granting this extension will not jeopardize the purpose of the Order of February 25, 1982.

Accordingly, it is hereby ordered that the Order of February 25, 1982 is further amended by excepting, from its denial of export privileges, Piher International Corp., with addresses at 565 W. Golf Road, Arlington Height, Illinois 60005 and at Post Office Box 91969, Chicago, Illinois 60680, insofar as Piher International Corp. exports variable resistors and potentiometers to its customers in Canada and Singapore in fulfillment of shipments scheduled through November 1983 in the shipment release documents filed by Piher International Corp. in support of its Application for this extension, provided all such exports are G–DEST under the Export Administration Regulations (15 CFR Part 368, *et seq.* (1982)). Piher International Corp. may apply for an extension of this Amendment to shipments scheduled after November 1983 should a continuing consideration of its aforesaid motion entail serious economic hardship if such an extension is not issued.

This Amendment of the Order is effective September 1, 1983.

Dated: August 26, 1983, 3:30 pm EDT.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 83-24338 Filed 9-6-83; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Closed Meeting

SUMMARY: The Electronic Instrumentation Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

Time and Place: September 22, 1983, at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C. The meeting will continue to its conclusion on September 23, in Room 3708, Herbert C. Hoover Building.

Agenda: The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM Control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: A Notice of Determination to close meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on September 29, 1981, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: 202–377–4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, telephone: (202) 377–2583.

Dated: September 1, 1983.

Milton M. Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-24394 Filed 9-6-83; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Determinations of Sales at Less Than Fair Value; Hot-Rolled Carbon Steel Plate and Hot-Rolled Carbon Steel Sheet From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Determinations of Sales at Less than Fair Value: Hot-rolled Carbon Steel Plate and Hot-rolled Carbon Steel Sheet from Brazil.

SUMMARY: We preliminarily determine that hot-rolled carbon steel plate and hot-rolled carbon steel sheet from Brazil are being sold, or are likely to be sold, in the United States at less than fair value. Therefore, we have notified the United States International Trade Commission (ITC) of our determinations, and we have directed the Customs Service to suspend liquidation of all entries of the subject merchandise. We have directed the U.S. Customs Service to require a cash deposit or the posting of a bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

If these investigations proceed normally, we will make our final determinations by November 14, 1983.

EFFECTIVE DATE: September 7, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth K. Haldenstein, 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) 377–4136.

SUPPLEMENTARY INFORMATION:

Preliminary Determinations

We preliminarily determine that there is a reasonable basis to believe or suspect that hot-rolled carbon steel plate and hot-rolled carbon steel sheet from Brazil are being sold, or are likely to be sold, in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

We found that the foreign market value of hot-rolled carbon steel plate and hot-rolled carbon steel sheet from Brazil exceeded the United States price on virtually all sales of hot-rolled carbon steel plate and hot-rolled carbon steel sheet. These margins ranged from 9.46 percent to 113.45 percent for hot-rolled carbon steel plate and from 21.82 percent to 79.82 percent for hot-rolled carbon steel sheet. The overall weighted-average margin on all sales compared is 57.82 percent for hot-rolled carbon steel plate and 39.38 percent for hot-rolled carbon steel sheet.

The weighted-average margins are presented in the "Suspension of Liquidation" section of this notice.

Case History

On January 31, 1983, we received a petition from counsel for Bethlehem Steel Corporation on behalf of the domestic hot-rolled carbon steel plate and hot-rolled carbon steel sheet industry. In accordance with the filing requirements of section 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of hot-rolled carbon steel plate and hot-rolled carbon steel sheet from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act and that these imports are materially injuring, or threatening to materially injure, a United States industry.

After reviewing the petition, we determined that it contained sufficient grounds to initiate antidumping investigations. We notified the ITC of our action and initiated the investigations on February 28, 1983 (48 FR 8320–8321). On March 17, 1983, we were informed by the ITC that there is a reasonable indication that imports of hot-rolled carbon steel plate and hot-rolled carbon steel sheet are materially injuring a United States industry.

Questionnaires were presented to Companhia Siderurgica Paulista (COSIPA), Companhia Siderurgica Nacional (CNS), and Usinas Siderurgicas de Minas Gerais S/A (USIMINAS), on March 21, 1983. The responses were received on May 24, 1983. On July 5, 1983, we received an allegation that sales of these products in Brazil were at prices which were below the cost of production and requested responses to cost questionnaries. The cost responses were received on August 8, 1983.

The preliminary determinations in these investigations were originally due by July 11, 1983. We subsequently determined that these investigations were "extraordinarily complicated" as defined in section 733(c)(1)(B) of the Act, and we extended the deadline for making our preliminary determinations to August 29, 1983 (48 FR 28680).

Scope of Investigation

The products covered by these investigations are hot-rolled carbon steel plate and hot-rolled carbon steel sheet. The term "hot-rolled carbon steel plate" covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615 and 607.9400 of the *Tariff Schedules of the United States Annotated* (TSUSA); and hot-rolled carbon steel plate which has been coated or plated with metal including any material which has been painted or otherwise covered after having been coated or plated with metal, as currently provided for in items 608.0710 and 608.1100 of the TSUSA. Semifinished products of solid rectangular cross sections with a width at least four times the thickness in the cast condition or processed only through primary mill hot rolling are not included.

Hot-rolled carbon steel plate is used in the construction of bridges, mining equipment, pressure vessels, railroad freight and pasenger cars, ships, line pipe, industrial machinery, machine parts, and a large variety of other products.

The term "hot-rolled carbon steel sheet" covers hot-rolled carbon steel products, whether or not corrugated or crimped and not pickled; not cold-rolled; not cut, not pressed, and not stamped to

non-rectangular shape; not coated or plated with metal and not clad; over 8 inches in width and over 0.1875 inch in thickness and in coils, as currently provided for in item 607.6610 of the TSUSA.

Hot-rolled carbon steel sheet is used in the construction of automobiles, industrial machinery and products, pipe, and a large variety of other products.

These investigations cover the period from August 1, 1982 to January 31, 1983. COSIPA, CSN, and USIMINAS are the only known Brazilian producers who export the subject merchandise to the United States. COSIPA and USIMINAS export hot-rolled carbon steel plate and COSIPA, CSN and USIMINAS export hot-rolled carbon steel sheet to the United States. We examined 100 percent of United States sales made during the period of investigation.

Fair Value Comparisons

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price because the merchandise was sold to unrelated purchasers prior to its importation into United States. We calculated the purchase price based on the F.O.B. price to United States purchasers. We deducted brokerage charges, inland freight, handling charges, inland insurance and other expenses incurred in delivering the products to the port of exportation, where appropriate. We added taxes which were refunded or not collected because the products were being exported, where appropriate.

Foreign Market Value

In accordance with section 773(a)(1) of the Act, we used home market prices where there were sufficient home market sales at or above cost of production to determine foreign market value. Where there were no or insufficient sales in the home market at prices at or above cost, we used constructed value. The petitioner alleged that sales in the home market were at prices below the cost of producing hot-rolled carbon steel plate and hot-rolled carbon steel sheet. We examined production costs, including materials, labor and general expenses. In calculating foreign market value, we made currency conversions from Brazilian cruzieros to United States dollars in accordance with § 353.56(a)(1) of the Commerce regulations using the certified daily exchange rates.

We found sales of certain subgroups of hot-rolled carbon steel plate were made at less than cost over an extended period of time, in substantial quantities and at prices not permitting the recovery of all costs within a reasonable period of time in the ordinary course of trade. Consequently, we could not use sales in the home market to determine the foreign market value of the products under investigation which are in these subgroups. Therefore, we used constructed value. Sufficient sales of other subgroups of the products under investigation were made in the home market at or above cost. Therefore, we used home market prices to determine the foreign market value for these subgroups.

The home market prices were based on ex-factory or delivered prices to unrelated home market purchasers. From these prices, we deducted, where appropriate, inland freight, inland insurance, and discounts. We made an adjustment for invoicing errors with respect to sales by CSN. An adjustment was also made, where appropriate, for the differences between commissions on sales to the United States and indirect selling expenses in the home market used as an offset to U.S. commissions in accordance with 19 CFR 353.15(c).

The respondents claimed an adjustment for differences in credit costs. We did not have a proper basis for determining the proper adjustment for differences in credit costs under 19 CFR 353.15 for purposes of these preliminary determinations. Therefore, we did not make the claimed adjustment. We are seeking further information on this claim.

No claims were made for adjustments for differences in physical characteristics. Packing was not included in the price to either market.

In accordance with section 773 of the Act, we calculated constructed value, where appropriate, by adding the cost of materials and of fabrication, general expenses, and profit. For materials and fabrication, we used the appropriate producers' actual cost figures.

We used the actual general expenses since they exceeded the statutory minimum of ten percent of the sum of material and fabrication costs. Profit was calculated using the statutory minumum of eight percent of the sum of the general expenses and cost since the actual profit was less than the statutory minimum. We did not add packing costs since the merchandise sold to the United States was sold unpacked.

Verification

As provided in section 776(a) of the Act, all data used in reaching the final determinations will be verified.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the United States Customs Service to suspend liquidation of all entries of hot-rolled carbon steel plate and hot-rolled carbon steel from Brazil. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the Federal Register. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average margin amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price. The suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Manufacturers/producers/exporters	Weighted-average margins (percent)
Hot-rolled carbon steel plate:	
COSIPA	75.90
USIMINAS	36.54
All other Manufacturers/Producers/Exporters	57.82
Hot-rolled carbon steel sheet:	
COSIPA	75.75
CSN	78.62
USIMINAS	30.59
All Other Manufacturers/Producers/Exporters	39.38

ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all non-privileged and non-confidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or threatening to materially injure a U.S. industry, before the later of 120 days after the Department makes its preliminary affirmative determinations or 45 days after the Department makes final affirmative determinations.

Public Comment

In accordance with section 353.47 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on October 7, 1983, at the United States Department of Commerce, conference room 3708, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) The number of participants; (3) The reason for attending; and (4) A list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by September 23, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within 30 days of this notice's publication, at the above address and in at least 10 copies.

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

August 31, 1983.

[FR Doc. 83-24432 Filed 9-6-83; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council's Special Mackerel Committee Members; Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (P.L. 94-265, as amended), will convene special mackerel committee members of the Scientific and Statistical Committee to review a new stock assessment of the king mackerel resource.

DATES: The public meeting will convene on Friday, September 16, 1983, at approximately 8:30 a.m., and will adjourn at approximately 3 p.m.

ADDRESS: The public meeting will take place at the Council's Headquarters Office, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Flordia.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, Telephone: (813) 228-2815.

Dated: September 1, 1983.

Carmen J. Blondin,

Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.

[FR Doc. 83-24433 Filed 9-6-83; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

[CPS Docket No. 83-3]

Janex Corp.; Complaint

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of a Complaint under the Federal Hazardous Substances Act.

SUMMARY: Under Provisions of its Rules of Practice for Adjudicative Proceedings (16 CFR Part 1025, 45 FR 29206), the Consumer Product Safety Commission must publish in the **Federal Register** Complaints which it issues. Printed below is a Complaint in the matter of Janex Corporation, a corporation.

SUPPLEMENTARY INFORMATION:

Complaint

Nature of the Proceedings

1. This is an adjudicative proceeding for public notice and remedial action for a banned hazardous substance pursuant to section 15 of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1274 (1982). This proceeding is governed by the Rules of Practice for Adjudicative Proceedings before the Consumer Product Safety Commission, 16 CFR 1025 (1983).

Jurisdiction

2. This proceeding is instituted pursuant to the FHSA, 15 U.S.C. 1261 *et seq.*

Respondent

3. Respondent Janex Corporation (Janex or Respondent) is a corporation organized and existing under the laws of the State of New York with corporate offices at 19 Wardell Circle, Oceanport, New Jersey 07757.

4. Respondent imported, introduced into interstate commerce, and sold in commerce, within the meaning of 15 U.S.C. 1261(b) and 1274 and 16 CFR 1500.18(a)(9) (1982), approximately 52,000 toys known and labeled as the "Musical Rock-A-Bye Railroad," No. 2010, from on or about June, 1982 to on or about November, 1982.

5. Respondent is a manufacturer of the "Musical Rock-A-Bye Railroad," within the meaning of 15 U.S.C. 1274.

The Toy

6. The "Musical Rock-A-Bye Railroad," is a plastic locomotive or engine designed to be mounted on the rail of a crib or used as a pull toy. The toy weighs approximately 1.2 lbs. and measures 7½" long by 7½" high by 3¾" wide. The toy can be knocked off a crib rail by an upward force of 0.5 lbf. to 4.5 lbf. applied near the front wheels. The smokestack can be turned to wind up a music box within the toy. The wheels of the locomotive, the smokestack, and figures in the cab turn as the music plays.

7. The "Musical Rock-A-Bye Railroad," is labeled "For Infants and Older Children" and is intended for use by children under three years of age.

8. The "Musical Rock-A-Bye Railroad," is a toy within the meaning of 15 U.S.C. 1261(f)(1)(D) and 16 CFR 1501.2(a), a regulation pertaining to small parts on toys and other articles intended for use by children.

Banned Hazardous Substance

9. The "Musical Rock-A-Bye Railroad," is subject to the regulations prohibiting small parts in toys intended for children under three years of age. 16 CFR 1501 and 1500.18(a)(9).

10. Units of the "Musical Rock-A-Bye Railroad" fractured, broke, and/or separated in such manner as to produce parts small enough to fit within the test cylinder, or small parts, when tested according to the requirements of the regulations, 16 CFR 1501 and 1500.50, .51, and .52.

11. The "Musical Rock-A-Bye Railroad" fails to comply with the regulations prohibiting small parts in toys intended for children under three years of age.

12. The "Musical Rock-A-Bye Railroad" is, therefore, a "banned hazardous substance." 16 CFR 1500.18(a)(9).

13. The "Musical Rock-A-Bye Railroad," a banned hazardous substance, presents a "mechanical hazard" to young children as defined by the FHSA and the regulations thereunder. 16 CFR 1500.18(a)(9) and 1501 and 15 U.S.C. 1261(s).

14. "Musical Rock-A-Bye Railroad," a banned hazardous substance, presents an "unreasonable risk of personal injury or illness" to young children as defined by the FHSA and the regulations

thereunder. 16 CFR 1501.18(a)(9) and 1501 and 15 U.S.C. 1261(s).

15. The small parts regulations were promulgated to ensure that toys which can cause injury from choking, aspiration, and ingestion of small parts would not be sold in interstate commerce and thus that children would be protected from these hazards.

16. The importation and the introduction into commerce of the "Musical Rock-A-Bye Railroad," a banned hazardous substance, are prohibited by the regulations and in direct violation of them. 15 U.S.C. 1263(a) and 1261(b) and 16 CFR 1500.18(a)(9) and 1501.

17. The importation and sale in commerce of the "Musical Rock-A-Bye Railroad," a banned hazardous substance, expose children to the hazards from which the small parts regulations seek to protect them.

18. It is in the public interest to obtain for young children the protection from choking, aspiration, and ingestion hazards provided for by the small parts regulations.

19. It is in the public interest to protect young children from the choking, aspiration, and ingestion hazards presented by the "Musical Rock-A- Bye Railroad," an article which does not comply with the small parts regulations and is a banned hazardous substance.

20. It is in the public interest to obtain for young children the protection from the choking, aspiration, and ingestion hazards presented by the "Musical Rock-A-Bye Railroad," a banned hazardous substance, which they would have had if the article had complied with the small parts regulations.

21. Pieces of the "Musical Rock-A-Bye Railroad," broke off during the impact test (ten drops from a height of 4.5 ft.). 16 CFR 1500.51(a)(3).

22. Pieces of the toy broke off during the tension test (application of a force of 15 lbs. built up over 5 seconds and maintained for 10 seconds). 16 CFR 1500.52(f)(3).

23. The pieces that broke off during testing fit within the test cylinder, violated the small parts regulations, and were thus small enough to be hazardous to children under three years of age. 16 CFR 1501 and 1500.18(a)(9).

24. The failures of the "Musical Rock-A-Bye Railroad," in testing created the very risks which the small parts regulations seek to prevent.

25. Moreover, the toy will be dropped in excess of ten times over its lifetime when used by young children.

26. The toy will be pulled on for more than 10 seconds with a force of 15 lbs. built up for 5 seconds over its lifetime when used by young children.

27. The tests show that the toy will break and create small parts hazardous to young children over its lifetime.

28. Many of these toys are currently being used and will be used in the future.

29. For the reasons stated above, particularly in paragraphs 13 through 28, it is in the public interest for Respondent to provide repair, replacement, and/or refunds for the "Musical Rock-A-Bye Railroad."

30. It is also necessary for the adequate protection of the public, particularly young children, for Respondent to give public notice that the "Musical Rock-A-Bye Railroad," is a banned hazardous substance which presents choking, aspiration, and ingestion hazards

31. It is in the public interest that Respondent undertake these remedial measures—public notice and repair, replacement, and/or refund for the articles—as soon as possible.

Relief Sought

Wherefore, Compliant Counsel requests the Commission to:

A. Determine that the "Musical Rock-A-Bye Railroad," No. 2010, is a banned hazardous substance and that notification as provided for in 15 U.S.C 1274(a) is required to adequately protect the public and order Janex Corporation to:

1. Give public notice that the article is a banned substance by

(a) Issuing a press release jointly with the Commission and

(b) Providing posters to all retail customers and to wholesale customers for distribution to their retail customers with at least one poster for each retail outlet;

2. Mail notice to each person who is a manufacturer, distributor, or dealer of the article;

3. Mail notice to every person to whom Respondent knows the article was delivered or sold; and

4. Give all notice with the content specified in Exhibit 1 and after approval by the Commission staff.

B. Determine that the "Musical Rock-A-Bye Railroad," No. 2010, is a banned hazardous substance and that action under 15 U.S.C. 1274(b) is in the public interest and order Janex Corporation to

1. Elect either to replace the article with a like or equivalent article which is not a banned hazardous substance, or to refund the purchase price or the article, or to provide replacements and refunds as alternative remedies and

2. Submit a plan, satisfactory to the Commission, for taking the actions in paragraph B.1 above within 15 days of the issuance of an order mandating the election.

C. Specify that refunds must be made to consumers who own or have the article in their possession.

D. Prohibit Janex Corporation from manufacturing the "Musical Rock-A-Bye Railroad," No. 2010, and the same article under any other name or designation for sale, offering the articles for sale, distributing them in commerce, and importing them into the customs territory of the United States.

E. Order Respondent, as provided for by 15 U.S.C. 1274(c)(1), to make no charge to any person who avails himself of any remedy provided under Paragraphs B and C above, and order Respondent to reimburse each person entitled to any such remedy for any reasonable and foreseeable expenses incurred by him in availing himself of any such remedy.

F. Determine that reimbursement is in the public interest and order Janex Corporation to reimburse all distributors and dealers of the article for their expenses in connection with carrying out the order or orders of the Commission mandating the actions in Paragraphs A, B, and/or C above, including giving credit or refunds for returned inventory and paying transportation expenses.

G. Order Respondent to keep records of

1. The notice required to be given in paragraph A;

2. The amount and recipient of each refund made and the recipient and date of each replacement made under Paragraphs B and C;

3. The amount of each reimbursement for reasonable and necessary expenses and the recipient under Paragraph E; and

4. The amount of each reimbursement and the recipient under Paragraph F.

H. Order Respondent to provide copies of the records specified in Paragraph G and extracts from these records and copies of the notice ordered under Paragraph A to Commission staff for a period of three years after entry of each Commission order in this proceeding mandating any of these actions.

I. Order Janex Corporation to file reports with the Commission staff, in a format agreed upon with them, containing the information specified in Paragraphs G and H above at 30 day intervals until the actions required under Paragraphs A through H above are completed, and order Respondent to provide any other information that may be requested to determine compliance with any order issued in this proceeding

J. Order Respondent to notify the Commission at least 30 days prior to any change in its business (such as incorporation, dissolution, assignment, sale, or declaration of bankruptcy) that results in the emergence of a successor corporation, the creation or dissolution of subsidiaries, the dissolution of the corporation, or any other change that might affect compliance obligations under any Commission order issued in this proceeding for a period of three years after issuance.

K. Grant such other and further relief as the Commission believes necessary to protect the public health and safety and to implement the FHSA.

Issued by order of the Consumer Product Safety Commission.

Dated: August 31, 1983.

David Schmeltzer,

Associate Executive Director for Compliance and Administrative Litigation.

List and Summary of Documentary Evidence

1. CPSC Test Report for Small Parts Testing, Musical Rock-A-Bye Railroad, No. 2010, Sample F–598–0157, October 1, 1982.

Test report showing failure of tension test and noncompliance with small parts regulations.

2. CPSC Test Report for Small Parts Testing, Musical Rock-A-Bye Railroad, No. 2010, Sample F–805–4998 (consisting of 12 subsamples tested in the Test Report and described in the Sample Collection Report but labeled F–805–4997) March 14, 1983.

Test report showing failures of impact and tension tests and noncompliance with small parts regulations.

3. *Engineering Test Manual: Requirements for Toys and Other Articles Intended for Use by Children Under 8 years of Age, U.S. Consumer Procuct Safety Commission* March, 1981.

Describes procedures for testing for small parts.

Exhibit 1

Janex Toy Train Engine Presents Hazards to Infants and Small Children

Washington, D.C.—The Consumer Product Safety Commission today announced that a musical action crib and pull toy, the Musical Rock-A-Bye Railroad, No. 2010, distributed by the Janex Corporation, 19 Wardell Circle, Oceanport, New Jersey, may present choking, aspiration and ingestion hazards because of small parts which can break off.

This toy is a plastic train engine which can be clamped on the rail of the crib or used as a pull toy outside the crib.

When the "smokestack" is wound up, the toy plays music and the rear wheels turn. The train engine is made of blue plastic with pink and white wheels, a red and white smokestack, and a yellow bell. Yellow decals with red printing on each side of the train engine say, "Muscial ROCK-A-BYE RAILROAD." The toy train engine is approximately 7½" high by 7½" long and 3¾" wide.

When the Commission tested this toy according to safety requirements for toys, several components including the bell broke off. This is a violation of the CPSC Small Parts Requirement which band small parts in toys intended for children under three years of age. These components are small enough to be choking, aspiration, and ingestion hazards to infants and young children. These particular toys have not been involved in any incidents known to CPSC.

The Janex Corporation distributed 50,000 of these toys form April through October 1982. The Rock-A-Bye Railroad sold for approximately $9.97.

Consumers should remove these toys from use immediately and contact the company to obtain a replacement or refund. Retailers and distributors should return all inventory to the company as soon as possible.

For Further information, call Janex Corporation at 201/229–8482 or the Commission's toll-free hotline at 800–638–CPSC. The teletypewriter number for the hearing impaired is 800–638–8270.

Dated: August 31, 1983.

Sheldon D. Butts,

Acting Secretary.

[FR Doc. 83-24346 Filed 9-6-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Defense Intelligence Agency Advisory Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

Monday, 17 October 1983, Plaza West, Rosslyn, VA.

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on reconnaissance requirements.

Dated: September 1, 1983.

M. S. Healy,

OSD Federal Register Liason Officer, Department of Defense.

[FR Doc. 83-24386 Filed 9-6-83; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

August 25, 1983.

The USAF Scientific Advisory Board Tactical Cross-Matrix Panel will meet at the Langley AFB, VA, on 12–13 October 1983. The purpose of the meeting will be to review airbase survivability and its effects on Tactical Air Force operations, tactics, and requirements. The meeting will convene at 9:00 am on both days and will adjourn at 4:30 pm on the 12th and 11:30 on the 13th.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-24362 Filed 9-6-83; 8:45 am]

BILLING CODE 3910-01-M

Army Medical Research and Development Advisory Committee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Subcommittee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Medical Entomology.

Date of Meeting: 3, 4 October 1983.

Time & Place: 0830 hrs, Conference Room, Bldg 1425, US Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD.

Proposed Agenda: This meeting will be open to the public from 0830 to 0945 hrs for the administrative review and discussion of the scientific research program of the Medical Entomology Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552 (c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1000 to 1630 hrs on 3 October and from 0900 to 1200 hrs on 4 October for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical

Research and Development Command, including consideration of personnel qualifications and performance the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure to which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83-24341 Filed 9-6-83; 8:45 am]

BILLING CODE 3710-08-M

Medical Research and Development Advisory committee; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Committee, Subcommittee on Viral and Rickettsial Diseases.

Date of Meeting: 6, 7 October 1983.

Time & Place: 0830 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public from 0830 to 0945 hrs for the administrative review and discussion of the scientific research program of the Viral and Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), US Code, Title 5 and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 1000 to 1630 hrs on 6 October and from 0900 to 1200 hrs on 7 October for the review, discussion and evaluation of individual programs and projects conducted by the US Army Medical Research and Development command, including consideration of personnel qualifications and performance the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Bldg 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20307 (202/576-2436) will furnish summary minutes, roster of Subcommittee members and substantive program information.

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 83-24342 Filed 9-6-83; 8:45 am]

BILLING CODE 3710-08-M

DELAWARE RIVER BASIN COMMISSION

Commission Meeting and Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 14, 1983, beginning at 1:30 p.m. in the Parlor Room of Mohonk Mountain House, in New Paltz, New York. The hearing will be a part of the Commission's regular business meeting, which is open to the public.

An informal pre-meeting conference among the Commissioners and staff will be open for public observation beginning at 11:00 a.m. in the Sunset Room of Mohonk Mountain House, New Paltz, New York.

The subjects of the hearing will be as follows:

Applications for Approval of the Following Projects Pursuant to Article 10.3, Article 11, and/or Section 3.8 of the Compact:

1. *Camden County Municipal Utilities Authority (D-71-9 CP Revised) Supplement.* Modification of the regional wastewater management plan for the applicant's service area in Delaware Basin District Nos. 1 and 2, in Camden County, New Jersey. Modifications include: (1) Increasing design flows for the District No. 1 and No. 2 treatment plants from 60 to 75 million gallons per day (mgd) and from 14 to 17 mgd, respectively, and (2) optional phased construction of the regional treatment facilities. Phasing would entail construction to treat 38 mgd at the District No. 1 facility by 1985 and full capacity operation at both facilities by July, 1988.

2. *Hazleton City Authority (D-82-37 CP) Amendment No. 1.* A proposal to include the construction of wetland mitigation areas near Dreck Creek Reservoir. Two timber dams will be constructed upstream to create one acre of low water pools and the borrow areas will be regarded to provide 6.3 acres of diversified wetland habitat.

3. *Waterloo Gardens, Inc. (D-83-12).* A ground water withdrawal project to supply up to 0.20 mgd of water for heating, cooling and backup supply for irrigation at the applicant's commercial nursery and landscape facility in West Whiteland Township, Chester County, Pennsylvania. Proposed Well No. 2 will serve as a ground water heating and cooling return well, a supplemental supply source, and as a backup source to existing Well No. 1. The well is located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Mobil Oil Corporation (D-83-14).* A dredging project at the applicant's Paulsboro refining plant in Greenwich Township, Gloucester County, New Jersey. The proposed project will consist of lengthening one of the refinery's berthing facilities (Berth #1) by 228 feet and dredging to a depth of 40.0 feet below mean low water to allow access by larger tankers. Approximately 60,000 cubic yards of dredged material will be removed from the project site, on the Delaware River near Paulsboro, and transported by barge to an approved disposal area.

5. *Allen Products Company, Inc. (D-83-18).* Expansion of an industrial waste treatment facility at the applicant's pet food processing and canning plant in South Whitehall Township, Lehigh County, Pennsylvania. The facility will be expanded for continued removal of BOD_5, TSS, NH_3, oil and coliforms from a waste flow to be increased from 0.282 to 0.302 mgd. Non-contact cooling water (0.014 mgd) will continue to be discharged through a separate outfall. The treated effluent will discharge through the existing outfall to an unnamed tributary of Jordan Creek, a tributary to the Lehigh River.

6. *Borough of Kutztown (D-83-23 CP).* A ground water withdrawal project to supplement existing ground water supplies to the applicant's distribution system in Kutztown Borough and Maxatawny Township, Berks County, Pennsylvania. New Wells Nos. 3A in Maxatawny Township and 5 in Kutztown Borough will be used to reduce pump operating times at existing Wells Nos. 1, 2 and 4 and will serve as secondary supply sources during drought conditions. Maximum withdrawals from Wells Nos. 3A and 5 are expected to be 0.35 mgd and 0.25 mgd, respectively. Withdrawals from all wells are expected to average 1.5 mgd by the year 2000.

7. *Blue Ridge Real Estate (D-83-25).* Expansion of a waste water teatment facility to serve the Jack Frost Ski Area and proposed Snow Ridge time sharing units in Kidder Township, Carbon County, Pennsylvania. An existing 0.03 mgd treatment plant will continue to discharge treated effluent to Porter Run in Kidder Township. A new aeration-spray irrigation system will be added to increase the total treatment capacity to

0.1 mgd. Treated effluent from the new facility will be applied to a 19.64 acre spray area.

8. *Grows, Inc. (D–83–27).* Modifications to upgrade the industrial waste treatment plant at the applicant's solid waste disposal facility in Falls Township, Bucks County, Pennsylvania. Presently, Grows is permitted to discharge only during the winter months and is now seeking approval to discharge on a twelve month basis. The proposed additional facilities are designed to adequately treat a maximum flow of 100,000 gallons per day (gpd) prior to discharge into an inlet along the Delaware River. Review by the DRBC is limited to the wastewater discharge and does not include the landfill facilities.

Documents relating to these projects may be examined at the Commission's offices and are available in single copies upon request. Please contact David B. Everett. Persons wishing to testify at this hearing are requested to register with the Secretary prior to the hearing.

Susan M. Weisman,

Secretary.

August 30, 1983.

[FR Doc. 83-24320 Filed 9-6-83; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in September 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhance Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its twelfth meeting on Thursday and Friday, September 22 and 23, 1983, starting at 8:30 a.m. each day, in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.

2. Review progress of Task Group study assignments.

3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353–3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E–190, DOE Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on August 31, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-24364 Filed 9-6-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Deep River Dyeing Co., Inc., and Pfizer Chemicals Div.; Certification of Eligible Use of Natural Gas to Displace Fuel Oil

[ERA Docket No. 83–CERT–296 and 297]

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in the applications, were published in the **Federal Register** and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG–42, Room GA–093, Forrestal building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Date filed	Docket No.	"Federal Register" notice of application
Deep River Dyeing Co., Randleman Plant, Randleman, N.C.	Aug. 5, 1983	83-CERT-296	48 FR 37691, Aug. 19, 1983.
Pfizer Chemicals Div., Greensboro Plant, Greensboro, N.C.	Aug. 8, 1983	83-CERT-297	48 FR 37691, Aug. 19, 1983.

The ERA has carefully reviewed the above applications for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that the application satisfy the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certifications and transmitted those certifications to the Federal Energy Regulatory Commission.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-24396 Filed 9-6-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83–CERT–104, as amended, et al.]

St. Elizabeth Medical Center, Inc., et al.; Amended Certifications of Eligible Use of Natural Gas To Displace Fuel Oil

The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received the

following applications to amend existing certifications of the eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). Notice of these applications, along with pertinent information contained in each amendment request, were published in the Federal Register and an opportunity for public comment was provided for a period of ten calendar days from the date of publication. No comments were received. More detailed information is contained in each application on file and available for inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Applicant and facility	Existing certification number and date issued	Date amendment filed	"Federal Register" notice of applicant's amendment
St. Elizabeth Medical Center, Inc., Covington, Ky., Edgewater, Ky.	83-CERT-104, July 1, 1983	May 23, 1983	48 FR 36677, August 15, 1983.
ITT Grinnell Corp., Columbia Plant, Columbia, Pa.	83-CERT-110, July 1, 1983	July 20, 1983	48 FR 36678, August 15, 1983.
Vulcan Materials Co., Metals Div., Sparrows Point Plant, Sparrows Point, Md.	83-CERT-107, July 8, 1983	June 24, 1983	48 FR 36677, August 15, 1983.

The ERA has carefully reviewed the above applications to amend the existing certifications in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas To Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that each application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the amended certifications and transmitted those amended certifications to the Federal Energy Regulatory Commission.

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

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-24309 Filed 9-6-83; 8:45 am]

BILLING CODE 6450-01-M

Intercoastal Operating Company; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Intercoastal Operating Company, 2807 Buffalo Speedway, Houston, Texas 77027, I.O.C. Production, Inc., 2807 Buffalo Speedway, Houston, Texas 77027, John C. O'Leary, 19 River Hollow Lane, Houston, Texas 77027, W. R. Dean, 2 River Hollow Lane, Houston, Texas 77027, Joe N. Pratt, 1706-A North Navarro, Victoria, Texas 77901, Karen Sue Royce (Kuper), 2515 Locke Lane, Houston, Texas 77019, J. H. Gilley, Jr., 601-A Country Club Lane, Victoria, Texas, and L. E. Lewis, 3609 Parader, Dallas, Texas 75228. This Proposed Remedial Order alleges pricing violations in the amount of $1,055,285.76 plus interest in connection with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1, 1973 through September 30, 1980. This Proposed Remedial Order supersedes a Proposed Remedial Order issued on July 22, 1983 and rescinded on August 9, 1983.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, 1341 West Mockingbird Lane, Suite 200-E, Dallas, Texas 75247, or by calling (214) 767-7407. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Texas on the 18th day of August, 1983.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 83-24308 Filed 9-6-83; 8:45 am]

BILLING CODE 6450-01-M

[6COX00270]

Mapco International, Inc.; Proposed Remedial Order

AGENCY: U.S. Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Proposed Remedial Order to Mapco International, Inc.

SUMMARY: Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to Mapco International, Inc. of Tulsa, Oklahoma. This Proposed Remedial Order alleges violations in the pricing of crude oil of 10 CFR 212.186 and 212.183. The total violation alleged during August 1978 through November 1980 is $3,185,873.64.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, Attn: John W. Sturges, Director, 440 S. Houston, Room 306, Tulsa, Oklahoma 74127.

Within 15 days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Tulsa, Oklahoma on the 19th day of August 1983.

John W. Sturges,

Director, Tulsa Office, Economic Regulatory Administration.

[FR Doc. 83-24307 Filed 9-6-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RP72-110-030]

Algonquin Gas Transmission Co.; Filing of Pipeline Refund Reports and Refund Plans

September 1, 1983.

Take notice that the pipelines listed in the Appendix here to have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 12, 1983. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Aug. 3, 1983	Algonquin Gas Transmission Company	RP72-110-030	Report.
Aug. 3, 1983	Algonquin Gas Transmission Company	RP72-110-031	Report.
Aug. 3, 1983	National Fuel Gas Supply Corporation	RP80-135-029	Report.
Aug. 10, 1983	Southern Natural Gas Company	RP81-86-011	Report.
Aug. 17, 1983	National Fuel Gas Supply Corporation	RP80-135-030	Report.
Aug. 18, 1983	Northwest Pipeline Corporation	RP82-56-008	Report.
Aug. 22, 1983	East Tennessee Natural Gas Company	RP65-69-000, *et al*	Compliance Report.
Aug. 24, 1983	El Paso Natural Gas Company	RP82-33-006	Report.

[FR Doc. 83-24347 Filed 9-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-20-003]

Algonquin Gas Transmission Co., Rate Filing and Revised Tariff Sheets Under Rate Schedule STB

September 1, 1983.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on August *19*, 1983 tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1.

Substitute First Revised Sheet No. 211
First Revised Sheet No. 403
First Revised Sheet No. 404
Substitute First Revised Sheet No. 405

Algonquin Gas states that Substitute First Revised Sheet No. 211 is being filed to reflect in Algonquin Gas' Rate Schedule STB decreases in Texas Eastern Transmission Corporation's ("Texas Eastern") underlying Rate Schedule SS-II. Texas Eastern's decreases are pursuant to Stipulation and Agreement in Docket No. RP83-35-000 *et al.* as approved by Commission order dated July 14, 1983.

Algonquin Gas further states that First Revised Sheet No. 403 and First Revised Sheet No. 404 are being filed to reflect a reduction of Texas Eastern's Rate Schedule SS-II shrinkage gas from 6% annually to 4% from November 16 through April 15 and 3% from April 16 through November 15. In addition Substitute First Revised Sheet No. 405 is being filed to remove Section 6.4 "Basic Withdrawal Quantity Adjustment" of Rate Schedule STB, to reflect the elimination of Texas Eastern's Rate Schedule SS-II Excess Withdrawal Charge.

Algonquin Gas requests that the Commission accept such tariff sheets proposed to be effective August 1, 1983 to coincide with the effectiveness of Algonquin Gas' Second Revised Volume No. 1, placed into effect as of August 1, 1983 by Motion under Algonquin Gas' Docket No. RP83-44-000.

Algonquin Gas requests permission to credit the subsequent months' bill following Commission acceptance to effectuate such rate change as of August 1, 1983, since it appears that Algonquin gas may not receive approval in time for the September 7, 1983 billing of August, 1983 sales. In addition, since Texas Eastern's proposed Rate Schedule SS-II rate change effective date is July 1, 1983, Algonquin Gas also proposes to provide a refund in the form of a credit for the July, 1983 Rate Schedule STB billing on such subsequent billing following Commission acceptance of this filing.

Algonquin Gas notes that a copy of this filing is being served upon each affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 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 protest should be filed on or before September 9, 1983. Protest will 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. 83-24348 Filed 9-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES83-61-000]

Bangor Hydro-Electric Co.; Application

August 31, 1983.

Take notice that on August 17, 1983, Bangor Hydro-Electric Company (Applicant) filed on application seeking an order authorization the issuance of up to $15,000,000 in short-term (not to exced 180 days) notes. The notes are to be issued pursuant to negotiated borrowings under a secondary credit facility.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before September 8, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24349 Filed 9-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ES83-62-000]

Centel Corp.; Application

September 1, 1983.

Take notice that on August 24, 1983, Centel Corporation (Centel) filed an Application, pursuant to Section 204 of the Federal Power Act, seeking authority to issue up to 300,000 shares of Common Stock, $2.50 per share, in exchange for up to $12,000,000 of certain outstanding debt securities.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before September 14, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24350 Filed 9-6-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-468-000]

Mohave Gas Trust; Application

September 1, 1983.

Take notice that on August 15, 1983, Mohave Gas Trust (Applicant), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP83-468-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas for resale to Southwest Gas Corporation (Southwest), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is a trust created to facilitate the financing of

natural gas inventories proposed to be held in storage by Pataya Storage Company (Pataya) [1] on behalf of Southwest. Applicant explains that it would purchase from Southwest, at cost, all volumes of natural gas injected into storage by Pataya and that it would re-sell the stored volumes of natural gas to Southwest upon withdrawal.

Applicant states that it would finance the stored gas inventory, up to 4,400,000 Mcf at full capacity, through the sale of commerical paper, short-term debt instruments with maturities generally less than 270 days.

Applicant states that it would provide the proposed service under the terms and conditions of the proposed FERC Gas Tariff, Original Volume No. 1, Rate Schedule F–1. Under the terms of the proposed Rate Schedule F–1 Applicant indicates it would bill Southwest each month for Applicant's expected costs of financing the gas inventory, administration and management costs in the following month. Volumes withdrawn from storage would be resold to southwest by Applicant at the weighted average cost of volumes in storage, it is submitted.

Applicant further states that the gas to be sold to Southwest would include gas purchased by Southwest from El Paso as part of Southwest's contractual entitlement from El Paso for Southwest's southern Nevada and Arizona markets, gas purchased by Southwest from producers and special purchases.

Applicant states that its proposal would provide at cost effective means of financing the gas inventory proposed to be stored by Pataya for Southwest's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 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. 83-24351 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[1] By order dated December 3, 1982, the Commission consolidated Pataya's application in Docket No. CP80-581, with the related application of El Paso Natural Gas Company (El Paso) in Docket No. CP81-308 and set both applications for formal evidentiary hearing. The current procedural schedule, pursuant to the Administrative Law Judge's order of June 30, 1983, calls for the hearing to begin November 1, 1983.

[Docket No. ES83-60-000]

Montana-Dakota Utilities Co.; Application September 1, 1983.

Take notice that on August 15, 1983, Montana-Dakota Utilities Company (Applicant), filed an Application with the Commission, pursuant to Section 204 of the Federal Power Act, seeking authorization to issue and sell up to 500,000 shares of Common Stock, par value of $10, pursuant to Applicant's Tax Deferred Compensation Savings Plan.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before September 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24352 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-16-002]

National Fuel Gas Supply Corp.; Proposed Tariff Change

September 1, 1983.

Take notice that on August 26, 1983, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Substitute Forty-third Revised Sheet No. 4, proposed to be effective August 1, 1983.

National Fuel states that the purpose of this revised tariff sheet is to comply with Commission Order dated August 11, 1983, requiring that National Fuel reflect any downward modification in its pipeline suppliers. National Fuel further states that Second Substitute Forty-third Revised Sheet No. 4 reflects a decrease in National Fuel's rate of 37.94¢ per Mcf.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 September 9, 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. 83-24353 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-127-000]

Natural Gas Pipeline Company of America; Proposed Changes in FERC Gas Tariff

September 1, 1983.

Take notice that on August 25, 1983 Natural Gas Pipeline Company of America (Natural) submitted for filing, to be a part of its FERC Gas Tariff, Third Revised Volume No. 1, initial Rate Schedule AIC (Added Incentive Charge) consisting of Original Sheet No. 81.

Natural states the purpose of the filing is to institute the special added incentive charge tariff authorized under

Section 157.209(f) of the Commission's Regulations which became effective August 5, 1983 pursuant to Order No. 319 issued July 20, 1983 at Docket No. RM81-29-000.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

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 the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before September 9, 1983. Protests will be considered by the Commission in determinig 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. 83-24354 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-26-001]

Natural Gas Pipeline Company of America; Change in Rates

September 1, 1983.

Take notice that on August 23, 1983, Natural Gas Pipeline Company of America (Natural) submitted for filing Fifth Substitute Fiftieth Revised Sheet No. 5 to be part of its FERC Gas Tariff, Third Revised Volume No. 1.

Natural states the purpose of the filing is to implement a 3.02¢ per Mcf decrease in Natural's PGA unit adjustment effective September 1, 1983. The 3.02¢ per Mcf decrease reflects reduced projected gas purchased costs based on Natural's decision to implement the pre-Order 93 measurement basis in pricing its gas cost pursuant to the decision of the United States Court of Appeals in Docket No. 81-1690 to vacate Order Nos. 93 and 93-A. The effect of this PGA reduction over the next six-month deferred account recovery period is a revenue decrease of approximately $18.4 million. This filing modifies the PGA filed July 22, 1983.

Natural requests waiver of the Commission's regulations to the extent necessary to put the proposed tariff sheet into effect on September 1, 1983. Further, due to the nature of the proposed reduction and the benefits it will provide its customers Natural has requested that the notice period for motion or protest of this filing be shortened.

A copy of this filing has been mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed on or before September 9, 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. 83-24355 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-107-001]

North Penn Gas Co.; Request for Amendment of Letter Order Granting Waiver and Accepting Tariff Sheets

September 1, 1983.

Take notice that on August 23, 1983, North Penn Gas Company (North Penn) tendered for filing a request for amendment of the Commission's letter order of August 1, 1983. By that order the Commission granted waiver of its regulations and accepted effective June 21, 1983, the following tariff sheets which explicitly provide that costs incurred and paid under minimum commodity bill provisions of North Penn's pipeline suppliers' rate schedules are properly included as a cost of purchased gas in North Penn's PGA filings:

Fifth Revised Sheet No. 15D
Superseding Fourth Revised Sheet No. 15D
Alternate Fifth Revised Sheet No. 15E
Superseding Fourth Revised Sheet No. 15E

North Penn points out that in addition to the above-referenced tariff sheets it is necessary that Fifth Revised Sheet No. 15C superseding Substitute Fourth Revised Sheet No. 15C should also have been accepted for filing effective as of June 21, 1983. North Penn's letter of June 8, 1983, submitting the revised tariff sheets failed to make that clear.

North Penn, therefore, requests that the letter order be amended to include acceptance for filing effective as of June 21, 1983, Fifth Revised Sheet No. 15C superseding Substitute Fourth Revised Sheet No. 15C.

Copies of North Penn's request were served upon North Penn's jurisdictional customers as well as 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, NE, Washington, D.C. 20426, in accordance with the 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 September 9, 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. 83-24356 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7187-000]

Pankratz Lumber Co.; Rescinding Prior Notice

September 1, 1983.

Take notice that the Notice of Application for Exemption from Licensing in the above docket was inadvertently issued on August 10, 1983, (48 FR 38073, August 22, 1983) and is therefore rescinded.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24357 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-35-007]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 1, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 24, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Second Substitute Original Sheet No. 122.

On August 2, 1983 Texas Eastern filed revised tariff sheets pursuant to the Stipulation and Agreement in Docket Nos. RP83-35-000, *et al.*, for the period February 14, 1982 through July 1, 1983. In

its filing Texas Eastern inadvertently omitted the Base Electric Power Cost Unit for Rate Schedule WS on Substitute Original Sheet No. 122. By Order of August 17, 1983, the Commission accepted the tariff sheet filed on August 2, 1983, conditioned upon Texas Eastern's filing of a correct tariff sheet to include the Base Electric Power Cost Unit for Rate Schedule WS. The sole purpose of this second substitute tariff sheet is to reflect the proper Base Electric Power Cost Unit of 4.03¢/dth as directed by the Commission.

