

# Federal Register

Wednesday  
June 15, 1983

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## Selected Subjects

### **Banks, Banking**

Federal Reserve System

### **Commodities Exchanges**

Commodity Futures Trading Commission

### **Employment**

Army Department

### **Flood Insurance**

Federal Emergency Management Agency

### **Handicapped**

Housing and Urban Development Department

### **Loan Programs—Housing and Community Development**

Veterans Administration

### **Mortgage Insurance**

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### **Savings and Loan Associations**

Federal Home Loan Bank Board

### **Securities**

Securities and Exchange Commission

### **Strategic and Critical Materials**

Energy Department

### **Television Broadcasting**

Federal Communications Commission

### **Vessels**

Panama Canal Commission

### **Veterans**

Veterans Administration



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# Presidential Documents

Title 3—

Proclamation 5068 of June 13, 1983

The President

**Baltic Freedom Day, 1983**

By the President of the United States of America

**A Proclamation**

In 1940, Soviet armies invaded and occupied the independent countries of Lithuania, Latvia, and Estonia. The peaceful, Western-oriented Baltic nations were crushed by the force of arms of their hostile neighbor. Under the cynical arrangements of the infamous Ribbentrop-Molotov agreement, the Soviet Union forcibly incorporated the three Baltic Republics into its empire.

Following the Soviet takeover, tens of thousands of the Baltic peoples were subject to imprisonment, deportation, persecution, and execution. Their religious, cultural, and historical heritage has been denigrated. The foreign political system which now controls their homelands has attempted to force these unwilling people to accept an alien life of totalitarian domination. But it has failed.

Today, the Baltic peoples continue to struggle to attain the freedoms we enjoy. These men and women still suffer harsh imprisonment, banishment, and persecution for their beliefs. Brave Lithuanians, Latvians, and Estonians still seek to exercise their human rights to think, speak, and believe as their conscience directs them.

The people of the United States of America share the just aspirations of the people of the Baltic nations for national independence, and we cannot remain silent in the face of the continued refusal of the government of the U.S.S.R. to allow these people to be free. We uphold their right to determine their own national destiny, free of foreign domination.

The government of the United States has never recognized the forced incorporation of the Baltic States into the Soviet Union and will not do so in the future.

In its defense of the rights of the Baltic people, the United States does not stand alone. On January 13th, the Parliament of Europe passed a resolution by an overwhelming majority on "The situation in Estonia, Latvia and Lithuania," calling for the restoration of self-determination for the Baltic States.

By House Joint Resolution 201, the Congress of the United States has authorized and requested the President to designate June 14, 1983, as "Baltic Freedom Day."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate June 14, 1983 as Baltic Freedom Day. I call upon the people of the United States to observe this day with appropriate remembrances and ceremonies and to reaffirm their commitment to principles of liberty and freedom for all oppressed people.

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

Ronald Reagan

[FR Doc. 83-16249  
Filed 6-13-83; 10:16 am]  
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# Rules and Regulations

Federal Register

Vol. 48, No. 116

Wednesday, June 15, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 217

[Docket No. R-0471]

#### Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

**AGENCY:** Federal Reserve System.

**ACTION:** Temporary suspension of the Regulation Q early withdrawal penalty.

**SUMMARY:** The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, tornadoes and flooding in the Mississippi counties of Hinds, Madison, Rankin, Warren, Leake, Washington and Holmes.

**EFFECTIVE DATES:** June 1, 1983, for the counties of Hinds, Madison and Rankin; June 6, 1983, for the county of Warren; and June 7, 1983, for the counties of Leake, Washington and Holmes.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** On June 1, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Mississippi counties of Hinds, Madison and Rankin major disaster areas. On June 6, 1983, the Presidential declaration of a major disaster was amended to include the Mississippi county of Warren. The Presidential declaration was further amended on June 7, 1983, to include the Mississippi counties of

Leake, Washington and Holmes. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designation enables victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, tornadoes and flooding beginning on or about May 18, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to June 1, 1983, for the Mississippi counties of Hinds, Madison and Rankin; June 6, 1983, for the Mississippi county of Warren; and June 7, 1983, for the Mississippi counties of Leake, Washington and Holmes, and will remain in effect until 12 midnight, December 2, 1983.