The proposed effective date of the above tariff sheet is March 1, 1982, the date Texas Eastern's Electric Power Cost tracker was made effective by the Commission's order of February 26, 1982 in Docket Nos. RP82-37-000 and RP81-109-000.

In light of the August 17, 1983 Order, it does not appear that a waiver of the rules and regulations in order for the Commission to accept the above second substitute tariff sheet to become effective on March 1, 1982 or a Notice of Proposed Changes in necessary; however, in the event they are required, Texas Eastern respectfully requests waiver of any rules and regulations that the Commission may deem necessary to accept the above second substitute tariff sheet to be effective on March 1, 1982 in substitution for the corresponding sheet filed on August 2, 1983.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 Sept. 9, 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. 83-24350 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-17-002]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

September 1, 1983.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 24, 1983 tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1 and Original Volume No. 2, the following sheet:

(A) Fourth Revised Volume No. 1
- Substitute Sixty-sixth Revised Sheet No. 14
- Substitute Sixty-sixth Revised Sheet No. 14A
- Substitute Sixty-sixth Revised Sheet No. 14B
- Substitute Sixty-sixth Revised Sheet No. 14C
- Substitute Sixty-sixth Revised Sheet No. 14D

(B) Original Volume No. 2
- Revised Second Substitute Revised Thirteenth Revised Sheet No. 235
- Substitute Fifteenth Revised Sheet No. 322

The above tariff sheets are being issued in substitution for their corresponding sheets filed July 1, 1983 consisting of Texas Eastern's semiannual PGA tracking adjustment to be effective August 1, 1983. The above sheets are being filed in compliance with Ordering Paragraph (1) of the Commission's order isued July 29, 1983 in Docket No. TA83-2-17-001 (PGA83-2, IPR83-2, and DCA83-2) which requires Texas Eastern to revise its August 1, 1983 PGA filing to reflect the appropriate underlying rates and to reflect the proper pipeline supplier rates. The above tariff sheets reflect the underlying settlement rates filed by Texas Eastern on August 2, 1983 pursuant to the Settlement Agreement in Docket Nos. RP83-35-000, et al., and approved to be effective July 1, 1983 by Commission order issued August 17, 1983. In addition, the above tariff sheets reflect reductions from its pipeline suppliers, Texas Gas Transmission Corporation and United Gas Pipe Line Company, and its imported gas purchase from ProGas Limited.

In reflecting the approved settlement rates in Docket Nos. RP83-35-000, et al., as the appropriate underlying rates, it is necessary to file the tariff sheet designated as Revised Second Substitute Revised Thirteenth Revised Sheet No. 235 which was not included in the filing of July 1, 1983, and Substitute Fifteenth Revised Sheet No. 322 to incorporate the appropriate Electric Power Cost Tracker for Rate Schedules X-28 and X-43.

The proposed effective date of the above tariff sheets is August 1, 1983.

Copies of the filing were served on Texas Eastern's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 215 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before Sept. 9, 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. 83-24359 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

Valley Gas Transmission, Inc., and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

[Docket No. CP83-458-000]

September 1, 1983.

Take notice that on July 22, 1983, Valley Gas Transmission, Inc. (Valley), 3200 Entex Building, 1200 Milam Street, Houston, Texas 77002, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-458-000 a joint application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon certain sales and transportation of natural gas and for a certificate of public convenience and necessity authorizing the sale of natural gas to Tennessee by Valley, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that in Docket No. CP65-123 Valley was authorized to sell up to 35,000 Mcf of natural gas per day to National Fuel Gas Supply Corporation (NFG) and that in Docket No. CP65-93 Tennessee was authorized to transport NFG's gas. It is stated that Valley has not been able to acquire supplies of gas for delivery to Tennessee that would fulfill Valley's sales obligations to NFG and that, consequently, NFG has advised Valley that it no longer needs the small amount of gas available under the current arrangement. Therefore, Valley and Tennessee request permission to abandon the authorized sale and transportation of gas. In addition, Valley requests authorization to sell said gas, which was previously dedicated to NFG, to Tennessee.

Valley also proposes to abandon the service authorized in Docket No. CP 80-167 which permitted Valley to add new

delivery points in those areas in which Valley was attempting to acquire additional sources of natural gas to sell to NFG. Valley states that no new delivery points were added or deleted under the authorization granted in CP80-167.

Lastly, Valley requests authorization to sell to Tennessee additional gas after January 1, 1984, acquired by Valley from certain specified fields in Louisiana and Texas, not to exceed 15,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 22, 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 the 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 and permission and approval for the proposed abandonment are 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 Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24360 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP65-141, CP65-142, CP69-132, CP72-38, CP76-100]

Vermont Gas Systems, Inc.; Petition To Amend

August 31, 1983.

Take notice that on August 24, 1982, Vermont Gas Systems, Inc. (Petitioner), Post Office Box 467, Burlington, Vermont 05402, filed in Docket Nos. CP65-142, CP69-132, CP72-38, and CP76-100 a petition to amend the orders issued on April 28, 1965, December 30, 1968, November 15, 1971, January 30, 1976, July 2, 1981, and March 1, 1982, pursuant to Section 3 of the Natural Gas Act so as to amend the authorization issued to Vermont Gas-Delaware to substitute Vermont Gas-Vermont in lieu of and as successor-in-interest to Vermont Gas-Delaware. Take further notice that in Docket No. CP65-141 Petitioner requests that the permit issued pursuant to Executive Order No. 10485 be amended to substitute Vermont Gas-Vermont as Permittee. The proposals are more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner requests amendment of its authorizations to import natural gas from Canada which gas it purchases from TransCanada PipeLines Limited (TransCanada) pursuant to an agreement dated February 16, 1966, as amended. Petitioner further states that it is currently authorized to import up to 22,400 Mcf of gas per day which would periodically increase to a maximum of 25,600 Mcf per day by November 1, 1986.

It is alleged that an order would be issued by the Vermont Public Service Board on or before, September 5, 1983, authorizing Vermont Gas-Vermont, *inter alia*, to acquire a controlling interest in Vermont Gas-Delaware by statutory merger and issuing a certificate of consent to the merger. Vermont Gas-Delaware would cease to exist and the Vermont corporation would be the surviving company, it is explained. Accordingly, Petitioner requests amendment of the subject import authorization and the related permit to reflect Vermont Gas-Vermont as the successor to the Vermont Gas-Delaware.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 16, 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). 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 proceeding or to participate a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-24361 Filed 9-6-83; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Objection to Proposed Remedial Orders Filed; Week of August 8 Through August 12, 1983

During the week of August 8 through August 12, 1983, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: August 26, 1983.

George B. Breznay,

Director, Office of Hearings and Appeals.

Bi-Petro, Inc., Springfield, IL, HRO-0183, Crude Oil

On August 10, 1983, Bi-Petro, Inc., P.O. Box 3245, Springfield, Illinois, filed a Notice of Objection to a Proposed Remedial Order which the DOE Tulsa, Oklahoma Office of Enforcement issued to the firm on July 5, 1983. In the PRO, the Office of Enforcement found that during the period November 1973 through August 1980, Bi-Petro, Inc. sold crude oil at prices exceeding maximum lawful levels. According to the PRO, the Bi-Petro, Inc. violation resulted in $7,968,308.17 of overcharges.

International Petroleum Refining and Supply, Denver, Colorado, HRO-0184, Crude Oil

On August 12, 1983, International Petroleum Refining and Supply, (IPRS), 1600 Broadway, Denver, Colorado filed a Notice of Objection to a Proposed Remedial Order which the Economic Regulatory Administration (ERA) issued to the firm on May 20, 1983. In the PRO ERA alleged that during November 1974 through December 1980, IPRS, in pricing crude oil, violated 10 C.F.R. 212.186, 210.62(c), 212.93, 205.202 and 212.182. According to the PRO the IPRS violation resulted in $5,228,439.94 of overcharges.

[FR Doc. 83-24400 Filed 9-6-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-341; PH-FRL 2428-6]

Pesticide, Food, and Feed, Additive Petitions; American Cyanamid Co., et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, feed, and food additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESSES: Written comments should be submitted to the Product Manager (PM) named in each petition at the following address:

By Mail: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, deliver comments to the PM at the office location given in each petition at the following address: Registration Division, Environmental Protection Agency, 1921 Jefferson Davis Highway, CM#2, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number (PF-341) and the petition number. All written comments filed in response to the notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, feed, and food additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Costmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filings

1. *PP 3F2937.* American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.400 by establishing a tolerance for the residues of the insecticide flucythrinate [(±)-cyano (3-phenoxyphenyl)methyl (+)-4-(difluoromethoxy)-alpha/(methylethyl) benzeneacetate] in or on the commodity lettuce (head and leaf) at 2.0 parts per million (ppm). The proposed analytical method for determining residues is by gas chromatography. (Timothy A. Gardner, PM-17, Rm. 207, 703-557-2690.)

2. *PP 3F2936.* ICI Americas Inc., Agricultural Chemicals Division, Wilmington, DE 19897. Proposes amending 40 CFR Part 180 by establishing tolerance for the residues of the insecticide (±) alpha-cyano-(3-phenoxyphenyl) methyl (±) *cis, trans*-3-(2,2-dichoroethenyl)-2,2-dimethylcyclopropanecarboxylate (cypermethrin) in or on the commodity soybeans at 0.1 ppm. The proposed analytical method for determining residues is by gas chromatography. (Timothy A. Gardner, PM-17, Rm. 207, 703-557-2690.)

3. *FAP 3H5406.* ICI Americas Inc. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide cypermethrin in or on the commodity soybean hulls at 1.0 ppm and soybean oil and soapstock at 0.2 ppm. (Timothy A. Gardner, PM-17, Rm. 207, 703-557-2690).

4. *PP 3F2935.* Dow Chemical U.S.A., Agricultural Products Department, P.O. Box 1706, Midland, MI 48640. Proposes amending 40 CFR 180.350 by establishing tolerances for residues of the soil microbiocide nitrapyrin [2-chloro-6-(trichloromethyl) pyridine and its metabolite, 6-chloropicolinic acid in or on the commodities cereal grains at 0.2 ppm, cereal grains forage and fodder at 1 ppm, and cereal grains straw at 2 ppm. The proposed analytical method for determining residues is gas chromatography using electron capture detection. (Richard Mountfort, PM-23, Rm. 253, 703-557-1830).

II. Amended Petitions

1. *FAP 3H5391.* Uniroyal Chemical, 74 Amity Rd., Bethany, CT 06525. EPA issued a notice published in the **Federal Register** of April 27, 1983 (48 FR 19078) which announced that Uniroyal Chemical, had submitted food additive petition 3H5391 proposing to amend 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in connection with an experimental use program resulting from application of the pesticide in the growing crop citrus with a tolerance limitation of 40.0 ppm in citrus oil.

Uniroyal amended the petition by increasing the tolerance limitation in citrus oil from 40.0 to 100.0 ppm. (Jay Ellenberger, PM-12, Rm. 205, 703-557-2386.)

2. *FAP 3H5391.* Uniroyal Chemical. EPA issued a notice published in the **Federal Register** of April 27, 1983 (48 FR 19078) which announced that Uniroyal Chemical, had submitted feed additive petition 3H5391 proposing to amend 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide 5-(4-chlorophenyl)-2,3-diphenylthiophene in connection with an experimental use program resulting from application of the pesticide in the growing crop citrus with a tolerance limitation of 2.0 ppm in or on dried citrus pulp.

Uniroyal amended the petition by increasing the tolerance limitation in or on dried citrus pulp from 2.0 to 3.0 ppm. (Jay Ellenberger, PM-12, Rm. 205 703-557-2386.)

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: August 23, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Program.

[FR Doc. 83-24157 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-338; PH-FRL 2427-2]

Pesticide Foods, and Feed Additive Petitions; Ciba-Geigy Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and feed additive petitions relating to the establishment, withdrawal and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESSES: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before

the Agency. The comments are to be identified by the document control number (PF–338) and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and feed additive petitions relating to the establishment, withdrawal and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filings

1. *PP 3F2918.* Ciba-Geigy Corp., P.O. Box 18300 Greensboro, NC 27419. Proposes amending 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*- (methoxyacetyl] alanine methyl ester] and its metabolites containing the 2,6-dimethylalanine moiety, and *N*-(2-hydroxymethyl-6-methylphenyl)-*N*-(methyoxyacetyl)alanine methyl ester, each expressed as metalaxyl in or on the commodity, legume vegetable fodder at 3.0 parts per million (ppm), legume vegetable forage at 5.0 ppm, and legume vegetable seeds at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with alkali flame ionization detector. (Henry Jacoby, PM–21, 703–557–1900).

2. *FAP 3H5404.* Ciba-Geigy Corp. Proposes amending 21 CFR 561.273 by establishing a regulation permitting residues of the fungicide metalaxyl in or on the commodity legume vegetable cannery waste at 5.0 ppm. (Henry Jacoby, PM–21, 703–557–1900).

3. *PP 3F2919.* Ciba-Geigy Corp. Proposes amending 40 CFR 180.408 by establishing tolerances for the combined residues of the fungicide metalaxyl in or on the commodity peanut fodder at 20.0 ppm, peanut nuts at 0.2 ppm, and peanut shells at 2.0 ppm. The proposed analytical method for determining residues is capillary gas chromatography using a nitrogen/phosphorous detector (NPD) operating in the nitrogen-specific mode. (Henry Jacoby, PM–21, 703–557–1900.)

4. *FAP 3H5405.* Ciba-Geigy Corp. Proposes amending 21 CFR 561.273 by establishing a regulation permitting residues of the fungicide metalaxyl in or on the commodity peanut meal at 1.0 ppm and peanut soapstock at 2.0 ppm. (Henry Jacoby, PM–21, 703–557–1900).

5. *PP 3F2916.* Ciba-Geigy Corp. Proposes amending 40 CFR 180.368 by establishing tolerances for the combined residues of the herbicide metolachlor [2-chloro-*N*-(2-ethyl-6-methylphenyl)-*N*-(2-methoxy-1-methylethyl) acetamide] and its metabolites determined as 2-[(2-ethyl-6-methylphenyl)-amino]-1-propanol and 4-[2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as parent metolachlor, in or on the commodities pod and seed vegetables; fodder and forage at 15.0 ppm. (Richard Mountfort, PM–23, 703–557–1830).

6. *FAP 3H5402.* FMC Corp., 2000, Market St., Philadelphia, PA 19103. Proposes amending 21 CFR Part 561 by establishing a regulation in connection with an experimental use permit permitting residues of the insecticide carbosulfan (2,3-dihydro-2,2-dimethyl-7-benzofuranyl [(dibutylamino)thio]-methylcarbamate) and 2,3-dihydro-2,2-dimethyl-benzofuranyl-*N*-methylcarbamate (carbofuran), its carbamate metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and 2,3-dihydro-2,2-dimethyl-3-keto-7-benzofuranyl-*N*-methylcarbamate; its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol and its metabolite di-*n*-butylamine in or on the commodity apples pomace; dry at 51.0 ppm total, of which 25.0 ppm is carbosulfan *per se*, 11.0 ppm is carbamate metabolites, 2.0 ppm is phenols and 13.0 ppm is the dibutylamine metabolite; and wet at 15.5 ppm total, of which 7.0 ppm is carbosulfan *per se*, 2.5 ppm is carbamate metabolites, 1.0 ppm is phenolic metabolites and 5.0 ppm is the dibutylamine metabolite. (Jay Ellenberger, PM–12, 703–557–2386).

II. Amended Petitions

1. *PP 8E2047.* Chevron Chemical Co. EPA issued a notice published in the **Federal Register** of June 30, 1982 (47 FR 28453) which announced that Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804, had submitted pesticide petition 8E2047 which amended 40 CFR 180.287 by increasing the proposed tolerance for residues of the fungicide captafol cis-*N*-[(1,1,2,2,-tetrachloroethyl)-thio]-4-cyclohexene-1,2-dicarboximide in or on the commodity green coffee beans from 0.2 ppm to 5.0 ppm.

Chevron amended the petition by decreasing the tolerance on green coffee beans from 5.0 ppm, to 1.0 ppm, and by changing the expression of residues to include the captafol metabolite, 4-cyclohexene-1,2-dicarboximide in or on the commodity green coffee beans from 5.0 ppm to 1.0 ppm. The proposed analytical method for determining residues is by electron capture gas chromatography. (Henry Jacoby, PM–21, 703–557–1900).

2. *PP 0F2423.* Dow Chemical Co. EPA issued a notice published in the **Federal Register** of October 23, 1980 (45 FR 70313) which announced that Dow Chemical Co., P.O. Box 1706 Midland, MI 48640, had submitted pesticide petition 0F2423 to the Agency proposing to amend 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos-methyl [*O, O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)] phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on certain commodities.

Dow Chemical Co. has amended the petition by increasing and/or decreasing the tolerance levels as follows:

(Parts per million)

Commodities	Proposed initial tolerances	Proposed revised tolerances
Eggs	0.05	0.1
Fat of cattle, goats, and sheep	0.2	0.5
Fat of hogs and horses	0.3	0.5
Fat, meat, and meat byproducts of poultry	0.05	0.5
Milk, fat	0.1	1.25
Milk, whole	0.02	0.05
Meat of cattle, goats, hogs, horses, and sheep	0.1	0.5
Meat byproducts of cattle, goats, and sheep	1.0	0.5

The proposed analytical method for determining residues is liquid chromatography. (Jay Ellenberger, PM–12, 703–557–2386).

3. *PP 2F2702.* Rhone-Poulenc Inc. EPA issued a notice published in the **Federal Register** of July 13, 1983 (48 FR 32076) which announces that Rhone-Poulenc Inc., PO Box 125, Monmouth Junction, NJ 08852, had submitted pesticide petition 2F2702 to the Agency proposing to amend 40 CFR Part 180 by proposing a tolerance for residues of the fungicide fosetyl-AL [aluminum tris (*O*-ethyl phosphonate)] in or on pineapples at 0.1 ppm.

Rhone-Poulenc has amended the petition by adding the commodity pineapple forage at 0.1 ppm. The proposed analytical method for determining residues is gas liquid chromatography and thin layer

chromatography. (Henry Jacoby, PM-21, 703-557-1900).

III. Withdrawal

1. *FAP 3H5397.* Rhone-Poulenc Inc. EPA issued a notice published in the **Federal Register** of July 13, 1983 (48 FR 32076) which announced that Rhone-Poulenc Inc., Agrochemical Division, P.O. Box 125, Monmouth Junction, NJ 08852, had submitted feed additive petition 3H5397 to the Agency proposing to amend 21 CFR Part 561 by establishing a regulation permitting residues of fungicide fosethyl-AL [aluminum tris (*O*-ethyl phosphonate)] in or on the commodity pineapple bran at 0.2 ppm.

Rhone-Poulenc Inc. has withdrawn the petition without prejudice to future filing in accordance with the regulations. (Henry Jacoby, PM-21, 703-557-1900).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: August 22, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-24010 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66101; PH-FRL 2428-1]

Pesticides; Intent To Cancel Registrations; Empire International, et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Distribution or sale of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: October 7, 1983.

ADDRESSES: By mail, submit comments to: Program Support Division (TS-757C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person, bring comments to: Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT:

By mail: Lela Sykes, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Office location and telephone number: Rm. 718C, CM#2, 1921 Jefferson Davis Highway, Arlington, VA (703-557-2126).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration No.	Product name	Registrant	Date registered
5-28	Re-Zist Roach and Ant Killer	Empire International, P.O. Box 29605, Atlanta, GA 30359	Mar. 1, 1966.
39-34	Spray Kill	The Brenco Corp., 1470 South Vanderventer, St. Louis, Mo 63110	Sept. 28, 1972.
70-220	Warfarat with Prolin	Rigo Co., P.O. Box 89, Buckner, KY 40010	Apr. 11, 1963.
72-314	Parathion "6" E.C.	Miller Chemical and Fertilizer Corp., P.O. Box 333, Hanover, PA 17331	Oct. 26, 1959.
88-23	Swiss Farms Rose and Flower Spray Insecticide, Miticide, Fungicide	The Hyponex Co., Inc., P.O. Box 4300, Coply, OH 44321	Nov. 29, 191966.
100-552	Preforan (c-6989) 3-EC Herbicide	Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27489	Mar. 8, 1968.
100-556	Preforan (c-6969) 50 WP Herbicide	do	May 28, 1974.
100-557	Preforan Technical	do	Do.
148-831	De-Pester Insecticide Dust	Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110	Mar. 23, 1971.
148-1177	S-406 Solution	do	Feb. 13, 1975.
148-1189	S-746 Solution	do	Do.
226-167	Tobacco States Brand Termite Control	Tobacco States Chemical Co., Inc., P.O. Box 12046, Lexington, KY 40501	Jan. 17, 1964.
226-239	Tobacco States Brand 4 lb. Aldrin Emulsion	do	Apr. 18, 1975.
239-381	Ortho Chlordane 8 Emulsive	Chevron Chemicals Co., Ortho Division, 940 Hensely St., Richmond, CA 94801.	June 15, 1949.
239-506	Ortho Nabam Liquid Spray	do	May 2, 1951.
239-523	Ortho Zineb Wettable	do	May 16, 1951.
239-1296	Ortho Zineb 5 Dust	do	Apr. 6, 1959.
239-1800	Ortho Custom Blend No. 51	do	Mar. 25, 1963.
239-1825	Ortho Rose & Flower Spray	do	Oct. 17, 1957.
247-10	Vitro Sheen	Lincoln Research, Inc., 106 E. Church St., Swanton, OH 43558	Nov. 2, 1971.
247-11	BAC TEX Disinfectant Deodorizer Sanitizer	do	Jan. 23, 1973.
279-2098	Niagara Lanstan 4.0 EC Soil Fungicide	FMC Corp., Agricultural Chemical Division, 2000 Market St., Philadelphia, PA 19103.	Mar. 3, 1964.
279-2181	Lanstan 20 Granular	do	Do.
279-2287	Niagara Lanstan Technical Fungicide	do	Sept. 13, 1965.
279-2807	Folpet 7.5 Sevin 5 Dust	do	June 8, 1971.
279-2944	Acaralate 2 EC	do	Jan. 28, 1974.
359-627	Weed Broom	Rhone-Poulenc, Inc., P.O. Box 125, Monmouth Junction, NJ 08852	Oct. 10, 1972.
390-11	Pettit Tropicop The Supreme Plastic Copper Paint 1342 Green	Pettit Paint Co. Inc., P.O. Box 378, Borough of Rockaway, NJ 07866	Feb. 12, 1965.
390-31	Pettit Marine Paint Unepoxy Anti-Fouling 1026 Clear Inland Formula	do	Sept. 1, 1966.
390-38	Pettit Marine Paint Anti-Fouling 1330 Alumacide Green	do	May 3, 1971.
390-42	Pettit Marine Paint Specialty 1806 Outdrive Anti-Fouling Black	do	Sept. 11, 1972.
390-43	Pettit Marine Paint Specialty 131 Alumacide Anti-Fouling White	do	May 14, 1973.
390-48	Pettit Marine Paint Anti-Fouling 1612 Coppercide Red	do	Dec. 19, 1972.
390-53	Pettit Boat Builders Marine Paint Unepoxy Tropical Medium Blue 219	do	Dec. 23, 1974.
390-67	418, Sea-Tin, Red Anti-Fouling Paint	do	Feb. 5, 1980.
390-69	426 Tin-Clad, Red, Anti-Fouling Paint	do	Do.
413-77	Pioneer Brand Dairy and Stock Spray	Bartels & Shores Chemical Co., 1400-02 St. Louis Ave., Kansas City, MO 64101.	June 12, 1972.
464-423	Verton 2D Herbicide	Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640	May 23, 1972.
476-163	Crown Wettable Sulphur	Stauffer Chemical Co., 1200 S. 47th Street, Richmond, CA 94804	June 4, 1948.
476-168	Magnetic "95" Wettable Sulfur	do	June 5, 1948.
476-169	Owl Superfine Dusting Sulphur	do	Feb. 27, 1957.
476-170	Electric Super Adhesive Dusting Sulphur	do	Feb. 26, 1957.
476-172	Swan Brand Dusting Sulphur	do	June 5, 1948.
476-173	Perfection Superfine Sulphur For Dusting	do	Feb. 7, 1964.
476-251	Anchor Sublimed Velvet Flowers of Sulphur U.S.P.	do	Aug. 10, 1949.
476-1125	Crown 90 Wettable Sulfur	do	July 17, 1957.
476-1431	Stauffer Zineb 75-WP	do	Mar. 30, 1960.
476-1554	Stauffer Thiodan 50-WP	do	Apr. 14, 1961.
476-1556	Stauffer Thiodan 2-E	do	Do.
476-1969	Dusting Sulfur 50%	do	May 19, 1967.
476-1981	Captan-Thiodan 5-2 Dust	do	July 5, 1967.
476-2015	Stauffer Parathion-Thiodan 1-2-E	do	June 25, 1968.
476-2016	Trithion-Thiodan 25-25-WP	do	July 8, 1968.

Registration No.	Product name	Registrant	Date registered
476-2038	Wettable Sulfur (For Use in Water)	do	Apr. 28, 1969.
476-2039	Dusting Sulfur 98%	do	May 29, 1969.
476-2073	Electric Sulfur-Zinc Dust	do	June 3, 1971.
476-2077	Captan-Thiodan-7.5-3 Dust	do	Mar. 8, 1971.
527-69	Midland Di-o-cide E-3 Pressurized Residual Insecticide	Rochester Midland Corp., 333 Hallenbeck St., Rochester, NY 14621	Oct. 5, 1961.
550-3	Zinc Phosphide	Van Waters and Rogers Division of Univar, 2256 Junction Avenue, San Jose, CA 95131.	Jan. 5, 1948.
557-1884	Swift Wettable and Dusting Sulphur	Estech General Chemicals Corp., 30 North Lasile Street, Chicago, IL 60602.	May 22, 1978.
557-1898	Swift Micro-Grind Sulphur Wettable	do	Jan. 30, 1975.
557-1942	Gro-tone Zineb Fungicide	do	July 30, 1973.
595-177	Haviland Dichlone Dust No. 2	Haviland Agricultural, 1845 Sterling, NW., Grand Rapids, MI 49504	May 13, 1958.
595-179	Haviland Dichlone Dust No. 3	do	Do.
595-242	Malathion Copper Sulfur Dust No. 5720	do	Dec. 9, 1965.
602-211	Purina Cap-Zin Fungicide	Ralston Purina Co., Checkerboard Square, St. Louis, MO 63164	Oct. 20, 1971.
619-30	SPF Wood Preserver and Insecticide	James Huggins and Son, Inc., 323 Commercial Street, Malden, MA 02148	Feb. 17, 1956.
655-627	E-Z Flo Polyram 5 Boron Dust (with Borax)	Grower Service Corp., P.O. Box 18037, Lansing, MI 48901	Mar. 20, 1970.
704-34	IS-77 Insecticide	Chemical Systems, Inc., 1735 W. Fullerton Avenue, Chicago, IL 60614	Apr. 21, 1975.
769-366	Security 5% Polyram Peanut Dust	Woolfolk Chemical Works, Inc., East Main Street, Fort Valley, GA 31030	May 10, 1967.
828-193	SA-50 Brand 8% Maneb Dust	Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, FL 33561	Aug. 24, 1971.
859-121	Green Light Fruit and Nut Tree Spray	Green Light Co., P.O. Box 17965, San Antonio, TX 78217	Dec. 29, 1971.
961-271	Lebanon Rose Dust	Lebanon Chemical Corp., P.O. Box 180, Lebenon, PA 17042	June 15, 1972.
961-272	Lebanon Rose Spray	do	June 14, 1972.
1066-4	Cre-o-Tox A-10 Wood Preserving Concentrates	Cre-o-Tox Chemical Products, Co., P.O. Box 12588, Memphis, TN 38112	Do.
1182-15	Power 40	Hubman Supply Co., P.O. Box 2605, Columbus, OH 43216	Feb. 8, 1973.
1191-306	Flight Brand BHC 3-5-0 Dust	Carolina Chemicals, Inc., P.O. Box 118, West Columbia, SC 29169	Mar. 12, 1973
1191-317	Flight Brand BHC Pine Tree Spray	do	Mar. 19, 1973.
1202-249	Puregro Phosphamidon 8 Spray	Puregro Co., 1052 W 6th Street, Los Angeles, CA 90017	Nov. 23, 1971.
1258-852	Olin Sperlox-Z Instantly Dispersible Powder Foliar Fungicide	Olin Corp., P.O. Box 991, Little Rock, AR 72203	Nov. 3, 1967.
1258-912	Olin Sperlox-Z Instantly Dispersible Powder Lawn and Garden Foliar Fungicide.	do	Nov. 9, 1971.
1269-58	Dewitt Diazinon Emulsifiable Concentrate	Dewitt Chemical Co., P.O. Box 343, Atlanta, GA 30301	Apr. 13, 1964.
1524-30	Kil-ZAL Brand Water Soluble Warfarin	National Labs, P.O. Box 663, Parsons, KS 67357	Mar. 28, 1969.
1553-70	Momar No Mow Weed and Grass Killer	Momar, Inc., 1830 Ellsworth Industrial Drive, NW., Atlanta, GA 30318	June 13, 1969.
1624-80	Pentamul HD Weed Killer	U.S. Borax & Chemical Corp., 412 Crescent Way, Anaheim, CA 92801	Apr. 6, 1966.
1624-82	Pentamul LHD Weed Killer	do	Do.
1706-100	Nalco 247 Sucrose Utilizing Microorganism Control Chemical	Nalco Chemical Co., 2901 Butterfield Road, Oak Brook, IL 60521	Dec. 14, 1971.
1706-129	Nalco 7644 Deposit Control Chemical	do	Sept. 13, 1973.
1757-25	Biocide 207	Drew Chemical Corp., One Drew Chemical Plaza, Boonton, NJ 07005	Aug. 13, 1965.
1757-30	Biocide 275	do	Apr. 13, 1966.
1757-42	Drewsperse 780	do	July 18, 1972.
1769-139	National Chemsearch Chloracil-B Non-Selective Weed Killer Soil Sterilant	National Chemsearch, Division of NCH Corp., 2727 Chemsearch Boulevard, Irving, TX 75062.	Apr. 6, 1966.
1990-431	Zineb Garden Fungicide	Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116	June 25, 1981.
1990-456	Zineb 75-W	do	June 21, 1961.
1990-473	95% Zineb Dust Base	do	June 25, 1961.
1990-474	75% Zineb Dust Base	do	Do.
1990-475	80% Zineb Dust Base	do	Do.
1990-506	Diazinon Seed Treater	do	Do.
2124-54	Naco Copper-Sulphur 4-86 Dust (Peanut Special)	W. R. Grace & Co., P.O. Box 277, Memphis, TN 38101	Aug. 16, 1949.
2124-62	Sulphur Smoke Dusting Sulphur	do	Oct. 14, 1949.
2124-85	Naco Parathion 1 Dust	do	Apr. 19, 1950.
2124-274	Naco Peach Para-Sul	do	Apr. 17, 1958.
2124-344	Naco Parathion Sevin 1-5 Dust	do	June 25, 1963.
2124-364	Naco Sevin-Parathion 10-1 Dust	do	July 6, 1964.
2124-367	Naco Parathion-Sulphur 2-50 Dust	do	Aug. 31, 1964.
2124-377	Naco Copper-Sulphur Peanut 4-80 Dust	do	June 15, 1965.
2124-393	Naco Malathion-Sulphur 5-50 Dust	do	Oct. 8, 1965.
2124-456	Corona Micronized Wettable Sulfur	do	Sept. 23, 1966.
2124-491	Naco Tabacco Dust 5-1	do	Nov. 9, 1966.
2124-551	Naco 2 percent Parathion Dust	do	May 2, 1967.
2124-634	Naco Copper-Sevin-Parathion 6-5-2 Dust	do	May 10, 1968.
2124-642	Naco Peach Para-Sul-Nu-Z 2-6-3	do	June 5, 1968.
2124-646	Naco Parathion Maneb 2-4.6 Dust	do	June 25, 1968.
2124-651	Sulphur Smoke Wettable Sulphur	do	July 24, 1968.
2124-659	Naco Parathion Sulphur 1-40 Dust	do	Dec. 16, 1968.
2124-673	Naco Sulphur-Copper 65-4 Dust	do	Apr. 7, 1969.
2124-769	Naco Dusting Sulfur	do	Feb. 15, 1973.
2124-771	Naco Wettable Sulfur	do	Mar. 28, 1973.
2169-87	Patterson's BHC Emulsion Concentrate	Patterson Green-Up 1331 Union Ave., Kansas City, MO 64101	May 11, 1959.
2169-200	Patterson's 12 percent BHC Wettable Powder	do	Dec. 4, 1972.
2204-4	Nopcocide 110	Diamond Shamrock Corp., P.O. Box 2386R, Morristown, NJ 07960	Mar. 31, 1971.
2269-131	CPA/GR Go Getum	Gold Kist, Inc., P.O. Box 2210 Atlanta, GA 30301	June 8, 1971.
2269-143	Big G-E-M Guthion-Methyl Parathion Spray Conc	do	May 24, 1972.
2269-150	Zineb Dust No. 10	do	Sept. 21, 1972.
2269-153	One Shot Z-P Dust	do	Jan. 30, 1973.
2269-155	GK 6-3 E.M.	do	Jan. 10, 1973.
2269-171	Velsicol Barricade Emulsifiable Concentrate Insecticide No. 11	do	Sept. 26, 1979.
2342-813	Tobacco Formula 19.5% Zineb	Kerr McGee Chemical Co., Kerr McGee Building, Oklahoma City, OK 73102.	Aug. 9, 1973.
2342-883	Polyram Seed Treater for Potatoes	do	Feb. 12, 1968.
2342-886	Potato Seed Piece Fungicide Dust (Contains Dithane M-45)	do	Aug. 9, 1973.
2342-922	3% Thiodan Dust	do	Nov. 30, 1966.
2800-7	Humco Sulfur Dusting Wettable	Humco Laboratory, Inc., P.O. Drawer 2550, Texarkana, TX 75504	Mar. 20, 1950.
2800-10	Humco Dusting Sulfur	do	Mar. 21, 1950.
2800-57	Humco Sublimed Sulfur N.F. (FLowers)	do	Sept. 11, 1967.
2935-162	Red-Top Thiodan 2 Spray	Wilbur-Ellis Co., 191 West Shaw Avenue, Suite 107, Fresno, CA 93704-2876.	June 1, 1961.
2935-212	Red-Top Thiodan 4 Sulfur 50 Dust	do	July 6, 1962.
2935-305	Thiodan 5 Sulfur 25 Dust	do	July 15, 1965.
2935-306	Thiodan 5 Dust	do	July 20, 1965.
2935-307	Thiodan 5 Sulfur 50 Dust	do	Do.
2935-372	Red-Top Thiodan 2 C.O. Spray	do	June 29, 1971.
2935-373	Red-Top Methyl Parathion 2 Thiodan 3 Spray	do	Mar. 18, 1971.

Registration No.	Product name	Registrant	Date registered
2935-378	Red-Top Potato Fungicide "Manzate" D-S	....do	Aug. 4, 1971.
3134-22	Evsco Cerumite	Evsco Pharmaceutical Corp., P.O. Box 209, Buena, NJ 08310	Sept. 16, 1966.
4185-277	Nutro Rose and Floral Spray	Smith-Douglas, Inc., P.O. Box 419, Norfolk, VA 23501	Nov. 2, 1965.
4185-332	Smith-Douglas Polyram 5% Dust	....do	May 23, 1967.
4185-336	Smith-Douglas Polyram 7% Dust	....do	May 31, 1967.
4185-400	Smith-Douglas Manzate 3% Dust	....do	July 24, 1968.
4185-415	Smith-Douglas Manzate 8% Dust	....do	Oct. 3, 1968.
4185-506	Maneb 4% Tobacco Plant Bed Dust	....do	Feb. 29, 1972.
4185-537	Maneb 1.4% Tobacco Plant Bed Dust	....do	Nov. 12, 1975.
4828-71	Massacre-SP Roach and Ant Bomb	Aboo, Inc., 301 Entry Road, North Huntingdon, PA 15642	Jan. 21, 1972.
4828-114	Mustang	....do	Oct. 7, 1980.
5075-8	Jetco Ant and Roach Spray	Jewel Companies, Inc., 5725 N. East River Road, Chicago, IL 60631	Apr. 25, 1960.
5197-1	Kem Kill	Kem Mfg. Corp., Kem International Building, Tucker, GA 30084	Oct. 10, 1956.
57778-24	Gro Ethion 13% Emulsion	Gro Chemical Co., 3530 NW 31st Street, Miami, FL 33142	Apr. 10, 1968.
5801-3	X-Termite	Langen Oil Co., P.O. Box 68, Roxana, IL 62084	Nov. 13, 1979.
5967-59	Emthion 4:4	Moyer Chemical Co., P.O. Box 945, San Jose, CA 95108	July 21, 1974.
5967-63	Metaspray 25-W	....do	May 8, 1974.
5967-73	Emthion 6:3	....do	July 27, 1973.
6720-55	SMCP Granular Dya-Cil	Southern Mill Creek Products Co., Inc., P.O. Box 1098, Tampa, FL 33601	June 12, 1968.
6962-6	Permacide Residual Insecticide	Madison Bionics, P.O. Box 29805, Atlanta, GA 30359	May 15, 1964.
7173-15	Chempar Sulphur Dust	Liphs Chemicals, Inc., Chempar Products Division, 660 Madison Ave., New York, NY 10021.	Apr. 13, 1962.
7173-16	Chempar Wettable Sulphur	....do	Do.
7392-17	Four Seasons Ant and Roach Killer	Wonder Chemical Co., Inc., P.O. Box 16193, San Antonio, TX 78216	June 22, 1963.
7500-12	Black-Jack Multi-Purpose Herbicide Weed Killer	Gibson-Homans Co., 2366 Woodhill Road, Cleveland, OH 44106	Feb. 10, 1970.
7995-31	KL-990 Anti-Fouling Komposition Red	Rule Paint and Chemical Co., Inc., Cape Ann Industrial Park, Gloucester, MA 01930.	May 20, 1966.
7995-34	Polycop	....do	Do.
8120-1	Amercoat 130 Delux Anti-Fouling	Ameron, Protective Coatings Division, P.O. Box 1020, Brea, CA 92621	Jan. 14, 1964.
8120-4	Amercoat 1795 Anti-fouling Black	....do	June 15, 1970.
8210-5	Amercoat 1780 Anti-fouling	....do	Do.
8120-6	Amercoat 1795 Anti-fouling Green	....do	Nov. 9, 1972.
8120-7	Amercoat 1795 Anti-fouling White	....do	Do.
8120-8	Amercoat 1795 Anti-fouling Oxide Red	....do	Do.
8120-25	Colorama Paint Antifouling, Cold Plastic Shipbottom Navy Formula No. 105	....do	July 11, 1967.
8120-29	Amercoat 555 Antifouling White	....do	Sept. 15, 1980.
8120-30	Amercoat 556 Antifouling Oxide Red	....do	Do.
8169-1	Magic Mist Brand Flying Insect Killer	Sani-Fresh International, Inc., 4702 Goldfield, San Antonio, TX 72618	Oct. 16, 1963.
8169-3	Hunter's Magic Mist Air Sanitizer	....do	June 5, 1968.
8192-20	Preforan (c-5989) 15G Herbicide	Ciba-Geigy Corp. P.O. Box 11422, Greensboro, NC 27409	Sept. 24, 1970.
8203-11	AGROSOL S Seed Treatment	ICI Americas, Inc., Wilmington, DE 19899	Feb. 9, 1971.
8203-12	Granol P-C Peanut Seed Fungicide and Insecticide	....do	Dec. 11, 1970.
8203-27	Granox 30-30 HM Soybean Seed Treatment	....do	May 14, 1982.
8203-29	Granox 30-30 Soybean Seed Treatment	....do	Do.
8612-66	Ban-Bug Household Insect Spray	B and G Co., 10539 Maybank Drive, Dallas, TX 75220	Feb. 22, 1974.
8766-3	Beetle-Down Japanese Beetle Pressurized Spray Bomb Ready Rose Spray	Jackson and Perkins Co., 1 Rose Lane, Medford, OR 97501	Feb. 27, 1970.
8823-26	Habco 5 HB (Granular)	Habco, Inc., 1418 5th Street South, Hopkins, MN 55343	Oct. 23, 1968.
8823-32	Habco 5B SF Liquid Weed Killer	....do	Dec. 4, 1968.
8823-33	Habco 3B SF Liquid Weed Killer	....do	May 2, 1969.
9550-1	3-1 Brand Hi-Flavored Rat and Mouse Killer	Iowa-Indianola Industries, 1187 JG, Mt. Horeb, WI 53572	Feb. 6, 1967.
9779-37	Riverside (R) Sevin-Zineb Tomato Dust	Riverside Chemical Co., Unit of Terra Southern Corp., P.O. Box 171367, Memphis, TN 38117.	Sept. 5, 1967.
9962-1	New Improved Household Insect Spray Liquid	Speed Exterminating Co., 4141 Pearl Road, Cleveland, OH 44109	Mar. 1, 1968.
10130-3	Rose Formula 55 R Super House Spray	Rose Exterminator Co., 1130 Livernois Road, Troy, MI 48084	June 24, 1968.
10290-18	Professional BHC E-1	Professional Chemical Co., Inc., P.O. Box 94071, Houston, TX 77018	Apr. 21, 1975.
10378-1	Sanitrol Microbiocide	Hodag Chemical Corp., 7247 North Central Park Avenue, Skokie, IL 60076	Apr. 16, 1969.
10442-8	Pink Boll Worm Pheromone Technical	Biddle Sawyer Corp., 2 Penn Plaza, New York, NY 10021	Dec. 22, 1982.
11511-1	Shalco Complete Vegetation Killer	Shalco Chemical Corp., P.O. Box 3443, Toledo, OH 43607	May 10, 1972.
11511-6	Shalco AA Grade Fly Spray	....do	June 5, 1972.
11511-13	Shalco Weed and Vegetable Killer	....do	June 18, 1976.
11511-14	Shalco Amine Selective Weed Control	....do	July 30, 1975.
11511-27	Shalco Algaecide	....do	Oct. 15, 1976.
11556-6	Anthon Horse Wormer	Bayvet Division, Miles Laboratories, Inc., P.O. Box 390, Shawnee, KS 66201.	Dec. 29, 1971.
19713-160	Drexel EPN Technical	Drexel Chemical Co., P.O. Box 9306, Memphis, TN 38109	Dec. 10, 1982.
22555-1	That Flowable Sulfur	Stoller Chemical Co., Inc., 8582 Katy Freeway, Suite 200, Houston, TX 77024.	May 11, 1973.
31938-2	Bio-Serv Diazinon 4 lb	Bio-Serv Corp., 1130 Livernois, Troy, MI 48084	Nov. 20, 1973.
31938-3	Bio-Serv Diazinon 4 lb. Oil Solution	....do	Nov. 6, 1973.
33404-4	Sahara Granular Weed Killer	Stat Enterprises, Inc., 1865 New Highway, Farmingdale, NY 11735	Mar. 5, 1975.
33404-5	Bulls-Eye Liquid Weed Killer with Drift Control	....do	Do.
33404-6	Buccaneer Granular Weed Killer	....do	Oct. 24, 1975.
33576-34	Olin 7061	Olin Water Services, Olin Corp., 120 Long Ridge Road, Stamford, CT 06904.	Nov. 20, 1975.
35136-43	Combat Equine Fly Spray Concentrate	Winco Chemical Co., Inc., P.O. Box 10692, Jackson, MS 39209	July 19, 1982.
45115-19	IDA's Propazine Technical	IDA's Inc., P.O. Box 9483, Memphis, TN 38409	July 6, 1982.
45115-43	IDA's Diazinon Technical	....do	Sept. 17, 1982.
45115-45	IDA's Lindane Technical	....do	Oct. 25, 1982.

The Agency has agreed that such cancellation shall be effective October 30, 1983 unless within this time the registrant, or other interested person with the concurrence of the registrant, requests that the registration be continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these productions produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for one-year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Sale or distribution of any quantity or any of these products produced after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these

products be continued may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66101]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room 236, CM#2, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973 89 Stat. (751, 7 U.S.C. 136))

Dated: August 23, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 83-24142 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50600 PH-FRL 2426-8]

Pesticides; Issuance of Experimental Use Permit; University of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: By mail, the product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

In person or by telephone: Contact the product manager at the office location or telephone number cited in each experimental use permit.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

46879-EUP-2. California Agricultural Experimental Station at the University of California, 386 Hutchinson Hall, Davis, CA 95616. This experimental use permit allows the use of 160 pounds of the insecticide 2,2-dichlorovinyl dimethyl phosphate on almonds to evaluate the control of Drosophila flies, navel orangeworms, and Nitidulid beetles. A total of 25 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from July 1, 1983 to September 30, 1983. Temporary tolerances for residues of the active ingredient in or on almong hulls, almond meats, and almond shells have been established. This permit is issued with the limitation that livestock are not allowed to feed or graze the cover crops from treated almond orchards. The product cannot be applied within 21 days of harvest. (George LaRocca, PM 15, Rm. 200, Cm#2, (703-557-2400))

100-EUP-79. Issuance. Ciba-Geigy Corporation, P.O. Box 18300, Greensboro, NC 27419. This experimental use permit allows the use of 250 pounds of the insecticide N-[4-(3-chloro-5-tri-fluoromethyl-2-pyridinyl-oxy)-3,5-dichloro-phenyl-aminocarbonyl]-2, 6-difluorobenzamide on cotton to evaluate the control of cotton bollworms and tobacco budworms. A total of 100 acres are involved; the program is authorized only in the State of Arkansas. The experimental use permit is effective from July 5, 1983 to July 5, 1985.This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

44544-EUP-1. Extension. DMB Packing Corporation, 4672 W. Jennifer, Fresno, CA 93711. This experimental use permit allows the use of 10,000 pounds of the growth regulator isobutyric acid on grapes to evaluate the increased yield per acre. A total of 1,000 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from June 6, 1983 to December 6, 1983. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on grapes has been established. (Robert Taylor, PM 25, Rm. 251, CM#2, (703-557-1800))

1471-EUP-76. Issuance. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 3,252 pounds of the herbicide oryzalin on alfalfa to evaluate the control of weeds. A total of 2,282 acreas are involved. (Robert Taylor, PM 25, Rm. 251, CM#2, (703-557-1800))

1471-EUP-77. Issuance. Elanco Products Company, 740 South Alabama St., Indianapolis, IN 46285. This experimental use permit allows the use of 1,088 pounds of the herbicide oryzalin on alfalfa to evaluate the control of weeds. A total of 815 acres are involved; this program and the one above are authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Idaho, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin. The experimental use permits are effective from June 27, 1983 to June 27, 1984. A temporary tolerance for residues of the active ingredient in or on alfalfa has been established. The permits will use the same active ingredient but different formulations. (Robert Taylor, PM 25, Rm. 251, CM#2, (703-557-1800))

8730-EUP-14. Issuance. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 264 pounds of the pheromones (Z,Z)-7,11-hexadecadien-1-ol acetate and (Z,E)-7,11-hexadecadien-1-ol acetate on cotton to evaluate the control of the pink bollworm. A total of 20,000 acres are involved. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

8730-EUP-15. Issuance. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 5.01 pounds of the pheromones (Z,Z)-7,11-hexadecadien-1-ol acetate and (Z,E)-7,11-hexadecadien-1-ol acetate on cotton to evaluate the control of the pink bollworm. A total of 380 acres are involved; this program and the one above are authorized only in the States of Arizona and California. The experimental use permits are effective from July 8, 1983 to July 8, 1984. The permits will use the same active ingredients but different formulations. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquartes Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 12, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-24011 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[PP 2G2581/T427] PH-FRL 2428-5]

Pesticides; Thiodicarb; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed temporary tolerance for the combined residues of the insecticide thiodicarb and its metabolite methomyl in or on the raw agricultural commodities cottonseed and soybeans.

DATE: These temporary tolerances expire June 14, 1984.

FOR FURTHER INFORMATION CONTACT: By mail: Jay Ellenberger, Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Office location and telephone number: Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 19, 1982 (47 FR 21616) stating that temporary tolerances had been established for the combined residues of the insecticide thiodicarb, dimethly *N, N'*-[thio] bis [(methylamino) carbonyloxy]] bis [ethanimidothioate], and its metabolite methomyl, *N*-[(methylcarbamoyl)oxy] thioacetimidate, in or on the raw agricultural commodities cottonseed at 0.4 part per million (ppm) and soybeans at 0.1 ppm. A related document extending a feed additive regulation permitting residues of thiodicarb in or on cottonseed hulls at 0.8 part per million (ppm) and soybean hulls at 0.4 ppm appears elsewhere in this issue of the **Federal Register.**

These tolerances were renewed in response to pesticide petition PP 2G2581, submitted by Union Carbide Corporation, P.O. Box 12114, Research Triangle Park, NC 27709.

The company has requested a one-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 264-EUP-61 which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136). The scientific data reported and other relevant material were evaluated, and it was determined that a renewal of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been renewed on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Union Carbide Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records or production, distribution, and performance, and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire June 14, 1984. Residues not in excess of this amount remaining in or on the above raw agricultural commodities after this expiration date will not be considered actionable in the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: August 24, 1983.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-24158 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59132 A; BH-FRL 2429-3]

Toxic and Hazardous Substance control; Test Marketing Exemption, Approvals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM-83-68, TM-83-69, TM-83-70 and TM-83-71-four applications for a test marketing exemption (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: August 25, 1983.

FOR FURTHER INFORMATION CONTACT: Margaret J. Stasikowski, Deputy Director, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-345, 401 M St. SW., Washington, D.C. 20460 (202-382-3938).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new Chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-68

Date of Receipt: July 18, 1983.

Notice of Receipt: July 29, 1983 (48 FR 34508).

Applicant: Confidential.

Chemical: (Generic) Alkyl metallic halide.

Use: (Generic) Industrial intermediate.

Production Volume: 3,300 lbs.

Number of Customers: 1.

Exposure Information: Confidential.

Test Marketing Exemption Period: 6 months.

Commencing on: (Insert signature date.)

Risk Assessment: The Test Market substance, TM–83–68, is a highly reactive chemical which has the capacity to be a severe skin irritant. However, due to its reactivity and volatility, dermal contact is unlikely. The physical/chemical properties of this class of chemicals are well understood, and the Company will employ stringent manufacturing procedures. Furthermore, the Company will require the use of protective clothing by workers to minimize the likelihood of exposure.

Public Comments: None.

TME 83–69, 83–70, 83–71

Date of Receipt: July 18, 1983.

Notice of Receipt: July 29 (48 FR 34508).

Applicant: Sun Alert.

Chemicals:

TM–83–69: methyl fluorene-9-carboxylate

TM–83–70: 9-methyl carboxylate-9-aminophenyl(4-dimethylamino)fluorene

TM–83–71: methyl 9-bromofluorene-9-carboxylate.

Use: Chemical intermediates.

Production Volume: <2 kg each.

Number of Customers: 200.

Exposure Information: Up to 3 workers may be exposed to the new substances for 8 hrs./day during the test marketing production period.

Test Marketing Period: 3 months.

Commencing on: (Insert signature date.)

Risk Assessment: The TME substances, TM–83–69, TM–83–70 and TM–83–71, are site-limited intermediates which will be used in the manufacture of 3'-(p-dimethylamino)phenyl Spiro-(fluorene-9,4'-oxazolidine)-2', 5'dione, and which was the subject of a TME (TM–83–58) granted July 15, 1983. Overall concern for human health effects is low and environmental release is expected to be insignificant.

Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: August 25, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-24369 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59132B; BH-FRL 2429-2]

Toxic and Hazardous Substance Control; Test Marketing Exemption Approvals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of TM–83–72, TM–83–73, and TM–83–74, three applications for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: August 26, 1983.

FOR FURTHER INFORMATION CONTACT: Margaret J. Stasikowski, Deputy Director, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–345, 401 M St. SW., Washington, D.C. 20460, (202–382–3938).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time period specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83–72

Date of Receipt: July 18, 1983.

Notice of Receipt: July 29, 1983 (48 FR 34508).

Applicant: Confidential.

Chemical: Polysiloxane resin (Generic).

Use: Confidential.

Import Volume: Confidential.

Exposure Information: Potential for dermal and inhalation exposure during processing/use of up to 100 workers for 1 month.

Test Marketing Period: 1 year.

Commencing on: (Insert signature date.)

Risk Assessment: The Agency identified no significant health or environmental concerns for the TME substance. Exposure during processing/use should be limited. No expsoure to consumers or from environmental release is expected.

Public Comments: None.

TME 83–73, TME 83–74

Date of Receipt: July 18, 1983.

Notice of Receipt: July 29, 1983 (48 FR 34508).

Applicant: Stauffer Chemical Company.

Chemical: Isocyanate-reactive prepolymer (Generic).

Use: Reaction injection molding products.

Import Volume: 25,000 lb. (each).

Exposure Information: Potential for dermal and ocular exposure to workers during manufacture, processing and use for each TME substance.

Test Marketing Period: 1 year.

Commencing on: (Insert signature date.)

Risk Assessment: Overall concern for health and environmental effects for the TME substances is low. The Agency identified no systemic or chronic health concerns. Absorption through the skin and gastro-intestinal tract is not anticipated. Although a potential for dermal and ocular expsoure exist during sampling and drumming operations, these operations will be performed by trained operators wearing appropriate protective equipment. A Material Safety Data Sheet (MSDS) that includes information on safe handling practices and precautions will be available to employees involved in manufacturing operations and furnished to customers of the test market substances. The customers are accustomed to handling similar materials. Any release to water is unlikely.

Public Comments: None.

Dated: August 26, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-24370 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

[SA-FRL 2429-6]

Science Advisory Board, Clean Air Scientific Advisory Committee; Open Meeting—September 26-27, 1983

Under Pub. L. 92-463, notice is hereby given of a two day meeting of the Science Advisory Board's Clean Air Scientific Advisory Committee (CASAC). The meeting will be held on September 26-27 and will begin at 9:15 a.m. on both days in Rooms 3906-08 Mall, EPA Headquarters, 401 M Street, SW., Washington, D.C.

The principal purpose of the meeting is to enable the CASAC to provide its advice and comment to EPA on the scientific adequacy of two draft documents prepared for the assessment of scientific data related to the National Ambient Air Quality Standard (NAAQS) for Carbon Monoxide. The documents include an Office of Research and Development assessment entitled *Revised Evaluation of Health-Effects Associated With Carbon Monoxide Exposure: An Addendum to the 1979 EPA Air Quality Criteria Document for Carbon Monoxide.* Single copies of this document may be obtained by writing or calling Office of Research and Development Publications, CERI-FRN, U.S. EPA, 26 W. St. Clair Street, Cincinnati, Ohio, 45268 (513) 684-7562. The second document was prepared by EPA's Office of Air Quality Planning and Standards (OAQPS) and is entitled *Review of the NAAQS for Carbon Monoxide: 1983 Reassessment of Scientific and Technical Information.* Single copies of this document may be obtained by writing or calling Mr. Michael Jones, OAQPS (MD-12), EPA, Research Triangle Park, North Carolina 27711 (919) 541-5531.

Additional issues to be discussed at the meeting include a report of the review activities of the CASAC Risk Assessment Subcommittee, briefing on EPA's air quality modeling program activities, and other issues of member interest.

The meeting is open to the public. Any member of the public wishing to attend, obtain information or submit comments should contact Dr. Terry F. Yosie, Director, Science Advisory Board, at (202) 382-4126 before close of business September 19, 1983.

Terry F. Yosie,

Director, Science Advisory Board.

August 31, 1983.

[FR Doc. 83-24392 Filed 9-6-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Crocker Bank, Midland Bank PLC, and Midland California Holdings Limited; Proposed Equity Financing Activities

Crocker National Corporation, San Francisco, California, Midland Bank PLC, London, England, and Midland California Holdings Limited, London, England, have 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 engage in the activities of arranging equity financing for commercial or industrial income-producing real estate. These activities would be performed by Applicant's subsidiary, Crocker Mortgage Company, Los Angeles, California, through offices in Los Angeles, Irvine, and San Francisco, California, Chicago, Illinois and Dallas, Texas, and the geographic area to be served in the United States.

Although arranging equity financing has not been added to the list of activities specified by the Board in § 225.4(a) of Regulation Y, the Board has determined by order that this activity is closely related to banking. *E.g. Trust Company of Georgia.* 69 Federal Reserve Bulletin 225 (1983).

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 outweight 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 San Francisco.

Any views or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than September 20, 1983.

Board of Governors of the Federal Reserve System, August 31, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-24366 Filed 9-6-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[H-83-1]

Delegation of Authority to the Deputy Secretary of the Treasury

1. *Purpose.* This delegation authorized the Deputy Secretary of the Treasury to sell 14,400,000 Stock Purchase Warrants Second 1980 Issue, each evidencing the right to purchase one share of the common stock of the Chrysler Corporation (the "Warrants").

2. *Effective date.* This delegation is effective August 24, 1983.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (the "Act"), authority is hereby delegated to the Deputy Secretary of the Treasury to perform all functions in connection with the sale of the Warrants pursuant to Section 203 of the Act (40 U.S.C. 484).

b. The Deputy Secretary of the Treasury may redelegate this authority to the appropriate officers and employees of the Department of the Treasury.

c. The authority granted herein shall be exercised in accordance with the requirements and limitations of the Act and other applicable laws.

Date: August 24, 1983.

Gerald P. Carmen,

Administrator of General Services.

[FR Doc. 83-24339 Filed 9-6-83; 8:45 am]

BILLING CODE 6820-24-M

GENERAL SERVICE ADMINISTRATION

Office of the Administrator Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board will meet on September 20, 1983, from 10:00 a.m. to 4:00 p.m. in Room 6120, 18 and F Streets, NW., Washington, D.C. 20405. The meeting will be devoted to discussions of general matters related to the operations of the General Services Administration and specific activities under review by the Board's subcommittees.

For further information, contact Mr. Thomas J. Simon at (202) 523-1614.

Dated: September 1, 1983.

Roger C. Dierman,

Deputy Associate Administrator.

[FR Doc. 83-24480 Filed 9-6-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF THE HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82P-0263]

Burroughs Wellcome Co.; Neuroleptic Drugs Radioreceptor Assay Test System; Panel Recommendation on Petition for Reclassification

Correction

On FR Doc. 83-22312 beginning on page 37080 in the issue of Tuesday, August 16, 1983, make the following corrections:

1. On page 37083, Table 2, where the symbols "—" appears change it to "±" throughout the table (21 places).

2. Under "Lot 1", in the first entry, "8.6" should have read "8.5".

3. Under "Lot 3", in the fourth entry ".81" should have read "0.81".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Consumer Participation; Open Meetings

AGENCY: Food and Drug Administration (FDA), HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meetings: ORLANDO DISTRICT OFFICE, chaired by Adam J. Trujillo, District Director. Topics to be discussed: Food Safety; Health Fraud; and Patient Education.

DATE: Tuesday, September 13, 1983, 1:30 to 4 p.m.

ADDRESS: Alachua County Extension Office, 2800 N.E. 39th Ave., Gainesville, Florida 32601.

FOR FURTHER INFORMATION CONTACT: Lynne Isaacs, Consumer Affairs Officer, Food and Drug Administrator, P.O. Box 118, Orlando, FL 32802, 305-885-0900.

Los Angeles District Office, chaired by Abraham I. Kleks, District Director. Topics to be discussed: Food Safety Issues; Orphan Drugs; and Other Current Issues.

DATE: Wednesday, September 21, 1983, 9:30 a.m.

ADDRESS: Pima County Medical Society, 5199 East Farness, Tucson, Arizona 85712.

FOR FURTHER INFORMATION CONTACT: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015, 213-688-3771.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices, and to contribute to agency's policymaking decisions on vital issues.

Dated August 30, 1983.

William R. Clark,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-24333 Filed 9-6-83; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Application Announcement for Grants for Predoctoral Training in Family Medicine

Correction

In FR Doc. 83-22279 beginning on page 36893 in the issue of Monday, August 15, 1983, make the following correction:

On page 36893, third column, last paragraph, remove the first 5 lines and insert the following text:

"Approximately $1.0 million is expected to be available in Fiscal Year 1984 for competitive grants. Application materials are being made available without final action on the related Fiscal Year 1984 budget, therefore, adjustments and other changes may be necessary at a later date.

"The deadline date for receipt of applications is October 31, 1983. Applications sent by . . .".

BILLING CODE 1505-01-M

Office of Human Development Services

Advisory Board on Child Abuse and Neglect; Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, of the meeting of the Advisory Board on Child Abuse and Neglect on September 27, 1983, at the Sixth National Conference on Child Abuse and Neglect in the Baltimore Convention Center, Baltimore, Maryland.

The Advisory Board on Child Abuse and Neglect was established by the Department of Health and Human Services to assist the Secretary in coordinating programs and activities related to child abuse and neglect planned, administered, or assisted by the Federal agencies whose representatives are members of the Advisory Board. The Advisory Board shall also assist the Secretary in the development of Federal standards for child abuse and neglect prevention and treatment programs and projects.

After Board Members have participated in the Conference by attending workshops and other Conference activities, they will attend an informal evening meeting to get acquainted with new Administration on Children, Youth and Families officials who will work with the Board in Fiscal Year 1984.

Further information on the Advisory Board meeting may be obtained from Ms. Arlene Taylor, National Center on Child Abuse and Neglect, Room 2008E, Donohoe Building, P.O. Box 1182, Washington, D.C. 20013, or call on (202) 245-2840.

Advisory Board meetings are open for public observation.

Dated: August 31, 1983.

Mamie J. Welborne,

HDS Committee Management Officer.

[FR Doc. 83-24402 Filed 9-6-83; 8:45 am]

BILLING CODE 4130-01-M

Social Security Administration

Waiver of Aid to Families With Dependent Children, Quality Control Disallowances; Delegation of Authority

Notice is hereby given that on August 13, 1983, the Secretary of Health and Human Services delegated to the Commissioner of Social Security: (1) The authority to make determinations on requests for waivers of disallowances based on the AFDC quality control system pursuant to the 1979 Michel Amendments, Section 201 of the Labor-HEW Appropriations Bill for Fiscal Year 1980 (H.R. 4389) as referenced in the Continuing Resolution for Fiscal Year 1980 (Section 101(g) of Pub. L. 96-123), and (2) the authorities contained in Section 156 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248) amending the Social Security Act, limiting Federal financial participation in erroneous expenditures.

The Secretary also ratified and affirmed any actions taken by the Commissioner prior to the effective date of the delegation by the Commissioner with respect to: (1) Determinations on

waivers of disallowances, and (2) Section 156.

The Commissioner may not redelegate these delegated authorities.

Dated: August 26, 1983.

John J. O'Shaughnessy,

Acting Assistant Secretary for Management and Budget.

[FR Doc. 83-24428 Filed 9-6-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Near-Reservation Designations

August 3, 1983.

This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

In accordance with 25 CFR Part 20, Financial Assistance and Social Services Program, the Assistant Secretary—Indian Affairs is designating certain locales as "near-reservation" locations for purposes of extending Bureau of Indian Affairs financial assistance and/or social services.

The locales listed below are arranged alphabetically by Bureau of Indian Affairs agency/area office.

Agency: Cheyenne River
Tribe: Cheyenne River Sioux
Near-Reservation Location: The community of Faith, South Dakota (only that area falling within the city limits of Faith, South Dakota).

Agency: Phoenix Area Office
Tribe: Pascua Yaqui
Near-Reservation Location: The Pima County, Arizona communities of South Tucson, Old Pascua Village and Yoem Pueblo.

Agency: Puget Sound
Tribe: Muckleshoot
Near-Reservation Location: The counties of King and Pierce in the State of Washington.

Agency: Puget Sound
Tribe: Nisqually
Near-Reservation Location: Thurston County and Pierce County in the State of Washington.

Agency: Puget Sound
Tribe: Nooksack
Near-Reservation Location: Whatcom County and Skagit County in the State of Washington.

Agency: Puget Sound
Tribe: Suquamish
Near-Reservation Location: Counties of Mason, Kitsap, Thurston, Snohomish, King and Pierce in the State of Washington.

Agency: Puget Sound
Tribe: Swinomish
Near-Reservation Location: Skagit County in the State of Washington.

Agency: Rosebud
Tribe: Rosebud Sioux
Near-Reservation Location: The South Dakota counties of Gregory, Melette,Tripp, and Lyman (excluding that portion of Lyman County which falls within the boundaries of the Lower Brule Indian Reservation).

Agency: Sisseton
Tribe: Sisseton-Wahpeton Sioux
Near-Reservation Location: The communities of Waubay, South Dakota and Wilmot, South Dakota.

Agency: Turtle Mountan
Tribe: Turtle Mountain Band of Chippewa Indians
Near-Reservation Location: Rolette County, North Dakota.

Agency: Warm Springs
Tribe: Burns Paiute
Near-Reservation Location: The communities of Burns and Hines in the State of Oregon and those public domain allotments in Harney County, Oregon inhabited by members of the Burns Paiute Tribe.

Agency: Western Nevada
Tribes: Fallon Paiute Shoshone; Ft. McDermitt Paiute Shoshone; Lovelock Paiute; Moapa Band of Piatues; Pyramid Lake Paiute; Reno-Sparks Indian Colony; Summit Lake Paiute; Walker River Paiute; Washoe Tribe of Nevada and California; Winnemucca Indian Colony; Yerington Paiute; Yomba Shoshone; and Las Vegas Indian Colony.
Near-Reservation Location: The Nevada counties of Humboldt, Washoe, Story, Pershing, Churchill, Douglas, Mineral, Lyon, Esmeralda, Clark and Nye.

The regulations in 25 CFR Part 20, Financial Assistance and Social Services Program, have full force and effect when extending Bureau of Indian Affairs financial assistance and/or social services in the above designated "near-reservation" locations. Additional information concerning these "near-reservation" designations may be obtained from the Chief, Division of Social Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245, telephone number (202) 343-6434.

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 83-24322 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-02-M

Ottawa Tribe of Oklahoma; Plan for the Use and Distribution of Ottawa Tribe of Oklahoma Judgment Funds in Dockets 133-A, 133-B and 302 Before the Indian Claims Commission and Dockets 133-C and 338 Before the United States Court of Claims

August 12, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on September 13, 1978, January 19, 1979, and March 2, 1979, in satisfaction of the awards granted to the Ottawa Tribe of Oklahoma in Dockets 133-A, B, C, 302 and 338. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated March 11, 1983, and was received (as recorded in the Congressional Record) by the House of Representatives on March 22, 1983, and by the Senate on March 23, 1983. The plan became effective on June 14, 1983, as provided by Section 5 of the amended 1973 Act, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

The funds appropriated on September 13, 1978, January 19, 1979, and March 2, 1979, in satisfaction of judgments granted to the Ottawa Tribe in Dockets 133-A, 133-B and 302 by the Indian Claims Commission and in Dockets 133-C and 338 by the U.S. Court of Claims, less attorney fees and litigation expenses, including all interest and investment income accrued, shall be used and distributed as herein provided.

Per Capita Aspect

A roll shall be prepared, in accordance with procedures adopted by the Ottawa Business Committee and approved by the Secretary of the Interior (hereinafter 'Secretary') of all members of the Ottawa Tribe of Oklahoma who were born on or prior to and living on the date of this plan. Subsequent to the preparation of this roll, the Secretary shall make a per capita distribution of eighty (80) percent of the funds, in a sum as equal as possible, to all persons listed on this roll. Any amount remaining after the per capita payment shall revert to the Ottawa Business Committee for use in ongoing programs.

The per capita shares of competent adults shall be paid directly to them. Per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Per capita shares of legal incompetents and

minors shall be handled as provided in the Act of October 19, 1973, 87 Stat. 466, as amended January 12, 1983, by Pub. L. 97-458.

Programing Aspect

Twenty (20) percent of the judgment funds shall be utilized, subject to the approval of the Secretary, as follows:

(a) Sixteen (16) percent for land purchase and improvements on, and/or to, such land.

(b) Eight (8) percent for educational purposes.

(c) Eight (8) percent for the upkeep, including maintenance, equipment and expansion of the Tribal Cemetery.

(d) Five (5) percent of office building improvement.

(e) Sixty-three (63) percent to be invested by the Secretary pursuant to the Act of June 24, 1938, 25 U.S.C. 162a. The interest and investment income accured shall be utilized for the Tribe's governmental operations.

General Provision

None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal, State or local income taxes or be considered as income or resources in determining either eligibility for or the amount of assistance under the Social Security Act or any Federal or federally assisted programs.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-24324 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-02-M

Red Lake Band of Chippewa Indians; Plan for the Use and Distribution of Red Lake Band of Chippewa Indians' Judgment Funds in Docket 189-C Before the United States Court of Claims

August 12, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), as amended, requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriate to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on January 15, 1982, in satisfaction of the award granted to the Red Lake Band of Chippewa Indians in United States Court of Claims Docket 189-C. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated October 8, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on November 29, 1982, and by the Senate on November 30, 1982. The plan became effective on March 14, 1983, as provided by Section 5 of the amended 1973 Act, since a joint resolution disapproving it was not enacted.

The plan reads as follows:

The funds appropriated on January 15, 1982, in satisfaction of an award granted to the Red Lake Band of Chippewa Indians of the Red Lake Reservation in Minnesota in Docket 189-C (Exception 8-1904 Act disposal claim) before the United States Court of Claims, inlcuding all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as herein provided

A. *Per Capita Distribution.* Eighty per centum of the Red Lake Band of Chippewa Indians share of the funds in this award shall be distributed in the form of per capita payments (in sums as equal as possible) to all persons who were born on or prior to and living on the effective date of this Plan who are enrolled members of the Red Lake Band of Chippewa Indians.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 115.5 The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, subpart D. The per capita shares of minors shall be handled pursuant to 25 CFR 87.10(a) and (b)(1) and 115.4. (25 CFR 104 redesignated at 25 CFR 115 and 25 CFR 60 as 87 as published in 25 CFR of April 1, 1982).

B. *Programing.* Twenty (20) percent of these funds shall be utilized by the Tribal Council for reservation community services consisting of programs identified under the headings: Juvenile; Elderly; Incentive Awards-High School graduates; Health and Sanitation; Tribal Administration; Crime Victim Reparation; Credit Program; Fire Prevention and Safety; Industrial Development; and Burial Allowance, in accordance with the provisions of Tribal Council Resolution No. 8-82 adopted January 19, 1982, by the Red Lake Band of Chippewa Indians tribal council and subject to the approval of the Secretary of the Interior.

C. *General Provisions.* None of the funds distributed per capita or held in trust under the provisions of this plan shall be subject to Federal or State income taxes, and the per capital payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act. Any amount remaining after the per capita payment shall revert to the programing portion of this award.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-24323 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Known Leasing Area (Phosphate); Aspen Range, Idaho

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Department Manual 2, and Secretary Order No's 3071 and 3087, and BLM Instruction Memorandum No. 83-384, the following described lands are deleted from the Aspen Range Known Leasing Area (Phosphate), effective May 2, 1983:

Idaho

Aspen Range Known Leasing Area (Phosphate)

Boise Meridian, Idaho

T. 8 S., R. 43 E.,
Sec. 26, SE¼SW¼, SW¼SE¼;
Sec. 35, W½NE¼, E½NW¼, W½SE¼.
T. 9 S., R. 43 E.,
Sec. 2, lot 4.

The deleted area described contains 360.59 acres, more or less.

A diagram showing the boundaries of the area classified for leasing and the lands deleted from the Aspen Range Known Leasing Area (Phosphate) has been filed with the appropriate office of the Bureau of Land Management. Copies of the diagram may be obtained from the State Director, Bureau of Land Management, Idaho State Office, 3380 Americana Terrace, Boise, ID 83706.

Larry L. Woodard,

Associate State Director.

August 29, 1983.

[FR Doc. 83-24327 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84-M

Arizona Strip District Grazing Advisory Board Meeting and Field Tour

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: A meeting and field tour of the Arizona Strip District Grazing Advisory Board will be held on Tuesday and Wednesday, September 27-28, 1983. Board members will be given an aerial tour of wilderness areas on Tuesday. The following day the Board will observe and discuss range improvement projects.

FOR FURTHER INFORMATION CONTACT: C. William Lamb, District Manager, Arizona Strip District, 196 East Tabernacle, St. George, Utah 84770 (801/673-3545).

SUPPLEMENTARY INFORMATION: The on-the-ground tour is open to the public and will begin at 8 a.m. from the district office. Anyone wishing to go on the tour is asked to notify the district manager by September 20. Visitors must provide their own transportation. Public comment will be accepted at any time during the tour or written statements may be filed for the Board's consideration.

Dated: August 29, 1983.

[FR Doc. 83-24046 Filed 9-6-83; 8:45 am]
BILLING CODE 4310-84-M

New Mexico; Notice of Filing of Plat of Survey

August 22, 1983.

The plats of survey of the following lands were officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on August 10, 1983.

New Mexico Principal Meridian

T. 2 S., R. 1 E.

The plats representing the survey of lots 33, 34 and 35 in section 19 and lots 38 and 39 in section 30 in T. 2 S., R. 1 E., NMPM, was accepted August 1, 1983, under Group 768, New Mexico.

T. 2 S., R. 1 W.

The plats representing the survey of lots 46 and 47 in section 1, lots 63, 64, 65 and 67 in section 2, lots 44, 45 and 46 in section 11, lot 42 in section 12, lots 22 and 23 in section 25 in T. 2 S., R. 1 W., NMPM, was accepted August 4, 1983, under Group 768, New Mexico.

T. 3 S., R. 1 E.

The plat representing the survey of lots 53 and 54 in section 31, T. 3 S., R. 1 E., NMPM, was accepted August 1, 1983, under Group 768, New Mexico.

These surveys were executed to meet certain administrative needs of the Las Cruces District.

T., 10 N., R. 19 W.

The plot representing the dependent resurvey of a portion of the south boundary, west boundary, subdivisional lines, subdivision of sections 27–33 in T. 10 N., R. 19 W., NMPM, was accepted August 4, 1983, under Group 729, New Mexico.

This survey was executed to meet certain administrative needs of the Bureau of Indian Affairs.

The plats will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Leroy C. Montoya,

Deputy State Director, Operations.

[FR Doc. 83-24329 Filed 9-6-83; 8:45 am]
BILLING CODE 4310-84-M

[Group 780]

New Mexico; Notice of Filing of Plat of Survey

August 23, 1983.

The plat of survey described below was officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, effective at 10 a.m. on August 17, 1983.

New Mexico Principal Meridian

T. 9 N., R. 2 E.

A dependent resurvey of the east and a portion of the south boundaries of the Pajarito Grant, a portion of the east boundary of the town of Atrisco Grant, a portion of the 2nd Stan. Par. N. in Rs. 2 and 3 E., the east boundary, a portion of the subdivision lines and partial subdivision of certain section and the survey of lots, under Group 780 and was accepted August 10, 1983.

T. 9 N., R. 3 E.

A dependent resurvey of the north boundary, a portion of the subdivisional lines and the subdivision of section 7, under Group 780 and was accepted August 11, 1983.

This survey was executed to meet certain administrative needs of this Bureau.

The plats will be placed in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501. Copies of the plat may be obtained from that office upon payment of $2.50 per sheet.

Leroy C. Montoya,

Deputy State Director, Operations.

[FR Doc. 83-24328 Filed 9-6-83; 8:45 am]
BILLING CODE 4310-84-M

[OR 35897 and OR 35898]

Realty Action; Modified Competitive Sale of Public Land in Linn County, Oregon

The following described parcels of land have been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the appraised fair market value:

Parcel	Legal description	Acreage
A. (OR 35897)	T. 14 S., R. 3 W., W.M., Oregon; Sec. 2: Lots 1, 2 and 3 Sec. 3: Lot 4	0.79
B. (OR 35898)	T. 14 S., R. 3 W., W.M., Oregon; Sec. 3: Lot 3	0.24

Bids are being solicited for each parcel offered for sale. Appraised values are not being published in this NORA. The value will be disclosed only at the conclusion of the sale and only for those parcels for which acceptable bids were received; i.e., appraised value or higher.

Parcels A and B will be offered for sale, using modified competitive procedures, on November 16, 1983, at 10:00 a.m. The sale will be held at the Bureau of Land Management Conference Room, 1255 Pearl Street, Eugene, Oregon.

The sale parcels adjoin each other and comprise a narrow strip of agricultural land completely surrounded by private land. The tracts have been identified as unneeded since they are difficult and uneconomical to manage as part of the public lands and are not suitable for management by another Federal department or agency. Parcel B and a portion of parcel A are Oregon and California (O&C) revested railroad lands, which have been determined to be not suitable for management and administration for permanent forest protection and other purposes as provided for in the Acts of August 28, 1937, and May 24, 1939. There is no legal public access to parcel B. The sale is consistent with Bureau land use planning and has undergone public review and discussion. The public values of the land have been identified and it has been determined that the public interest will be well served by offering this land for sale. The land will not be offered for sale for at least 60 days after the date of this notice.

Bidding for parcels A and B will be restricted to the adjoining landowners. The designated bidders for parcel A are William Enos, Betty I. Enos, G. R. Bushnell, Jean Sloan, Hazel McHargue, Ervin E. Smith, Ella Smith and Clifford W. Babcock, Jr. The designated bidders for parcel B are George Campora, Emily Campora, William Enos, Betty I. Enos, Ervin E. Smith, Ella Smith, and Clifford W. Babcock, Jr. Failure to submit bids for parcels A and B by any of the above-named designated bidders shall constitute a waiver of such right. Modified competitive bidding procedures are being used to recognize the needs of the adjoining landowners and to meet Linn County zoning goals for agricultural land. Such procedures are authorized under Section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713; 43 CFR 2711.3–2).

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. The sale of both parcels A and B will be subject to the surface rights of the lessee for oil and gas lease OR 17456.

4. The land will be sold subject to valid existing rights of record on the date of conveyance.

5. Upon disqualification of the apparent high bidder, the next high bid will be honored.

6. Those parcels not sold pursuant to this Notice of Realty Action shall be reoffered for sale to the general public at a later date utilizing competitive bidding procedures.

7. Federal law requires that bidders be U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States.

The sale of parcels A and B will be conducted by sealed and oral bid. Bids may be made by a principal or by his/her agent. Sealed written bids may be mailed or delivered in person to the Eugene District Office, Bureau of Land Management, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97440. Such bids will be considered only if received by the Bureau of Land Management prior to 10:00 a.m., November 16, 1983. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft of cashiers check made payable to Department of the Interior—BLM for not less than one-fifth (20 percent) of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public Sale Bid Parcel No. ——, sale held November 16, 1983." Bids must include all of the land in the parcel.

The written sealed bids will be opened and publicly declared at the beginning of the sale. If the bidders tie as high bid, the successful bid shall be determined by drawing. The highest qualifying sealed bid on each parcel will determined the base of the oral bidding conducted the day of the sale.

Oral bidding will be entertained after public declaration of the apparent high sealed bidder and all oral bids must be made in increments of $20.00 or more. Immediately following the close of oral bidding, the sale supervisor will open and examine the appraisal. If the highest bid price, either sealed or oral, equals or exceeds the appraised fair market value, it will be declared the sale price. The apparent high oral bidder, if any, will then be required to submit payment by cash, personal check, bank draft, money order, or any combination thereof, of any additional amount necessary to bring the amount tendered with their sealed bid up to one-fifth of the amount of the oral bid. If the highest bid price is less than the appraised fair market value, the sale supervisor will so state, but not reveal the appraised value. Oral bidding will then be reopened utilizing the procedures described above.

The apparent high qualifying bidder shall submit the remainder of the full sale price within 30 days from the date of the sale. Failure to submit the full sale price within 30 days shall disqualify the apparent high bidder and the deposit shall be forfeited and disposed of as other receipts of sale.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

Detailed information concerning the sale, including the planning documents, land report and environmental assessment is available for review at the Eugene District Office, 1255 Pearl Street, Oregon 97401.

For a period of 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Eugene District Office. Any adverse comments received as a result of this notice or notification to the congressional committees or delegations pursuant to Pub. L. 97-394 will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: August 26, 1983.

Dwight L. Patton,

District Manager.

[FR Doc. 83-24326 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84- M

[OR 35895 and or 35899]

Reality Action; Noncompetitive Sale of Public Land in Linn County, Oregon

The following described parcels of land have been examined and indentified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Managment Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the appraised fair market value:

Parcel	Legal Description	Acreage
1. (OR 35895)	T. 15 S., R. 2 W., W.M., Oregon; Sec. 6: Lot 3	0.79
2. (OR 35899)	T. 15 S., R. 3 W., W.M., Oregon; Sec. 6: Lot 4,5	4.96

The parcels will be offered by direct sale at the appraised fair market value to Arnold Kampfer and/or Lynn Kampfer (Parcel No. 1) and the Estate of Alice M. Edwards and the Estate of Percy J. Edwards, Jr. (Parcel No. 2), the respective surrounding landowners on November 16, 1983. The tracts are difficult and uneconomical to manage as part of the public lands and are not suitable for management by another Federal department or agency. There is no legal access to either parcel and they are both completely surrounded and integrated into private ranching operations. The sales are consistent with Bureau land use planning and have undergone public review and discussion. The public values of the land have been identified and it has been determined that the public interest will be well served by offering this land for sale. The parcels will not be offered for sale for at least 60 days after the date of this notice. Upon notification of sale date, the purchasers will be given 30 days to pay the full appraised market value.

The parcels are being offered noncompetitively to avoid disruption of the surrounding ranching operations and to meet Linn County zoning goals for agricultural land.

The terms and conditions applicable to the sale are:

1. A right-of-way for ditches and canals will be reserved to the United States (43 U.S.C. 945).

2. All minerals in the land will be reserved to the United States (43 U.S.C. 1719).

3. The sale of parcel No. 2 will be subject to the surface rights of the lessee for oil and gas lease OR 17457.

4. The land will be sold subject to valid existing rights of record on the date of conveyance.

5. Those parcels not sold pursuant to this Notice of Realty Action shall be reoffered for sale to the general public at a later date utilizing competitive bidding procedures.

6. Federal law requires that bidders by U.S. citizens or, in the case of a corporation, subject to the laws of any State of the United States.

Refusal or failure of the designated bidders to submit the full purchase price for the parcels within the time limits specified in the letters offering the tracts for direct sale shall constitute a waiver of their preference rights.

All bids will be either returned, accepted, or rejected within 30 days of the sale date.

Detailed information concerning the sale, including the planning documents, land report, and environmental assessment is available for review at the Eugene District Office, 1255 Pearl Street, Eugene, Oregon 97401.

For a period 45 days from the date of this Notice, interested parties may submit comments to the District Manager, Eugene District Office. Any adverse comments received as a result of this notice or notification to the congressional committees or delegations pursuant to Pub. L. 97-394 will be evaluated by the District Manager, who may vacate or modify this realty action

and issue a final determination. In the absence of an action by the District Manager, this realty action will become the final determination of the Department of the Interior. Interested parties should continue to check with the District Office to keep themselves advised of any changes.

Dated: August 26, 1983.

Dwight L. Patton,

District Manager.

[FR Doc. 83-24325 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84-M

[W-34993]

Wyoming; Partial Termination of Proposed Withdrawal and Opening of Lands

August 29, 1983.

1. Notice of proposed withdrawal and reservation of lands, FR Doc. 72-8835 (37 FR 11735), as amended by FR Doc. 76-21981 (41 FR 31579), segregates 80 acres, described therein, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws, for protection of the Castle Garden Recreation Area.

2. The following described lands are not needed to protect the recreation values and are hereby removed from the proposed withdrawal. The segregative effect of the proposal withdrawal is terminated as to the following described lands, and the lands opened to entry at 10:00 a.m. on September 26, 1983:

Sixth Principal Meridian, Wyoming

T. 47 N., R. 89 W.,
Sec. 15, W½NW¼SW¼NW¼, SW¼SW¼NW¼, and SW¼SE¼ SW¼NW¼.

The area described contains 17.50 acres in Washakie County, Wyoming.

Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82003.

Nyles L. Humphrey,

Acting State Director.

[FR Doc. 83-24343 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84-M

[AA-44469]

Alaska Native Claims Selection; Cook Inlet Region, Inc.

The document entitled Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), authorized the Secretary of the Interior to identify and reserve within 2 years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On September 11, 1981, Interim Conveyance No. 428 was issued to Cook Inlet Region, Inc., for 5,563.20 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Secs. 14(e) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e), 1621(j)) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), and are described as follows:

Interim Conveyance No. 428 of September 11, 1981

Seward Meridian, Alaska (Surveyed)

T. 22 N., R. 3 W.,
Those portions of the surveyed township more particularly described as (protracted):
Sec. 6, all.

Containing approximately 619.00 acres.

T. 23 N., R. 3 W.,
Those portions of the surveyed township more particularly described as (protracted):
Sec. 31, SW¼, S½SW¼SE¼, NW¼ SW¼SE¼.

Containing approximately 178.50 acres.

T. 24 N., R. 3 W.,
Those portions of the surveyed township more particularly described as (protracted):
Sec. 17, S½N½,S½
Sec. 18, S½.

Containing approximately 780.50 acres.

T. 25 N., R. 3 W.,
Those portions of the surveyed township more particularly described as (protracted):
Sec. 5, W½;
Sec. 6, all;
Sec. 7, all;
Sec. 8, W½.

Containing approximately 1,902.00 acres.

T. 26 N., R. 3 W.,
Those portions of the surveyed township more particularly described as (protracted):
Sec. 31, all.

Containing approximately 628.00 acres.

T. 24 N., R. 4 W.,
Those portions of Tract A more particularly described as (protracted):
Sec. 11, That portion of the E½E½NW¼ upland of the line of the ordinary high water mark of the left bank of unnamed creek and Montana Creek, excluding U.S. Survey No. 4863. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District on March 13, 1980 as Plat No. 80-25;
That portion of the E½NE¼SW¼ upland of the line of the ordinary high water mark of the left bank of Montana Creek. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District of March 13, 1980 as Plat No. 80-25;
S½SE¼, that portion northerly of Yoder Road right-of-way. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District of March 13, 1980 as Plat No. 80-25.

Containing approximately 43.80 acres.

T. 25 N., R. 4 W.,
Those portions of Tract A more particularly described as (protracted):
Sec. 2, That portion of the SW¼SE¼SE¼ upland of the line of the ordinary high water mark of the right bank of Birch Creek. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District on March 13, 1980 as Plat No. 80-25;
Sec. 3, W½, excluding lake, SE¼,S½NE¼, NW¼NE¼;
Sec. 4, E½;
Fractional Sec. 23, According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District on March 13, 1980, as Plat No. 80-25;
Sec. 24, That portion of the N½SE¼NE¼, NE¼NE¼ and S½SE¼NW¼ upland of the line of the ordinary high water mark of the left bank of Answer Creek. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District on March 13, 1980 as Plat No. 80.25;
Sec. 26, That portion of W½NE¼ and NW¼SW¼SW¼ upland of the line of the ordinary high water mark of the left bank of Answer Creek. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District of March 13, 1980 as Plat No. 80-25;
Fractional Sec. 27, According to Alaska State Land Survey No. 79-109 filed in the

Talkeetna Recording District on March 13, 1980 as Plat No. 80-25;

Fractional Sec. 34, According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District on March 13, 1980 as Plat No. 80-25;

Sec. 35, N½NW¼NW¼NE¼ and N½NW¼ northerly of South Answer Creek Road right-of-way. According to Alaska State Land Survey No. 79-109 filed in the Talkeetna Recording District on March 13, 1980 as Plat No. 80-25.

Containing approximately 1,051.40 acres.

T. 26 N., R. 4 W.,

Those portions of Tract A more particularly described as (Protracted):

Sec. 33, SE¼;

Sec. 34, NW¼NE¼, SW¼.

Containing approximately 360.00 acres.

Aggregating approximately 5,563.20 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until October 7, 1983 to file an appeal.

Any party, known or unknown, who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is:

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Kamilah Rasheed,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-24404 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84-M

Availability of Final Environmental Impact Statement for the Yokayo Grazing Program, Ukiah District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared an abbreviated final environmental impact statement for the grazing program in the Yokayo area of the Ukiah District, California. Alternatives analyzed are (1) Continuation of the present program, (2) No grazing, (3) Active management of manageable leases with elimination of nonmanageable leases, and (4) Active management of manageable leases with retention of nonmanageable leases for low level management.

DATES: Comments on the final environmental impact statement are being solicited from public agencies and interested individuals and organizations. Written comments should be submitted by October 3, 1983, to the Ukiah District Manager, P.O. Box 940, Ukiah, California 95482 in order to be considered in the record of decision.

ADDRESSES: Copies of the statement are available for review at local libraries, and a limited number of copies can be obtained by contacting the Ukiah District Office or the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4541.

FOR FURTHER INFORMATION CONTACT: Bruce Dawson, Range Conservationist, Bureau of Land Management, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, telephone (707) 462-3873.

Dated: August 31, 1983.

Van W. Manning,

District Manager.

[FR Doc. 83-24462 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84-M

Availability of Draft Environmental Impact Statement for the Preliminary Wilderness Recommendations for the Red Mountain Wilderness Study Area, California; Notice of Public Hearing

AGENCY: Bureau of Land Management; Interior.

ACTION: Notice of availability and public hearing.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement on the preliminary wilderness recommendations for the Red Mountain Wilderness Study Area, Mendocino County, California. Alternatives analyzed in detail are (1) All wilderness, (2) Continuation of present management, and (3) Designation as a research natural area/area of critical environmental concern. The preliminary recommendation is to designate the area a research natural area/area of critical environmental concern, and to not designate any part of the area as wilderness.