#### List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties in Mississippi directly affected by the severe storms, tornadoes and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, June 9, 1983.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 83-19860 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

### 12 CFR Part 217

[Docket No. R-0472]

#### Regulation Q; Interest on Deposits; Temporary Suspension of Early Withdrawal Penalty

**AGENCY:** Federal Reserve System.

**ACTION:** Temporary suspension of the Regulation Q early withdrawal penalty.

**SUMMARY:** The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by severe storms, landslides and flooding in the Utah counties of Carbon, Emery, Utah, Davis, Salt Lake, Sanpete, Juab, Millard, Sevier and Beaver.

**EFFECTIVE DATES:** April 30, 1983, for the counties of Carbon, Emery and Utah; June 3, 1983, for the counties of Davis, Salt Lake and Sanpete; and June 7, 1983, for the counties of Juab, Millard, Sevier and Beaver.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Rhoads, Attorney (202/452-3711), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

**SUPPLEMENTARY INFORMATION:** On April 30, 1983, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 15, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the Utah counties of Carbon, Emery and Utah major disaster areas. On June 3, 1983, the Presidential declaration of a major disaster was amended to include the Utah counties of Davis, Salt Lake and Sanpete. The Presidential declaration was further amended on June 7, 1983, to include the Utah counties of Juab, Millard, Sevier and Beaver. The Board regards the President's action as recognition by the Federal government that a disaster of major proportions had occurred. The President's designations enable victims of the disaster to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty (12 CFR 217.4(d)). The Board's action permits a



member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of the severe storms, landslides and flooding beginning on or about April 12, 1983. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to April 30, 1983, for the Utah counties of Carbon, Emery and Utah; June 3, 1983, for the Utah counties of Davis, Salt Lake and Sanpete; and June 7, 1983, for the Utah counties of Juab, Millard, Sevier and Beaver, and will remain in effect until 12 midnight, December 2, 1983.

#### List of Subjects in 12 CFR Part 217

Advertising, Banks, banking, Federal Reserve System, Foreign banking.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons in the designated counties in Utah directly affected by the severe storms, landslides and flooding, good cause exists for dispensing with the notice and public participation provisions in section 553(b) of Title 5 of the United States Code with respect to this action. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make this action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority, June 9, 1983.

William W. Wiles,  
Secretary of the Board.

[FR Doc. 83-15970 Filed 6-14-83; 8:45 am]  
BILLING CODE 6210-01-M

### FEDERAL HOME LOAN BANK BOARD

#### 12 CFR Part 572a

[No. 83-333]

#### Voluntary Assisted-Merger Program; Delegation of Authority

June 9, 1983.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Final rule.

**SUMMARY:** The Federal Home Loan Bank Board ("Board") as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation") has determined to delegate to its

Principal Supervisory Agents authority to negotiate and approve certain mergers and acquisitions of eligible institutions, as designated by the Board, and to authorize financial assistance from the FSLIC to facilitate such mergers and acquisitions. The authority delegated covers mergers or acquisitions assisted by the FSLIC and voluntarily entered into by the affected institutions. The Board's action is intended to permit earlier solution of relatively simple situations, to reduce the time and cost required to complete those solutions, and to encourage innovative approaches to the financial problems of insured institutions.

**EFFECTIVE DATE:** June 15, 1983.

**FOR FURTHER INFORMATION CONTACT:** Ronald Scott Taylor, Attorney, Office of General Counsel (202-377-6442), or Alan Hawkins, Office of the Federal Savings and Loan Insurance Corporation (202-377-6114), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Federal Savings and Loan Insurance Corporation may provide financial and other assistance to insured institutions in default or at risk of default, using a range of techniques under the authority of section 406(f) of the National Housing Act ("NHA"), as amended by the Garn-St Germain Depository Institutions Act of 1982, Pub. L. 97-320 ("1982 Act"). These techniques include direct loans to an insured institution, deposits in an insured institution, contractual assistance to purchase classes of assets or to cover part of an institution's operating losses, purchase of Income Capital Certificates and, since passage of the 1982 Act, purchase of Net Worth Certificates under 12 CFR Part 572.