DATES: Comments on the draft environmental impact statement are being solicited from public agencies and interested individuals and organizations. Written comments should be submitted by December 1, 1983 to the Ukiah District Manager, P.O. Box 940, Ukiah, California 95482 in order to be considered in the final environmental impact statement. A public hearing on the adequacy of the EIS and on the preliminary wilderness recommendations will be held on October 12, 1983 in the Redway School Auditorium, 344 Humboldt Avenue, Redway, California, from 6:00 p.m. to 10:00 p.m.

ADDRESSES: Copies of the statement are available for review at local libraries, and a limited number of copies can be obtained from the District Office in

Ukiah, the Arcata Area Office, 1585 J Street, Arcata, California, the California State Office, 2800 Cottage Way, Sacramento, California, and the Washington Office, 18th and C Streets, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Stan Whitmarsh, Wilderness Coordinator, Bureau of Land Management, Ukiah District Office, P.O. Box 940, 555 Leslie Street, Ukiah, California 95482, telephone (707) 462–3873.

Dated: August 31, 1983.

Van W. Manning,

District Manager.

[FR Doc. 83-24463 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

[INT-FES 83-45]

Transfer of the 64-Acre Tract, Tahoe City, California; Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final statement on the transfer of the 64 acres of Federal land at Tahoe City, California. The preferred alternative is the direct transfer from the Bureau of Reclamation to the Forest Service, Department of Agriculture, for recreational use, under the authority of the Federal Water Project Recreation Act (Pub. L. 89–72).

Copies are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Relcamation, Washington, DC 20240, telephone: (202) 343–4991

Division of Management Support, General Services, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver, CO 80225, telephone: (303) 234–3019

Regional Environmental Quality Office, Bureau of Reclamation, Federal Building, 2800 Cottage Way, Room W–1102, Sacramento, CA 95825, telephone: (916) 484–4792

Lahontan Basin Projects Office, Bureau of Reclamation, Federal Building, 705 North Plaza Street, Carson City, NV 89701, telephone: (702) 882–3436

Single copies of the statement may be obtained on request to the above-listed offices. Copies will also be available for inspection in libraries in the project vicinity.

Dated: August 31, 1983.

Robert N. Broadbent,

Commissioner of Reclamation.

[FR Doc. 83-24403 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Outer Continental Shelf; Oil and Gas and Sulphur Operations

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4785, Block 30, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 838–0519.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 29, 1983.

John L. Rankin,

Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-24345 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Advisory Board, Mid-Atlantic Regional Technical Working Group; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463).

Name: Mid-Atlantic Regional Technical Working Group.

Date: September 30, 1983.

Place: The Gateways Hotel, The Greenery Room, 48th Street, Ocean City, Maryland.

Time: 9:00 a.m. to 5:30 p.m.

Committee membership consists of representatives from Federal Agencies, the Coastal States of New York through North Carolina, the petroleum industry, and other private interests. The purpose of the meeting is to advise the Director, Minerals Management Service, on technical matters of Regional concern regarding prelease and postlease offering activities.

Agenda

Minerals Management Service (MMS) Organizational Update; Regional Technical Working Group cochairperson succession rules; Regional Mid-Atlantic Lease Offering (June 1985) Work Schedule; Shell deepwater drilling; MMS and State review/coordination of Exploration Plans and related documents; MMS Oilspill Trajectory Analysis Model; New Jersey Study—Migratory patterns of winter flounder and other fish; Status of coastal geologic studies by Delaware Geological Survey; and New York State pipeline siting study.

This meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding items on the agenda should contact Donald Truesdell of the Atlantic OCS Office (703) 285–2165 by September 23, 1983. Written statements should be submitted by October 7 to the Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22180.

Minutes of the meeting will be available for public inspection and copying by November 30, 1983, at the above address.

Donald P. Truesdell,

Acting Regional Manager, Atlantic OCS Region.

[FR Doc. 83-24434 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Oil and Gas Operations Equipment Standards

AGENCY: Minerals Management Service, Interior.

ACTION: Extension of comment period.

SUMMARY: On July 25, 1983 (48 FR 33757), the Minerals Management Service (MMS) published a **Federal Register** Notice requesting comments on proposed amendments to Outer Continental Shelf Order No. 5 for all Regions. The original comment period was scheduled to close on August 24, 1983. The comment period is hereby extended to October 7, 1983.

DATE: Written comments must be postmarked or hand delivered by October 7, 1983.

ADDRESSES: Comments should be sent to: Lloyd M. Tracey; Branch of Rules, Orders, and Standards; Offshore Rules and Operations Division; Mail Stop 646; Room 6A110; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091.

FOR FURTHER INFORMATION CONTACT: M. L. Courtois; Chief, Offshore Inspection and Enforcement Division; Mail Stop 647; Minerals Management Service; U.S. Department of the Interior; 12203 Sunrise Valley Drive; Reston, Virginia 22091; telephone (703) 860-7865.

(43 U.S.C. 1334)

Dated: August 29, 1983.

David C. Russell,

Acting Director.

[FR Doc. 83-24425 Filed 9-6-83; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30182]

Railroad Operation, Acquisition, Construction, etc.; Seaboard System Railroad, Inc.; Acquisition Exemption

August 31, 1983.

On May 2, 1983, Seaboard System Railroad, Inc. (SBD), filed a Notice of Exemption pursuant to 49 CFR 1180.2(d)(3) concerning its proposed acquisition of all the assets and property of its wholly owned subsidiary, Haysi Railroad Company (Haysi). SBD also will assume all liabilities and obligations of Haysi. Haysi, in turn, will be dissolved as a corporate entity and its outstanding stock cancelled. The Railway Labor Executives Association (RLEA) opposes the exemption. It seeks the imposition of labor protection conditions should the exemption be approved. It also requests oral hearing which shall be denied.

This transaction is within a corporate family and comes within that class of transactions considered exempt under 49 CFR 1180.2(d)(3). Haysi is currently operated as an integral part of SBD's Clinchfield Division and its dissolution as a corporate entity will not result in any adverse changes in service levels. Neither will it cause operational changes or changes in the competitive balance with carriers outside the corporate family.

As a condition to use of the exemption, as requested by the RLEA, any SBD or Haysi employees affected by the acquisition (petitioners state that no employees will be adversely affected) will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirement of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-24372 Filed 9-6-83; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 157)]

Railroad Services Abandonment; Burlington Northern Railroad Co.; Benton, Kanabec, and Mille Lacs Counties, MN

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 45-mile rail line between milepost 2.00 near St. Cloud, and milepost 47.00 near Mora, in Benton, Kanabec, and Mille Lacs Counties, MN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and 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 1152.27.

Agatha L. Mergenovich

Secretary.

[FR Doc. 83-24373 Filed 9-6-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Office of the Secretary

State of Montana Department of Labor and Industry; Hearing

This notice announces an opportunity for a hearing for the Montana Department of Labor and Industry pursuant to the first sentence of Section 3304(c) and the last sentence of Section 3303(b)(3) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c) and 3303(b)(3), and 20 CFR 601.5, to be held at 9:30 o'clock in the morning on September 22, 1983, in Courtroom A, Vanguard Building, 1111 20th Street NW., Washington, D.C.

The hearing will be held on the following issues:

Issue 1

Whether, with respect to the certification of States on October 31, 1983, under Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), and certification of granted funds under Title III of the Social Security Act, 42 U.S.C. 501 *et seq.*, the unemployment compensation law of the State of Montana has been amended so that it no longer contains all of the provisions required by Section 3304(a)(3) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(3), and by Section 303(a)(4) of the Social Security Act, 42 U.S.C. 503(a)(4).

Basis of Issue

Section 3304(a)(3) of the Code and Section 303(a)(4) of the Social Security Act both require State unemployment compensation laws to provide that all money received in the State's unemployment fund shall, with exceptions not relevant to this issue, immediately upon such receipt be paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund in the United States Treasury.

Section 1 of Montana Senate Bill 210, approved March 31, 1983, provides that, beginning with the third quarter of calendar year 1983, 0.1 percent of employer contributions received by the Department of Labor and Industry "must be deposited in the unemployment insurance administration account" in the State Treasury, rather than in the United States Treasury.

Issue 2

Whether, with respect to the certification of States on October 31, 1983, under Section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c), and certification of granted funds under Title III of the Social Security Act, 42 U.S.C. 501 *et seq.*, the unemployment compensation law of the State of Montana has been amended so that it no longer contains all of the provisions required by Section 3304(a)(4) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(a)(4), and by Section 303(a)(5) of the Social Security Act, 42 U.S.C. 503(a)(5).

Basis of Issue

Section 3304(a)(4) of the Code and Section 303(a)(5) of the Social Security Act both require State unemployment compensation laws to provide that all money withdrawn from the State's unemployment fund shall be used solely in the payment of unemployment compensation "exclusive of expenses of administration."

Section 1 of Montana Senate Bill No. 210, approved March 31, 1983, provides that, beginning with the third quarter of calendar year 1983, .1 percent of employer contributions received by the Department of Labor and Industry "must be deposited in the State's unemployment insurance administration account" and that the money so deposited "may be used by the department for administrative purposes."

Issue 3

Whether, with respect to certification of State laws on October 31, 1983, under Section 3303(b)(1) of the Internal Revenue Code of 1954, 26 U.S.C. 3303(b)(1), the unemployment compensation law of the State of Montana has been amended so that, with respect to the 12-month period ending on such October 31, the State law no longer contains the provisions specified in Section 3303(a)(1) of the Internal Revenue Code of 1954, 26 U.S.C. 3303(a)(1), or the State has, with respect to such 12-month period, failed to comply substantially with any such provision.

Basis of Issue

Section 3303(a)(1) of the Code requires State laws to provide that no reduced rate of contributions to a pooled fund shall be permitted to an employer except on the basis of experience with respect to unemployment or other factors bearing a direct relation to unemployment risk.

Section 1 of Montana Senate Bill No. 210, approved March 31, 1983, provides:

> Beginning with the third quarter of 1983, .1 percent of employer contributions received by the department * * * may be used by the department for administrative purposes.

This provision has the effect of reducing the contribution rates of employers by .1 percent on a basis other than their experience with respect to unemployment or other factors bearing a direct relation to unemployment risk.

Following the hearing, a decision will be made which will have a bearing on whether the State is certifiable under Section 3304(c) of the Code and whether the State law is certifiable under Section 3303(b)(1) of the Code on October 31, 1983, and also whether grants are certifiable under Title III of the Social Security Act. The decision will also have a bearing on other benefits to the State under the Federal-State unemployment compensation program.

The proceedings in this matter shall be in accordance with the Rules of Procedure as set out below.

For purposes of this hearing, all motions, briefs, and other papers shall be filed, pursuant to the above referenced Rules of Procedure, with the presiding Administrative Law Judge, U.S. Department of Labor, Suite 700, Vanguard Building, 1111 20th Street, NW., Washington, D.C. 20036, who will be designated in accordance with the Rules of procedure.

Counsel for the Montana Department of Labor and Industry shall enter an appearance with the presiding Administrative Law Judge no later than September 9, 1983; a copy shall be provided to William H. DuRoss, III, Associate Solicitor for Employment and Training, 200 Constitution Ave., NW., Washington, D.C. 20210, as expeditiously as possible.

Counsel for the U.S. Department of Labor shall enter an appearnace with the presiding Administrative Law Judge no later than September 7, 1983, and provide a copy to the Montana Department of Labor and Industry as expeditiously as possible.

Signed at Washington, D.C., on September 1, 1983.

Raymond J. Donovan,

Secretary of Labor.

Rules of Procedure

1. An Administrative Law Judge will be designated by the Chief Administrative Law Judge, United States Department of Labor, to preside over the hearing and perform the functions required by these Rules.

2. The parties of record shall be the State agency (or State agencies (as defined in 26 U.S.C. 3306(e)) named in the Notice of Hearing and the U.S. Department of Labor.

3. Any non-party State agency, individual worker, employer, or organization, association of workers or employers, or member of the public, asserting an interest in the proceedings, may be permitted by the presiding Administrative Law Judge, upon motion granted, to participate in the hearing as amicus curiae only. Participation by any such amicus curiae shall be limited to the submittal of such briefs as may be directed by the presiding Administrative Law Judge. A motion of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons. All motions contemplated by this Rule shall be filed with the presiding Administrative Law Judge no later than two (2) days prior to the scheduled hearing, and shall be served upon and received by each party prior to the hearing. The presiding Administrative Law Judge shall rule on all such motions and inform the applicants and the parties of the rulings prior to the hearing or at the beginning of the hearing.

4. The presiding Administrative Law Judge may issue an appropriate prehearing order governing all issues to be raised in the proceedings, discovery, and designation of evidence to be offered at the hearing.

5. (a) The hearing will be conducted in an informal but orderly and expeditious manner. The presiding Administrative Law Judge will regulate all matters pertaining to the course and conduct of the proceedings, and, subject to the limitation expressed in Rule 5(b) below, may grant extensions of time regarding the submission of briefs and other papers, and may reschedule the hearing for another time or date for good cause shown.

(b) The annual October 31 certification date under the Federal Unemployment Tax Act imposes time constraints for the issuance of the Administrative Law Judge's recommended decision, and requires that the granting of exetensions of time, inclusive of continuances, be limited to the extent necessary to ensure that the recommended decision is forwarded to the Secretary of Labor no later than 15 days prior to the October 31 certification date.

6. Upon the commencement of the hearing, the U.S. Department of Labor will be offered an opportunity to make an opening statement as to the nature of the hearing and the matter(s) in issue. Each other party to the proceedings shall then be offered a similar opportunity to make an opening statement.

7. The order of the presentation of evidence will be as follows:

(a) The U.S. Department of Labor will proceed first by presenting any evidence it may wish to offer which is relevant to the issue(s) specified in the Notice of Hearing.

(b) Each other party will proceed next to present any evidence it may wish to offer which is relevant to the issue(s) referred to in Rule 7(a) above, followed by any evidence relevant to any additional issue, except that evidence regarding any issue other than the issue(s) referred to in the Notice of Hearing may be admitted only if the

party offering such evidence has provided notice of such issue and a summary of such evidence, including a copy of any document to be offered, to each other party of record, prior to the hearing.

(c) The U.S. Department of Labor may next present relevant evidence in rebuttal to any issue, and the trial record shall thereafter be closed, except as provided for by Rule 9 below.

8. Technical rules of evidence shall not apply to the hearing. The presiding Administrative Law Judge will rule upon offers of proof and the admissibility of evidence, and may exclude irrelevant, immaterial, or unduly repetitious evidence or any other evidence excludable under these Rules, and may examine witnesses. All writings, charts, tabulations, and similar data offered in evidence at the hearing shall, upon a satisfactory showing of their authenticity, relevancy, materiality, and admissibility under these Rules, be received in evidence.

9. During the hearing, the presiding Administrative Law Judge may require the production and introduction of further evidence upon any relevant matter, and may provide for the later receipt of such evidence or any other evidence for the record.

10. The proceedings at the hearing shall be recorded verbatim. The original and one copy of the transcript of the record of the hearing shall be furnished to the presiding Administrative Law Judge. The parties of record and any amicus curiae shall be entitled to secure a copy of the transcript from the reporter upon such terms as the party or amicus may arrange.

11. When any document is offered in evidence, one additional copy thereof shall be furnished to the presiding Administrative Law Judge and, unless previously provided, a copy shall be furnished to each party of record.

12. (a) At the conclusion of the receipt of evidence, the presiding Administrative Law Judge shall hear oral arguments presented by the parties of record and any amicus curiae authorized to present oral argument.

(b) Oral arguments shall be in the following order: Opening argument for the U.S. Department of Labor, unless waived; opening argument for every other party unless waived; argument of any amicus curiae authorized to present oral argument; closing argument of each of the State agency parties, unless waived; and closing argument for the U.S. Department of Labor, unless waived.

13. (a) As soon as possible, but in no event later than 15 days prior to the October 31 certification date, the presiding Administrative Law Judge shall: (1) Prepare a recommended decision on the basis of the record containing his recommended findings of fact and conclusions of law; (2) certify to the Secretary of Labor such recommended decision and the entire record of the proceedings; and (3) forward a copy of the recommended decision to each party of record and amicus curiae.

(b) In the event that evidence is admitted which is relevant to any issue cognizable under these Rules, findings of fact with respect to such evidence shall be made. No conclusions of law regarding either the constitutionality of any Federal statute or the constitutionality of interpretation thereof shall be made.

14. Any party of record may file with the Secretary of Labor a Statement of Exceptions, with proof of service on the other parties of record, setting forth any exceptions they may have to the recommended decision, within seven (7) days after the date of the recommended decision.

15. (a) Any brief intended to be filed of record with the presiding Administrative Law Judge in the proceedings shall be mailed or otherwise delivered to the Office of the Presiding Administrative Law Judge. Unless otherwise ordered, any brief shall be deemed to be filed on the date it is post-marked if transmitted by the United States Postal Service, and shall be deemed to be filed on the date received in the Office of the Chief Administrative Law Judge if transmitted by any other means.

(c) If the last day of a time limit prescribed by these Rules or established by the presiding Administrative Law Judge falls on a Saturday, Sunday, or a federal holiday, the time limit shall be extended to the next official business day.

(b) An original and one copy of any brief shall be filed with the presiding Administrative Law Judge and shall be accepted subject to timely filing with proof of sufficient service upon the parties.

16. Following the certification in accordance with Rule 13(a)(2) above, and consideration of any Statement of Exceptions filed and served in accordance with Rule 14, the Secretary of Labor shall render a decision in the matter, in writing, and shall forward the decision together with the record to the Chief Administrative Law Judge, and shall forward a copy of his decision to each party of record and to any amicus curiae authorized to participate in the proceedings.

[FR Doc. 83-24442 Filed 9-6-83; 8:45 am]
BILLING CODE 4510-30-M

Employment and Training Administration

Native American Programs; Fiscal Year 1984 Proposed Allocation, Allocation Formula, and Grantee Planning Estimates

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This Notice publishes the proposed Native American allocation, distribution formula and rationale, and individual grantee planning estimates for Fiscal Year 1984 for programs funded under Title IV, Section 401 of the Job Training Partnership Act (JTPA), (Pub. L. 97-300) of October 13, 1982.

DATES: Comments on this proposal must be submitted on or before October 7, 1983.

FOR FURTHER INFORMATION CONTACT: Paul A. Mayrand, Acting Director, Office of Special Targeted Programs, 601 D Street, NW., Room 6122, Washington, D.C. 20213. Phone (202) 376-6225.

SUPPLEMENTARY INFORMATION: Pursuant to Section 162 of JTPA the planning estimates and distribution formula for Native American grantees to be funded under Title IV, Section 401 are published below for review and comment. The amount to be distributed is $62,243,000, subject to congressional action. Should a change occur, the new dollar level and planning estimates will be published in another Notice. The listing of grantees is partial, as of August 30, because some applicants for grants have problems and until they are solved their grantee designation will be held up. The formula provides that 25% of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75% will be based on the number of poverty level Native Americans in the grantee's area. Furthermore, for FY 1984 no grantee will receive more than 106% of the previous year's funding or less than 80% of the previous year's funding, unless its territory to be served were increased or decreased. The rationale for the formula is that unemployment and poverty in an area are good indications of the need for employment and training programs. Statistics on unemployed and poverty level Native Americans are derived from the Decennial Census of the Population, 1980. Subject to Congressional

appropriation actions, the Department proposes to use a similar methodology for a period of 3 years and thereafter allocate to each grantee the amount it would receive by a direct application of the 1980 Census data without a hold harmless provision.

Following are the proposed planning estimates for designated grantees.

Signed at Washington, D.C., this 30th day of August 1983.

Paul Mayrand,

Acting Director, Office of Special Targeted Programs.

BILLING CODE 4510-30-M

U.S. DEPARTMENT OF LABOR – EMPLOYMENT AND TRAINING ADMINISTRATION
OFFICE OF FINANCIAL CONTROL AND MANAGEMENT SYSTEMS
FY 1984 JTPA NATIVE AMERICAN INITIAL PLANNING ESTIMATES
6/30/83

MR. EDDIE LEON TULLIS
CHAIRMAN
CREEK NATION EAST OF MISS. INC.
ROUTE 3, BOX 243A
ATMORE, ALABAMA
36502

	TITLE IV-A
PROGRAM	147,822
COST POOL	36,956
TOTAL	184,778

MR. GREGG ERELSTOND
EXECUTIVE DIRECTOR
ALEUTIAN/PRIBILOF ISLANDS ASSOC.
1689 C STREET
ANCHORAGE, ALASKA
99501

	TITLE IV-A
PROGRAM	89,122
COST POOL	22,281
TOTAL	111,403

MR. IVAN M. IVAN
PRESIDENT
ASSOC. OF VILLAGE COUNCIL PRESIDENTS
P.O. BOX 219
BETHEL, ALASKA
99559

	TITLE IV-A
PROGRAM	621,974
COST POOL	155,494
TOTAL	777,468

MRS. KAY E. LARSEN
EXECUTIVE DIRECTOR
BRISTOL BAY NATIVE ASSOCIATION
P.O. BOX 169
DILLINGHAM, ALASKA
99576

	TITLE IV-A
PROGRAM	147,564
COST POOL	36,891
TOTAL	184,455

MR. MAXIM DOLCHOK
EXECUTIVE DIRECTOR
COOK INLET NATIVE ASSOCIATION
670 WEST FIREWEED LANE
ANCHORAGE, ALASKA
99503

	TITLE IV-A
PROGRAM	244,838
COST POOL	61,210
TOTAL	306,048

MR. ARNOLD BROWER, SR.
PRESIDENT, JOINT TRIBAL COUNCIL
INUPIAT COMMUNITY OF THE ARCTIC SLOPE
P.O. BOX 927
BARROW, ALASKA
99723

	TITLE IV-A
PROGRAM	107,545
COST POOL	26,886
TOTAL	134,431

THE AREA WHICH IN FY 1983 WAS ASSIGNED TO :

KAWERAK INCORPORATED
P.O. BOX 948
NOME, ALASKA
99762

	TITLE IV-A
PROGRAM	233,232
COST POOL	58,308
TOTAL	291,540

KENAITZE INDIAN TRIBE
P. O. BOX 988
KENAI, ALASKA
99611

	TITLE IV-A
PROGRAM	72,482
COST POOL	18,120
TOTAL	90,602

MS. DELORES L. PAVILLA
PRESIDENT
KODIAK AREA NATIVE ASSOCIATION
DRAWER 1277
KODIAK, ALASKA
99615

	TITLE IV-A
PROGRAM	71,154
COST POOL	17,789
TOTAL	88,943

MS. MARGARET WOODS
EXECUTIVE DIRECTOR
MANILLIK MANPOWER
P.O. BOX 725
NOTTOWAY, ALASKA
99752

	TITLE IV-A
PROGRAM	144,848
COST POOL	36,212
TOTAL	181,060

MR. CASEY NELSON, SR.
CHAIRMAN
METLAKATLA INDIAN COMMUNITY
P.O. BOX 8
METLAKATLA, ALASKA
99926

	TITLE IV-A
PROGRAM	99,268
COST POOL	24,817
TOTAL	124,085

MR. [illegible]
EXECUTIVE DIRECTOR
NORTH PACIFIC RIM
903 W. NORTHERN LIGHTS BLVD., SUITE 203
ANCHORAGE, ALASKA
99503-2496

	TITLE IV-A
PROGRAM	87,646
COST POOL	21,911
TOTAL	109,557

MR. WILLIAM BRADY
PRESIDENT
SITKA COMMUNITY ASSOCIATION
P.O.BOX 4360
MT. EDGECUMBE, ALASKA
99835

	TITLE IV-A
PROGRAM	37,413
COST POOL	9,353
TOTAL	46,766

MR. WILLIAM C. WILLIAMS
PRESIDENT
DANAA CHIEFS CONFERENCE, INC.
201 FIRST AVENUE - DOYON BLDG.
FAIRBANKS, ALASKA
99701

	TITLE IV-A
PROGRAM	324,114
COST POOL	81,029
TOTAL	405,143

JOHN HOPE
PRESIDENT
TLINGIT AND HAIDA COUNCIL
ONE SEALASKA PLAZA, SUITE 200
JUNEAU, ALASKA
99801

	TITLE IV-A
PROGRAM	287,245
COST POOL	71,811
TOTAL	359,056

MS. PHYLLIS J. BERTOZ
PRESIDENT
AFFILIATION OF ARIZONA IND. CNTRS. INC.
2721 N. CENTRAL AVENUE, SUITE 910
PHOENIX, ARIZONA
85004

	TITLE IV-A
PROGRAM	442,647
COST POOL	110,662
TOTAL	553,309

MR. BERNARD DEASIS
CHAIRMAN
AMERICAN INDIAN ASSOC. OF TUCSON
92 WEST SIMPSON ST.
TUCSON, ARIZONA
85701

	TITLE IV-A
PROGRAM	264,066
COST POOL	66,017
TOTAL	330,083

MR. ANTHONY DRISKAY, SR.
CHAIRMAN
COLORADO RIVER INDIAN TRIBES
ROUTE 1, BOX 23-B
PARKER, ARIZONA
85344

	TITLE IV-A
PROGRAM	66,326
COST POOL	16,582
TOTAL	82,908

MR. DANA NORRIS, SR.
GOVERNOR
GILA RIVER INDIAN COMMUNITY
BOX 97
SACATON, ARIZONA
85247

	TITLE IV-A
PROGRAM	396,893
COST POOL	99,223
TOTAL	496,116

MR. IVAN L. SIDNEY
CHIEF EXECUTIVE OFFICER
HOPI TRIBAL COUNCIL
BOX 123
KEAMS CANYON, ARIZONA
86039

	TITLE IV-A
PROGRAM	310,790
COST POOL	77,697
TOTAL	388,487

MS. GRACE MCCLLAR
EXECUTIVE DIRECTOR
INDIAN DEV. DIST. OF ARIZONA, INC.
1777 W. CAMELBACK ROAD, SUITE A-108
PHOENIX, ARIZONA
85015

	TITLE IV-A
PROGRAM	108,825
COST POOL	27,201
TOTAL	136,006

MR. ROBERT LOMAHAFTI
BOARD CHAIRPERSON
NATIVE AMERICANS FOR COMMUNITY ACTION
15 NORTH SAN FRANCISCO STREET
P.O. BOX 572
FLAGSTAFF, ARIZONA 86002

	TITLE IV-A
PROGRAM	253,194
COST POOL	63,299
TOTAL	316,493

MR. PETERSON ZAH
CHAIRMAN
NAVAJO TRIBE OF INDIANS
P.O.BOX 1889
WINDOW ROCK,ARIZONA
86515

	TITLE IV-A
PROGRAM	5,507,605
COST POOL	1,376,901
TOTAL	6,884,506

MR. MAX NORRIS
CHAIRMAN
THE PAPAGO TRIBE OF ARIZONA
P.O. BOX 837
SELLS, ARIZONA
85634

	TITLE IV-A
PROGRAM	345,673
COST POOL	86,418
TOTAL	432,091

MR. CHARLES SHALLOW
CHAIRPERSON
PHOENIX INDIAN CENTER, INC.
1002 N 7TH STREET
PHOENIX, ARIZONA
85014

	TITLE IV-A
PROGRAM	357,904
COST POOL	89,476
TOTAL	447,380

MR. GERALD ANTEN
PRESIDENT
SALT RIVER PIMA-MARICOPA IND. COMMN.
ROUTE 1, BOX 216
SCOTTSDALE, ARIZONA
85256

	TITLE IV-A
PROGRAM	92,031
COST POOL	23,008
TOTAL	115,039

MR. NED ANDERSON
TRIBAL CHAIRMAN
SAN CARLOS APACHE TRIBE
P.O. BOX "O"
SAN CARLOS, ARIZONA
85550

	TITLE IV-A
PROGRAM	255,933
COST POOL	63,983
TOTAL	319,916

MR. RONNIE LUPE
CHAIRMAN
WHITE MOUNTAIN APACHE TRIBE
P.O. BOX 700
WHITE RIVER, ARIZONA
85941

	TITLE IV-A
PROGRAM	334,016
COST POOL	83,504
TOTAL	417,520

MR. JOHN HENDERSON
PRESIDENT OF THE BOARD
AM. INDIAN CENTER OF ARKANSAS, INC.
4316 WEST MARKHAM ST.
LITTLE ROCK, ARKANSAS
72205

	TITLE IV-A
PROGRAM	116,331
COST POOL	29,083
TOTAL	145,414

MR. ANTHONY LARGO
CHAIRMAN, BOARD OF DIRECTORS
CALIFORNIA INDIAN MANPOWER CONT.
4441 AUBURN BOULEVARD, SUITE J
SACRAMENTO, CALIFORNIA
95841

	TITLE IV-A
PROGRAM	2,090,187
COST POOL	522,547
TOTAL	2,612,734

MR. ROBERT F. MUSGROVE
CHAIRMAN OF THE BOARD
CANDALARIA AMERICAN INDIAN COUNCIL
522 NORTH A STREET
OXNARD, CALIFORNIA
93030

	TITLE IV-A
PROGRAM	215,447
COST POOL	53,862
TOTAL	269,309

MS. ALLINE C. GUERARD
CHAIRPERSON
CONT. OF UNITED INDIAN NATIONS
1404 FRANKLIN STREET, SUITE 420
OAKLAND, CALIFORNIA
94612

	TITLE IV-A
PROGRAM	519,319
COST POOL	129,830
TOTAL	649,149

MS. JEWELL WILLIAMS
CHAIRPERSON, BOARD OF DIRECTORS
FRESNO AMERICAN INDIAN COUNCIL
5150 N 6TH STREET SUITE 162-169
FRESNO, CALIFORNIA
93710

	TITLE IV-A
PROGRAM	227,068
COST POOL	56,767
TOTAL	283,835

MS. ELSIE KICKLEPS
CHAIRPERSON
HOOPA VALLEY BUSINESS COUNCIL
P.O. BOX 815
HOOPA, CALIFORNIA
95546

	TITLE IV-A
PROGRAM	63,637
COST POOL	15,909
TOTAL	79,546

MR. LYMAN F. FIERCE
EXECUTIVE DIRECTOR
INDIAN CENTERS, INC.
1111 W. WASHINGTON BLVD.
LOS ANGELES, CALIFORNIA
90015

	TITLE IV-A
PROGRAM	1,351,413
COST POOL	337,853
TOTAL	1,689,266

MR. JIM GARDNER, SR.
CHAIRMAN OF THE BOARD
INDIAN CENTER OF SAN JOSE, INC.
3485 EAST HILLS DRIVE
SAN JOSE, CALIFORNIA
95127

	TITLE IV-A
PROGRAM	191,220
COST POOL	47,805
TOTAL	239,025

MR. JOHN LOGAN
CHAIRMAN
NORTHERN CALIF. IND. DEV. COUNCIL, INC.
241 F STREET
EUREKA, CALIFORNIA
95501

	TITLE IV-A
PROGRAM	262,690
COST POOL	65,673
TOTAL	328,363

MR. CARL ACUILERA
PROJECT DIRECTOR
ORANGE COUNTY INDIAN CENTER, INC.
13125 BROOKHURST STREET, SUITE #1
GARDEN GROVE, CALIFORNIA
92643

	TITLE IV-A
PROGRAM	199,415
COST POOL	49,854
TOTAL	249,269

MS. CRISPINA SIERRA
CHAIRWOMAN
TULE RIVER TRIBE
TULARE COUNTY DEPT. OF HEALTH, SAFETY & WELFARE
P.O. BOX 589
PORTERVILLE, CALIFORNIA 93258

	TITLE IV-A
PROGRAM	88,855
COST POOL	22,214
TOTAL	111,069

MS. ANITA SILVA
CHAIRPERSON, BOARD OF DIR.
YA-KA-MA INDIAN EDUC. AND DEV., INC.
6215 EASTSIDE ROAD
HEALDSBURG, CALIFORNIA
95448

	TITLE IV-A
PROGRAM	108,719
COST POOL	27,055
TOTAL	135,774

MS. LUCILLE A. SUNDOWN
CHAIRPERSON, BOARD OF DIRECTORS
DENVER NATIVE AMERICANS UNITED
4407 MORRISON ROAD
DENVER, COLORADO
80219

	TITLE IV-A
PROGRAM	368,144
COST POOL	92,036
TOTAL	460,180

MR. LEONARD C. BIRCH
TRIBAL CHAIRMAN
SOUTHERN UTE INDIAN TRIBE
P.O. BOX 737
IGNACIO, COLORADO
81137

	TITLE IV-A
PROGRAM	42,825
COST POOL	10,706
TOTAL	53,531

MS. PATRICIA BENEDICT
CHAIRPERSON
AMERICAN INDIANS FOR DEVELOPMENT, INC.
21 COOKE AVENUE
P.O. BOX 117
MERIDEN, CONNECTICUT 06450

	TITLE IV-A
PROGRAM	130,231
COST POOL	32,558
TOTAL	162,789

MR. JOE A. QUEENE
EXECUTIVE DIRECTOR
FLA. GOVERNORS COUNCIL ON IND. AFFAIRS
521 S. COLLEGE AVENUE
TALLAHASSEE, FLORIDA
32301

	TITLE IV-A
PROGRAM	283,130
COST POOL	70,783
TOTAL	353,913

MR. JAMES E. BILLIE
CHAIRMAN
SEMINOLE TRIBE OF FLORIDA
CETA DEPARTMENT
6073 STERLING ROAD
HOLLYWOOD, FLORIDA 33024

	TITLE IV-A
PROGRAM	66,330
COST POOL	16,582
TOTAL	82,912

GERLDINE M. FRAZIER
CHIEF EXECUTIVE
NATIONAL INDIAN INDIAN COUNCIL, INC.
2258 SOUTH BROADWAY
DENVER, COLORADO
80210

	TITLE IV-A
PROGRAM	233,673
COST POOL	58,418
TOTAL	292,091

MR. TERRY KNIGHT
CHAIRMAN
UTE MOUNTAIN INDIAN TRIBE
P.O. BOX 30
TOWAOC, COLORADO
81334

	TITLE IV-A
PROGRAM	55,631
COST POOL	13,908
TOTAL	69,539

MR. DENNIS C. CASEY
SECRETARY OF LABOR
DEPARTMENT OF LABOR, STATE OF DELAWARE
OFFICE OF CETA PLANNING AND ADMIN.
701 SHIPLEY STREET
WILMINGTON, DELAWARE 19801

	TITLE IV-A
PROGRAM	29,039
COST POOL	7,260
TOTAL	36,299

MR. BUFFALO TIGER
PRESIDENT
MICCOSUKEE CORPORATION
P.O. BOX 440021, TAMIAMI STATION
MIAMI, FLORIDA
33144

	TITLE IV-A
PROGRAM	59,226
COST POOL	14,807
TOTAL	74,033

MR. MAX CLELAND
SECRETARY OF STATE
DEPARTMENT OF ARCHIVES AND HISTORY
OFFICE OF INDIAN HERITAGE
330 CAPITAL AVE., S.E.
ATLANTA, GEORGIA 30334

	TITLE IV-A
PROGRAM	108,257
COST POOL	27,064
TOTAL	135,321

ALU LIKE, INC.
401 KAPAHULU ST. - 3RD FLOOR
HONOLULU, HAWAII
96814

	TITLE IV-A
PROGRAM	2,049,669
COST POOL	512,417
TOTAL	2,562,086

MR. LONNIE RACEHORSE
EXECUTIVE DIRECTOR
IDAHO INTER-TRIBAL POLICY BOARD
P.O. BOX 405
FORT HALL, IDAHO
83203

	TITLE IV-A
PROGRAM	144,506
COST POOL	36,126
TOTAL	180,632

MR. R. WILLIS DIXEY
ACTING TRIBAL CHAIRMAN
SHOSHONE-BANNOCK TRIBES
FORT HALL INDIAN RESERVATION
P.O. BOX 306
FORT HALL, IDAHO 83203

	TITLE IV-A
PROGRAM	110,801
COST POOL	27,650
TOTAL	138,251

MR. JOHN THOMAS
TRIBAL CHAIRMAN
KICKAPOO TRIBAL COUNCIL
ROUTE 1, BOX 157A
HORTON, KANSAS
66439

	TITLE IV-A
PROGRAM	46,626
COST POOL	11,656
TOTAL	58,282

MR. HOWARD SIMMONDS
CHAIRMAN
UNITED TRIBES OF KANSAS AND S.E. NEB.
P.O. BOX 29
HORTON, KANSAS
66439

	TITLE IV-A
PROGRAM	393,845
COST POOL	98,461
TOTAL	492,306

THE AREA WHICH IN FY 1983 WAS ASSIGNED TO:
NATIVE COUNCIL OF AM. INDIAN NATIONS
3060 WALENA STREET - 3RD FLOOR
HONOLULU, HAWAII
96814

	TITLE IV-A
PROGRAM	46,111
COST POOL	11,528
TOTAL	57,639

MR. WILFRED A. SCOTT
CHAIRMAN
NEZ PERCE TRIBE
P.O. BOX 365
LAPWAI, IDAHO
83540-0365

	TITLE IV-A
PROGRAM	74,152
COST POOL	18,538
TOTAL	92,690

MR. EDWARD A. MILLER
CHAIRMAN
AM. IND. BUS. ASSN. TRNG. AND EMPL. PROG.
3630 WEST WILSON AVE.
CHICAGO, ILLINOIS
60640

	TITLE IV-A
PROGRAM	630,914
COST POOL	157,729
TOTAL	788,643

MR. BILL JONES
EXECUTIVE DIRECTOR
RED AMERICA ALL INDIAN CENTER, INC.
660 N. SENECA
WICHITA, KANSAS
67203

	TITLE IV-A
PROGRAM	133,980
COST POOL	33,495
TOTAL	167,475

MR. ERNEST SIBLEY
CHAIRMAN, BOARD OF DIRECTORS
INTER-TRIBAL COUNCIL OF LOUISIANA, INC.
9141 INTERLINE DRIVE
SUITE 4202
BATON ROUGE, LOUISIANA 70809

	TITLE IV-A
PROGRAM	309,340
COST POOL	77,335
TOTAL	386,675

MR. MELVIN L. VICAIRE
EXECUTIVE DIRECTOR
CENTRAL MAINE INDIAN ASSOCIATION, INC.
95 MAIN STREET
ORONO, MAINE
04473

	TITLE IV-A
PROGRAM	43,891
COST POOL	10,973
TOTAL	54,864

MR. JOHN STEVENS
PRESIDENT
TRIBAL GOVERNORS, INC.
93 MAIN STREET
ORONO, MAINE
04473

	TITLE IV-A
PROGRAM	82,158
COST POOL	20,539
TOTAL	102,697

MR. JOSEPH E. LUMSDEN
CHAIRMAN
SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
2218 SHUNK ROAD
SAULT STE. MARIE, MICHIGAN
49783

	TITLE IV-A
PROGRAM	82,074
COST POOL	20,518
TOTAL	102,592

MR. EDWARD PEREZ
EXEC. DIRECTOR
SOUTHEASTERN MICHIGAN INDIANS, INC.
P.O. BOX 861
WARREN, MICHIGAN
48090

	TITLE IV-A
PROGRAM	21,148
COST POOL	5,287
TOTAL	26,435

MS. MARION W. FINES
DIRECTOR, MAYORS OFFICE OF MANPOWER RESOURCES
CITY OF BALTIMORE
701 ST. PAUL STREET
BALTIMORE, MARYLAND
21202

	TITLE IV-A
PROGRAM	217,756
COST POOL	54,439
TOTAL	272,195

MR. CLIFFORD G. SAUNDERS
EXECUTIVE DIRECTOR
BOSTON INDIAN COUNCIL, INC.
105 S. HUNTINGTON AVENUE
JAMAICA PLAIN, MASSACHUSETTS
02130

	TITLE IV-A
PROGRAM	196,810
COST POOL	49,203
TOTAL	246,013

MR. MICHAEL J. LIND
CHAIRMAN
AMERICAN INDIAN FELLOWSHIP ASSN.
2 E. SECOND STREET
DULUTH, MINNESOTA
55802

	TITLE IV-A
PROGRAM	104,106
COST POOL	26,027
TOTAL	130,133

MS. ELAINE J. SALINAS
TREASURER OF THE BOARD
AMERICAN INDIAN OPPORTUNITIES CTR.
2300 CEDAR AVE. SOUTH
MINNEAPOLIS, MINNESOTA
55404

	TITLE IV-A
PROGRAM	431,758
COST POOL	107,940
TOTAL	539,347

MS. JOAN ARNST
PRESIDENT
NASHOBE-WAMPANOAG INDIAN TRIBAL COUNCIL
GREAT NECK ROAD
MASHPEE, MASSACHUSETTS
02649

	TITLE IV-A
PROGRAM	55,022
COST POOL	13,756
TOTAL	68,778

MR. GEORGE MARTIN
PRESIDENT
GRAND RAPIDS INTER-TRIBAL COUNCIL
43 LEXINGTON AVE. N.W.
GRAND RAPIDS, MICHIGAN
49504

	TITLE IV-A
PROGRAM	98,255
COST POOL	24,564
TOTAL	122,819

MR. GARY W. DONALD
CHAIRMAN
RED LAKE R. B. C.
P.O. BOX 498
RED LAKE, MINNESOTA
56572

	TITLE IV-A
PROGRAM	36,066
COST POOL	9,016
TOTAL	45,082

MR. WILLIAM J. HOULE
CHAIRMAN
FOND DU LAC R.B.C.
105 UNIVERSITY ROAD
CLOQUET, MINNESOTA
55720

	TITLE IV-A
PROGRAM	65,352
COST POOL	16,338
TOTAL	81,690

MR. JOSEPH C. RAPHAEL
TRIBAL CHAIRPERSON
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
756 BRIDGE, N.W.
GRAND RAPIDS, MICHIGAN
49504

	TITLE IV-A
PROGRAM	55,642
COST POOL	13,910
TOTAL	69,552

MR. FREDRICK DAKOTA
CHAIRMAN
INTER-TRIBAL COUNCIL OF MICHIGAN, INC.
405 EAST EASTERDAY AVENUE
SAULTE ST. MARIE, MICHIGAN
49783

	TITLE IV-A
PROGRAM	76,216
COST POOL	19,054
TOTAL	95,270

MR. BARTLEY WHITE
CHAIRMAN
LEECH LAKE R.B.C.
BOX 308
CASS LAKE, MINNESOTA
56633

	TITLE IV-A
PROGRAM	196,080
COST POOL	49,020
TOTAL	245,100

MR. ARTHUR W. GARROW
CHAIRMAN
MILLE LACS R.B.C.
STAR ROUTE-BOX 194
ONAMIA, MINNESOTA
56359

	TITLE IV-A
PROGRAM	37,586
COST POOL	9,397
TOTAL	46,983

MR. ROBERT F. LEWIS
CHAIRPERSON
MICHIGAN INDIAN MANPOWER INC.
3415 SOUTH CEDAR STREET
LANSING, MICHIGAN
48910

	TITLE IV-A
PROGRAM	431,971
COST POOL	107,993
TOTAL	539,964

MR. ELMER SEBASTIAN
CHAIRMAN
NORTH AMERICAN INDIAN ASSOC. OF DETROIT
360 JOHN ROAD
DETROIT, MICHIGAN
48226

	TITLE IV-A
PROGRAM	273,722
COST POOL	68,431
TOTAL	342,154

MR. ANTOINE BELLANGER
CHAIRMAN, BOARD OF DIRECTORS
MINNEAPOLIS AMERICAN INDIAN CENTER
1530 EAST FRANKLIN AVENUE
MINNEAPOLIS, MINNESOTA
55404

	TITLE IV-A
PROGRAM	185,297
COST POOL	46,324
TOTAL	231,621

MR. ROGER A. JOURDAIN
CHAIRMAN
RED LAKE TRIBAL COUNCIL
RED LAKE, MINNESOTA
56671

	TITLE IV-A
PROGRAM	143,498
COST POOL	35,924
TOTAL	179,422

MR. IRVILL MADRNA
CHAIRMAN
WHITE EARTH R.B.C.
BOX 418
WHITE EARTH, MINNESOTA
56591

	TITLE IV-A
PROGRAM	140,417
COST POOL	35,104
TOTAL	175,521

MR. PHILLIP MARTIN
CHAIRMAN
MISSISSIPPI BAND OF CHOCTAW INDIANS
ROUTE 7, BOX 21
PHILADELPHIA, MISSISSIPPI
39350

	TITLE IV-A
PROGRAM	339,726
COST POOL	94,932
TOTAL	434,658

MR. ALLEN ROLAND
CHAIRMAN
NORTHERN CHEYENNE TRIBE
P.O. BOX 368
LAME DEER, MONTANA
59043

	TITLE IV-A
PROGRAM	141,567
COST POOL	35,392
TOTAL	176,959

MR. FRANK BLYTHE
CHAIRMAN
INDIAN CENTER, INC.
1100 MILITARY ROAD
LINCOLN, NEBRASKA
68510

	TITLE IV-A
PROGRAM	106,441
COST POOL	26,610
TOTAL	133,051

MR. GEORGE BAKER
CHAIRMAN
REGION VII AMERICAN INDIAN COUNCIL, INC.
310 ARMOUR ROAD, SUITE 205
KANSAS CITY, MISSOURI
64116