Another major assistance technique employed by the FSLIC is the assisted merger or acquisition, in which the FSLIC arranges a merger, acquisition or other business combination of the troubled insured institution with a stronger merger partner or acquirer. The assisted-merger technique is usually less costly to the FSLIC than alternative methods of assistance, preserves thrift and lending services to the community, reduces adverse impact on the community and the economy from an outright closing of an institution in default, and takes full advantage of the skills, staff and franchise value of the institutions involved in such a merger.

Recent economic conditions required a significant increase in the number of assisted-merger transactions, from 11 in

1980 to 23 in 1981 and a total of 47 during calendar year 1982. While improvement in the economy, reductions in the prevailing level of interest rates and passage of the 1982 Act have all contributed to a lessening of the severe economic pressures on institutions the accounts of which are insured by the FSLIC, a number of insured institutions will require assistance from the FSLIC during calendar year 1983, including assistance in connection with a merger or acquisition.

Within the group of insured institutions which will predictably qualify for participation in FSLIC-assisted mergers and acquisitions are a number of institutions which find themselves in relatively uncomplicated financial condition. While these institutions are typically operating at a loss, and may have very low net worth, they are capable of revival in the context of a merger or acquisition. However, ongoing losses and low net worth may require assistance from the FSLIC to an acquirer or merger partner in order to make the merger or acquisition a commercially practicable proposition.

The course of negotiating an assisted merger or acquisition through the FSLIC directly can entail a long process including detailed contract drafting and revisions before a transaction is complete. The extended negotiations and contacts now used in the FSLIC's assisted-merger programs are well-suited to insured institutions with larger, more complex, problems requiring time to detail and resolve. During the period of negotiation, troubled institutions often continue to incur operating losses which make them less attractive as merger or acquisition partners. These losses also complicate the process of negotiations and increase the risk to the FSLIC. In some cases this extended process may fail to produce a voluntary merger or acquisition altogether, thus requiring the Board to appoint a conservator or receiver for the insured institution or, in extreme cases, to make payment of insurance of accounts and to liquidate the institution.

The Board, as operating head of the FSLIC, has concluded that certain insured institutions whose financial difficulties are relatively straightforward may be more properly dealt with by the Principal Supervisory Agents and their designees in the several Federal Home Loan Bank districts, rather than through the full process of negotiations. The Board further believes that uncomplicated assisted merger transactions in appropriate cases can be completed in less time, with fewer



resources, and at lower cost by allowing the Principal Supervisory Agents to authorize assistance for a merger or acquisition within a specific cost allocation, rather than by requiring that negotiations for such assistance be conducted solely through the Washington office of the FSLIC.

For institutions whose problems could be resolved at the District Bank level at an earlier time, the Board concludes that a merger or acquisition can be eased by involving the Principal Supervisory Agents and the institution's board of directors and management in a program which combines voluntary participation by the institution with the provision of financial assistance from the FSLIC through a specific maximum allocation to the Principal Supervisory Agent for each such institution.

The voluntary assisted-merger program will minimize the significant time and resources now spent on resolving problem cases, which often involve relatively simple issues and forms of assistance. In addition, the program will provide associations with a voluntary alternative to Net Worth Certificate assistance under the 1982 Act and 12 CFR Part 572 ("Garn-St Germain assistance"), which, in some cases, does not result in a long-term viable solution of an institution's problems and simply makes the ultimate resolution less favorable to the insured institution and potentially more costly to the FSLIC.

Further, the voluntary assisted-merger program is expected to reduce the FSLIC's costs in resolving cases by solving problems earlier, when an association may be more attractive to potential merger partners. The Board has observed that, in addition to the operating losses and reductions in net worth discussed above, an extended period of financial difficulties may result in a loss of an insured institution's key management officials and employees, a withering of longstanding loan and deposit relationships, and a sharp reduction in the institution's viability as a competitor even if it is adequately refinanced through a merger or acquisition. By reducing the time and uncertainty associated with assisted merger and acquisition negotiations in suitable cases, the voluntary assisted-merger program will preserve a participating institution's strengths as an ongoing business enterprise. And by directly engaging the management and board of directors in the assisted-merger process, the program will encourage participating institutions to seek out and develop innovative merger and acquisition opportunities to the benefit

of all parties and the communities they serve.