	TITLE IV-A
PROGRAM	308,592
COST POOL	77,148
TOTAL	385,740

MR. NORMAN HELLIN
CHAIRMAN ASSINIBOINE ASIOUX TRIBES
FORT PECK INDIAN RESERVATION
P.O. BOX 37
POPLAR, MONTANA
59255

	TITLE IV-A
PROGRAM	242,184
COST POOL	60,546
TOTAL	302,730

MR. LOUIS LAROSE
PRES. BOARD OF DIRECTORS
NEBRASKA INDIAN INTER-TRIBAL DEV. CORP.
ROUTE 1 - BOX 66-A
WINNEBAGO, NEBRASKA
68071

	TITLE IV-A
PROGRAM	137,382
COST POOL	34,346
TOTAL	171,728

MR. RICHARD L. KITTO
TRIBAL CHAIRMAN
SANTEE SIOUX TRIBE OF NEBRASKA
ROUTE 2 SANTEE
NIOBRARA, NEBRASKA
68760

	TITLE IV-A
PROGRAM	29,702
COST POOL	7,425
TOTAL	37,127

MR. EARL OLD PERSON
CHAIRMAN
BLACKFEET TRIBAL BUSINESS COUNCIL
P.O.BOX 1090
BROWNING, MONTANA
59417

	TITLE IV-A
PROGRAM	368,000
COST POOL	92,000
TOTAL	460,000

MR. JOHN WESLEY BOY
CHAIRMAN
CHIPPEWA CREE TRIBE, ROCKY BOYS RESERV.
ROCKY BOY ROUTE
BOX ELDER, MONTANA
59521

	TITLE IV-A
PROGRAM	96,421
COST POOL	24,105
TOTAL	120,526

MR. RICHARD TAPIO
CHAIRMAN
UNITED INDIANS OF NEBRASKA
1402 SOUTH 36TH ST.
OMAHA, NEBRASKA
68124

	TITLE IV-A
PROGRAM	67,373
COST POOL	16,843
TOTAL	84,216

MS. JOSEPHINE GONSALES
EXECUTIVE DIRECTOR
INTER-TRIBAL COUNCIL OF NEVADA
P.O. BOX 7440
RENO, NEVADA
89510

	TITLE IV-A
PROGRAM	292,957
COST POOL	73,239
TOTAL	366,196

MR. THOMAS E. PABLO
CHAIRMAN
CONFEDERATED SALISH & KOOTENAI TRIBES
P.O. BOX 278
PABLO, MONTANA
59855

	TITLE IV-A
PROGRAM	208,306
COST POOL	52,076
TOTAL	260,382

MR. DONALD STEWART, SR.
ADMINISTRATIVE CHAIRMAN
CROW INDIAN TRIBE
P.O. BOX 550
CROW AGENCY, MONTANA
59022

	TITLE IV-A
PROGRAM	174,994
COST POOL	43,749
TOTAL	218,743

MR. BOB PAISANO
CHAIRPERSON
NATIONAL AMERICAN INDIAN CENTER, INC.
418 HOOVER AVE., BOOTH ONE
LAS VEGAS, NEVADA
89101

	TITLE IV-A
PROGRAM	45,564
COST POOL	11,391
TOTAL	56,955

MR. JAMES A. PAIVA
TRIBAL CHAIRMAN
SHOSHONE PAIUTE TRIBES
P.O. BOX 219
OWYHEE, NEVADA
89832

	TITLE IV-A
PROGRAM	53,819
COST POOL	13,205
TOTAL	66,024

MR. HENRY BROCKIE,SR.
PRESIDENT
FT. BELKNAP AGENCY
BOX 249
HARLEM, MONTANA
59526

	TITLE IV-A
PROGRAM	100,306
COST POOL	25,127
TOTAL	125,433

MS. JEANETTE LEI
CHAIRPERSON
MONTANA UNITED INDIAN ASSOCIATION
910 HELENA AVE.
HELENA, MONTANA
59601

	TITLE IV-A
PROGRAM	391,622
COST POOL	97,906
TOTAL	489,528

CARL MAJOR
TRIBAL CHAIRMAN
POARHATAN RENAPE NATION
P.O. BOX 629
MT. HOLLY, NEW JERSEY
08060

	TITLE IV-A
PROGRAM	245,554
COST POOL	61,389
TOTAL	306,943

WALTER APACHITO
PRESIDENT
ALAMO NAVAJO SCHOOL BOARD
P.O. BOX 907
MAGDALENA, NEW MEXICO
87825

	TITLE IV-A
PROGRAM	40,546
COST POOL	10,136
TOTAL	50,682

MR. DELFIN J. LOVATO
CHAIRMAN
ALL INDIAN PUEBLO COUNCIL
P.O. BOX 6507- STAT. B
1015 INDIAN SCHOOL ROAD, N.W.
ALBUQUERQUE, NEW MEXICO 87197

	TITLE IV-A
PROGRAM	348,218
COST POOL	87,054
TOTAL	435,272

MR. HENRY ACOVO
EXEC. DIRECTOR
EIGHT INDIAN PUEBLO COUNCIL
P.O. BOX 969
SAN JUAN PUEBLO, NEW MEXICO
87566

	TITLE IV-A
PROGRAM	48,536
COST POOL	12,132
TOTAL	60,668

MR. PAUL PAVOIA
GOVERNOR
SANTA CLARA INDIAN PUEBLO
P.O. BOX 580
ESPANOLA, NEW MEXICO
87532

	TITLE IV-A
PROGRAM	27,538
COST POOL	6,885
TOTAL	34,423

MR. ALEX GARCIA
GOVERNOR
SANTO DOMINGO TRIBE
GENERAL DELIVERY
SANTO DOMINGO, NEW MEXICO
87052

	TITLE IV-A
PROGRAM	105,202
COST POOL	26,300
TOTAL	131,502

THE AREA WHICH IN FY 1983 WAS ASSIGNED TO:

JICARILLA APACHE TRIBE
P.O. BOX 507
DULCE, NEW MEXICO
87528

	TITLE IV-A
PROGRAM	69,828
COST POOL	17,457
TOTAL	87,285

MESCALERO APACHE TRIBE
P.O. BOX 176
MESCALERO, NEW MEXICO
88340

	TITLE IV-A
PROGRAM	98,159
COST POOL	24,540
TOTAL	122,699

MR. MICHAEL BUSH
EXECUTIVE DIRECTOR
AMERICAN INDIAN COMMUNITY HOUSE, INC.
842 BROADWAY, 8TH FLOOR
NEW YORK CITY, NEW YORK
10003

	TITLE IV-A
PROGRAM	640,200
COST POOL	160,050
TOTAL	800,250

MISS IVA BRANT
CHAIRPERSON
NATIVE AMERICAN MANPOWER PROGRAMS, INC.
1047 GRANT STREET (REAR)
BUFFALO, NEW YORK
14207

	TITLE IV-A
PROGRAM	204,640
COST POOL	51,160
TOTAL	255,800

MR. GERALD T. WILKINSON
EXECUTIVE DIRECTOR
NATIONAL INDIAN YOUTH COUNCIL
201 HERMOSA DRIVE, N.E.
ALBUQUERQUE, NEW MEXICO
87108

	TITLE IV-A
PROGRAM	596,106
COST POOL	149,026
TOTAL	745,132

MR. MERLE L. GARCIA
GOVERNOR
PUEBLO OF ACOMA
P.O.BOX 469
PUEBLO OF ACOMA, NEW MEXICO
87034

	TITLE IV-A
PROGRAM	106,240
COST POOL	26,560
TOTAL	132,800

MS. JUDY L. MEGGESTO
PRESIDENT
THE NORTH AM. IND. CLUB OF SYRACUSE AND VICINITY, INC.
P.O. BOX 851
SYRACUSE, NEW YORK
13201

	TITLE IV-A
PROGRAM	244,964
COST POOL	61,241
TOTAL	306,205

MR. LEONARD V. GABBOW
HEAD CHIEF
ST. REGIS MOHAWK TRIBE
COMMUNITY BUILDING
HOGANSBURG, NEW YORK
13655

	TITLE IV-A
PROGRAM	108,370
COST POOL	27,093
TOTAL	135,463

MR. EDWIN MARTINEZ
GOVERNOR
PUEBLO OF LAGUNA
P.O. BOX 194
LAGUNA, NEW MEXICO
87026

	TITLE IV-A
PROGRAM	137,070
COST POOL	34,267
TOTAL	171,337

MR. TONY REINA
GOVERNOR
PUEBLO OF TAOS
P.O. BOX 1846
TAOS, NEW MEXICO
87571

	TITLE IV-A
PROGRAM	44,626
COST POOL	11,156
TOTAL	55,782

MR. LIONEL R. JOHN
PRESIDENT
SENECA NATION OF INDIANS
P.O. BOX 344
SALAMANCA, NEW YORK
14779

	TITLE IV-A
PROGRAM	336,800
COST POOL	84,200
TOTAL	421,000

MR. EDDIE MAYNOR
CHAIRMAN, BOARD OF DIRECTORS
CUMBERLAND COUNTY ASSOC. FOR IND. PEOPLE
332 INDIAN DRIVE
FAYETTEVILLE, NORTH CAROLINA
28301

	TITLE IV-A
PROGRAM	104,334
COST POOL	26,084
TOTAL	130,418

MR. QUINCY PAYTEAH
GOVERNOR
PUEBLO OF ZUNI
ZUNI TRIBAL COUNCIL
P.O. BOX 339
ZUNI, NEW MEXICO 87327

	TITLE IV-A
PROGRAM	248,198
COST POOL	62,300
TOTAL	311,498

MR. CHAUNCEY P. GOOD
PRESIDENT
NAVAJO MARAJO SCHOOL BOARD, INC.
DRAWER G
TSAILE, NEW MEXICO
87321

	TITLE IV-A
PROGRAM	77,177
COST POOL	19,294
TOTAL	96,471

MR. JOHN CROW
PRINCIPAL CHIEF
EASTERN BAND OF CHEROKEE INDIANS
P.O. BOX 481
CHEROKEE, NORTH CAROLINA
28719

	TITLE IV-A
PROGRAM	294,043
COST POOL	73,511
TOTAL	367,554

MS. PATRICIA S. CANNON
BOARD CHAIRPERSON
GUILFORD NATIVE AMERICAN ASSOC.
P.O. BOX 5023
400 PRESCOTT STREET
GREENSBORO, NORTH CAROLINA 27403

	TITLE IV-A
PROGRAM	79,312
COST POOL	19,828
TOTAL	99,140

MR. ADOLPH L. DEAL
EXECUTIVE DIRECTOR
LUMBEE DEV. ASSOC.
P.O. BOX 68
PEMBROKE, NORTH CAROLINA
28372

	TITLE IV-A
PROGRAM	1,671,640
COST POOL	417,910
TOTAL	2,089,550

MS. EARLINE STACKS
CHAIRPERSON
METROLINA NATIVE AMERICAN ASSN.
800 BRIAR CREEK ROAD
CHARLOTTE, NORTH CAROLINA
28205

	TITLE IV-A
PROGRAM	81,050
COST POOL	20,263
TOTAL	101,313

MR. JOHN SLOAT
PRESIDENT
CENTRAL TRIBES OF THE SHAWNEE AREA, INC.
124 NORTH BROADWAY
SHAWNEE, OKLAHOMA
74801

	TITLE IV-A
PROGRAM	80,056
COST POOL	20,014
TOTAL	100,070

MR. ROSS O. SWIMMER
PRINCIPAL CHIEF
CHEROKEE NATION OF OKLAHOMA
P.O. BOX 948
TAHLEQUAH, OKLAHOMA
74464

	TITLE IV-A
PROGRAM	1,513,936
COST POOL	378,484
TOTAL	1,892,420

MR. A. BRUCE JONES
EXECUTIVE DIRECTOR
NORTH CAROLINA COMM. OF IND. AFFAIRS
P.O. BOX 27228
RALEIGH, NORTH CAROLINA
27611

	TITLE IV-A
PROGRAM	319,488
COST POOL	79,872
TOTAL	399,360

MR. DANIEL DUBOIS
CHAIRMAN
DEVILS LAKE SIOUX TRIBE
P.O. BOX 300
FORT TOTTEN, NORTH DAKOTA
58335

	TITLE IV-A
PROGRAM	141,613
COST POOL	35,403
TOTAL	177,016

MS. JUANITA LEARNED
CHAIRPERSON
CHEYENNE-ARAPAHO TRIBES
P.O. BOX 67
CONCHO, OKLAHOMA
73022

	TITLE IV-A
PROGRAM	212,721
COST POOL	53,180
TOTAL	265,901

MR. OVERTON JAMES
GOVERNOR
CHICKASAW NATION OF OKLAHOMA
P.O. BOX 1548
ADA, OKLAHOMA
74820

	TITLE IV-A
PROGRAM	356,654
COST POOL	89,664
TOTAL	446,318

MR. PAT MCLAUGHLIN
CHAIRMAN
STANDING ROCK SIOUX TRIBE
GENERAL DELIVERY
FORT YATES, NORTH DAKOTA
58538

	TITLE IV-A
PROGRAM	242,032
COST POOL	60,508
TOTAL	302,540

MR. AUSTIN GILLETTE
TRIBAL CHAIRMAN
THREE AFFILIATED TRIBES
BOX 597
NEW TOWN, NORTH DAKOTA
58763

	TITLE IV-A
PROGRAM	112,981
COST POOL	28,245
TOTAL	141,226

MR. ELLIS E. ROBERTS
CHIEF
CHICKASAW NATION OF OKLAHOMA
DRAWER 1210
DURANT, OKLAHOMA
74701

	TITLE IV-A
PROGRAM	625,655
COST POOL	156,414
TOTAL	782,069

MR. BILLY J. BIRCH
CHAIRMAN
CITIZENS BAND POTAWATOMI IND. OF OKLA.
RT. 5, BOX 151
SHAWNEE, OKLAHOMA
74801

	TITLE IV-A
PROGRAM	160,037
COST POOL	40,009
TOTAL	200,046

MR. RICHARD LA FROMBOISE
TRIBAL CHAIRMAN
TURTLE MOUNTAIN BAND OF CHIPPEWA IND.
TURTLE MOUNTAIN TRIBAL COUNCIL
BELCOURT, NORTH DAKOTA
58316

	TITLE IV-A
PROGRAM	356,615
COST POOL	89,154
TOTAL	445,769

MR. DAVID GIPP
EXECUTIVE DIRECTOR
UNITED TRIBES - ED. TECH. CTR.
3315 S. AIRPORT ROAD
BISMARCK, NORTH DAKOTA
58501

	TITLE IV-A
PROGRAM	143,867
COST POOL	35,967
TOTAL	179,834

MR. BERNARD KAHANAHAN
CHAIRMAN
COMANCHE TRIBE OF OKLAHOMA
P.O. BOX 908
LAWTON, OKLAHOMA
73502

	TITLE IV-A
PROGRAM	212,961
COST POOL	53,240
TOTAL	266,201

MR. CLAUDE COX
PRINCIPAL CHIEF
CREEK NATION OF OKLAHOMA
P.O. BOX 580
OKMULGEE, OKLAHOMA
74447

	TITLE IV-A
PROGRAM	303,358
COST POOL	75,840
TOTAL	379,198

MR. GREGORY FRAZIER
CHIEF EXECUTIVE
OHIO INDIAN JOB TRAINING PARTNERSHIP AGENCY
5500 LAHARN AVENUE
CLEVELAND, OHIO
44102

	TITLE IV-A
PROGRAM	331,722
COST POOL	82,931
TOTAL	414,653

MS. MARY PAT FRANCIS
CHAIRPERSON
OSAGE TRIBE
P.O. BOX 487
BIGHER, OKLAHOMA
73009

	TITLE IV-A
PROGRAM	77,346
COST POOL	19,336
TOTAL	96,682

MR. NEWTON LAMAR
TRIBAL CHAIRMAN
FIVE TRIBES CONSORTIUM OF OKLAHOMA
P.O. BOX 1193
ANADARKO, OKLAHOMA
73005

	TITLE IV-A
PROGRAM	65,482
COST POOL	16,371
TOTAL	81,853

MR. GEORGE J. CAPTAIN
PRESIDENT
INTER-TRIBAL COUNCIL OF N.E. OKLAHOMA
P.O. BOX 1308
MIAMI, OKLAHOMA
74354

	TITLE IV-A
PROGRAM	85,492
COST POOL	21,373
TOTAL	106,865

MR. MARCELLUS CHOUTEAU
TRIBAL CHAIRMAN
KAW TRIBE OF OKLAHOMA
DRAWER 50
KAW CITY, OKLAHOMA
74641

	TITLE IV-A
PROGRAM	29,830
COST POOL	7,457
TOTAL	37,287

MR. JAMES WAUPEKA
CHAIRMAN
KICKAPOO TRIBES OF OKLAHOMA
P.O. BOX 58
MCLOUD, OKLAHOMA
74851

	TITLE IV-A
PROGRAM	10,012
COST POOL	2,503
TOTAL	12,515

MR. BILLY EVANS HORSE
TRIBAL CHAIRMAN
KIOWA TRIBE OF OKLAHOMA
P.O. BOX 361
CARNEGIE, OKLAHOMA
73015

	TITLE IV-A
PROGRAM	172,418
COST POOL	43,105
TOTAL	215,523

MR. DEWEY E. BERRYHILL
CHAIRMAN
OKLAHOMA TRIBAL ASSISTANCE PROGRAM, INC.
P.O. BOX 2841
TULSA, OKLAHOMA
74101

	TITLE IV-A
PROGRAM	390,766
COST POOL	97,692
TOTAL	488,458

MR. GEORGE E. TALLCHIEF
PRINCIPAL CHIEF
OSAGE TRIBAL COUNCIL
P.O. BOX 147 - OSAGE AGENCY CAMPUS
PAWHUSKA, OKLAHOMA
74056

	TITLE IV-A
PROGRAM	138,548
COST POOL	34,637
TOTAL	173,185

MR. ROBIN DENOIX
TRIBAL CHAIRMAN
OTOE-MISSOURIA INDIAN TRIBE OF OKLA.
P.O. BOX 68
RED ROCK, OKLAHOMA
74651

	TITLE IV-A
PROGRAM	36,609
COST POOL	9,152
TOTAL	45,761

MR. DELBERT HORSECHIEF
PRESIDENT
PAWNEE TRIBE OF OKLAHOMA
P.O. BOX 470
PAWNEE, OKLAHOMA
74058

	TITLE IV-A
PROGRAM	16,990
COST POOL	4,247
TOTAL	21,237

MR. SYLVESTER KEMBLE
CHAIRMAN
PONCA TRIBE OF INDIANS
WHITE EAGLE - BOX 11
PONCA CITY, OKLAHOMA
74601

	TITLE IV-A
PROGRAM	47,710
COST POOL	11,928
TOTAL	59,638

MR. JAMES M. MILAM
PRINCIPAL CHIEF
SEMINOLE NATION OF OKLAHOMA
P.O. BOX 745
WEWOKA, OKLAHOMA
74884

	TITLE IV-A
PROGRAM	155,298
COST POOL	38,824
TOTAL	194,122

MR. HENRY L. ALLEN
PRESIDENT
TONKAWA TRIBE OF OKLAHOMA
P.O. BOX 70
TONKAWA, OKLAHOMA
74653

	TITLE IV-A
PROGRAM	48,406
COST POOL	12,101
TOTAL	60,507

MR. HUGH ED JOHNSON
PRESIDENT
UNITED INDIAN INDIAN COUNCIL
2900 SOUTH HARVEY
OKLAHOMA CITY, OKLAHOMA
73109

	TITLE IV-A
PROGRAM	440,453
COST POOL	110,113
TOTAL	550,566

MR. ARTHUR S. BENSELL
TRIBAL CHAIRMAN
CONFED. TRIBES OF SILETZ INDIANS
P.O. BOX 549
101 E. BUFORD ST.
SILETZ, OREGON 97380

	TITLE IV-A
PROGRAM	186,410
COST POOL	46,802
TOTAL	233,012

MR. ELWOOD E. PATNAA
CHAIRMAN
CONFED. TRIBES OF THE UMATILLA IND. RES.
P.O. BOX 638
PENDLETON, OREGON
97801

	TITLE IV-A
PROGRAM	37,977
COST POOL	9,494
TOTAL	47,471

MR. DAVE JACKSON
TRIBAL CHAIRMAN
CONFEDERATE TRIBES OF WARM SPRINGS
P.O. BOX C
WARM SPRINGS, OREGON
97761

	TITLE IV-A
PROGRAM	82,798
COST POOL	20,700
TOTAL	103,498

MR. ROBERT ROBINCAS
EXECUTIVE DIRECTOR
ORGANIZATION OF FORGOTTEN AMERICANS
3949 SO. 6TH STREET
KLAMATH FALLS, OREGON
97601

	TITLE IV-A
PROGRAM	186,873
COST POOL	79,218
TOTAL	396,091

MS. FAITH MATHEW
CHAIRPERSON
URBAN INDIAN COUNCIL
P.O. BOX 3198, 1634 S.W. ALDER
PORTLAND, OREGON
97205

	TITLE IV-A
PROGRAM	232,994
COST POOL	58,249
TOTAL	291,243

MR. DAVID CHARLES
BOARD CHAIRMAN
COUNCIL OF THREE RIVERS
200 CHARLES STREET
PITTSBURGH, PENNSYLVANIA
15238

	TITLE IV-A
PROGRAM	182,429
COST POOL	45,657
TOTAL	228,286

MR. WILLIAM H. LYNCH
BOARD PRESIDENT
UNITED AM. INDIANS OF THE DEL. VALLEY
225 CHESTNUT STREET
PHILADELPHIA, PENNSYLVANIA
19106

	TITLE IV-A
PROGRAM	151,601
COST POOL	37,900
TOTAL	189,501

MR. GARRISON E. PARKER
EXECUTIVE DIRECTOR
RHODE ISLAND INDIAN COUNCIL
444 FRIENDSHIP ST.
ROOM 300
PROVIDENCE, RHODE ISLAND 02907

	TITLE IV-A
PROGRAM	102,806
COST POOL	25,702
TOTAL	128,508

THE HON. RICHARD W. RILEY
GOVERNOR, STATE OF SOUTH CAROLINA
OFFICE OF THE GOVERNOR OF SOUTH CAROLINA
1800 ST. JULIAN PLACE
COLUMBIA, SOUTH CAROLINA
29204

	TITLE IV-A
PROGRAM	139,372
COST POOL	34,843
TOTAL	174,215

MR. MORGAN S. GARREAU
TRIBAL CHAIRMAN
CHEYENNE RIVER SIOUX TRIBE
P.O. BOX 868
EAGLE BUTTE, SOUTH DAKOTA
57625

	TITLE IV-A
PROGRAM	229,038
COST POOL	57,260
TOTAL	286,298

MR. ROBERT C. PHILBRICK
CHAIRMAN
CROW CREEK SIOUX TRIBE
P.O. BOX 658
FORT THOMPSON, SOUTH DAKOTA
57339

	TITLE IV-A
PROGRAM	85,558
COST POOL	21,390
TOTAL	106,948

MR. JOHN R. ELIZA
TRIBAL GOVERNOR
ISLETA INDIAN TRIBE
P.O. BOX 17579 - ISLETA STATION
EL PASO, TEXAS
79917

	TITLE IV-A
PROGRAM	222,512
COST POOL	55,628
TOTAL	278,140

MR. HOMER J. SMITH
TRIBAL CHAIRMAN
UTE INDIAN TRIBE
P.O. BOX 190
FORT DUCHESNE, UTAH
84026

	TITLE IV-A
PROGRAM	90,469
COST POOL	22,617
TOTAL	113,086

MR. ORVILLE C. LANGREAU, SR.
TRIBAL CHAIRMAN
LOWER BRULE SIOUX TRIBE
P.O. BOX 303
LOWER BRULE, SOUTH DAKOTA
57548

	TITLE IV-A
PROGRAM	47,179
COST POOL	11,795
TOTAL	58,974

MR. STANDLEY LOOKING ELK
PRESIDENT
OGLALA SIOUX TRIBE
P.O. BOX C
PINE RIDGE, SOUTH DAKOTA
57770

	TITLE IV-A
PROGRAM	590,007
COST POOL	147,502
TOTAL	737,509

MR. LEONARD LAWYER, SR.
PRESIDENT
ABENAKI SELF-HELP ASSN./N.E.IND. COUNC.
BOX 276
SWANTON, VERMONT
05488

	TITLE IV-A
PROGRAM	25,588
COST POOL	7,397
TOTAL	32,985

THELMER D. COOK
CHIEF
MATTAPONI PAMUNKEY MONACAN CONSORTIUM
P.O. BOX 771
PRINCE WILLIAM, VIRGINIA
23686

	TITLE IV-A
PROGRAM	196,305
COST POOL	49,076
TOTAL	245,381

THE AREA WHICH IN FY 1983 WAS ASSIGNED TO :

ROSEBUD SIOUX TRIBE
BOX 30
ROSEBUD, SOUTH DAKOTA
57570

	TITLE IV-A
PROGRAM	404,665
COST POOL	101,174
TOTAL	505,869

SISSETON-WAHPETON SIOUX TRIBE
P.O. BOX 209
SISSETON, SOUTH DAKOTA
57262

	TITLE IV-A
PROGRAM	136,118
COST POOL	34,030
TOTAL	170,148

MR. LEONARD C. HENDRICKX
EXECUTIVE DIRECTOR
AMERICAN INDIAN COMMUNITY CENTER
1007 N. COLUMBUS STREET
SPOKANE, WASHINGTON
99202

	TITLE IV-A
PROGRAM	121,726
COST POOL	30,431
TOTAL	152,157

MS. VIRGINIA CHARLES
CHAIRPERSON
CHE-ED-CUT-QUD
P.O. BOX 387
ROCHESTER, WASHINGTON
98579

	TITLE IV-A
PROGRAM	32,546
COST POOL	8,136
TOTAL	40,682

MR. CLARENCE W. SKYE
EXECUTIVE DIRECTOR
UNITED SIOUX TRIBES DEV. CORP.
P.O. BOX 1193
PIERRE, SOUTH DAKOTA
57501

	TITLE IV-A
PROGRAM	476,003
COST POOL	119,001
TOTAL	595,004

MR. REX J. EVANS
EXECUTIVE DIRECTOR
USET INCORPORATED
1101 KERMIT DRIVE
SUITE 800
NASHVILLE, TENNESSEE 37217

	TITLE IV-A
PROGRAM	213,745
COST POOL	53,436
TOTAL	267,181

MR. AL ALBERTIN
CHAIRMAN
COLVILLE CONFEDERATED TRIBES
P.O. BOX 150
NESPELEM, WASHINGTON
99155

	TITLE IV-A
PROGRAM	167,729
COST POOL	41,932
TOTAL	209,661

MR. ROGER JIM
CHAIRMAN
EASTERN WASHINGTON INDIAN CONSORTIUM
P.O. BOX 223
WELLPINIT, WASHINGTON
99040

	TITLE IV-A
PROGRAM	587,369
COST POOL	146,992
TOTAL	734,461

MR. FULTON BATTISTE
PRINCIPAL CHIEF
ALABAMA-COUSHATTA INDIAN RESERVATION
P.O. BOX 1141
LIVINGSTON, TEXAS
77351

	TITLE IV-A
PROGRAM	357,298
COST POOL	89,325
TOTAL	446,623

MR. CHEC GOMEZ
CHAIRPERSON
DALLAS INTER-TRIBAL CENTER
CARTER PLAZA
209 EAST JEFFERSON BLVD.
DALLAS, TEXAS 75203

	TITLE IV-A
PROGRAM	307,902
COST POOL	76,976
TOTAL	384,878

MR. LARRY G. KINLEY
CHAIRMAN
LUMMI INDIAN BUSINESS COUNCIL
2616 KWINA ROAD
BELLINGHAM, WASHINGTON
98225

	TITLE IV-A
PROGRAM	34,336
COST POOL	9,084
TOTAL	43,420

MR. GUY MADISON
CHAIRMAN
S.W. INTER-TRIBAL COUNCIL
P.O. BOX 115
NEAH BAY, WASHINGTON
98357

	TITLE IV-A
PROGRAM	68,221
COST POOL	17,305
TOTAL	85,526

THE AREA WHICH IN FY 1983 WAS ASSIGNED TO :

PUYALLUP TRIBE
2001 EAST 28TH ST.
TACOMA, WASHINGTON
98404

	TITLE IV-A
PROGRAM	133,688
COST POOL	33,422
TOTAL	167,110

MS. DANIELLE MENDEZ KHATRI
EXECUTIVE DIRECTOR
SEATTLE INDIAN CENTER
121 SOUTHWEST STREET
SEATTLE, WASHINGTON
98101

	TITLE IV-A
PROGRAM	350,254
COST POOL	87,564
TOTAL	437,818

MR. BRUCE TAYLOR
ACTING CHAIRMAN
LAC COURTE OREILLES TRIBAL GOVERNING BOARD
ROUTE 2
HAYWARD, WISCONSIN
54843

	TITLE IV-A
PROGRAM	81,799
COST POOL	20,450
TOTAL	102,249

MS. LUCILLE CHAPMAN
CHAIRPERSON
MENOMINEE INDIAN TRIBE OF WISCONSIN
P.O. BOX 397
KESHENA, WISCONSIN
54135-0397

	TITLE IV-A
PROGRAM	125,381
COST POOL	31,345
TOTAL	156,726

MR. PURCELL POLLESS
CHAIRMAN
ONEIDA TRIBE OF INDIANS OF WIS., INC.
P.O. BOX 365
ONEIDA, WISCONSIN
54155

	TITLE IV-A
PROGRAM	204,249
COST POOL	51,062
TOTAL	255,311

THE AREA WHICH IN FY 1983 WAS ASSIGNED TO:

QUINAULT INDIAN NATION
P.O. BOX 247
TAHOLAH, WASHINGTON
98587

	TITLE IV-A
PROGRAM	58,006
COST POOL	14,502
TOTAL	72,510

MS. MAUREEN R. FISHER
CHAIRPERSON
WESTERN WASH. IND. EMPL. AND TRNG. PROG.
11003 PACIFIC AVENUE, SUITE 2 & 4
KELLOR PROFESSIONAL BUILDING
TACOMA, WASHINGTON 98444

	TITLE IV-A
PROGRAM	650,154
COST POOL	162,538
TOTAL	812,692

MR. WILLIAM WILDCAT, SR.
TRIBAL CHAIRMAN
LAC DU FLAMBEAU CONSORTIUM
P.O. BOX 34
LAC DU FLAMBEAU, WISCONSIN
54538

	TITLE IV-A
PROGRAM	59,421
COST POOL	14,855
TOTAL	74,276

MR. SIDNEY F. DAVIS
CHAIRPERSON
MILWAUKEE AREA AM. IND. ADVISORY COUNC.
3121 W. WISCONSIN AVE.
MILWAUKEE, WISCONSIN
53208

	TITLE IV-A
PROGRAM	187,919
COST POOL	46,980
TOTAL	234,899

MR. EUGENE W. TAYLOR
CHAIRMAN
ST. CROIX TRIBAL COUNCIL
STAR ROUTE
WEBSTER, WISCONSIN
54893

	TITLE IV-A
PROGRAM	33,806
COST POOL	8,452
TOTAL	42,258

MR. LEONARD E. MILLER, JR.
TRIBAL CHAIRMAN
STOCKBRIDGE-MUNSEE COMMUNITY
ROUTE 1
BOWLER, WISCONSIN
54416

	TITLE IV-A
PROGRAM	50,638
COST POOL	12,659
TOTAL	63,297

MR. CHUCKIS A. LOKE, JR.
CHAIRMAN
WISCONSIN-WINNEBAGO BUSINESS COMMITTEE
RT 1 CREAMERY RD
NEKOOSA, WISCONSIN
54457

	TITLE IV-A
PROGRAM	118,582
COST POOL	29,645
TOTAL	148,227

NATIONAL TOTAL

	TITLE IV-A
PROGRAM	49,794,396
COST POOL	12,448,604
TOTAL	62,243,000

MR. VERNON STONE
CHAIRMAN
WISCONSIN INDIAN CONSORTIUM
P.O. BOX 439
ASHLAND, WISCONSIN
54806

	TITLE IV-A
PROGRAM	106,850
COST POOL	26,713
TOTAL	133,563

MR. ROBERT HARRIS, SHOSHONE CHAIRMAN
MR. WAYNE FELTER, ARAPAHOE CHAIRMAN
SHOSHONE/ARAPAHOE TRIBES
P.O. BOX 217
FORT WASHAKIE, WYOMING
82514

	TITLE IV-A
PROGRAM	286,723
COST POOL	71,681
TOTAL	358,404

[FR Doc. 83-24258 Filed 9-6-83; 8:45 am]
BILLING CODE 4510-10-C

Occupational Safety and Health Administration

[V-83-1]

Hammermill Papers Group; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of grant of variance.

SUMMARY: Administrative Law Judge David A. Clarke, Jr., has granted the Hammermill Papers Group a permanent variance from the regulation set forth at § 1910.261(c)(9)(i) which requires that the flagman on a train crew must always remain in sight of the operator when the crane or locomotive is in motion.

DATES: The effective date of this grant of variance was April 22, 1983.

FOR FURTHER INFORMATION CONTACT:

Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3662, 200 Constitution Avenue, NW., Washington, D.C. 20210, telephone: (202) 523-7183

Regional Administrator, U.S. Department of Labor—OSHA, Gateway Building, Suite 2100, 3535 Market Street, Philadelphia, PA 19104

U.S. Department of Labor—OSHA, Federal Building:, Rm. 2236, 1000 Liberty Avenue, Pittsburgh, PA 15522

I. Background

On December 14, 1982, the Hammermill Papers Group made application for permanent variance from that part of 29 CFR 1910.261(c)(9)(i) which requires that the flagman must always remain in sight of the operator when the crane or locomotive is in motion. By letter dated December 23, 1982, Local 620, United Paperworkers International Union, AFL-CIO-CLC, (hereinafter referred to as "Union"), 703 French Street, Erie, Pennsylvania 16501, the authorized employee representative, requested a hearing on the variance application.

On January 14, 1983, a notice of application for variance from 29 CFR 1910.261(c)(9)(i) and a notice of hearing on the application was published in Federal Register (48 FR 1847).

The applicant contended that radio communications between the railroad crew was as safe and healthful as visual contact between the railroad crew as required by 1910.261(c)(9)(i). The applicant proposed that their railroad crews use portable radios to relay verbal instructions in directing movement of the locomotives rather than using visual observation of hand signals. The railroad crew would thus be able to maintain voice contact when throwing switches, coupling, uncoupling or spotting rail cars within the applicant's railroad system. The applicant contended that constant visual contact while the locomotive is in motion was not the exclusive means of achieving a safe operation.

The applicant further stated that the operating area of the locomotive encompasses approximately 7.5 miles of track, all within the confines of the company's property. Approximately one mile is owned, maintained and operated by Conrail. Only two miles of its track are in frequent use. The maximum operating speed of the locomotive is 10 miles per hour. Normally, only one to five rail cars are moved at one time. Inbound cargo includes longwood, wood chips, pulp and chemicals such as chlorine, caustic soda, clay, rosin, sodium chlorate, talc, sulphur dioxide and starch. Outbound products are pulp and paper.

The applicant maintained that a variance from the requirement that the railroad crew be in visual contact with the locomotive engineer at all times should be granted because the use of radios in conjunction with written operational procedures provides an operation which is as safe, or safer than, the currently employed and outdated method of hand signals.

The Union was opposed to the applicant's request to use radio communication as a subsitute for the standard's requirement for a flagman to be in visual contact with a locomotive engineer while the engine is in motion. The Union did not object to the use of radio communication as an aid to the present method of operation but only when radio communication is used as a substitute for visual contact between the railroad crew.

The Union also strongly objected to the applicant's announced intention to reduce its three-man railroad crews to two-man railroad crews. The Union stated that Conrail operates locomotives and freight cars into the applicant's premises with a crew consisting of three men that use radio communication. The Union's understanding was that the Conrail railroad crews had frequent problems with their radio and therefore relied primarily on visual contact as the method of insuring the safe movement of their rail cars.

The Union further contended that during periods of darkness, railroad crew members such as flagman and switchmen must use one hand to maintain their hold on a moving train and their other hand to grasp and use a lantern or other lighting device. The contention was that should an emergency situation occur, it would not be possible for the flagman or switchman to attempt to use a radio to communicate with the locomotive engineer. Similarly, during periods of severe cold weather, which are common at the Erie Plant during the winter months, crew members must wear extensive protective clothing including hoods, earmuffs and hats in order to protect their faces and heavy mittens in order to protect their hands. With such protective clothing, crew members operating the company's rail cars would not be able to communicate by radio at all, much less in a safe manner.

The Union further stated that extremely loud conditions exist in many areas of the applicant's facility. In addition, the engineer is required to frequently use the locomotive horn which emits an extremely loud noise. The Union contended that the loud conditions, in addition to a second radio in the cab of the locomotive used for railroad yard communications, could cause the engineer to fail to understand a radio communication in an emergency situation.

The Union stated there were other reasons for their opposition which were to be brought out in the hearing. Some of these situations inlcuded the need for a third crew member to reduce the risk of derailment, the need for the flagman and the switchman to manually brake a rail car and the need for the railroad crew to pay close attention to constant truck and pedestrian traffic across railroad tracks.

The hearing was held on February 23 and 24, 1983 at the Federal Building in Erie, Pennsylvania, with Administrative Law Judge David A. Clarke, Jr., presiding. The decision, which was rendered on April 22, 1983, stated in part that, based upon a preponderance of the reliable and probative evidence presented at the hearing on February 23 and 24, 1983, the Company has demonstrated that the proposed operation of its trains by two-man crews, utilizing radio communications as a substitute for the visual contact required by the line-of-sight standard set forth at 29 CFR 1910.261(c)(9)(i), provides employment and places of employment to its employees which are as safe and healthful as those which would prevail if the applicant complied with the line-of-sight standard.

No exceptions were filed to the Judge's decision and order. Accordingly, pursuant to 29 CFR 1905.27(b), the

Judge's decision and order have become final.

Judge Clarke's order, including the terms of the variance, is reproduced here in its entirety:

Order

Accordingly, it is ordered that:

The Applicant be and hereby is granted a permanent variance, in accordance with its request, from the line-of-sight standard set forth in 29 CFR 1910.261(c)(9)(i) and may proceed to utilize two-man crews, equipped with two-way radios, to direct the movements of trains within the perimeters of its Erie plant, provided that the Applicant shall:

(a) Institute a radio control program for assignment, storage, security, recharging and periodic maintenance of the radio equipment.

(b) Clearly designate the area where the two-way radio communications may be conducted.

(c) Develop safe operating procedures in the use of the radio communications system and provide a copy to each employee required to work with a two-way radio.

(d) Instruct and thoroughly train each employee who is authorized to use the two-way radio in the proper methods for using the radio communications.

(e) Assure testing of the radio before and at least once during each railroad crew shift to verify that the radio is operating properly. The test at a minimum shall consist of an exchange of voice transmissions.

(f) Immediately remove from service all improperly functioning radios until they have been repaired.

(g) Assure that when radio communication is used in lieu of hand signals in connection with the switching, backing or pushing of a train, engine, or car, the employee directing the movement shall give complete instructions or keep in continuous radio contact with the employees receiving the instructions. When backing or pushing a train, engine or cars, the distance of the movement must be specified, and the movement must stop in one-half the remaining distance unless additional instructions are received. If the instructions are not understood or continuous radio contact is not maintained, the movement shall be stopped immediately and may not be resumed until the misunderstanding has been resolved, radio contact has been restored, or communication has been achieved by hand signals.

(h) Assure that a traffic pattern across and on the railroad tracks be well defined and a safe operating procedure established.

(i) Install and maintain appropriate and practical warning signs at each vehicular and pedestrian crossing of the railroad track and the blind areas of the track.

(j) Require that an audible signal be given when approaching a crossing. The sound of the engine whistle or horn shall be distinct, with intensity and duration proportionate to the distance the signal is to be conveyed.

(k) Assure that when outside railroad company operators are on the premises, operations of the Applicant's crew shall be fully coordinated with those of the outside railroad company to assure a safe joint operation. Crews of one company shall be informed of the operating procedures of the other company.

(l) Allow OSHA to inspect its premises in connection with this variance.

This order became effective on April 22, 1983, and shall remain in effect until modified or revoked in accordance with Section 6(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 31st day of August 1983.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 83-24430 Filed 9-6-83; 8:45 am]

BILLING CODE 4510-26-M

Maryland State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor Occupational Safety and Health (hereinafter called the Assistant Secretary), 29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State Plan and the adoption of Subpart O to Part 1952 containing the decision.

The Maryland State plan provides for the adoption of Federal standards as State standards after comments and public hearing. Sections 1952.210–214 of Subpart O set forth the State's schedule for the adoption of Federal standards. By letters dated May 13, 1983 from Commissioner Dominic N. Fornaro, Maryland Division of Labor & Industry to William W. White, Jr., Acting Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to (1) 29 CFR 1910.401(a)(2)(iv) and 1910.402 pertaining to amendments, corrections and revisions relating to commercial diving operations as published in the **Federal Register** (47 FR 53365) dated November 26, 1982, and (2) 29 CFR 1910.106(g)(2) and 1910.106(g)(3)(vi), pertaining to amendments, corrections and revisions relating to hazardous materials; Attendant Exemption and Latch-open devices, as published in the **Federal Register** dated September 7, 1982. These standards, which are contained in COMAR 09.12.31 Maryland Occupational Safety and Health Standards, were promulgated after public hearings on February 8, 1983 pursuant to article 41, § 25F(e), Annotated Code of Maryland and effective May 9, 1983.

2. *Decision.* Having reviewed the State submission in comparision with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, PA 19104; Office of the Commissioner of Labor & Industry, 501 St. Paul Place, Baltimore, Maryland 21202; and the Technical Data Center, Room N2439R, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective September 7, 1983.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)

Signed at Philadelphia, PA this 4th day of August 1983.

Linda R. Anku,

Regional Administrator.

[FR Doc. 83-24429 Filed 9-6-83; 8:45 am]

BILLING CODE 4510-10-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-74]

Intent To Prepare a Draft Environmental Impact Statement; Centaur Upper Stage

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to prepare a draft environmental impact statement (EIS).

SUMMARY: The National Aeronautics and Space Administration (NASA) will prepare an Environmental Impact Statement (EIS) to address the production, assembly, test and operations, both ground and spaceborne, of a high-energy upper stage designated Centaur. This stage is planned for use with the Space Transportation System (STS) as an upper stage vehicle. In support of this stage, certain facilities at the Eastern Launch Site, Florida, will require modification to accommodate the STS/Centaur configuration.

In a number of respects, the new Centaur vehicle is the same as that which has been used to perform space related missions for the past 20 years. These missions have encompassed low earth and geosynchronous orbits; lunar, solar, inner and outer planetary transfer trajectories; and solar system escape trajectories. In performing these missions while operating from the Eastern Launch Site, considerable environmental analysis has been accomplished and reported. Additionally, a mature operations plan with all its attendant processing and safety procedures exists. Also available are personnel experienced in the utilization of the procedures. This existing capability and data bank will be used to the extent applicable.

The present concept for the largest version of Centaur in STS, designated G prime, will satisfy requirements for the NASA missions planned for 1986. This Centaur stage is larger than the expendable vehicle version and includes certain STS integration and safety considerations not required by the Expendable Vehicles' Program. A smaller version, designated Centaur G, has been conceived to accommodate missions which require larger volumes of the STS cargo bay for the payloads.

The Centaur G prime and G versions are characterized by:

	G Prime	Centaur G
Length	29.1 ft	19.5 ft
Diameter	10 ft (LOX tank) 14.2 ft (LH_2 tank).	Same as G prime
Propellant capacity.	46,000 lbs ($LO_2 + LH_2$).	29,700 lbs ($LO_2 + LH_2$)
Engines	P&W RL-10 at 5:1 LO_2/LH_2	6:1 LO_2/LH_2
Coast control	170 lbs N_2H_4	250 lbs N_2H_4

When fully loaded, the G prime vehicle contains 38,333 pounds of liquid oxygen and 7,667 pounds of liquid hydrogen (the G vehicle contains approximately 25,300 pounds of liquid oxygen and 4,400 pounds of liquid hydrogen) to provide prime propulsive force. Properly expended these are the cleanest possible propellants where impact on the environment is minimal. The small quantity of hydrazine aboard the vehicle is totally expended in orbit. The propellants and gases used by Centaur are the same as those used by the Shuttle three main engines, but in much lesser quantities such that environmental impact analysis performed for STS is directly applicable to Centaur.

Modification of existing facilities and construction of minor new facilities at the manufacturing and test sites in California and Florida will impact land use, and will temporarily disturb air and water quality in the immediate vicinity of the work presenting minor, localized environmental effects. In all instances, the sites being modified for test have existed for some time and supported the types of test to be conducted for both design evaluation and operational uses of Centaur.