The program is intended to encourage early voluntary mergers in problem cases by making available to designated institutions the services of Principal Supervisory Agents in arranging assisted mergers or acquisitions. In order to facilitate these transactions, the Principal Supervisory Agents will be given an allocation of assistance, and may authorize all or part of that allocation as part of a merger or acquisition approved under the program. In this way, the program will serve four major objectives: (1) To minimize time and resources spent on resolving assisted problem cases involving simple issues; (2) to provide eligible institutions with voluntary alternatives to Garn-St Germain assistance and other forms of FSLIC assistance; (3) to reduce the FSLIC's costs of assistance in resolving cases earlier; and (4) to resolve suitable problem cases in the field at the earliest feasible time.

## II. General Policies

### A. A Discretionary Alternative Program

The Voluntary Assisted-Merger Program is established as one among a number of alternative assistance methods which the FSLIC may employ depending on the facts and circumstances of an individual case. It does not establish any right or entitlement in any person or insured institution to apply for or to participate in the program.

The Director of the Office of the FSLIC is responsible for recommending to the Board that certain insured institutions be designated as Eligible Institutions. Recommendations and designations are made without application by the subject institutions. The program does not establish any right or procedure to protest recommendation or failure to recommend an institution.

### B. A Voluntary Alternative

Designation as an Eligible Institution offers the designated institution a voluntary alternative. No institution will participate in the program unless it has assented to participation, either by assent after designation pursuant to 12 CFR 572a.5(a) or by resolution of its board of directors appointing the Supervisory Agent, a Principal Supervisory Agent or the FSLIC to negotiate and effect a merger or acquisition of that institution and consenting to such a merger or acquisition. See section 572a.5(b).

### C. A Program for Principal Supervisory Agents

Principal Supervisory Agents or their designees are expected to participate actively in merger and acquisition negotiations. Sections 572a.5(a)(2) and 572a.5(b). A Principal Supervisory Agent may facilitate adoption of a plan of merger for an Eligible Institution by authorizing FSLIC assistance of all or part of the Allocation established by the Board for that institution. Sections 572a.5(a)(2), 572a.5(b), 572a.5(c). In addition, a Principal Supervisory Agent may approve a merger or acquisition meeting the standards of § 572a.5(d) under delegated authority, without referral to the Board, if the merger or acquisition meets the standards set forth in § 572a.5(c).

### D. Role of Allocations

At the time the Board designates an Eligible Institution, it will also establish an Allocation for that institution, constituting the maximum amount of cash assistance that may be approved by the Principal Supervisory Agent. No other financial assistance will be afforded or considered in such a merger or acquisition, and the Principal Supervisory Agents will treat Allocation amounts as confidential information throughout the process. Principal Supervisory Agents will not automatically authorize the full amount of the Allocation, and are encouraged to minimize the costs of assistance so authorized.

## III. Major Program Features

### A. Recommendations and Designations

The Director of the Office of the FSLIC, with the concurrence of the Office of General Counsel and the Office of Examinations and Supervision, may recommend institutions for eligibility to the Board. 12 CFR 572a.2(b) and 572a.3. No other person may recommend an institution for designation.

In order to qualify for recommendation, an institution must meet, in the judgment of the Director, the Standards of Eligibility in § 572a.3: i.e. (1) The institution is within 24 months to insolvency; (2) no unassisted in-state merger is available for the institution; (3) the Allocation recommended does not exceed the cost of liquidating the institution; and (4) the institution is in the mutual form of organization.

The Board will make determinations regarding eligibility and allocations giving full consideration to the delicate and confidential nature of the



information and issues presented. If the Board designates an institution as eligible, it will establish an Allocation at the same time.