Alternatives Considered

No Action—This alternative was given much consideration. However, to realize the potential of STS capability to satisfy desired missions, a high energy stage is required. Such a high energy stage can allow for more flexible mission planning.

Alternate Stages—An alternate stage exists (the IUS) and is planned for missions where its capability meets requirements. An environmental assessment for the IUS was previously submitted by the Air Force. From an environmental standpoint, no advantage exists by using this alternate stage.

In summary, use of Centaur in STS helps realize a performance capability while providing a system with minimal environmental impact.

Environmental Issues: Environmental issues to be analyzed in depth are those associated with the impact areas listed below. In particular, worst case events will be considered for: Air quality; water quality; noise; radiation; socioeconomics; weather; ecology; and unplanned events.

Scoping Process: The inclusion of Centaur into the STS does not introduce any new commodity, quantity of a commodity, or mode of operation beyond that already considered by the STS itself. In this respect, the scoping process is to evaluate the effect of adding the Centaur stage to the STS on a one-for-one basis of all environmental considerations for both STS and expendable vehicles. This process will allow for a complete environmental evaluation based upon extensive work which was years in consideration and making. Consultations, as necessary, will take place with those who prepared the EIS for the Kennedy Space Center (KSC) to assure completeness of the Centaur EIS. Written comments are being requested as part of the scoping process and must be received on or before 30 days after publication of this notice in the **Federal Register.** The draft EIS for Centaur is expected to be released for review and comment by October 1, 1983.

DATE: Comments must be reviewed on or before October 7, 1983.

ADDRESS: National Aeronautics and Space Administration, Code MSD-5, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. John Castellano, (202) 755-7993.

Ann P. Bradley,

Acting Associate Administrator for Mangagement.

[FR Doc. 83-24321 Filed 9-6-83; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Advisory Panel (Presenting Organizations); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Presenting Organizations) to the National Council

on the Arts will be held on September 19, 1983, from 9:00 a.m.–6:00 p.m.; on September 20, 1983, from 8:30 a.m.–7:15 p.m.; on September 21, 1983, from 8:30 a.m.–9:00 p.m.; and, on September 22, 1983, from 9:00 a.m.–5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C.

A portion of this meeting will be open to the public on September 21, 1983, from 3:00 p.m.–6:00 p.m. to discuss Policy Guidelines and Future Directions.

The remaining sessions of this meeting on September 19 from 9:00 a.m.–6:00 p.m.; on September 20 from 8:30 a.m.–7:15 p.m.; on September 21 from 8:30 a.m.–3:00 p.m. and 6:30 p.m.–9:00 p.m.; and on September 22 from 9:00 a.m.–5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 30, 1983.

[FR Doc. 83-24344 Filed 9-6-83; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by September 30, 1983. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the 21 July 1983 **Federal Register**, page 33372.

The application received is as follows:

1. *Applicant:* Virginia A. P. Zinsmeister, Department of Anatomy, School of Veterinary Medicine, Purdue University, West Lafayette, Indiana 47907.

Activity for Which Permit Requested

Taking, Import into U.S.A. The applicant requests permission to take ten specimens of each of three pygoscelid penguins (*P. papua, P. antarctica,* and *P. adelie*) from colonies in the vicinity of Teniente Marsh Base on King George Island and to import tissue and skeletal material from these specimens. These specimens will provide material for a study of blood cells and blood forming tissue and should yield new information on penguins which will be useful in assessing the health of individuals and populations.

Location: King George Island, Antarctica.

Dates: October 15, 1983–December 15, 1983

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 83-24334 Filed 9-6-83; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Accident Reports; Safety Recommendations and Responses; Availability

Reports Issued:

Marine Accident Report—Explosion and Fire Onboard U.S. Coastal Tankship POLING BROS. NO. 9, East River, New York Harbor, February 26, 1982 (NTSB/MAR–83/03) (NTIS Order No. PB83–916403).

Marine Accident Report—Collision of U.S. Towboat CREOLE GENII and Liberian Tank Vessel ARKAS, near Mile 130, Mississippi River, March 31, 1982 (NTSB/MAR–83/04) (NTIS Order No. PB83–916404).

Railroad Accident Report—Side Collision of Two Missouri Pacific Railroad Company Freight Trains, at Glaise Junction, Near Possum Grape, Arkansas, October 3, 1982 (NTSB/RAR–83/06) (NTIS Order No. PB83–916306).

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on report call 703–487–4650 and to order subscription to reports call 703–487–4630.

Recommendations to:

Aviation—*Federal Aviation Administration: Jul. 29: A–83–52:* Issue a telegraphic Airworthiness Directive to require the immediate retirement from service of all Robinson R–22 main rotor blades, PNA016–1, Revision W, (SNs 600 through 810) and to require the installation of main rotor blades with a service life of 2,000 hours. *A–83–53:* Review and evaluate the main rotor blade fatigue substantiation data for the Robinson R–22 main rotor blades Revisions Y and Z, to verify that adequate margins of safety exist for the presently assigned service life of 2,000 hours; if adequate margins do not exist, revise the service life limit accordingly. *Aug. 9: A–83–50:* Require the Piper Aircraft Corporation to revise the Piper PA–23 Aztec Flight Manual to indicate that if the parking brake is pulled and held extended during application of the toe brakes, hydraulic pressure to the wheel brakes can be blocked or restricted. *A–83–51:* Review the braking systems of other models of Piper Aircraft Corporation airplanes to determine whether the simultaneous application of the toe brakes and the parking brake handle limits the wheel braking pressure which can be applied and where necessary, require that the Airplane Flight Manuals be revised to include appropriate cautionary information. *A–83–54:* Consolidate information on visual scan techniques in Advisory Circular AC90–48C, "Pilot Role In Collision Avoidance," and information such as that contained in the Aircraft Owners and Pilots Association's program "Take Two and See," regarding visual scan techniques, in one or more publications that are referred to by pilots on a continuing basis. *A–83–55:* Include questions regarding visual scanning techniques for airborne targets in written examinations for pilot licenses.

Railroad—*Federal Railroad Administration: Aug. 9: R–83–79:* Immediately issue an emergency order to reduce the speed of all trains carrying hazardous materials in the Louisville District of the Illinois Central Gulf Railroad Company until a safe speed can be determined by the Federal Railroad Administration. *R–83–80:* Immediately conduct a one-time emergency on-site inspection of the track in the Louisville District of the Illinois Central Gulf Railroad Company to assign the appropriate class of track for that District. *R–83–81:* Evaluate the adequacy of the Illinois Central Gulf track inspection program and take remedial action as necessary. *R–83–82:* Conduct on-site spot checks of other routes of the Illinois Central Gulf Railroad Company which carry hazardous materials for defective track conditions and where warranted conduct a comprehensive on-site emergency track inspection and assign the appropriate class of track.

Pipeline—*Interstate Power Company: Jul. 20: P–83–21:* Immediately instruct its employees, including supervisory personnel, in the gas commpany's procedures for responding to emergencies, emphasizing the requirement for rapid evacuation of the public from areas exposed to potential danger from leaking gas, for prompt shutoff of gas to failed facilities, and for prompt analysis of leak severity.

Note.—Single copies of these recommendation letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include recommendation number in your request. Copies of recent recommendations are free of charge while supplies last. Recommendations that must be photocopied will be billed at a cost of 20 cents per page ($2 minimum charge).

Recommendation Responses from:

Highway—*Commonwealth of Virginia, Secretary of Transportation: May 31: H–78–5:* When the Benjamin Harrison Bridge was rebuilt, the warning signals and gates were installed according to Section 4E–16 of the Manual on Uniform Traffic Control Devices. *H–81–51:* Has requested District Highway Engineers to establish a program of soil buildup removal at guardrail installations. *H–81–52:* Accident data system has capability to permit storage and retrieval of information for each roadway on divided facilities. *H–81–53:* Is unaware of any guidelines to assist in determining when a heavier barrier for heavy vehicles would be cost effective.

City of Beattyville, Kentucky: May 17: H–78–33 and –34: A four-mile section of Kentucky Route 11 was rebuilt in 1979, and runaway truck ramp was constructed.

City of Plant City, Florida: May 11: H–78–72: Flashing signals and gates are installed at the Turkey Creek Road grade crossing at S.R. 574. *H–78–73 and –74:* Hillsborough County Traffic Control Division is checking to make sure there are proper pavement markings and advance warning signs in place near the crossing. *H–78–75:* It is the policy and practice of the City's Police Department to charge warning signal violators and those who drive while under the influence of alcohol or drugs.

U.S. Department of Labor, Occupational Safety and Health Administration: May 5: P–73–5: OSHA's Safety Standards Directorate is preparing a Notice of Proposed Rulemaking regarding changes to the standard for trenching and excavation operations. *P–78–79:* Is continuing its comprehensive review of the personal protective equipment standards.

National Committee on Uniform Traffic Laws and Ordinances: May 9: H–79–30: Subcommittee will consider the modification of Section 11–106(b)3 of the Uniform Vehicle Code regarding exemptions from posted speed limits at its next meeting. *H–81–60:* Subcommittee will consider the revision of Section 10–2 of the Model Traffic Ordinance and the addition of a section to the Uniform Vehicle Code which effects the provisions of the model guidelines developed for Safety Recommendation H–79–40 concerning prohibiting passengers from riding in open-cargo areas of vehicles that are not being used for work-related purposes.

State of Georgia, Department of Transportation: May 31: H–79–9: Extended pavement edge lines through the length of the curved section of the exit ramp at the rest area on I–75. *H–78–64:* Has adopted a construction and maintenance policy of restricting work activities to off-peak hours on high volume roadways, of keeping of least two lanes of traffic open on freeway-type facilities in Atlanta during daylight hours.

Missouri Highway and Transportation Commission: May 18: H–79–20: The Delmar Avenue on-ramp was closed in August 1979. *H–79–21:* In addition to closing the Delmar Avenue on-ramp, part of the section of I–70 in question was resurfaced in 1979 and the remainder easterly to the Popular Street Bridge is now under contract for resurfacing. *H–79–22 and –23:* A Federal Highway Administration review of the Missouri State Highway Commission's wet pavement surface improvement program, discussed in a Sep. 24, 1979, letter to the Safety Board, concluded that the State has an adequate pavement surface improvement program. *H–79–24,* which recommended determining whether additional resources are necessary to attain a wet pavement surface policy level that is consistent with other States: Funds are quite limited and are available only to the highest priority needs.

New York State Department of Transportation: May 31: H–79–48: Median improvements are scheduled on a 4.5-mile section of the Grand Central Parkway. On sections with a median width of 4 feet, the existing curb is to be eliminated and concrete median barrier will be installed. On sections with a 10-foot to 18-foot-wide median, the existing nonmountable curb will be modified to a 3-inch mountable curb and heavy post blocked-out corrugated "W" beam median barrier will be installed.

City of New York: May 25: H–79–52: Accident reports for the years 1977 and 1979 have not been processed through the Police Department's Management Information Systems Division. Computer printouts for accident reports for the years 1981 and 1982, provided by the New York State Department of Motor Vehicles, are available through the Aided and Accident Section, New York Police Department to highway transportation officials.

National Tour Association, Inc.: May 27: H–81–16: Will communicate to its members through its bi-weekly publication *Tuesday* that they should specify to carriers that the carriers should comply with all safety regulations.

National School Transportation Association: May 4: H–80–74: The Safety Board's recommendation that front and rear seats of schoolbuses be left vacant when feasible was discussed at the Feb. 1981 Board of Directors meeting and the Jan. 1981 Legislative meeting. Since that time, the State of New York recommends that buses be loaded from the center first, before the front and back, in the New York State Driver Training Manual.

Town of Yorktown, New York: May 11: H–81–70: A "T" warning sign has been installed on the east side of Aqueduct Street before the intersection of Old Croton Dam Road, and a double arrow warning sign was installed on the north side of Old Croton Dam Road.

City of Kenner, Louisiana: May 11: H–81–31: The Kenner Police Department has instituted an aggressive enforcement program concerning vehicles driving around lowered railroad crossing gates at a railroad/highway grade crossing. The Illinois Gulf Central Railroad has made adjustments to the timing of gates in an attempt to make it safer for vehicular traffic. The city has also striped and placed signs at intersections throughout the area.

Department of Police, Upper Southampton Township, Pennsylvania: May 11: H–82–57: Has requested a meeting with the Pennsylvania Department of Transportation Hazardous Substance Transportation Board to dicusss the establishment of hazardous material routes through the township to avoid the rail-highway grade crossing on Second Street Pike.

The Long Island Rail Road: May 12: H–82–53: Gate arms at Herricks Road crossing were extended to within six inches of the centerline of the roadway. *H–82–54:* The billboard in the northwest quadrant of Herricks Road and the Main Line of the Long Island Rail Road has been removed, and brush was cut to improve the sight line of motorists. *H–82–55:* All crossings have been checked and brush cut on the railroad's right of way to improve motorists' sight line. Adjacent property owners have been contacted to remove or trim brush which interferes with the sight line.

Association of College and University Housing Officers International: May 11: H–83–5 and –6: Will urge its members to establish a policy for the transportation of student groups to and from offcampus events.

Research and Special Programs Administration: May 18: H–83–29 and –30: Acknowledges receipt of recommendations and will forward a substantive response after evaluation.

Pipeline—*American Gas Association: May 9: P–83–10:* Notified its members of the circumstances of the accident in Burke, Virginia, on Oct. 29, 1982, and urge them to emphasize to their supervisory personnel the need for strict adherence to established company safety procedures.

Governor of Texas: May 30: P–80–2: U.S. Dept. of Transportation has the jurisdiction and responsibility for the safety aspects of pipelines transporting hazardous liquids, including propane. Has inquired about what kind of information and notification effort might be effective in order to help avoid future accidents during excavation.

Marine—*Mobil Oil Canada, Ltd.: May 2: M–83–34:* Requires the owners of its contracted standby-vessels to install new high-speed, semi-rigid, boom-launched rescue boats and has instituted training programs in their operation for standby-vessel personnel. Requires owners of contracted supply-vessels to carry an adequate supply of exposure suits. *M–83–35:* Mobile Canada's Contingency Plan and Emergency Procedures Manual has been amended to include a detailed disaster action plan for heavy weather damage to mobile offshore drilling units.

Federal Communications Commission: May 23: M–81–54: Released a public notice on Sep. 23, 1982, recommending that stations, other than Class III stations which are engaged in local communications, participate in a voluntary notification procedure for vessels out of contact for over 2 days. *M–81–53:* Appendix A of a Notice of Inquiry concerning the 26th Session of the International Maritime Organization's Subcommittee on Radiocommunications describes the Future Global Maritime Distress and Safety System being developed by IMO and discusses the application of satellite Emergency Position Indicating Radiobeacons.

Railroad—*Governor of California: May 23: R–83–44:* California's contract with Southern Pacific for operation of the San Francisco-San Jose Peninsula commuter train service provides for adequate supervision and controls where traincrews report to duty. *R–83–45:* The California Public Utilities Commission, which has jurisdiction over safety inspections concerning railroad operations has been asked to respond to the Safety Board.

Governor of Connecticut: May 27: R–83–44 and –45: The State will take appropriate steps to insure that the operators of Connecticut's trains implement the recommendations regarding supervisory checks of traincrews and State railroad inspections of operating practices on commuter trains.

International Association of Chiefs of Police, Inc.: May 12: R–82–85: Warned its members of the potential inadequacies of waybill descriptions for TOFC (trailer on flat car) or COFC (container on flat car) containers carrying hazardous materials.

Conrail: May 9: R–82–108: Conrail's Technical Services Laboratory is presently testing the switch lock used by Conrail versus other type locks to determine their resistance to vandalism, cost, etc. *R–82–109:* The cost of installing electric locks on all hand-operated switches on main tracks over which trains are permitted to operate at speeds greater than 30 mph cannot be justified by any measurable increase in operating safety.

Governor of Louisiana: May 13: R–81–76: The Illinois Central Gulf Railroad Company completed the relocation of the flashing lights and gates and the installation of the motion sensors at the Williams Blvd. grade crossing in Kenner, Louisiana. Other work should be completed by mid-May 1983.

Note.—Single copies of these response letters are available on written request to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Please include respondent's name, date of letter, and recommendation number(s) in your request. The photocopies will be billed at a cost of 20 cents per page ($2 minimum charge).

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

September 1, 1983.

[FR Doc. 83-24420 Filed 9-6-83; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN-50-528-OL, STN-50-529-OL & STN-50-530-OL]

Arizona Public Service Co., Et Al. (Palo Verde Nuclear Generating Station, Units 1, 2, & 3) Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this operating license proceeding. As reconstituted, the Appeal Board for this operating license proceeding will consist of the following members:

Alan S. Rosenthal, Chairman
Dr. Reginald L. Gotchy
Howard A. Wilber

Dated: August 30, 1983.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-24405 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–537]

Department of Energy et al.; Oral Argument Rescheduled

In the matter of United States Department of Energy, Project Management Corporation, Tennessee Valley Authority (Clinch River Breeder Reactor Plant), Docket No. 50–537; Rescheduling of Oral Argument.

Notice is hereby given that the oral argument on the appeal of the Natural Resources Defense Council and the Sierra Club (Intervenors) from the February 28, 1983 partial initial decision of the Licensing Board in this proceeding, previously scheduled for September 29, 1983, has been rescheduled for *9:30 a.m. on Wednesday, September 28, 1983, in the NRC Public Hearing Room, Fifth Floor, East-West Highway, Bethesda, Maryland.*

Dated: August 30, 1983.
For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-24406 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–322 OL]

Long Island Lighting Co.; Oral Argument

In the matter of Long Island Lighting Company (Shoreham Nuclear Power Station, Unit 1), Docket No. 50–322 OL; Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of August 26, 1983, oral argument on the appeal of Citizens for an Orderly Energy Policy, Inc., from the Licensing Board's July 28, 1983 memorandum and order denying its petition for leave to intervene in this operating license proceeding will be held at *9:30 a.m. on September 14, 1983, in the NRC Public Hearing Room, Fifth Floor, 4350 East-West Highway, Bethesda, Maryland.*

Dated: August 30, 1983.
For the Appeal Board.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 83-24408 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50–352 and 50–353]

Philadelphia Electric Co.; Availability of Safety Evaluation Report

Notice is hereby given that the Office of Nuclear Reactor Regulation has published its Safety Evaluation Report on the proposed operation of the Limerick Generating Station, Units 1 and 2, located on the Schuylkill River, near Pottstown, in Limerick Township, Montgomery and Chester Counties, Pennsylvania. Notice of receipt of the application of Philadelphia Electric Company to operate Limerick Generating Station, Units 1 and 2 was published in the **Federal Register** on August 21, 1981 (46 FR 42557–42558).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC 20555, and at the Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464 for inspection and copying. The report (NUREG–0991) can also be purchased, at current rates, from

the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and through the NRC GPO sales program by writing to the U.S. Nuclear Regulatory Commission, Attention Sales Manager, Washington, DC 20555. GPO deposit holders can call (301) 492–9530.

Dated at Bethesda, Maryland this 31st day of August 1983.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 83-24407 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

The following is a proposed additional session for the September 1, 1983 (48 FR 36929) meeting of the Advisory Committee on Reactor Safeguards.

Thursday, September 1, 1983

5:30 P.M.–6:00 P.M.: ACRS Chairman's Report on Matters of Current Interest (Closed)—This session will be closed to discuss information that relates solely to the internal personnel rules and practices of the agency.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close this portion of the meeting as noted above to discuss information that relates solely to the internal personnel rules and practices of the agency [5 U.S.C. 552b(c)(2)].

Dated: August 31, 1983.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 83-24412 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reactor Radiological Effects; Meeting

The ACRS Subcommittee on Reactor Radiological Effects will hold a meeting on September 22, 1983 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will be briefed on 10 CFR Part 20 (final rule), DOE's draft comments on NRC's Radiation and Health Effects Research Programs, DOE Dose Reduction Working Group final report, and AIF environmental programs. Notice of this meeting was published August 15.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, September 22, 1983—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 30, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83-24411 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Heating, Cooling, and Ventilation Systems; Meeting

The ACRS Subcommittee on Heating, Cooling, and Ventilation Systems will hold a meeting on September 23, 1983 in Room 1046, 1717 H Street, NW., Washington, DC. The Subcommittee will review General Electric's response on control room habitability for the GESSAR II design, Generic Safety Issue I, and NRC Staff's progress report on resolution of control room habitability issues. Notice of this meeting was published August 15.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Friday, September 23, 1983—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 30, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83-24410 Filed 9-6-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Fire Protection; Meeting

The ACRS Subcommittee on Fire Protection will hold a meeting on September 23, 1983, Room 1167, at 1717 H Street, NW., Washington, D.C. The Subcommittee will review the current status of fire protection, and the effects of fire systems actuation on safety systems. Notice of this meeting was published August 15.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recording will be permitted only during those portions of the meeting when a transcript is being

kept, and questions may be asked only by members of the Subcommittee and its Staff. Persons desiring to make oral statements should notify the cognizant Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting will be as follows:

Friday, September 23, 1983—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, its consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Herman Alderman (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 30, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83–24409 Filed 9–6–83; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Proposed Policy Letter Change on Procurement Data Reporting Requirements to Comply with Pub. L. 96–39

AGENCY: Office of Management and Budget.

ACTION: Notice for comment.

SUMMARY: The purpose of the Policy Letter change is to simplify reporting requirements to comply with Pub. L. 96–39 by relying to a greater extent on the Federal Procurement Data System.

DATES: Comments are due on or before October 4, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Maraist, Office of Federal Procurement Policy, Office of Management and Budget ((202) 395–3300).

SUPPLEMENTARY INFORMATION: The proposed change will eliminate separate reporting on SF 279a for all covered procurements made with appropriated funds. By adding synopsis data to the Federal Procurement Data System, the FPDS will satisfy the reporting requirements under Pub. L. 96–39. This change was recommended by the U.S. Trade Representative and approved by the FPDS Policy Advisory Board representing the major procuring agencies.

Comments: Agencies and interested parties are invited to comment on this proposed change. Comments should be forwarded to William J. Maraist, Office of Federal Procurement Policy, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503 on or before October 4, 1983.

Policy Letter 80–8; Transmittal Memorandum No. 3

To the heads of executive departments and establishments

Subject: Establishment of Procurement Data Reporting Requirements to Comply with Public Law 96–39

The purpose of this Transmittal Memorandum is to simplify the procurement data reporting requirements to comply with Pub. L. 96–39. The Office of the United States Trade Representative has determined that, with a single change, the standard data reported under the Federal Procurement Data System (FDS) will meet the requirements of Pub. L. 96–39 for procurements with appropriated funds, thus eliminating the need to report such procurements separately on SF 279a. Henceforth the SF 279a will only be used by covered agencies to report procurements made with nonappropriated funds above the specified threshold.

The General Services Administration will add a new data element to the standard FPDS reporting requirements which covers "Synopsis of Procurement Prior to Award". It will contain the following subelements:

(1) Synopsized Prior to Award.

(2) Not Synopsized Due to Emergency.

(3) Not Synopsized for Other Reasons.

The first sentence of the sixth paragraph of this Policy Letter is changed to read as follows:

The 'Individual Contract Report for Contracts Exceeding $150,000 for the Purchase of Supplies and Equipment'(SF 279a) shall be completed whenever a covered agency awards such a contract using nonappropriated funds.

This change is effective on October 1, 1984, however, agencies are strongly encouraged to implement this change on January 1, 1984 if it is possible without undue impact on systems and resources.

Concurrence: This Transmittal Memorandum has been concurred in by the Director of OMB.

Dated: August 31, 1983.

Donald E. Sowle,

Administrator.

[FR Doc. 83–24396 Filed 9–7–83; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Modifying Sugar Import Quota Allocation

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: This notice modifies for the remainder of the 1982–83 quota year the allocation provisions which are presently applicable to sugar import quotas.

EFFECTIVE DATE: September 7, 1983.

FURTHER INFORMATION: Rollinde Prager, (202) 395–3077.

SUPPLEMENTARY INFORMATION: Presidential Proclamation 4941 of May 5, 1982 (47 FR 19661), modified the quotas on the importation into the United States of sugars, sirups and molasses provided for in items 155.20 and 155.30 of the Tariff Schedule of the United States (TSUS) and allocated the quotas on a country-by-country basis. Under this system, sugar from an individual country enters the United States and is counted against that country's quota on a first-come-first-served basis. If the quota allocation is filled for that quota period, the sugar may be entered into warehouse under bond and later withdrawn from warehouse for consumption in a subsequent quota period. The quota periods are established on an annual basis.

Proclamation 4941 also authorizes the U.S. Trade Representative or his designee and the Secretary of Agriculture, after appropriate consultations, to make certain modifications in the sugar import quota systems if such modifications are appropriate to carry out U.S. obligations under the International Sugar Agreement, 1977 (ISA), and if such modifications give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties

to the General Agreement on Tariffs and Trade. After appropriate consultations between the Office of the United States Trade Representative and the Departments of State and Agriculture, the Deputy United States Trade Representative has determined that certain modifications in the import quota system are appropriate to give due consideration to these interests. Accordingly, the country-by-country quota allocations are modified as follows:

—Having declared a shortfall of 30,800 short tons, raw value (STRV), Ecuador's quota for 1982–83 is reduced to zero.

—Having declared a shortfall of 19,600 STRV, Trinidad and Tobago's quota for 1982–83 is reduced to zero.

—The 50,400 STRV resulting from declarations of shortfall is allocated as follows:

Country	Percentage	STRV
1. Canada	1.1	554.4
2. Guatemala	5.0	2520.0
3. Belize	1.1	554.4
4. El Salvador	2.7	1360.8
5. Honduras	1.0	504.0
6. Costa Rica	1.6	806.4
7. Panama	3.0	1512.0
8. Jamaica	1.1	554.4
9. Dominican Republic	18.3	9223.2
10. Colombia	2.5	1260.0
11. Guyana	1.3	655.2
12. Peru	4.3	2167.2
13. Brazil	15.1	7610.4
14. Argentina	4.5	2268.0
15. Thailand	1.5	756.0
16. Philippines	14.1	7106.4
17. Taiwan	1.3	655.2
18. Australia	8.6	4334.4
19. Mauritius	1.1	554.4
20. Mozambique	1.4	705.6
21. Rep. S. Africa	2.4	1209.6
22. Swaziland	1.7	856.8
23. Barbados	.7	352.8
24. Bolivia	.8	403.2
25. India	.8	403.2
26. Fiji	.7	352.8
27. Malawi	.7	352.8
28. Zimbabwe	1.3	655.2
29. Other specified countries and areas	.3	151.2

NOTE.—The category "Other specified countries and areas" shall consist of the following: Mexico, Haiti, Paraguay, Saint Christopher-Nevis, Malagasy Republic, and the Ivory Coast.

This notice is effective the day following the day of filing. The allocations made herein are in addition to the 1982–83 annual allocation for these countries. Reallocated sugar must be entered or withdrawn from warehouse for consumption on or before September 30, 1983.

I have determined that the above allocations are appropriate to carry out the obligations of the United States under the International Sugar Agreement, 1977, and that the above allocations give due consideration to the interests in the U.S. sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

Michael B. Smith,

Deputy United States Trade Representative.

[FR Doc. 83-24525 Filed 9-3-83; 2:08 pm]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 23046; 70-6896]

New England Power Co., and New England Electric System; Proposed Sale of Two Surplus Gas Turbine Generating Units

New England Electric System, a registered holding company, and one of its electric utility subsidiaries, New England Power Company ("NEP"), 25 Research Drive, Westborough, Massachusetts 01581, have filed a declaration with this Commission pursuant to Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

In 1970, NEP purchased two gas turbine generating units with a nameplate baseload generating capacity of 19.5 megawatts each from General Electric at a price of approximately $1.4 million each. As a result of the infrequent use of these gas turbine generating units in recent years, the relatively high cost of power generated from these units, and the high costs of maintaining and operating them, NEP retired these generating units from service on August 8, 1983. NEP now proposes to sell the two surplus generating units and certain associated equipment and is having discussions with an interested party. An independent engineering consulting firm has estimated the current fair market value of the gas turbines and associated equipment to be within the range of $.7 million to $1.1 million if sold within this country.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by September 26, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24359 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13474; 812-5605]

Societe Generale (Canada) Funding Inc.; Filing of Application for an Order Pursuant to Section 6(c) of the Act Granting Exemption From All Provisions of the Act

Notice is hereby given that Societe Generale (Canada) Funding Inc. ("Applicant"), 165 Broadway, New York, NY 10080, a Delaware corporation, filed an application on July 18, 1983, for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of relevant provisions.

Applicant states that its sole business will consist of selling the Applicant's commercial paper notes ("Commercial Paper Notes") in the United States and depositing the proceeds from the sale of the Commercial Paper Notes with Societe Generale (Canada), a Canadian bank ("Bank"), for use in the ordinary course of its banking operations. According to the application, substantially all of Applicant's assets will consist of a registered certificate of deposit of the Bank ("Certificate of Deposit") evidencing deposits ("Deposits") made by Applicant with the Bank from the net proceeds of sales of the Commercial Paper Notes. Applicant represents that payment of amounts owed by Applicant in respect of the Commercial Paper Notes will be guaranteed by the irrevocable guarantee of Societe Generale, a bank organized under the laws of France ("Guarantor"). The Bank is a wholly-owned subsidiary of the Guarantor. The application states that none of Applicant's outstanding common stock is, or in the future will be, owned by the Bank or by the Guarantor, or by any affiliate of either of them. Applicant further represents that there has been, and undertakes that in the

future there will be, no public offering of its common stock or of any other equity security of Applicant. In connection with the proposed issuance of commercial paper in the United States, in 1979 the Guarantor applied for and received an order of the Commission, pursuant to Section 6(c) of the Act, exempting it from all provisions of the Act (Release No. 10815, August 7, 1979).

According to the application, the Bank provides a range of commercial banking services. In accordance with the Bank Act (Canada) ("Bank Act"), the Bank does not carry on any trust, fiduciary or insurance business in Canada. Applicants state that the Bank Act contains provisions pertaining to all aspects of banking in Canada, including the kinds of business that banks may carry on, the types of loans and investments which they make, the powers and qualifications of their directors and officers, the rights of their shareholders, the nature of their capital structure, the obligation to maintain reserves, compliance with specific auditing requirements, financial disclosure, and periodic inspection by the Inspector General of Banks ("Inspector General"). Applicant asserts that further regulation of each Canadian bank is provided by the Inspector General, who is required to conduct no less frequently than annually such an examination of each bank as may be necessary to insure that the provisions of the Bank Act have been complied with and that such bank is in a sound financial condition. According to the application, the Bank Act also governs reporting requirements for Canadian Banks.

Applicant proposes to enter into an agreement ("Deposit Agreement") with the Bank pursuant to which the Bank may request the Applicant to make Deposits. To obtain funds to make the Deposits, Applicant proposes to issue and sell the Commercial Paper Notes, which will be short-term negotiable promissory notes exempt from the registration requirements of the Securities Act of 1933 ("Securities Act"), by virtue of Section 3(a)((3) thereof. The Commercial Paper Notes will be sold in minimum denominations of $100,000, will have maturities not exceeding 270 days, and will neither be payable on demand prior to maturity nor eligible for any extension, renewal, or automatic "rollover" at the option of either the holders or Applicant. Applicant undertakes not to market any Commercial Paper Notes prior to receiving an opinion of counsel to the effect that the proposed offering is exempt from the registration requirements of the Securities Act by virtue of Section 3(a)(3) thereof.

The Commercial Paper Notes will be offered publicly, through one or more major dealers, only to the types of sophisticated and largely institutional investors that ordinarily participate in the commerical paper market. While an announcement of the establishment of the commercial paper facility may be made as a matter of record, the offering will not be advertised. Applicant undertakes to ensure that each dealer in the Commercial Paper Notes will furnish to each offeree memoranda describing the businesses of the Applicant, the Bank and the Guarantor and providing the most recent annual audited financial statements for the Guarantor, together with a description of the material differences between the French accounting principles utilized in preparation of the financial statements of the Guarantor and generally accepted accounting principles as applied in the United States. The memoranda prepared by each dealer will be updated as promptly as practicable to reflect material adverse changes in the financial status of the Applicant, the Bank or Guarantor and will be at least as comprehensive as memoranda customarily used in offering commerical paper in the United States. Applicant consents to the inclusion, in any order granting this application, of an express condition that the Applicant comply with the undertaking in the last two sentences of this paragraph.

According to the application, the Guarantor will unconditionally guarantee payment by the Applicant of amounts due in respect of the Commercial Paper Notes. The Guarantor's obligations in respect of its guarantee will rank *pari passu* and equally with all deposit liabilities and other unsecured, unsubordinated indebtedness of the Guarantor and superior to any subordinated indebtedness of the Guarantor and to claims of the holders of the Guarantor's capital stock. Applicant represents that, prior to their issuance, the Commercial Paper Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that the Applicant's United States counsel shall have certified that the rating has been received. The Bank and the Guarantor will each submit to the non-exclusive jurisdiction of any State or Federal Court located in New York City, and each will authorize an agent in New York City to accept service of process, in any action based upon their respective obligations described in the application. The application states that such consents to jurisdiction and such appointments of authorized agents to accept service of process will be irrevocable until amounts due and to become due with respect to the Deposits and the Commercial Paper Notes and all obligations of the Bank and the Guarantor as described in the application have been paid.

Applicant represents that it may, from time to time, offer its debt securities other than the Commercial Paper Notes for sale in the United States, the proceeds of which would be loaned or advanced to, or deposited with, the Bank in a similar manner to the Deposits for purposes similar to those described in the application. Applicant undertakes that any future issue of its debt securities other than the Commercial Paper Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and Applicant's United States counsel shall have certified that the rating was received. However, Applicant represents that no such rating shall be required to be obtained with respect to an issue of Applicant's debt securities other than the Commercial Paper Notes if, in the opinion of United States counsel to Applicant, (counsel having taken into account for the purposes thereof the doctrine of "integration") and exemption is available for the issue pursuant to subsection 4(2) of the Securities Act or Regulation D promulgated thereunder.

Applicant further undertakes that it will not issue or sell in the future any of its debt securities other than the Commercial Paper Notes in the United States unless Applicant has received an opinion of United States counsel or a "no-action" letter issued by the Staff of the Commission to the effect that the proposed offering is in compliance with, or entitled to an exemption from, the registration requirements of the Securities Act. Applicant also undertakes that any such future offering will be effected on the basis of disclosure documents at least as comprehensive in their description of Applicant and the bank or the Guarantor or both, as the case may be, their businesses and their financial statements, as the commerical paper dealer memoranda referred to above. However, in the case to an offering made pursuant to a registration statement under the Securities Act, the offering will be made on the basis of disclosure documents appropriate for such registration.

Applicant states that approval of its application for exemption from all provisions of the Act is necessary or appropriate in the public interest. If Applicant were required to register as an investment company and comply with the provisions of the Act, the Bank would be denied ready access to the United States credit markets. In addition, Applicant asserts that the option of establishing a branch in the United States to market commercial paper and other debt securities is not available to the Bank because the Bank Act prohibits the establishment of foreign branches by foreign-owned Canadian banks. Also, foreign-owned Canadian banks, such as the Bank, are precluded from establishing a foreign subsidiary. Applicant further asserts that approval of the application is consistent with the protection of investors. The Bank is extensively regulated by Canadian banking authorities, which regulation, it is argued, afford protection to investors beyond that provided by the Act and renders the Act's protection unnecessary.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24390 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-12672]

Standard Oil Co. (an Indiana corporation); Application and Opportunity For Hearing

August 31, 1983.

Notice is hereby given that Standard Oil Company, an Indiana corporation ("Standard") has filed and application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding of the Securities and Exchange Commission (the "Commission") that the trusteeship of the Northern Trust Company, a banking association organized and existing under the laws of the State of Illinois ("Northern Trust"), as successor under the following indentures of Standard:

(a) An indenture dated as of October 1, 1958, as amended by the First Supplemental Indenture dated as of April 14, 1977 (the "1958 Indenture");

(b) An indenture dated January 15, 1968 (the "1968 Indenture"); and

(c) An indenture dated as of August 1, 1974 (the "1974 Indenture"); which were heretofore qualified under the Act, and the trusteeship of Northern Trust under an indenture of the City of Evanston, Wyoming (the "City"), dated as of May 1, 1983 (the "1983 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Northern Trust from acting as trustee under either the 1958 Indenture, the 1968 Indenture or the 1974 Indenture. The obligations of the City under the 1983 Indenture will be secured by the pledge of the proceeds due the City under a Loan Agreement (the "Loan Agreement") by and between the City and Standard date as of May 1, 1983. The 1983 Indenture and the Loan Agreement are part of an Industrial Development Revenue Bond financing issued by the City for the purpose of providing funds for the construction of an office building in Evanston, Wyoming for the use of Amoco Production Company, a wholly-owned subsidiary of Standard. The obligations of the City under the 1983 Indenture are guaranteed by the Guarantee of Amoco Production Company.

Section 310(b) of the Act, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which any other securities of the same issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

In support of its application Standard alleges that:

(1) Standard has outstanding on the date hereof $54,885,000 aggregate principal amount of its 4½% Debentures Due October 1, 1983 (the "4½% Debentures") issued under the 1958 Indenture executed by Standard and the First National Bank of Chicago ("First Chicago") as Trustee as amended by the First Supplemental Indenture dated as of April 14, 1977. Upon the resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1958 Indenture effective July 7, 1982. The 4½% Debentures were registered under the Securities Act of 1933, as amended (File No. 2-14327), and the 1958 Indenture was qualified under the Trust Indenture Act of 1939, as amended. Northern Trust is currently acting as trustee under the 1958 Indenture.

(2) Standard has outstanding on the date hereof $156,416,000 aggregate principal amount of its 6% Debenture Due 1998 (the 6% Debentures") issued under the 1968 Indenture executed by Standard and First Chicago, as Trustee. Upon resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1968 Indenture effective July 7, 1982. The 6% Debentures were registered under the Securities Act of 1933, as amended (File No. 2-27988), and the 1968 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-4854). Northern Trust is currently acting as trustee under the 1968 Indenture.

(3) Standard has outstanding on the date hereof $93,965,000 aggregate principal amount of its Floating Rate Notes Due 1989 (the "Floating Rate Notes") issued under the 1974 Indenture executed by Standard and First Chicago, as Trustee. Upon the resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1974 Indenture effective July 7, 1982, as amended (File No. 2-51667), and the 1974 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-7999). Northern Trust is currently acting as trustee under the 1974 Indenture.

(4) Pursuant to the 1983 Indenture and the Loan Agreement, the City issued

$1,000,000 aggregate principal amount of its 9⅞ percent Industrial Development Revenue Bonds (the "Revenue Bonds") which are secured by a pledge of the proceeds of the Loan Agreement payable to the City from Standard. Inasmuch as the Revenue Bonds are issued by a political subdivision of the State of Wyoming, the Revenue Bonds have not been registered under the Securities Act of 1933, as amended, and the 1983 Indenture has not been qualified under the Trust Indenture Act of 1939, as amended.

(5) Execution of the 1983 Indenture could involve Northern Trust in a conflict of interest within the meaning of Section 8.08 of the 1958 Indenture, Section 7.08 of the 1968 Indenture and Section 7.08 of the 1974 Indenture since the 1983 Indenture is not qualified under the Act and is not the subject of any other proceeding of the Commission.

(6) The 1958 Indenture, the 1968 Indenture and the 1974 Indenture are wholly unsecured. The 1983 Indenture is secured by the proceeds from the Loan Agreement. Standard's obligations under the Loan Agreement are unsecured and rank equally with Standard's other unsecured and unsubordinated indebtedness, including the 4½ percent Debentures, the 6 percent Debentures and the Floating Rate Notes. The obligations of the City under the 1983 Indenture are guaranteed by Amoco Production Company, a wholly owned subsidiary of Standard. The guarantee of Amoco Production Company is unsecured. The primary differences between the 1958 Indenture, the 1968 Indenture, the 1974 Indenture and the 1983 Indenture, and between the rights of the holders of the 4½ percent Debentures, the 6 percent Debentures, and the Floating Rate Notes and the holders of the Revenue Bonds as beneficiaries of the Loan Agreement and the guarantee of Amoco Production Company, relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, Trustee's reports, restrictions of transferability, provisions relating to the non-registered offering of the Revenue Bonds and other provisions of a similar nature. Any such differences and any other differences in the provisions of the 1958 Indenture, the 1968 Indenture, the 1974 Indenture and the 1983 Indenture, Loan Agreement and the guarantee of Amoco Production Company, are not so likely to involve any material conflict of interest between the respective trusteeships of Northern Trust under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Northern Trust from acting as trustee under any of such Indentures.

(7) Standard is not in default under the 1958 Indenture, the 1968 Indenture, the 1974 Indenture, the 1983 Indenture or the Loan Agreement.

For more information with respect to the matters of fact and law asserted, all persons are referred to said Application which is on file in the offices of the Commission at 450 5th Street, NW., Judiciary Plaza, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than September 26, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, that the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24368 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

Standard Oil Co. (an Indiana Corporation); Application and Opportunity for Hearing

[File No. 22-12637]

August 31, 1983.

Notice is hereby given that Standard Oil Company, an Indiana corporation ("Standard") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act") for a finding of the Securities and Exchange Commission (the "Commission") that the trusteeship of the Northern Trust Company, a banking association organized and existing under the laws of the State of Illinois ("Northern Trust"), as successor under the following indentures of Standard:

(a) An indenture dated as of October 1, 1958, as amended by the First Supplemental Indenture dated as of April 14, 1977 (the "1958 Indenture");

(b) An indenture dated January 15, 1968 (the "1968 Indenture"); and

(c) An indenture dated as of August 1, 1974 (the "1974 Indenture"); which were heretofore qualified under the Act, and the trusteeship of Northern Trust under an indenture of Lincoln County, Wyoming (the "County"), dated as of May 1, 1983 (the "1983 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Northern Trust from acting as trustee under either the 1958 Indenture, the 1968 Indenture or the 1974 Indenture. The obligations of the County under the 1983 Indenture will be secured by the pledge of the proceeds due the County under a Loan Agreement (the "Loan Agreement") by and between the Country and Standard dated as of May 1, 1983. The 1983 Indenture and the Loan Agreement are part of an Industrial Development Revenue Bond financing issued by the County for the purpose of providing funds for the construction of a condensate pipeline gathering system in Lincoln Country, Wyoming, for the use of Amoco Production Company, a wholly-owned subsidiary of Standard. The obligations of the City under the 1983 Indenture are guaranteed by the Guarantee of Amoco Production Company.

Section 310(b) of the Act, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which any other securities of the same issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

In support of its application Standard alleges that:

(1) Standard has outstanding on the date hereof $54,885,000 aggregate principal amount of its 4½ percent Indentures due October 1, 1983 (the "4½ percent Debentures") issued under the 1958 Indenture executed by Standard and The First National Bank of Chicago ("First Chicago") as Trustee as amended by the First Supplemental Indenture dated as of April 14, 1977. Upon the resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1958 Indenture effective July 7, 1982. The 4½ percent Debentures were registered under the Securities Act of 1933, as amended (File No. 2–14327), and the 1958 Indenture was qualified under the Trust Indenture Act of 1939, as amended. Northern Trust is currently acting as trustee under the 1958 Indenture.

(2) Standard has outstanding on the date hereof $156,416,000 aggregate principal amount of its 6 percent Indentures Due 1998 (the "6 percent Debentures") issued under the 1968 Indenture executed by Standard and First Chicago, as Trustee. Upon resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1968 Indenture effective July 7, 1982. The 6 percent Debentures were registered under the Securities Act of 1933, as amended (File No. 2–27988), and the 1968 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22–4854). Northern Trust is currently acting as trustee under the 1968 Indenture.

(3) Standard has outstanding on the date hereof $93,965,000 aggregate principal amount of its Floating Rate Notes Due 1989 (the "Floating Rate Notes") issued under the 1974 Indenture executed by Standard and First Chicago, as Trustee. Upon the resignation of First Chicago, Northern Trust was appointed the successor trustee under the 1974 Indenture effective July 7, 1982, as amended (File No. 2–51667), and the 1974 Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22–7999). Northern Trust is currently acting as trustee under the 1974 Indenture.

(4) Pursuant to the 1983 Indenture and the Loan Agreement, the County issued $1,000,000 aggregate principal amount of its adjustable rate Industrial Development Revenue Bonds (the "Revenue Bonds") which are secured by a pledge of the proceeds of the Loan Agreement payable to the County from Standard. Inasmuch as the Revenue Bonds are issued by a political subdivision of the State of Wyoming, the Revenue Bonds have not been registered under the Securities Act of 1933, as amended, and the 1983 Indenture has not been qualified under the Trust Indenture Act of 1939, as amended.

(5) Execution of the 1983 Indenture could involve Northern Trust in a conflict of interest within the meaning of Section 8.08 of the 1958 Indenture, Section 7.08 of the 1968 Indenture and Section 7.08 of the 1974 Indenture since the 1983 Indenture is not qualified under the Act and is not the subject of any other proceeding of the Commission.

(6) The 1958 Indenture, the 1968 Indenture and the 1974 Indenture are wholly unsecured. The 1983 Indenture is secured by the proceeds from the Loan Agreement. Standard's obligations under the Loan Agreement are unsecured and rank equally with Standard's other unsecured and unsubordinated indebtedness, including the 4½% Debentures, the 6% Debentures and the Floating Rate Notes. The obligations of the County under the 1983 Indenture are guaranteed by Amoco Production Company, a wholly owned subsidiary of Standard. The guarantee of Amoco Production Company is unsecured. The primary differences between the 1958 Indenture, the 1968 Indenture, the 1974 Indenture and the 1983 Indenture, and between the rights of the holders of the 4½% Debentures, the 6% Debentures, the Floating Rate Notes and the holders of the Revenue Bonds as beneficiaries of the Loan Agreement and the guarantee of Amoco Production Company, relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, reemption of prepayment procedures, Trustee's reports, restrictions of transferability, provisions relating to the non-registered offering of the Revenue Bonds and other provisions of a similar nature. Any such differences and any other differences in the provisions of the 1958 Indenture, the 1968 Indenture, the 1974 Indenture and the 1983 Indenture, Loan Agreement and the guarantee of Amoco Production Company, are not so likely to involve any material conflict of interest between the respective trusteeships of Northern Trust under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Northern Trust from acting as trustee under any of such Indentures.

(7) Standard is not in default under the 1958 Indenture, the 1968 Indenture, the 1974 Indenture, the 1983 Indenture or the Loan Agreement.

For more information with respect to the matters of fact and law asserted, all persons are referred to said Application which is on file in the offices of the Commission at 450 5th Street, N.W., Judiciary Plaza, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than September 26, 1983, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, that the issues of fact or law raised by said Application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing theron. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

FR Doc. 83-24387 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13475; File No. 812-5639]

IDS Life Insurance Company, et al.; Filing of Application

August 31, 1983.

Notice is hereby given that on August 24, 1983, as amended on August 31, 1983, an application for exemptive relief pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") was filed on behalf of the following Applicants: (1) IDS Life Insurance Company ("IDS Life"), a stock life insurance company; (2) IDS Life Accounts C, D, and E, a separate account of IDS Life registered under the Act as a single unit investment trust ("Innovest I"); (3) IDS Life Accounts F, G, and H, a separate account of IDS Life registered under the Act as a single unit investment trust ("Innovest II"); (4) IDS Life Insurance Company of New York ("IDS New York"), a stock life insurance company; (5) IDS New York Accounts 1, 2, and 3, a separate account of IDS New York registered under the Act as a single unit investment trust ("Innovest (NY) I"); (6) IDS New York Accounts 4, 5, and 6, a separate account of IDS New York registered under the Act as a single unit investment trust ("Innovest (NY) II"); and (7) IDS Life Capital Resources Fund I, Inc., IDS Life Capital Resources Fund

II, Inc., IDS Life Special Income Fund I, Inc., IDS Life Special Income Fund II, Inc., and IDS Life Moneyshares Fund, Inc., five open-end management investment companies which serve as the underlying funds for the above separate accounts (collectively, the "Funds") IDS Tower, Minneapolis, Minnesota, 55402. Applicants request an order granting relief from Section 24(f) under the Act and Rules 24f–1 and 24f–2 thereunder in the circumstances described in the application and further request that an order be issued granting certain of that relief on a temporary basis pending issuance of a permanent order after appropriate notice and opportunity for a hearing. All interested persons are referred to the application and amendment on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act and the Rules thereunder for a statement of the relevant provisions.

In connection with the offer of certain variable annuity contracts, each of the Applicants registered an indefinite number of securities under the Securities Act of 1933 ("1933 Act"), as permitted by Section 24(f) under the Act and Rule 24f–2 thereunder, and in connection therewith undertook to file, within six months after the end of each fiscal year, a Rule 24f–2 notice (a "Notice"). Paragraph (b)(2) of that rule provides that if a Notice is not filed within six months of the close of the issuer's fiscal year, the issuer's registration statement under the 1933 Act will then terminate and the issuer shall discontinue all sales pursuant to that registration statement. Applicants state that on several occasions they inadvertently failed to file the required Notices within six months after fiscal year end, *i.e.*, by June 30, 1982 in the case of Innovest I and Innovest II, by February 28, 1983 in the case of the Funds, and by June 30, 1983 in the case of Innovest (NY) I and Innovest (NY) II, and that Applicants have sold a substantial amount of securities subsequent to those respective dates.

Applicants request that the Commission, pursuant to Section 6(c), grant them an exemption to the extent necessary to permit them to proceed, and their respective registration statements to continue in effect, as if proposed amended Rule 24f–2 (Investment Company Act Rel. No. 13274 (May 26, 1983)) were adopted and available to Applicants at the time they failed to file timely Notices. If available, amended Rule 24F–2 would modify the consequences of Applicants' failure to file a Notice on a timely basis, providing that their declarations filed pursuant to the rule would be terminated but that their registration statements containing those declarations would remain in effect. The amended rule also would permit Applicants to use Rule 24f–1 to register retroactively securities sold during a six month period subsequent to termination of their Rule 24f–2 Notice provided, *inter alia*, that they pay a fee equal to three times the registration fee as calculated in Section 6(b) of the 1933 Act. In order that they may offer their securities to the public without interruption pending issuance of a permanent order, Applicants request that this relief be made effective on a temporary basis as of August 31, 1983. Applicants also state that temporary relief is appropriate in the case of the Funds because August 31, 1983 is the last day that they, in reliance on proposed amended Rule 24f–2, would be able to utilize Rule 24f–1 to register retroactively all shares sold subsequent to February 28, 1983.

In the case of Innovest I and Innovest II, Applicants, in addition to the above relief, request relief from Section 24(f) and Rule 24f–1 thereunder because although Innovest I and Innovest II, pursuant to the above relief, would be able to utilize Rule 24f–1 to register retroactively shares sold during the six month period from approximately February 28, 1983 to August 31, 1983, they would not be able to utilize that rule, or any other provision, to register retroactively shares sold during the period from approximately June 30, 1982 to February 28, 1983. Applicants therefore request relief to the extent necessary to permit Innovest I and Innovest II to utilize Rule 24f–1 to register retroactively shares sold during this latter period.

In support of the relief requested, Applicants make the following representations: (1) The Commission has recognized that termination of an issuer's registration statement because of the issuer's failure to file a timely Rule 24f–2 Notice is too harsh a result and has proposed to amend Rule 24f–2 to provide relief from that rule to persons similarly situated as Applicants; (2) Applicants will comply with all requirements of proposed amended Rule 24f–2 as if it were available, and in connection with the retroactive registration of securities in reliance on Rule 24f–1 as made available by proposed amended Rule 24f–2, Applicants will, *inter alia*, pay a fee equal to three times the registration fee as calculated in Section 6(b) of the 1933 Act; (3) no contractowner has been injured in any way by Applicants' inadvertent failure to file Notices, nor will granting the relief requested erode the integrity of the registration process, since each Applicant has timely filed and made effective a registration statement and post-effective amendments thereto and each potential investor has received all required prospectuses; (4) granting the requested relief will not be detrimental to contractowners because IDS Life has agreed to bear all costs arising from Applicants' failure to file Notices; (5) contractowners would be detrimentally affected if Applicants ceased sales pending the effectiveness of new registration statements because, among other things, contractowners would lose the ability to transfer amounts among the Funds and Applicants believe that their inability to accept tendered payments might jeopardize the tax-qualified status of certain of the contracts; (6) in the case of the relief from Rule 24f–1 requested by Innovest I and Innovest II, the fees for shares sold during the period from June 30, 1982 to February 28, 1983 will be equal to three times the registration fees as calculated in Section 6(b) of the 1933 Act; (7) Applicants' best judgment, which is based in part on the exhibit to the application showing the monthly accumulation unit value for the period July 1982 to August 1983 for each of the accounts comprising Innovest I and Innovest II, is that the relief requested will not deprive any contractowner of any material advantage or opportunity otherwise available under or pursuant to the 1933 Act; and (8) all filings (and fees in connection therewith) required to be made by Applicants will be made by August 31, 1983, except in the limited instances set forth in the application in which case the required filings will be made by September 12 1983.

The matter has been considered and it is found that the granting of the application on a temporary basis to the extent necessary is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Accordingly,

It is ordered, pursuant to Section 6(c), that the application, to the extent necessary, be and hereby is granted as of August 31, 1983, on a temporary basis;

It is further ordered, that the above temporary order shall remain in effect only until such time as the Commission shall by order: (1) Terminate such temporary order after notice and opportunity for a hearing; or (2) terminate such temporary order by the

issuance of a permanent order in this matter.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24418 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13476; 812-5589]

Related Housing Associates I and the Related Companies, Inc.; Filing of Application

August 31, 1983.

Notice is hereby given that Related Housing Associates I ("Partnership"), a New York limited partnership, and its general partner, The Related Companies, Inc. ("Related," together with the Partnership, "Applicants"), 645 Fifth Ave., New York, NY, 10024, filed an application for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting the Partnership from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below, and to the Act for the text of relevant provisions.

The application states that the Partnership will operate as a "two-tier" limited partnership through its investment as the beneficial and record owner of not less than a 98% limited partner interest in each of three other limited partnerships ("Project Partnerships"). Each Project Partnership owns and is rehabilitating and operating an apartment complex for occupancy by low and moderate income persons ("Projects") in accordance with the purposes and criteria set forth in Investment Company Act Release No. 8456 (August 9, 1974) ("Release No. 8456"). Applicants further state that Related, the General Partner of the Partnership, is the sole general partner of one of Project Partnerships, and the managing general partner of each of the other Project Partnerships.

According to the application, the Partnership's investment objectives are to (i) serve and protect the Partnership's capital, (ii) provide capital appreciation through appreciation in value of the Projects, (iii) provide "tax losses" during the early years of the Partnership's operations which the Limited Partners may use to offset income from other sources, (iv) provide annual cash distributions which are not expected, during the early years of Partnership operations, to constitute taxable income, and (v) build additional equity through reduction of mortgage loans of the Project Partnerships. Investors will be making their capital contributions in six installments over a five-year period. The payment of each installment after the first is conditioned upon achievement of certain stages in the rehabilitation of the Projects and the closings of the permanent loans, and will be evidenced by non-interest bearing notes. Applicants represent that the purpose of the Partnership is to provide a vehicle for private investment in government-assisted apartment complexes in accordance with the express determination made by Congress in Title IX of the Housing and Urban Development Act of 1968 ("Title IX").

Applicants represent that under each Local Limited Partnership Agreement, the Project General Partners of that Partnership have the exclusive responsibility for operating the Local Limited Partnership and its Project. Although the Partnership's direct control over the management of each apartment complex is limited, Applicants assert that the Partnership's beneficial ownership of interests in the Project Partnerships is, in an economic sense, tantamount to direct ownership of the Projects themselves. The interests in the Project Partnerships have no value other than the value of the Projects. No Project Partnership will generate a substantial amount of income or expense other than as directly related to the development, ownership and operation of its Project. Moreover, the General Partner of the Partnership is also the sole or Managing General Partner of each Project Partnership.

Applicants state that the Partnership is organized as a limited partnership because a limited partnership is the only form of organization which provides investors with both (1) the ability to claim on their individual tax returns the deductions, losses, credits and other tax items arising from the Partnership's interests in the Project Partnerships, which own, operate and rehabilitate government-assisted apartment complexes and (2) liability limited to their capital investment.

According to the application, the Partnership is controlled by the General Partner pursuant to the "Partnership Agreement." The Limited Partners, consistent with their limited liability status, are not entitled to participate in the control of the Partnership's business. Applicants assert, however, that a majority in interest of the Investor Limited Partners has the right to amend the Partnership Agreement, dissolve the Partnership and remove any General Partners and elect a replacement therefor under the circumstances set forth in the Partnership Agreement. Under the Partnership Agreement, each Limited Partner is entitled to review all books of account of the Partnership at any and all reasonable times.

In addition, Applicants represent that any subscriptions for units of Limited Partnership Interests will be approved by the General Partner, which approval will be conditioned upon representations as to suitability of the investment for each subscriber. Applicants represent that these suitability standards are consistent with the requirements in Release No. 8456 and are consistent with the guidelines of those states which prescribe suitability standards. Applicants further state that the Partnership Agreement contains numerous provisions designed to ensure fair dealing by the General Partner with the Limited Partners. Also, the high suitability standards ensure that the investors will have a level of sophistication such that they ought to be able to analyze critically the terms of the offering.

According to the application the General Partner and its affiliates will receive substantial reimbursements, fees and other compensation from the proceeds of the sale of the Units and from the operations of the Project Partnerships of which the General Partner is a general partner. This compensation will be fully disclosed in the Partnership Agreement and a private placement memorandum. Applicants assert that the General Partner believes the fee structure to be fair, normal and not excessive for transactions structured with the tax characteristics of an offering of this type and sold to investors meeting suitability standards

such as those included with this offering.

Finally, Applicants assert that the contemplated arrangement of the Partnership is not susceptible to abuses of the sort the Act was designed to remedy. The suitability standards described above, the requirements for fair dealing provided by the Partnership's governing instruments, and pertinent governmental regulations imposed on each Project Partnership by various federal, state and local agencies, provide protection to investors in Units comparable to and in some respects greater than that provided by the Act. Therefore, Applicants represent that exemption would be entirely consistent with the protection of investors and the purposes and policies of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than September 26, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24416 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-20142; File No. SR-MCC-83-4]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp. Relating to Enhancements to OTC Comparison and Settlement Service Processing

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 26, 1983 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached to the filing as Exhibit A and B are MST System Administrative Bulletins which describe certain enhancements added to the processing of OTC Comparison and Settlement Services input.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Midwest Clearing Corporation has adopted certain enhancements to its OTC Comparison System. One such enhancement will permit partial acceptance of either Demand As Of Advisories or Regular Advisories when participants agree that a trade has taken place but do not agree with the number of shares specified. Under the previous system, a participant had no way to resolve an aged uncompared OTC trade unless he submitted new trade data. The proposed rule change provides an effective method for participants to resolve trades which otherwise would remain unresolved.

The proposed rule change also makes certain changes to the OTC Comparison System forms to facilitate that enhancements.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended, in that the changes will facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 31, 1983.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24419 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 20142; File No. SR-MCC-83-4]

Midwest Clearing Corp.; Filing and Immediate Effectiveness of Proposed Rule Change

August 31, 1983.

On July 26, 1983, Midwest Clearing Corporation ("MCC") submitted a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), that enhances MCC's Over-the-Counter Equity Comparison System (the "System").[1] First, the proposal would amend the System's Regular As Of[2] and Demand As Of[3] services to enable a participant partially to accept either Regular As Of Advisories or Demand As Of Advisories when that participant agrees with all aspects of the trade data except quantity.[4] Currently, MCC does not permit participants partially to accept such Advisories. Thus, a participant must reject an Advisory wholly and must resubmit new trade data for the entire number of shares. Second, the proposed rule change would add to the System a Demand Withhold capability. The Demand Withhold enhancement would enable MCC participants to delete from the System previously compared OTC equity trades.[5] Third, the proposal would permit MCC participants to delete previous Demand As Of or Demand Withhold data through the submission of Demand As Of Delete or Demand Withhold Delete instructions.[6] Finally, MCC's proposal would make some technical amendments to the System forms to facilitate comparison processing.

MCC believes that these enhancements will reduce significantly the number of unresolved, aged uncompared trades. MCC further believes that the proposal is consistent with Sections 17A(b)(3) (A) and (F) of the Act in that it facilitates the safeguarding of securities and funds in MCC's custody or control of for which MCC is responsible.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Publication of the submission is expected to be made in the **Federal Register** during the week of September 5, 1983. Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register**. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MCC-83-4.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 83-24417 Filed 9-6-83; 8:45 am]

BILLING CODE 8010-01-M

[1] MCC's proposed rule change is designed to conform MCC's System procedures to enhancements to National Securities Clearing Corporation's ("NSCC") OTC Equity Comparison System which were recently approved by the Commission, pursuant to delegated authority. *See, e.g.*, Securities Exchange Act Release No. 19530 (February 23, 1983), 48 FR 8616 (March 1, 1983). NSCC currently performs OTC trade comparison processing for MCC and other registered clearing corporations.

[2] The As Of feature allows MCC participants on or after the second day after trade date to submit to MCC a trade for comparison. After an As Of trade is received by MCC, MCC generates an As Of Advisory to the trade's *contra* party, who then may agree to the trade by accepting that Advisory and returning it to MCC within two days of receipt. If a stamped Advisory is not returned, the trade remains uncompared and is dropped from the System.

[3] The Demand As Of service provides MCC participants with a procedure for resolving aged, uncompared OTC equity transactions (*i.e.*, transactions that remain uncompared after MCC's regular comparison cycle). The Demand As Of service is similar to the Regular As Of service. Upon receipt of a Demand As Of by MCC, MCC generates a Demand As Of Advisory to the trade's *contra* party, who may accept, reject, or ignore the Advisory. A Demand As Of Advisory that is not returned to MCC within three days will result in an automatically compared trade.

[4] For example, a MCC participant that receives a Demand As Of Advisory indicating a transaction for 400 shares may, if it agrees with all the data (security identification, identification of the market place of execution, trade data, *contra* broker, executing broker and trade value) contained in the Advisory but recognizes the quantity as 500 shares of the security involved, accept the Demand As Of Advisory for 400 shares by, among other things, submission to MCC of an Advisory Re-entry Blotter. With respect to the remaining 100 shares, new trade data must be submitted by that participant.

[5] Submission of Demand Withhold data may be made two days after trade date only. If the Demand Withhold matches a *contra* Demand Withhold or a *contra* Regular Withhold, a compared Demand Withhold is generated which enters the clearing cycle in the same manner as a Regular Withhold and deletes the trade. A Demand Withhold that does not match another Demand Withhold or a Regular Withhold generates a Demand Withhold Advisory that MCC forwards to the *contra* party. Upon receiving a Demand Withhold Advisory, the *contra* party may accept, reject, or ignore the Advisory. If no action is taken by the *contra* party within two days after receipt, the trade will be dropped from the system.

[6] Demand Withhold Delete instructions must be submitted to MCC on or before the fourth day after trade date. Demand As Of Delete instructions, however, can be submitted to MCC at any time after MCC's regular comparison cycle up to and including the sixteenth day after trade date.

DEPARTMENT OF STATE

[Public Notice CM-8/659]

Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas; Partially Closed Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas will be held on October 13, 1983, from 9:30 a.m. to 5:00 p.m., and on October 14, 1983, from 9:30 a.m. to 12:00 p.m. and from 1:30 p.m. to 5:00 p.m. at the Woodward Room of the National Wildlife Federation, 1412 16th Street, NW., Washington, D.C.

The October 13 meeting and the morning session of the October 14 meeting will be open to the public, and the public may participate in the discussions subject to instructions of the Committee Chairman. Subjects to be discussed include: Review of the 1983 schedule for the Standing Committee on Research and Statistics (SCRS) and U.S. participation; Review of Status of Stocks and Research Concerning Yellowfin, Skipjack, Albacore, and Bigeye Tunas; Review of Status of Stocks and Research Concerning Atlantic Bluefin Tuna and Billfish; Report of the Panel of Bluefin Tuna Experts; Report of Bluefin Tuna Fishery Conducted in the U.S. Zone and in the Canadian Zone; and estimates of the Japanese Harvest of Tunas and Billfish in the Atlantic U.S. EEZ.

The Advisory Committee will meet in closed session on the afternoon of October 14, 1983. At this session documents classified in accordance with Executive Order 12356 of April 2, 1982 will be circulated and discussed and matters will be considered which the public interest requires be withheld from disclosure. Accordingly the

determination has been made to close this session pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App. I, S10(d) and 5 U.S.C. 552b (c)(1) and (c)(9).

Requests for further information on the October 14 meeting should be directed to Barbara Rothschild, Office of International Fisheries Affairs, National Marine Fisheries Service, Department of Commerce. She may be reached by telephone on (202) 634–7257.

Dated: August 23, 1983.

Theodore G. Kronmiller,

Deputy Assistant Secretary for Oceans and Fisheries Affairs.

[FR Doc. 83-24337 Filed 9-6-83; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-8/657]

Advisory Committee on International Investment, Technology, and Development; Partially Closed Meeting

The Department of State will hold a meeting of the Working Group on Treatment of Investment and Special Investment Problems of the Advisory Committee on International Investment, Technology, and Development on Thursday, September 29, 1983, from 9:30 a.m. to noon in Room 1912, Department of State, 2201 C. Street, NW., Washington, D.C.

A portion of this meeting will be closed to the public, pursuant to Section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. 552(b)(C)(9)(B) because the Working Group will discuss the status of ongoing diplomatic negotiations, premature disclosure of which could adversely affect U.S. interests.

At 11:15, the meeting will be opened to the public for a briefing and discussion of the results of the September meeting of the OECD Committee on Investment and Multilational Enterprises (CIME). This will include a discussion of progress on the CIME's 1984 review of the OECD investment instruments.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office (202–632–2728) in order to arrange admittance to the State Department. Please use the "C" Street entrance.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: August 25, 1983.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 83-24335 Filed 9-6-83; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/658]

Shipping Coordinating Committee, Committee on Ocean Dumping; Notice of Meeting

The Committee on Ocean Dumping, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, October 5, 1983, in conference room 3906–3908 (Mall), Waterside Mall, Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The purpose of the meeting is to review and discuss draft U.S. position documents for the seventh meeting of the Scientific Group on Dumping, a technical advisory group of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, to be held in London on October 24–28, 1983.

For further information, contact Ms. Norma Hughes, Executive Secretary, Committee on Ocean Dumping (WH–585), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755–2927.

Members of the public may attend up to the seating capacity of the room.

The Chairman will entertain comments from the public as time permits.

Dated: August 23, 1983.

Samuel V. Smith,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83-24336 Filed 9-6-83; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

On August 31, 1983 the Department of the Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 I Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB No. None.
Form No. None.
Type of review: New.
Title: Roper Reports Proprietary Questions Vol. 83–3.
OMB No. 1545–0175.
Form No. 4626
Type of review: Revision.
Title: Computation of Minimum Tax—Corporations.
Omb No. 1545–0016.
Form No. 706–A.
Type of review: Revision.
Title: United States Additional Estate Tax Return.
OMB reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget Room 3208, New Executive Office Building, Washington, D.C. 20503.

Cathy L. Thomas,

Departmental Reports Management Office.

August 31, 1983.

[FR Doc. 83-24431 Filed 9-6-83; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

On August 30, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: 1545–0197
Form Number: 5300/5301
Type of Review: Existing Regulation
Title: Application for Determination for Defined Benefit Plan/Defined Contribution Plan

OMB Number: 1545–0129
Form Number: 1120 POL
Type of Review: Revision
Title: U.S. Income Tax Return for Certain Political Organizations

OMB Number: 1545–0120

Form Number: 1099–G
Type of Review: Revision
Title: Reporting of State and Local Income Tax Refunds
OMB Number: 1545–0390
Form Number: 5306
Type of Review: Revision
Title: Application for Approval of Prototype or Employer Sponsored Individual Retirement Account
OMB Number: 1545–0089
Form Number: 1040 NR
Type of Review: Revision
Title: U.S. Nonresident Alien Income Tax Return
OMB Number: 1545–0222
Form Number: 6047
Type of Review: Revision
Title: Windfall Profit Tax
OMB Number: 1545–0144
Form Number: 2438
Type of Review: Revision
Title: Regulated Investment Company Undistributed Capital Gains Tax Return

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512–0052
Form Number: AFT F 103 (5130.9)
Type of Review: Extension
Title: Brewers Monthly Report of Operations
OMB Number: 1512–0049
Form Number: AFT F 96
Type of Review: Extension
Title: Importers Report of Red Strip Stamps
OMB Number: 1512–0107
Form Number: AFT F 2093 & 2098
Type of Review: Reinstatement
Title: Application for Permit under 26 U.S.C. Chapter 52/Manufacturer of Tobacco Products or Proprietor of Export Warehouse and Application for Amended Permit
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

U.S. Saving Bonds Division

OMB Number: None
Form Number: N/A
Type of Review: New
Title: Survey of Consumer Awareness of U.S. Savings Bonds and Attitudes Toward Them
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Rita A. DeNagy,

Department Reports Management Office.

[FR Doc. 83-24371 Filed 9-1-83; 8:45 am]

BILLING CODE 4810-25-M

Fiscal Service

[Dept. Circ. 570, 1983 Rev., Supp. No. 3]

The American Automobile Insurance Co., the American Insurance Co., the Associated Indemnity Corp., and the Fireman's Fund Insurance Co.; Surety Companies Acceptable on Federal Bonds; Correction

The business address for the above mentioned companies was listed at 48 FR 30529, 30530, 30533 (July 1, 1983) as: 777 San Marin Drive, Novato, CA 94998. The companies' business address is hereby corrected to: 3333 California Street, San Francisco, CA 94118.

Federal bond-approving officers should annotate their reference copies of Treasury Circular 570, 1983 Revision, at the appropriate pages to reflect this correction.

Questions concerning this correction notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226. Telephone (202) 634–5745.

Dated: August 29, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-24367 Filed 9-6-83; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1983 Rev., Supp. No. 4]

Surety Companies Acceptable on Federal Bonds; Correction

At 48 FR 30528–30543, Treasury published its Circular 570, 1983 Revision. The following company and information should be added at the bottom of page 9 of the Circular (48 FR 30536):

Mission Insurance Company. BUSINESS ADDRESS: 2600 Wilshire Boulevard, Los Angeles, CA 90057. UNDERWRITING LIMITATION b/: $13,326,000. SURETY LICENSES c/: All except CZ, Guam, Puerto Rico, Virgin Islands. INCORPORATED IN: California. FEDERAL PROCESS AGENTS d/.

Questions concerning this correction notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20226. Telephone (202) 634–5745.

Dated: August 29, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 83-24368 Filed 9-6-83; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES INFORMATION AGENCY

President's International Youth Exchange Initiative; Selective Assistance Through Limited Grant Support To Not-For-Profit Organizations

The United States Information Agency announced in the **Federal Register** on August 12, 1983 (page 36730) a program of selective assistance through limited grant support to private not-for-profit organzations for programs in support of the President's International Youth Exchange Initiative.

Eligibility requirements for this program inadvertently left out an important paragraph. The eligibility requirements are repeated below for the benefit of those who have an interest in participating in this program.

Eligibility

Academic, cultural and not-for-profit exchange-of-persons organizations are eligible to apply. Organizations should be able to demonstrate a proven record (four years) of work in the field (except for pilot projects, as noted below). To be eligible, activities must fall within the purposes of the Mutual Education and Cultural Exchange (Fullbright-Hayes) Act. Organizations with less than four years experience in youth exchanges will be considered only for pilot projects (grants of less than $60,000).

Not-for-profit organizations that are the offsping of for-profit firms engaged in similar activities will not be eligible for consideration under this program.

Priority will be given to organizations with national or regional volunteers. Organizations must be capable of meeting the "Criteria for Teenager Exchange Visitors Programs" or "Criteria for Practical Trainees", which may be obtained by writing to the USIA address listed at the end of this announcement.

Dated: September 1, 1983.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 83-24363 Filed 9-6-83; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 174
Wednesday, September 7, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

TIME AND DATE: 9:30 a.m., September 7, 1983.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 41553, *Martinair Holland, N.V. Enforcement Proceeding.* Petition for review of staff action taken under delegated authority instituting enforcement proceeding and seeking civil penalties. (Memo 1993, OGC)
3. Docket 40543, Final rule to exempt from section 409 all interlocking relationships other than those between certificated air carriers or their affiliates, and those between a certificated air carrier and a foreign air carrier or their affiliates. (OGC)
4. Docket 40757, Revision of the "33 percent notice" in Part 323 to reflect the limits on the Board's statutory authority established by the D.C. Court of Appeals in the *Delta* case. (Memo 1326–A, OGC, BDA, OCCCA)
5. Docket 41431, Additional proposals in the Board's smoking rulemaking. (Memo 1993, OGC, OCCCA)
6. Docket 41443, Domestic Baggage Liability: Request for Instructions. (Memo 1780–A, OGC, BDA, BIA, OCCCA, OEA)
7. Docket 41207, Airline Computer Reservation System. (OGC, BDA)
8. Contract terms and tariff rules absolving carriers from any responsibility to transport a passenger to the destination airport named on his or her ticket, or to reimburse a passenger for expenses incurred in reaching that airport, where a flight is diverted to another airport in the same general metropolitan area. (OCCCA)
9. Docket 41412, Agreements Among Members of the Air Traffic Conference of America Relating to Interline Traffic Agreement-Passenger. (Memo 1987, BDA, OCG)
10. Docket 40726, Subpart Q Application of Island Airlines Hawaii, Inc. for certificate to provide interstate all-cargo service between points in Hawaii. (Memo 1435–C, BDA)
11. Docket 41453, Request by Midwest Express for grant of confidential treatment. (BDA, OGC)
12. Docket 41320, *Classic Air, Inc. Fitness Investigation;* Order Declining Review. (Memo 1991, OGC)
13. Docket 41551, Application of Imperial International Airlines, Inc. for a two-year fitness review. (Memo 1994, BDA)
14. Commuter carrier fitness determination of West Coast Airlines. (Memo 1986, BDA)
15. Commuter air carrier fitness determination of Atlantic Gulf Airlines, Inc. (Memo 1996, BDA)
16. Fitness determination for Centennial Airlines. (BDA)
17. Commuter carrier fitness determination of Precision Valley Aviation, Inc. d/b/a/ Precision Airlines. (Memo 1982, BDA)
18. Dockets 40340 and 41225, Notices of Continental Airlines, Inc. and Arrow Airways, Inc. to terminate service at Pago Pago, American Samoa and petition for review by Continental Airlines of Order 83–7–39. (Memo 1988, BDA, OCCCA)
19. Docket 41194, Application of Atlantic Southeast Airlines, Inc. to replace Republic Airlines, Inc. at Valdosta, Georgia. (Memo 1660–A, BDA, OCCCA)
20. Dockets 41368, EAS–343 and EAS–344, Essential air service for Harrison and Jonesboro, Arkansas. (BDA, OCCCA)
21. Docket 41325, Airways of New Mexico's 30-day notice of intent to suspend service at Alamogordo, New Mexico. (BDA)
22. Docket 40960, Intercarrier fare agreement revising U.S.-U.K. fares. (BIA)
23. Docket 35634, C.A.B. Agreements 29025, 29033, 29034, and 29046, IATA agreement proposing various international cargo rate revisions. (Memo 1983, BIA)
24. Docket 35634, Agreement C.A.B. 29044, IATA agreement which, *inter alia,* establishes new cargo rate structures to/from the U.S. and the Middle East/Africa and from the U.K./Ireland to the U.S., increases rates from certain other European countries and readopts/extends a resolution on tariff integrity. (Memo 1984, BIA)
25. Docket 41131, Petition of Korean Air Lines Co. Ltd., for reconsideration of Order 83–3–129 which denied KAL's application for intermodal exemption authority. (BIA, OGC and BALJ)
26. Docket 41354, *Albany/Burlington-Montreal Service Proceeding.* Applications of Air Vermont, Clinton Aero, Northeastern International, Pilgrim Airlines and Precision Airlines. Memorandum of Issues, Summary and Analysis of Direct and Rebuttal Exhibits and Request for Instructions. (BIA, OGC)
27. Italy Negotiations. (BIA)
28. Israel Negotiations. (BIA)
29. Report on Netherlands Discussions. (BIA)
30. Report on Philippine Discussions. (BIA)
31. Report on Switzerland Discussions. (BIA)
32. Report on France Discussions. (BIA)

STATUS: 1–26 Open, 27–32 closed.

PERSON TO CONTACT FOR MORE INFORMATION: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S–1250–83 Filed 9–2–83; 9:07 am]

BILLING CODE 6320–01–M

2

COMMISSION ON CIVIL RIGHTS

PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C.

DATE AND TIME: Wednesday, September 14, 1983, 10:30–1 p.m.

STATUS OF MEETING: Open to public.

MATTERS TO BE CONSIDERED.

I. Approval of Agenda
II. Approval of Minutes of Last Meeting
III. Review of the Report, *Fifteen Years Ago . . . Today: Rural Alabama Revisted*
IV. Briefing on Data for Presidential Appointments of Women
V. State Advisory Committee Interim Appointment for Minnesota
VI. State Advisory Committee Recharters:
A. Delaware
B. Idaho
C. Louisiana
VII. Joint Advisory Committee (Arkansas, Louisiana, New Mexico, Oklahoma and Texas) Report Entitled *Block Grants and You: A Citizen's Handbook*
VIII. Hawaii Advisory Committee Report *Entitled Policy* v. *Results:* Affirmative Action in Hawaii's Department of Education
IX. Massachusetts Advisory Committee Report Entitled *Implementating the Massachusetts Civil Rights Act*
X. Wisconsin Advisory Committee Report Entitled *Business Incentives and Minority Employment*
XI. Staff Director's Report (July and August)
A. Status of Funds
B. Personnel Report
C. Office Directors' Reports

PERSON TO CONTACT FOR FURTHER INFORMATION: Barbara Brooks, Press

and Communications Division, (202) 254–6697.

[S-1251-83 Filed 9-3-83; 9:54 am]

BILLING CODE 6335-01-M

3

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: V. 48 FR 162, Friday, August 19, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, September 2, 1983.

CHANGES IN THE MEETING:

The Meeting has been Cancelled

[S-12946-83 Filed 9-2-83; 3:27 pm]

BILLING CODE 6351-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

September 2, 1983.

Open Commission Meeting Friday, September 9, 1983

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Friday, September 9, 1983, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Second Report and Order to allocate spectrum for use by stations in Digital Termination Systems (DTS) and in Point-to-Point Microwave Radio Systems for the Provision of Digital Electronic Message Services (DEMS) and for other Common Carrier, Private Radio, and Broadcast Auxiliary Services. *Summary:* The Commission will consider the merits of the Further Notice of Proposed Rule Making Gen. Docket 79–188. The Further Notice set forth an allocation plan at 18 GHz along with certain rules governing the technical operation and administration of radio equipments in the various radio services listed in the title caption.

General—2—*Title:* First Report and Order in General Docket 82–334 regarding the establishment of a spectrum utilization policy for the fixed and mobile services in certain bands between 947 MHz and 40 GHz. *Summary:* The Commission will consider the adoption of this First Report and Order which addresses the reaccommodation of private operational fixed links in the 12.2–12.7 GHz band necessary due to the introduction of the Broadcast Satellite Service in that band.

General—3—*Title:* Notice of Inquiry into Prohibitions Against the Use of Common Carrier Facilities for the Transmission of Obscene Materials. *Summary:* The Commission will consider issuance of a Notice of Inquiry to assist the Commission in developing appropriate policies for the Commission and common carriers to pursue in enforcing prohibitions against the transmission by common carrier facilities of allegedly indecent materials.

Private Radio—1—*Title:* Report and Order in the matter of substituting 20 miles in place of 40 dBu as the measure of market service area in 800 MHz private land mobile operations. *Summary:* The FCC will consider whether to adopt the rules proposed in PR Docket 81–787. The Notice proposed to use a 20 mile radius rather than a 40 dBu field intensity contour as the criterion for determining a station's theoretical market service area.

Private Radio—2—*Title:* Notice of Proposed Rule Making proposing to revise the rules in the Aviation Services concerning aeronautical advisory stations. *Summary:* The FCC will consider whether to propose amending Part 87 (Aviation Services) to remove the limitation of one aeronautical advisory (unicom) per airport, at airports with control towers. The FCC will also consider whether to propose modifying the rules concerning the frequencies available for assignment at airports which do not have control towers.

Private Radio—3—*Title:* In the Matter of Amendment of Parts 1, 90 and 94 of the Commission's Rules to eliminate outdated or unnecessary rules pursuant to the Commission's Regulatory Review Program. *Summary:* The FCC will consider whether to adopt a Notice of Proposed Rule Making proposing the elimination of rules, procedures, reporting and recordkeeping requirements which may no longer be necessary to the effective operation of the Private Land Mobile Radio Services and the Private Operational-Fixed Microwave Service.

Common Carrier—1—*Title:* Amendment of Parts 34 and 35 Uniform System of Accounts and conforming amendments to Annual Report Forms O and R with respect to accounting for carriers' nonregulated activity. *Summary:* The Commission will consider whether to adopt a Report and Order amending the accounting procedures to be followed for carriers' nonregulated activity, as ordered in Docket 21005 and Computer II, and the regulating changes to Parts 34 and 35 of the Commission's Rules and Regulations (Uniform System of Accounts).

Common Carrier—2—*Title:* In the Matter of Amendment of Sectoin 61.38 of the Commission's Rules. *Summary:* Commission will consider Satellite Business Systems' petition for reconsideration of recent amendments to Section 61.38 of the Commission's Rules, governing cost support materials required to be filed with tariffs.

Common Carrier—3—*Title:* Final Decision in Docket No. 21122. *Summary:* The Commission will consider whether to adopt a Final Decision on the Initial Decision in Docket No. 21122 of Administrative Law Judge Frederick W. Denniston, FCC 48D–40, released July 7, 1978. The Initial Decision found that a revision to AT&T's Tariff F.C.C. No. 260, Private Line Service, was not contrary to the public interest nor in violation of Section 202(a) of the Act.

Common Carrier—4—*Title:* In the Matter of American Television Relay, Inc. Refunds resulting from the findings and conclusions in Docket No. 19609. *Summary:* The Commission will consider an order responding to the remand by the U.S. Court of Appeals of an earlier Commission decision ordering refunds to certain customers of American Television Relay.

Common Carrier—5—*Title:* Exceptions to the Initial Decision in Offshore Telephone Company, Docket No. 21396, released December 18, 1980. *Summary:* The Commission will consider whether it should establish, pursuant to Section 201(a) of the Act, through rates and a division of charges between Offshore Telephone Company, South Central Bell Telephone Company and the American Telephone and Telegraph Company for the joint provision of interstate message telephone service.

Common Carrier—6—*Title:* Amendment of Parts 1 and 61 of the Commission's Rules. *Summary:* The Commission will consider a Notice of Proposed Rule Making which proposes a recodification of Part 61 of the Commission's Rules, governing tariffs, and a single related change to Part 1 of the Rules.

Common Carrier—7—*Title:* Application of Satellite Business Systems for Modification of Domestic Fixed-Satellite Space Station Authorizations to Permit Noncommon Carrier Transponder Transactions. *Summary:* The Commission will consider the above-captioned application for modification of license filed by Satellite Busiess Systems.

Audio—1—*Title:* Petition filed by Rancocas Valley Broadcasting, Inc., seeking reconsideration of the action of the Chief, Mass Media Bureau, pursuant to delegated authority, dismissing its application for the deleted facilities of station WJJZ, Mt. Holly, New Jersey. *Summary:* The Commission considers whether dismissal was proper under the circumstances presented.

Audio—2—*Title:* License Renewal application of KQED, Inc., for Stations KQED–TV, KQEC–TV and KQED–FM, San Francisco, California. *Summary:* The Commission considers a petition for reconsideration filed by a coalition composed of the California Public Broadcasting Forum, the Bay Area Bilingual Education League, the National Association for the Advancement of Colored People (Western Region), the Community Coalition for Media Change, the Public Media Center, and the Committee to Save KQED, seeking reconsideration of the Commission's denial of their petition to deny the licensee's renewal applications. The Coalition alleges that the Commission erred in its ruling on issues concerning alleged violations of Section 396 of the Communications Act which requires noncommercial licensees to hold open board meetings; unfair election practices fairness doctrine violations; possible improper *ex parte* communication between the licensee and the Commission; and misrepresentations by the licensee.

Audio—3—*Title:* License Renewal Applications of Franklin Communications, Inc., for Stations WVKO (AM) and WSNY-FM, Columbus, Ohio. *Summary:* The

Commission considers a petition to deny filed by a coalition of the stations' listeners alleging that the licensee "abandoned" its "target audience"; that the licensee made misrepresentations to the Commission in its application for assignment of the stations; and that the licensee failed to comply with the Commission's rules and policies concerning equal employment opportunity and the maintenance of a public file.

Video—1—*Title:* Petition filed by the National Black Media Coalition requesting reconsideration of the Commission's action granting applications for the voluntary assignment of station KSDK–TV, St. Louis, Missouri, from KSDK, Inc., to Multimedia, Inc., in exchange for Multimedia's stations WFBC–TV, Greenville, South Carolina, and WXII (TV), Winston-Salem, North Carolina. *Summary:* The Commission will consider the petitioner's allegations concerning equal employment opportunity performance at all of Multimedia's broadcast stations.

Audio—2—*Title:* (1) Application to assign the construction permit of unbuilt television station KDOG, Channel 19, Nacogdoches, Texas, from Dogwood Broadcasting Corporation to KLMB–TV, Incorporated; (2) Application of KLMB–TV, Incorporated for construction permit to make changes in the facilities of television station KDOG; and (3) Application of KLMB–TV, Incorporated for construction permit to make changes in the facilities of televisio : station KLMG–TV, Longview, Texas. *Summary:* The Commission will consider KLMB–TV Incorporated's application to buy television station KDOG(TV) and its proposal to operate KDOG(TV) primarily as a satellite of KLMG–TV, Longview, Texas. KLMB–TV, Incorporated requests a grant of the assignment application pursuant to Note 9 of Section 73.636, which exempts satellite stations from the ban on Grade B overlap of commonly owned stations.

Video—3—*Title:* Application for Review of Bureau action denying petition for reconsideration of grant of application of KBMT(TV), Beaumont, Texas. *Summary:* The Commission will consider an Application for Review of the action of the Chief, Mass Media Bureau, denying a petition for reconsideration of the Bureau's action granting an application of Texas Telecasting, Inc. to make minor changes in KBMT(TV), Beaumont, Texas. Review sought by licensee of KSLA–TV, Shreveport, Louisiana.

Video—4—*Title:* Applications for interim authority to operate the facilities of former station KHOF–TV, Channel 30, San Bernardino, California. *Summary:* Eight applications were timely filed for interim operation of the channel, and four of them have entered into an agreement whereby they would dismiss their applications if the Commission would conditionally grant their merged application. The Commission will consider the manner in which the interim operator will be selected.

Video—5—*Title:* Petition for Reconsideration filed by Schuyler-Littlefield Broadcasting Company. *Summary:* Schuyler-Littlefield Broadcasting Company, applicant for a new television station on Channel 67, Monterey, California, filed a petition to dismiss a competing application. The Mass Media Bureau denied the motion and the Commission, upon review, affirmed the Bureau. The Commission now considers a petition for reconsideration of its denial of the application for review.

Video—6—*Title:* Application for review of the Bureau's action dismissing the application of WTSP–TV, Inc. for a major change in the facilities of WTSP–TV, Channel 10, St. Petersburg, Florida. *Summary:* The Commission will consider whether the Bureau properly dismissed WTSP's application to move its transmitter to a site that is 42 miles short-spaced to that of co-channel station WPLG(TV), Miami, Florida.

Policy—1—*Title:* Hours of Operation of Daytime-Only AM Stations. *Summary:* Amendment of Sections 73.99, 73.185, and 73.190 of the Commission's Rules governing extended hours of operation by AM stations.

Enforcement—1—*Title:* License Renewal Applications of Certain Broadcast Stations Serving Communities in the States of Alabama and Georgia. *Summary:* The Commission considers a petition to deny filed by the National Black Media Coalition against the license renewal applications for 15 broadcast stations located in Alabama and Georgia. The petition alleges that the licensees have not complied with the Commission's EEO rule with respect to Blacks.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: September 1, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1255–83 Filed 9–2–83; 12:28 pm]

BILLING CODE 6712–01–M

5

FEDERAL COMMUNICATIONS COMMISSION

Closed Commission Meeting, Friday, September 9, 1983

September 2, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Friday, September 9, 1983 following the Open Meeting, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—Primary Jurisdiction Referral in Family Viewing Case.

Hearing—1—Applications for Review in the Waco, Texas UHF television comparative proceeding (BC Docket Nos. 79–286 to 79–289).

Hearing—2—Applications for Review in the Faith Center, Inc., San Bernardino television renewal proceeding (BC Docket No. 78–328).

Hearing—3—Applications for Review of a Review Board Decision in the Lansing, Michigan AM, FM, TV license renewal proceeding (Docket No. 20014).

General Item 1 is closed to the public because it concerns Privileged/ Confidential and Premature Disclosure matters (See 47 CFR 0.603 (d) and (i)).

Hearing Items 1 thru 3 are closed to the public because they concern Adjudication Matters (See 47 CFR 0.603(j)).

The following persons are expected to attend the appropriate portions of this meeting:

Commissioners and their Assistants
Managing Director and members of his staff
General Counsel and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission September 1, 1983.

Commissioners Fowler, Chairman, Quello, Dawson and Rivera voting to consider these items in Closed Session.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: September 1, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S–1256–83 Filed 9–6–83; 12:28 pm]

BILLING CODE 6712–01–M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the"Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporations' Board of Directors will meet in open session at 2 p.m. on Monday, September 12, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the followinag items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Oahu Finance Company; Ltd., and operating noninsured industrial bank located at 94–889 Waipahu Street, Waipahu, Hawaii

Recommendations regarding the liquidation of a bank's assests acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,768–L: Banco Regional, Bayamon, Puerto Rico

Memorandum and Resolution re: Penn Square Bank National Association Oklahoma City, Oklahoma

Memorandum and Resolution re: Final amendment to Part 337 of the Corporation's rules and regulations, entitled "Unsafe and Unsound Banking Practices," which would: (1) Eliminate the current requirement for prior approval by a majority of a bank's board of directors of all extensions of credit exceeding in the aggregate $25,000 that are made to one of the bank's directors, executive officers, principal shareholders, or any related interest of any such person; and (2) substitute a prior approval formula whereby extensions of credit in excess of five percent of capital and unimpaired surplus or $25,000, whichever is larger, must receive prior approval but in no event may any extension of credit or line of credit exceeding in the aggregate $500,000 be made without prior approval of the bank's board of directors.

Memorandum and Resolution re: Final amendments to Part 348 of FDIC's rules and regulations, entitled "Management Official Interlocks," which would: (a) Simplify the procedure for obtaining exemptions from the Act's prohibitions and extensions of time to permit compliance with the Act; (b) ease the burden of the Act on depository institution holding companies by redefining the terms "office" and "total assets;" (c) exclude from certain of the Act's prohibitions management officials whose functions relate exclusively to retail merchandising and manufacturing; (d) broaden the circumstances under which the "disruptive management loss" exemption from the Act's prohibitions is available; (e) clarify the circumstances that require termination of non-grandfathered management official interlocks; and (f) provide that interlocks between depository organizations and nondepository organizations that become diversified savings and loan holding companies, or their subsidiaries, need not be broken until November 10, 1988, despite the occurrence of changes in circumstances.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or an Associate Director of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Liquidation:

Memorandum re: Case No. 45,624–L, Bollinger County Bank Lutersiville, Missouri

Discussion Agenda:

No matters scheduled

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S–1261–83 Filed 9–2–83; 3:23 pm]

BILLING CODE 6714–01–M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 12, 1983, The Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsectins (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations regarding the Corporation's assistance agreements with insured banks pursuant to section 13 of the Federal Deposit Insurance Act.

Discussion Agenda:

Application for Federal deposit insurance:

Rainbow Finance Corporation, an operating noninsured industrial bank located at 77 Merchant Street, Honolulu, Hawaii

Application for consent to establish a branch:

Union Bank, Tucson, Arizona, for consent to establish a branch at #37 Haven's Green Valley Mall, Green Valley, Arizona

Request for an extension of time to establish a branch:

Centennial Bank, Springfield, Oregon, for an extension of time within which to establish its approved branch to be located at the intersection of 40th Avenue and Donald, Eugene, Oregon.

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to provisions of subsectins (c)(6, (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: American City Bank, Los Angeles, California

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1262 Filed 9-2-83; 3:22 pm]

BILLING CODE 6714-01-M

8

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:05 p.m. on Thursday, September 1, 1983, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider the following matters:

Recommendation regarding a proposal for financial assistance to facilitate a voluntary merger of savings banks: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.: Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: September 2, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1263-83 Filed 9-2-83; 3:22 pm]

BILLING CODE 6714-01-M

9

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, September 15, 1983 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Eligibility report for candidates to receive Presidential Primary Matching Funds
Draft Advisory Opinion 1983–13: Sidney H. Kalban, on behalf of NWU-PLOW
Draft Advisory Opinion 1983–21: Congressman Gerry E. Studds
Draft Advisory Opinion 1983–22: Charles Schillings, on behalf of Northwest Central PAC
Proposed Revisions of 11 CFR 114.3, 114.4, and 114.8 (if not concluded on Wednesday, September 14, 1983)
FOIA Fee Waiver Appeal—Herbert E. Alexander Citizens Research Foundation
Proposal to revise the "testing the waters" regulations to preclude the acceptance of funds that would otherwise be limited or prohibited

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202–523–4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1252-83 Filed 9-2-83; 11:16 am]

BILLING CODE 6715-01-M

10

FEDERAL ELECTION COMMISSION

DATE AND TIME: Monday, September 12, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTER TO BE CONSIDERED: Fiscal year 1985 budget.

* * * * *

DATE AND TIME: Tuesday, September 13, 1983, 10 a.m.,

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Wednesday, September 14, 1983, 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Proposed Revisions to 11 CFR 114.3, 114.4, and 114.8

[S-1253-83 Filed 9-2-83; 11:16 am]

BILLING CODE 6715-01-M

11

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

August 31, 1983.

TIME AND DATE: 10 a.m., Wednesday, September 7, 1983.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. United Mine Workers of America on behalf of Billy Dale Wise v. Consolidation Coal Company, Docket No. WEVA 82–38–D. (Issues include whether the ALJ erred in dismissing a discrimination complaint filed by a safety committeeman.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S-1258-83 Filed 9-2-83; 12:26 pm]

BILLING CODE 6735-01-M

12

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, September 12, 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: September 2, 1983.

James McAfee,

Associate Secretary of the Board.

[S-1290-83 Filed 9-2-83; 3:11 pm]

BILLING CODE 6210-01-M

13

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 9 a.m. (p.t.d.) and 12 noon (e.d.t.), Monday, September 12, 1983.

PLACE: Los Angeles Hilton, 930 Wilshire Blvd., Los Angeles, and Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:

a. Certain Duracell alkaline batteries (Docket No. 965).

5. Investigation 731-TA-103 (Final) (Cotton Shop Towels from the People's Republic of China)—briefing and vote.
6. Investigations 731-TA-140, -141, -142, and -144 [Preliminary] (Spindle Belting from the Federal Republic of Germany, Italy, Spain, and Switzerland)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary(202) 523-0161.

[S-1254-83 Filed 9-2-83; 11:52 am]

BILLING CODE 7020-02-M

14

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

TIME:

October 5, 1983:

1 p.m. to 5 p.m.

1 p.m. to 2 p.m. (closed)

Executive Session: (closed meeting—Sec. 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR, Part 1703)

October 6, 1983:

9 a.m. to 12 p.m.

October 7, 1983:

9 a.m. to 12 p.m.

DATE: October 5, 6, and 7, 1983, respectively.

PLACE: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, Virginia 22202.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Chairman's Report
Approval of Agenda
Approval of Minutes
Executive Director's Report—Report on the Blue Ribbon Panel on the Information Policy Implications of Archiving Satellite Data
Louis Vagianos, Executive Director, The Institute for Research on Public Policy.
Discusston, International Reciprocity
Discussion of FY 1984 Programs
IFLA 1985 Ad Hoc Committee Report
Introduction to ASIS Representatives and Programs
Forrest W. Horton—White House Conference on Productivity and the ASIS Conference
Discussion of Implications of Conferences for the Library/Information Field
Old Business

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director.

Toni Carbo Bearman,

NCLIS Executive Director.

August 31, 1983.

[S-1257-83 Filed 9-2-83; 12:26 pm]

BILLING CODE 7527-01-M

15

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Wednesday, September 14, 1983.

PLACE: Board Hearing Room, Eighth floor, 1425 K. Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of the Board actions taken by notation voting during the month of August 1983.
2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will ba available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, Telephone: (202) 523-5920.

Dated: September 2, 1983.

[S-1256-83 Filed 9-2-83; 12:50 pm]

BILLING CODE 7550-01-M

federal register

Wednesday
September 7, 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 962]

Determinations by Jurisdicitional Agencies Under the Natural Gas Policy Act of 1978

August 31, 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 OSC lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS VOLUME 962

ISSUED AUGUST 31, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
WEST VIRGINIA DEPARTMENT OF MINES									
-COLUMBIA GAS TRANSMISSION CORP		RECEIVED: 08/16/83			JA: WV				
8350206		4708702116		108		A A KNIGHT #2 801774	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350168		4708702298		108		A B HALL 801290	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8349979		4708702325		108		A C COTTRELL 801591	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8349986		4708702115		108		A J ROBERTS 800978	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350417		4704302086		108		A K WATERS 805913	W VA FIELD AREA B	0.8	COLUMBIA GAS TRAN
8350060		4708702119		108		A R RUNION 800262	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350317		4703900236		108		AHAZ SPENCER #1 805705	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350077		4708702326		108		AL KEEFER 800582	W VA FIELD AREA A	0.5	COLUMBIA GAS TRAN
8350406		4705100592		108		AMELIA ZSTEP ETAL 601219	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350074		4708702293		108		ANDREW PARKS 801170	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350293		4704301964		108		ANDREW WATTS SURFACE 805953	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350359		4708702121		108		ANNA B MOORE 801308	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350056		4708702295		108		B E BRADLEY 801178	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350043		4703901191		108		B F QUICK 805598	W VA FIELD AREA A	10.0	COLUMBIA GAS TRAN
8350344		4708702124		108		B M COOK 800743	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350038		4703902986		108		BARAUM JARRETT 801384	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350064		4708702125		108		BASCOM CHAPMAN 800009	W VA FIELD AREA A	0.6	COLUMBIA GAS TRAN
8350188		4708702126		108		BASCOM CHAPMAN 803920	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350177		4704301968		108		BAZIL EPLIN 802180	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350244		4705100569		108		BERTHA LILLEY 601508	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350210		4708702127		108		BETTY A DAMEWOOD 800264	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350045		4703901159		108		BLACK BAND C & C #13 805422	W VA FIELD AREA A	21.0	COLUMBIA GAS TRAN
8350049		4703902068		108		BLACK BAND C & C CO 803969	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350048		4703900042		108		BLACK BAND C & C CO 804066	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350044		4703901912		108		BLACK BAND C & C CO 809235	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350046		4703901113		108		BLACK BAND COAL CO 805400	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350047		4703901018		108		BLACK BANK C & C CO 805252	W VA FIELD AREA A	28.0	COLUMBIA GAS TRAN
8350050		4703901844		108		BLACK BANK COAL CO 801965	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350144		4703901872		108		BLUE CK COAL & LAND 809146	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350145		4703901873		108		BLUE CK COAL & LAND 809147	W VA FIELD AREA A	10.0	COLUMBIA GAS TRAN
8350010		4703901948		108		BLUE CK COAL & LAND 809278	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350011		4703901977		108		BLUE CK COAL & LAND 809312	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350146		4703901874		108		BLUE CREEK COAL & LAND CO 809148	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350319		4704302090		108		BRANCHLAND COAL CO 802144	W VA FIELD AREA B	2.8	COLUMBIA GAS TRAN
8350306		4705900650		108		BRIAR MT C & CO 15 808915	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350332		4701500544		108		BROWN - GOSHORN & SWAN 808782	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350330		4701500830		108		BROWN - GOSHORN & SWAN 809376	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350329		4701500028		108		BROWN GOSHORN & SWAN 804073	WEST VIRGINIA FIELD A	1.0	COLUMBIA GAS TRAN
8350327		4701500807		108		BROWN GOSHORN & SWAN 809382	W VA FIELD AREA A	17.0	COLUMBIA GAS TRAN
8350325		4701500878		108		BROWN GOSHORN & SWAN 809480	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350334		4701500557		108		BROWN-GOSHORN & SWAN 808883	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350333		4701500806		108		BROWN-GOSHORN & SWAN 809374	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350331		4701500810		108		BROWN-GOSHORN & SWAN 809377	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350328		4701500809		108		BROWN-GOSHORN & SWAN 809381	W VA FIELD AREA A	15.0	COLUMBIA GAS TRAN
8350326		4701500814		108		BROWN-GOSHORN & SWAN 809383	W VA FIELD AREA A	14.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350238		4705100010		108		BRYON MCCRACKEN 603403	WV SHALLOW	0.7	COLUMBIA GAS TRAN
8350073		4708702298		108		C P HASCUE 801172	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8349999		4700500753		108		C RIVER M & L CO 805826	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350385		4703902011		108		CAMPBELL CK COAL #7 809344	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350384		4703902012		108		CAMPBELL CK COAL 18 809345	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8349988		4708702333		108		CAROLINA CAMPBELL 800682	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350247		4710300727		108		CARRIE LOUGH 601601	WV SHALLOW	11.0	COLUMBIA GAS TRAN
8350103		4708702149		108		CB DRENNEN 800038	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350084		4708702296		108		CC HAMMACK 801101	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8349962		4705900077		108		CENTRAL TRUST #13 805409	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8349963		4705900076		108		CENTRAL TRUST CO #12 805408	W VA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350310		4705900078		108		CENTRAL TRUST CO #14 805410	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8349961		4705900127		108		CENTRAL TRUST CO #15 806175	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8349960		4705900156		108		CENTRAL TRUST CO #18 806313	W VA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8349959		4705900318		108		CENTRAL TRUST CO #27 806986	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350308		4705900006		108		CENTRAL TRUST CO 804236	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350309		4705900033		108		CENTRAL TRUST CO 804346	W VA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8350208		4704302095		108		CHARLES MILLER L&LD 802023	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350161		4708702334		108		CHAS H ABBOTT 800650	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350261		4710300728		108		CHAS SHAVER AGT ETAL 602029	WV SHALLOW	8.0	COLUMBIA GAS TRAN
8350088		4700500959		108		COAL RV M & L CO #11 809308	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350081		4700500946		108		COAL RV M & L CO #16 809211	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8349998		4700500794		108		COAL RV M & L CO #3 806265	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8349996		4700500819		108		COAL RV M & L CO #5 806436	W VA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8349997		4700500817		108		COAL RV M & L CO #6 806428	W VA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8349995		4700500938		108		COAL RV M & L CO #8 809144	W VA FIELD AREA B	30.0	COLUMBIA GAS TRAN
8349994		4700500939		108		COAL RV M & L CO #9 809166	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350271		4705900775		108		COTIGA DEV CO #12 809396	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350296		4705901270		108		COTIGA DEV CO #13 808141	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350303		4705900353		108		COTIGA DEV CO #15 808007	W VA FIELD AREA B	18.0	COLUMBIA GAS TRAN
8350299		4705900613		108		COTIGA DEV CO #17 808796	W VA FIELD AREA B	15.0	COLUMBIA GAS TRAN
8350302		4705900631		108		COTIGA DEV CO #19 808819	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8350274		4705900698		108		COTIGA DEV CO #21 809087	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350272		4705900774		108		COTIGA DEV CO #23 809395	W VA FIELD AREA B	0.3	COLUMBIA GAS TRAN
8350305		4705900681		108		COTIGA DEV CO #32 808964	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8349957		4705900711		108		COTIGA DEV CO #34 808967	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350297		4705900399		108		COTIGA DEV CO #5 808219	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350301		4705900419		108		COTIGA DEV CO #6 808220	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350298		4705900473		108		COTIGA DEV CO #8 808188	W VA FIELD AREA A	11.0	COLUMBIA GAS TRAN
8350300		4705900587		108		COTIGA DEV CO NO 16 808700	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350304		4705900576		108		COTIGA DEV CO 808140	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350089		4708702335		108		CUMMINGS HRS 800246	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350233		4701702166		108		D C HAUGHT ETAL 603167	WV SHALLOW	0.2	COLUMBIA GAS TRAN
8350352		4708702150		108		D C TAYLOR HRS 801667	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350370		4708702336		108		D D KELLY 801391	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350121		4708702337		108		D G WALKER 800234	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8349971		4708700291		108		D M WILLIS ET AL 804775	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350163		4708702151		108		DAN'L H HOFF 800605	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350087		4708702299		108		DANA SPARR 8601043	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350082		4708702338		108		DANL JONES 800344	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350215		4705100593		108		DAVID DOWDELL ETAL 601227	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350213		4705100594		108		DAVID E CROW 601221	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350108		4703901154		108		DAVID WARD #5 805503	W VA FIELD AREA A	12.0	COLUMBIA GAS TRAN
8350034		4703901866		108		DAVID WARD 809180	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350032		4703901857		108		DAVID WARD 809181	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350033		4703901959		108		DAVID WARD 809290	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8349956		4703901962		108		DAVID WARD 809293	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350005		4703902013		108		DAVID WARD 809294	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350031		4703901858		108		DAVID WARE 809182	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350176		4704302098		108		E E ADKINS ETAL 802104	W VA FIELD AREA B	32.0	COLUMBIA GAS TRAN
8350212		4708702154		108		ED BULLARD 800270	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350316		4703903123		108		EDWARD GEBHART 800420	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350265		4705100577		108		EDWIN MONROE AGT 602956	WV SHALLOW	0.4	COLUMBIA GAS TRAN
8350099		4708702152		108		EE NIDA - 800154	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350061		4708702340		108		EFFIE MORGAN 800013	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350342		4708702155		108		ELIZABETH MCCUNE 800807	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350397		4706100150		108		ELSIE MAYHLE ADM 603674	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350218		4705100578		108		EMERALD COAL CO 600991	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350294		4704301971		108		EMILY MCCOMAS 805994	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350201		4708702300		108		ESTALINE CAMPBELL 801651	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350027		4703902394		108		EVERETT HAYNES #1 809508	ROCK FORK	8.0	COLUMBIA GAS TRAN
8350426		4704302108		108		F A HARLESS 802046	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350040		4703903004		108		FANNIE L GIBSON 801133	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350267		4705100579		108		FIRST NATL BANK 601550	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350237		4705100601		108		FIRST NATL BANK 603394	WV SHALLOW	0.8	COLUMBIA GAS TRAN
8350236		4705100570		108		FLO ELBIN ETAL 603391	WV SHALLOW	2.0	COLUMBIA GAS TRAN
8350226		4710300722		108		FRANCES B BOWERS 601138	WV SHALLOW	3.0	COLUMBIA GAS TRAN
8349981		4708700104		108		FRANK P LOONEY 804385	W VA FIELD AREA A	0.6	COLUMBIA GAS TRAN
8350420		4704302109		108		FRED WINTERS 802251	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350295		4704302110		108		FREE LD DIAL 806035	W VA FIELD AREA B	5.2	COLUMBIA GAS TRAN
8350389		4709700461		108		G D MCCOY 650539	UNION DISTRICT	1.0	COLUMBIA GAS TRAN
8350207		4709700487		108		G D MCCOY 650546	UNION DISTRICT	1.0	COLUMBIA GAS TRAN
8350081		4708702303		108		G E SHELTON 800311	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350416		4704302111		108		G F CLARK 802250	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350111		4703903005		108		G G REYNOLDS 803030	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350075		4708702159		108		G W & ROXIE GROVES 800581	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350346		4708702342		108		G W & SL WALKER 800738	W VA FIELD AREA A	0.4	COLUMBIA GAS TRAN
8350264		4710300723		108		G W CLARK ETAL 602753	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350153		4703901381		108		GALLATIN MINING #11 806238	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350154		4703901389		108		GALLATIN MINING #12 806244	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350106		4703901373		108		GALLATIN MINING #9 806221	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350155		4703901181		108		GALLATIN MINING CO #4 805549	W VA FIELD AREA A	8.0	COLUMBIA GAS TRAN
8350028		4703901321		108		GALLATIN MINING CO 805829	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350042		4703901390		108		GALLATIN MINING CO 806245	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350124		4703901894		108		GALLATIN MINING CO 809217	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350125		4703901963		108		GALLATIN MINING CO 809260	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350152		4703901374		108		GALLATIN MINING NO 10 806222	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350131		4703901242		108		GALLATIN MINING NO 5 805725	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350130		4703901357		108		GALLATIN MINING NO 7 806176	W VA FIELD AREA A	8.0	COLUMBIA GAS TRAN
8350132		4703901368		108		GALLATIN MINING NO 8 806201	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350088		4708702170		108		GEARY DRENNEN 801112	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350058		4708702171		108		GEARY DRENNEN 801231	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350151		4703900054		108		GEO CK LAND & MIN CO 804098	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350129		4703900270		108		GEO CK LAND & MIN CO 804679	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350003		4703900354		108		GEO CK LAND & MIN CO 804742	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8349965		4703901865		108		GEO CK LAND & MIN CO 809194	W VA FIELD AREA A	14.0	COLUMBIA GAS TRAN
8349964		4703901923		108		GEO CK LAND & MIN CO 809237	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350052		4703901946		108		GEO CK LAND & MIN CO 809259	W VA FIELD AREA A	17.0	COLUMBIA GAS TRAN
8350051		4703901957		108		GEO CK LAND & MIN CO 809291	W VA FIELD AREA A	17.0	COLUMBIA GAS TRAN
8350004		4703901965		108		GEO CK LAND & MIN CO 809292	W VA FIELD AREA A	14.0	COLUMBIA GAS TRAN
8350009		4703901979		108		GEO CK LAND & MIN CO 809313	W VA FIELD AREA A	18.0	COLUMBIA GAS TRAN
8350150		4703900241		108		GEO CK LAND & MINING CO 804657	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350002		4703901834		108		GEO CK LAND & MINING CO 809154	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350100		4708702174		108		GEORGE R PETTIT 800115	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350023		4701100598		108		GEORGE WOODRAFFE 803733	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350249		4705100575		108		GLADYS YOHO 601288	WV SHALLOW	2.0	COLUMBIA GAS TRAN
8350142		4703901361		108		GLEN HAYES CO 809084	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350242		4709700517		108		GRACIE M FORINASH 650557	UNION DISTRICT	3.0	COLUMBIA GAS TRAN
8350241		4709700518		108		GRACIE M FORINASH 650558	UNION DISTRICT	2.0	COLUMBIA GAS TRAN
8350422		4704302112		108		GUY PARSONS 802239	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350209		4704301997		108		GUYAN LD ASSN 802049	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350411		4704301975		108		GUYAN LD ASSN 802058	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350409		4704301976		108		GUYAN LD ASSN 802198	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350414		4704301977		108		GUYAN LD ASSN 802231	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350423		4704301978		108		GUYAN LD ASSN 802232	W VA FIELD AREA B	20.0	COLUMBIA GAS TRAN
8350415		4704301979		108		GUYAN LD ASSN 802234	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350292		4704301983		108		GUYAN LD ASSN 802363	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350413		4704301985		108		GUYAN LD ASSN 805973	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350286		4704301998		108		GUYAN LD ASSN 806036	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350185		4708702175		108		H A SMITH ETAL 801459	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350068		4708700044		108		H C SIMMONS 804089	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350307		4705900005		108		H CLOSTERMAN 804237	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350362		4708702176		108		H D JARRETT 801334	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350078		4708702177		108		H D JARRETT 801589	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350205		4708702178		108		H D SERGENT 801837	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8349991		4703501448		108		H E EDWARD ETAL 803596	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350022		4703501449		108		H E EDWARD ETAL 803670	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350371		4704301999		108		H K WALTERS 805900	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350321		4704301882		108		H L STICKLER 805170	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350102		4708702343		108		H M VINEYARD 800052	W VA FIELD AREA A	0.2	COLUMBIA GAS TRAN
8350072		4708702344		108		H M VINEYARD 801393	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350383		4703901528		108		H P JARRETT #2 806559	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350174		4708702181		108		H R CARPER 8800693	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350162		4708702180		108		H R CARPER 800612	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350338		4708702182		108		H R CARPER 800856	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350191		4708702183		108		H R STUMP 801882	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350189		4708702184		108		HANNA MESS 802496	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350269		4705100581		108		HARRY A WENDT ETAL 602059	WV SHALLOW	0.8	COLUMBIA GAS TRAN
8350285		4704302000		108		HARRY HAYES 802141	W VA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350374		4704301137		108		HERBERT ADKINS 808158	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350398		4706100407		108		HOWARD PRICE ETAL 601178	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350180		4704300564		108		HUNT DEV & GAS CO 802194	W VA FIELD AREA B	6.1	COLUMBIA GAS TRAN
8350367		4709900365		108		HUNT DEV & GAS MIN 805731	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350257		4704300619		108		HUNT DEV & GAS 806133	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350353		4708702187		108		I P SMITH 801664	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350361		4708902188		108		I W BOGGS 801331	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350251		4703901085		108		IMPERIAL COAL CO 038 805347	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350336		4703901108		108		IMPERIAL COAL CO 039 805375	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350315		4703901128		108		IMPERIAL COAL CO 84 805474	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350387		4703901202		108		IMPERIAL COAL CO 849 805582	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350386		4703901203		108		IMPERIAL COAL CO 850 805583	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350407		4703901199		108		IMPERIAL COAL CO 851 805584	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350365		4703901086		108		IMPERIAL COAL CO 34 805348	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350312		4703901135		108		IMPERIAL COAL CO 4 805478	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350314		4703901129		108		IMPERIAL COAL CO 44 805475	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350313		4703901133		108		IMPERIAL COAL CO 45 805476	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350259		4703901200		108		IMPERIAL COAL CO 52 805585	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350250		4703901345		108		IMPERIAL COAL CO 58 805811	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350143		4703901852		108		IMPERIAL COAL CO 809160	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350140		4703901583		108		IMPERIAL COAL CO 809161	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350228		4705100571		108		IRENE BURNS AGT ETAL 601893	WV SHALLOW	0.8	COLUMBIA GAS TRAN
8350026		4703902392		108		IRENE MARSHALL ETAL 809525	ROCKY FORK	0.3	COLUMBIA GAS TRAN
8350403		4705100572		108		IRMA CALDWELL ETAL 601017	WV SHALLOW	0.4	COLUMBIA GAS TRAN
8350248		4701782172		108		IVA HOLMES AGT ETAL 602004	WV SHALLOW	0.0	COLUMBIA GAS TRAN
8350230		4703301631		108		IVEL GARRETT ETAL 601376	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350343		4708702190		108		J & MC HALL 800757	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350110		4703903622		108		J A ROSS 800401	W VA FIELD AREA A	8.0	COLUMBIA GAS TRAN
8349980		4708702191		108		J B CARPER 800883	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350350		4708702300		108		J C HIVELY 801675	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350219		4710300746		108		J CARL PALMER 603506	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350280		4708700188		108		J D LOONEY 804572	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350181		4703903158		108		J D TAYLOR 803373	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350335		4701500809		108		J F BROWN ETAL 804000	W VA FIELD AREA A	0.6	COLUMBIA GAS TRAN
8350276		4709900280		108		J F CALDWELL #2 805265	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350279		4709900281		108		J F CALDWELL #3 805266	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350253		4704302005		108		J F CALDWELL 805903	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350278		4709900710		108		J F CALDWELL 806561	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350057		4708702192		108		J F HARRAH 801212	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350059		4708702347		108		J F JONES 800259	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350157		4708702193		108		J F PAYNE 801315	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350347		4708702348		108		J G & L F WESTFALL 800737	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350104		4708702195		108		J G MYERS 800032	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350376		4704300588		108		J L CALDWELL #6 805901	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350275		4709901198		108		J L CALDWELL 804497	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350289		4704302002		108		J L CALDWELL 805883	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350373		4704302003		108		J L CALDWELL 805884	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350252		4704302004		108		J L CALDWELL 805899	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350323		4704301988		108		J L CALDWELL 805902	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350418		4704302006		108		J L CALDWELL 805905	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350322		4704301989		108		J L CALDWELL 805906	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350254		4704301990		108		J L CALDWELL 805908	W VA FIELD AREA B	12.0	COLUMBIA GAS TRAN
8350255		4704301991		108		J L CALDWELL 805909	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350256		4704302007		108		J L CALDWELL 805912	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350379		4704302008		108		J L CALDWELL 805915	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350372		4704301992		108		J L CALDWELL 805916	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350378		4704300926		108		J L CALDWELL 805918	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350320		4704301993		108		J L CALDWELL 805919	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350097		4708702196		108		J L MOORE 800172	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350160		4708702198		108		J M ARMSTEAD 801740	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350366		4709901624		108		J M CURRY 803961	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350287		4704301371		108		J M DIAL 806039	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350069		4708700043		108		J M MOORE ETAL 804252	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350345		4708702199		108		J M MOORE 800747	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350079		4708702200		108		J M MOORE 801539	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350107		4708702308		108		J M WELCH 801152	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350391		4710300730		108		J P GIBLIN AGT ETAL 601151	WV SHALLOW	0.6	COLUMBIA GAS TRAN
8350192		4708702201		108		J Q DICKINSON ETAL 801881	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350007		4703903009		108		J R & S E RYAN 800043	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350318		4704302010		108		J R BRANCH 802190	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8349976		4708702203		108		J S ASHLEY 801620	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350202		4708702310		108		J W KELLEY 801627	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8349992		4708702353		108		J W SHAFFER 8800627	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350184		4708702205		108		JAMES CUTLIP 801462	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350221		4710300724		108		JAMES F PENDERGAST 602908	WV SHALLOW	0.4	COLUMBIA GAS TRAN
8350229		4705100582		108		JAMES KINSEY AGT 602881	WV SHALLOW	0.8	COLUMBIA GAS TRAN
8350178		4704302012		108		JAS M DIAL 802076	W VA FIELD AREA B	13.0	COLUMBIA GAS TRAN
8349977		4708702207		108		JAS REED 801619	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350419		4704300754		108		JENNIE HALL 802278	W VA FIELD AREA B	18.0	COLUMBIA GAS TRAN
8350223		4705100583		108		JOHN E BURLEY ETAL 601975	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350234		4710300725		108		JOHN R SAPP ETAL 603930	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350392		4707700070		108		JOSEPH E REGER 604840	W VA SHALLOW	20.0	COLUMBIA GAS TRAN
8350402		4700500073		108		JULIAN HILL ETAL #1 803950	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350171		4708702355		108		K K LOWE 801269	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350224		4705100585		108		KEITH A MCCRACKEN 602875	WV SHALLOW	0.8	COLUMBIA GAS TRAN
8350284		4709700527		108		KENT SMITH ETAL 650564	UNION DISTRICT	0.0	COLUMBIA GAS TRAN
8350141		4703901719		108		KING LAND CO 808960	W VA FIELD AREA A	8.0	COLUMBIA GAS TRAN
8350095		4708702213		108		L A EHOLE 800202	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350357		4708702214		108		L A EHOLE 800983	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350083		4708702215		108		L A HOPKINS 800402	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8349985		4708702323		108		L D SIMMONS 800651	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350172		4708702216		108		L G NESTOR 801242	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350096		4708702217		108		L M JARRETT 800208	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8349972		4708702356		108		L M KELLEY 801410	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350194		4708702357		108		L M KELLY #2 801692	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350399		4703900647		108		LAURA FLOWERS #1 806351	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350324		4701302732		108		LAURA GAINER ETAL 803827	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350273		4704501023		108		LAWSON HEIRS 803734	W VA FIELD AREA B	0.0	COLUMBIA GAS TRAN
8350424		4704302065		108		LEE PARSONS 805972	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350363		4710300733		108		LEE TEAGARDEN 602229	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350092		4708702218		108		LINDSAY DRAKE 800238	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350266		4705100587		108		LOU TASKER ETAL 603223	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350101		4708702221		108		LULA PETITT 800114	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350358		4708702222		108		LYDIA LEDSOME 800665	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350216		4710300747		108		M A DAUGHERTY ETAL 601255	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8349989		4708702359		108		M C SHAFFER 800629	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350006		4703903031		108		M E & M E GOANS 808045	W VA FIELD AREA A	0.2	COLUMBIA GAS TRAN
8349969		4708700446		108		M E CUMMINGS 805362	W VA FIELD AREA A	0.5	COLUMBIA GAS TRAN
8349998		4708702360		108		M E GOINS 800628	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350158		4708702225		108		M J JONES 801322	W VA FIELD AREA	2.0	COLUMBIA GAS TRAN
8350067		4708702230		108		M T & R K OGDEN 803952	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350268		4705100573		108		MABEL L LOUGH 601595	WV SHALLOW	0.7	COLUMBIA GAS TRAN
8350405		4710300734		108		MADGE D BRADLEY AGT 601135	WV SHALLOW	0.6	COLUMBIA GAS TRAN
8350037		4703903032		108		MAE JARRETT 801474	W VA FIELD AREA A	0.2	COLUMBIA GAS TRAN
8350222		4705100574		108		MARGARET CAMPBELL 601653	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350220		4705100602		108		MARGARET COSTER 604204	WV SHALLOW	2.0	COLUMBIA GAS TRAN
8350114		4703901805		108		MARGARET Y DICKINSON 809122	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8350119		4703901900		108		MARGART Y DICKINSIN #-809223	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350116		4703901815		108		MARGART Y DICKINSN #5 809125	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350118		4703901897		108		MARGART Y DICKINSN #7 809222	WV FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350117		4703901816		108		MARGART Y DICKINSN 6 809132	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350127		4703901901		108		MARGART Y DICKINSN 9 809224	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350170		4708702231		108		MARTHA GROVES 801270	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350211		4708702232		108		MARY A JUSTICE 800269	W VA FIELD AREA A	0.4	COLUMBIA GAS TRAN
8350173		4708702233		108		MARY A LEDSOME 800694	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350200		4708702234		108		MARY A SMITH 801662	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350078		4708702235		108		MARY A SMITH 801663	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350232		4701702179		108		MARY B DAVIS AGT 603299	WV SHALLOW	0.1	COLUMBIA GAS TRAN
8350263		4701702178		108		MARY B DAVIS 602707	WV SHALLOW	0.2	COLUMBIA GAS TRAN
8350380		4703900556		108		MARY BEAVER #1 806350	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350245		4705100576		108		MARY E COZART AGT 601272	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350243		4710300742		108		MARY L S COOKE ATTY 601391	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350080		4708702314		108		MARY STONE ETAL 801513	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350193		4708702238		108		MARY THOMPSON 801732	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350281		4708100267		108		MCCREERY COAL LAND 809282	W VA FIELD AREA C	30.0	COLUMBIA GAS TRAN
8350282		4708100274		108		MCCREEY COAL LND 809357	W VA FIELD AREA C	7.0	COLUMBIA GAS TRAN
8350113		4703900758		108		MD SHAFFER ETAL 804985	W VA FIELD AREA A	0.7	COLUMBIA GAS TRAN
8350401		4700500617		108		MOHLER LUMBER CO 14 805345	W VA FIELD AREA B	9.0	COLUMBIA GAS TRAN
8350408		4700500322		108		MOHLER LUMBER CO 804641	W VA FIELD AREA B	22.0	COLUMBIA GAS TRAN
8350199		4708702229		108		MT & R K OGDEN 803951	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350076		4708702228		108		MT & RK OGDEN 800604	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350351		4708702240		108		N J CARPER 801672	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350195		4708702361		108		N M & V L KELLY #2 801691	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350203		4708702362		108		N M KELLEY 801626	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350123		4708702241		108		NANCY HALL 800237	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350179		4704301916		108		NANNIE HARMON 805998	W VA FIELD AREA B	0.0	COLUMBIA GAS TRAN
8350395		4710300736		108		NELLE HUNT ETAL 602199	WV SHALLOW	0.1	COLUMBIA GAS TRAN
8350239		4705100603		108		NELSON M RICHARDS 604330	WV SHALLOW	0.9	COLUMBIA GAS TRAN
8350240		4705100604		108		NELSON M RICHARDS 604331	WV SHALLOW	0.9	COLUMBIA GAS TRAN
8350175		4708702243		108		NEWTON J DRAKE 800672	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350368		4708702239		108		NJ & HR HARPER 801347	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350214		4705100595		108		NORA M ALLEY ETAL 601226	WV SHALLOW	2.0	COLUMBIA GAS TRAN
8350055		4703901807		108		NUMA BLACK COAL CO 805220	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350404		4705100588		108		O E BURGE 601039	WV SHALLOW	2.0	COLUMBIA GAS TRAN
8350231		4705100121		108		O E BURGE 603616	WV SHALLOW	0.7	COLUMBIA GAS TRAN
8350340		4708702363		108		O J VINEYARD 800848	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350339		4708702364		108		O J VINEYARD-800850	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350094		4708702244		108		O JETL 800219	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
8350204		4708702245		108		O V ASHLEY 801857	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350396		4710300737		108		OLA BAKER ETAL 601906	WV SHALLOW	3.0	COLUMBIA GAS TRAN
8350217		4710300748		108		OLAN H HALL 601263	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350186		4708702365		108		P F MARKS 801457	W VA FIELD AREA A	8.0	COLUMBIA GAS TRAN
8350196		4708702366		108		P G KELLEY 801677	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8350369		4708702247		108		P M SUMMERS 801381	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350098		4708702248		108		P V GEARY 800164	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350169		4708702249		108		P V GEARY 801287	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350268		4710300738		108		PAT COSGRAY ETAL 602486	WV SHALLOW	2.0	COLUMBIA GAS TRAN
8350246		4710300739		108		PAUL J SHIDEN ETAL 603544	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8349993		4708702367		108		PERRY JARVIS 800121	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8349987		4708702368		108		PERRY JARVIS 801197	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350425		4704302075		108		PHIL HAGER 805959	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350090		4708702250		108		PHILLIP JUSTICE 800243	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350262		4710300740		108		PHOEBE KUHN ETAL 602425	WV SHALLOW	4.0	COLUMBIA GAS TRAN
8350375		4704302023		108		R B HAZELETT 802229	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350412		4704302025		108		R B HAZELETT 805966	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350288		4704302026		108		R B HAZELETT 806040	W VA FIELD AREA B	5.0	COLUMBIA GAS TRAN
8350235		4705100590		108		R C ISIMINGER ETAL 602160	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350225		4705100591		108		R E MATHEWS 602589	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350390		4710300741		108		R L MAPLE ETAL 601148	WV SHALLOW	0.7	COLUMBIA GAS TRAN
8350283		4707900894		108		R M THOMPSON 805186	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350071		4708702252		108		R O SAMPLES 801397	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350165		4708702253		108		R O SAMPLES 801398	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350291		4704302027		108		REBECCA ADKINS 802313	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
8350029		4708702370		108		REBECCA JARVIS 801356	W VA FIELD AREA A	0.2	COLUMBIA GAS TRAN
8350159		4708702371		108		ROBERT CROMWELL 801742	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350427		4704302076		108		ROBERT MCCOY 802177	W VA FIELD AREA B	19.0	COLUMBIA GAS TRAN
8350036		4703903048		108		ROBERTSON & TAYLOR 801596	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350035		4703903041		108		ROBERTSON & TAYLOR 801655	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350156		4703901204		108		ROBSON & PRITCHARD 805587	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350041		4703903042		108		ROXIE E BLACKWELL 800950	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
8350091		4708702257		108		S D RUNNER 800240	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8349970		4708700445		108		S P ROBINSON 805359	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8349978		4708702260		108		S R TAWNEY 801618	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350348		4708702261		108		S V CARPER 800716	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350382		4703903076		108		SALLIE P SHEAD 86 801584	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350381		4703903078		108		SALLIE P SHEAD 801789	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8349966		4708702262		108		SARAH E & GEO C DRKE 800669	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350018		4703901729		108		SUNDAY CREEK COAL CO 808979	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350015		4703901831		108		SUNDAY CREEK COAL CO 809141	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350014		4703901832		108		SUNDAY CREEK COAL CO 809142	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350013		4703901833		108		SUNDAY CREEK COAL CO 809143	W VA FIELD AREA A	0.9	COLUMBIA GAS TRAN
8350012		4703900033		108		SUNDAY CREEK COAL 803696	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350354		4708702376		108		SUSAN CARPER 8801392	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350039		4703903048		108		SUSAN M GOOD 801327	W VA FIELD AREA A	0.5	COLUMBIA GAS TRAN
8350147		4709900091		108		T A COPLEY 806967	W VA FIELD AREA B	7.0	COLUMBIA GAS TRAN
I 8350393		4709900333		108		TCO FEE TR #12 806128	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350133		4704500762		108		TCO FEE TR #2 808958	W VA FIELD AREA B	15.0	COLUMBIA GAS TRAN
8350112		4703901006		108		TCO FEE 805222	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8349968		4708700570		108		TCO FEE 806652	W VA FIELD AREA A	15.0	COLUMBIA GAS TRAN
8349967		4708700572		108		TCO FEE 806680	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8349975		4708700574		108		TCO FEE 806731	W VA FIELD AREA A	6.0	COLUMBIA GAS TRAN
8349974		4708700575		108		TCO FEE 806732	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8349973		4708700592		108		TCO FEE 806864	W VA FIELD AREA A	11.0	COLUMBIA GAS TRAN
8350198		4708700594		108		TCO FEE 806866	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
I 8350115		4703901870		108		TCO FEE 809195	W VA FIELD AREA A	5.0	COLUMBIA GAS TRAN
8350025		4709901446		108		TCO FEE 809233	W VA FIELD AREA B	6.0	COLUMBIA GAS TRAN
8350128		4703901994		108		TCO FEE 809323	W VA FIELD AREA A	3.0	COLUMBIA GAS TRAN
8350421		4704301066		108		TCO MIN TR #1 802249	W VA FIELD AREA B	35.0	COLUMBIA GAS TRAN
8350377		4704301304		108		TCO MIN TR #1 805957	W VA FIELD AREA B	25.0	COLUMBIA GAS TRAN
8350136		4709901040		108		TCO MIN TR #1 808181	W VA FIELD AREA B	11.0	COLUMBIA GAS TRAN
8350277		4709901031		108		TCO MIN TR #1 808341	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350134		4709901331		108		TCO MIN TR #1 809029	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350020		4709901372		108		TCO MIN TR #1 809107	W VA FIELD AREA B	0.6	COLUMBIA GAS TRAN
8350019		4709901382		108		TCO MIN TR #1 809111	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350018		4709901421		108		TCO MIN TR #1 809197	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350017		4709901424		108		TCO MIN TR #1 809198	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350138		4709901431		108		TCO MIN TR #1 809199	W VA FIELD AREA B	2.0	COLUMBIA GAS TRAN
8350137		4709901422		108		TCO MIN TR #1 809201	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350122		4709901423		108		TCO MIN TR #1 809204	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350148		4709901444		108		TCO MIN TR #1 809229	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350024		4704301361		108		TCO MIN TR #1 809265	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350364		4709901520		108		TCO MIN TR #1 809403	W VA FIELD AREA B	15.0	COLUMBIA GAS TRAN
8350311		4705900252		108		TCO MIN TR #10 806712	W VA FIELD AREA B	10.0	COLUMBIA GAS TRAN
8350149		4704300887		108		TCO MIN TR #12 806467	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8350394		4709900836		108		TCO MIN TR #13 806961	W VA FIELD AREA B	0.5	COLUMBIA GAS TRAN
8350388		4709900859		108		TCO MIN TR #13 806985	W VA FIELD AREA B	4.0	COLUMBIA GAS TRAN
8350135		4709901340		108		TCO MIN TR #2 809028	W VA FIELD AREA B	15.0	COLUMBIA GAS TRAN
8350290		4704500686		108		TCO MIN TR #5 808472	W VA FIELD AREA B	26.0	COLUMBIA GAS TRAN
8350428		4704301163		108		TCO MIN TR #6 802162	W VA FIELD AREA B	5.9	COLUMBIA GAS TRAN
8350258		4704302334		108		TCO MIN TR #7 802047	W VA FIELD AREA B	1.0	COLUMBIA GAS TRAN
8350410		4704302335		108		TCO MIN TR #7 802051	W VA FIELD AREA B	8.0	COLUMBIA GAS TRAN
8350429		4704301306		108		TCO MIN TR #7 802158	W VA FIELD AREA B	31.0	COLUMBIA GAS TRAN
8350408		4704301097		108		TCO MIN TR #7 802203	W VA FIELD AREA B	33.0	COLUMBIA GAS TRAN
8350139		4709901458		108		TCO MIN 809276	W VA FIELD AREA B	3.0	COLUMBIA GAS TRAN
8349984		4708702324		108		TD BURDETTE 800824	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350227		4710301149		108		THELMA ALLEN FOX 603518	WV SHALLOW	1.0	COLUMBIA GAS TRAN
8350086		4708702267		108		THOS B GARRETT 800660	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350054		4703901484		108		THREE MILE FORK L CO 806479	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350120		4708702265		108		TV ASHLEY 800657	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350349		4708702268		108		V A LEDSOME 800695	W VA FIELD AREA A	0.3	COLUMBIA GAS TRAN
8350355		4708702317		108		V E FRANCISCO 800932	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350053		4703903208		108		W A MCCORKLE 800864	W VA FIELD AREA A	4.0	COLUMBIA GAS TRAN
8350197		4708702378		108		W D C STEELE 801674	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350166		4708702379		108		W E DODD 801307	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350008		4703903052		108		W F & E A RYAN 800025	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350085		4708702274		108		W G CARPER 800566	W VA FIELD AREA A	0.1	COLUMBIA GAS TRAN
8350167		4708702279		108		W G CARPER 801306	W VA FIELD AREA A	7.0	COLUMBIA GAS TRAN
I 8350021		4703901458		108		W H OBRIEN 800972	W VA FIELD AREA A	0.8	COLUMBIA GAS TRAN
I 8350190		4708702279		108		W J GRAHAM 801923	W VA FIELD AREA A	2.0	COLUMBIA GAS TRAN
8350187		4708702280		108		W J JUSTICE 801419	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350183		4708702319		108		W L HERSHBERGER 801475	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350164		4708702380		108		W M SERGENT 801409	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350356		4708702281		108		W P DRENNAN 800962	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350360		4708702381		108		W R DODD 801323	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
8350062		4708702284		108		W S LEWIS #7 800012	W VA FIELD AREA A	1.0	COLUMBIA GAS TRAN
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