#### B. Procedure After Designation

A designation is effective for six months unless extended by the Director for not more than three additional months. § 572a.4(b). The Director will promptly notify the Principal Supervisory Agent concerned, who will contact the institution (if proceeding under § 572a.5(a)) or will proceed to negotiations (if proceeding under § 572a.5(b)).

The Principal Supervisory Agent will develop a list of qualified acquirers meeting the standards of § 572a.2(d). A qualified acquirer must have the requisite capital adequacy, maintain one or more authorized branches in the same State, and be viable and well-managed. Additionally, the Board has determined to limit acquirers to institutions which are in the mutual form of organization and which, accordingly, do not involve the added complexity and time involved in mutual-to-stock-company mergers or conversions that are more suitable for handling in the Washington office. Once a list has been developed, the Principal Supervisory Agent or his designee and the Eligible Institution will proceed to negotiations with one or more Qualified Acquirers. It is expected that the Principal Supervisory Agents will actively encourage the Eligible Institutions to conduct these negotiations directly, where possible, but that the Principal Supervisory Agents or their designees will participate in all phases.

In order to facilitate an acceptable plan of merger (or acquisition), the Principal Supervisory Agent may authorize financial assistance from the FSLIC as a part of that plan, in an amount not to exceed the Allocation for each Eligible Institution involved. 12 CFR 572a.5 (a) and (b). The Principal Supervisory Agent may approve a merger or acquisition directly if it meets the test of 12 CFR 572a.5(c)(5) (pertaining to delegated authority to approve unassisted mergers), and may grant certain supervisory forbearances set forth in 12 CFR 546.2 (i)(3) (i)-(v).

In order for a merger or acquisition to be approved by the Principal Supervisory Agent under Part 572a, certain additional requirements apply. The resulting or acquiring institution must be a Qualified Acquirer; the Principal Supervisory Agent's financial projections must show that the resulting or acquiring association will remain viable after the effective date and will have a ratio of regulatory net worth to

total assets not less than three percent throughout the period of projection; and the resulting or acquiring institution must agree to the conditions of sections 572a.5(c) (3) and (4) (pertaining to contracts of employment and compensation.) A merger or acquisition not meeting any one of the requirements must be referred to the Board for approval.

The FSLIC will pay the amount of the financial assistance approved by the Principal Supervisory Agent, not exceeding the Allocation(s) involved, within 10 days of receiving notice from the Principal Supervisory Agent that a merger or acquisition approved under the program has become effective.

Payments from the FSLIC to a resulting or acquiring institution are considered to be contributions to the net worth, rather than income, of the receiving institution. The Principal Supervisory Agent will provide appropriate certifications of the approved transaction to any Federal or State governmental agency upon request of the resulting or acquiring institution.

#### List of Subjects in 12 CFR Part 572a

Savings and loan association, Voluntary assisted-merger program.

The Board finds that observance of the public notice and comment period pursuant to 5 U.S.C. 553(b) and 12 CFR 508.12, and delay of the effective date pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14, are unnecessary and inappropriate in this case, because the regulation pertains to internal Board procedures and practices whereby currently-exercised Board activities are delegated to its Principal Supervisory Agents.

However, the Board will entertain comments regarding this program in determining whether any changes are appropriate. Comments should be sent to the Director, Information Services, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at the same address.

Accordingly, the Board hereby adds a new Part 572a to Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

#### SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

#### PART 572a—VOLUNTARY ASSISTED-MERGER PROGRAM

- Sec.  
572a.1 Statement of policy.  
572a.2 Definitions.  
572a.3 Standards of eligibility.

Sec.  
572a.4 Procedure for recommendation and designation.

572a.5 Actions by Principal Supervisory Agent.

572a.6 Sunset.

Authority: Secs. 401, 402, 403, 405, 406, and 407, 48 Stat. 1255, 1256, 1257, 1259, and 1260, as amended (12 U.S.C. 1724, 1725, 1726, 1728, 1729, and 1730); secs. 2 and 5, 48 Stat. 128 and 132, as amended (12 U.S.C. 1462 and 1464); Reorg. Plan No. 3 of 1947, 3 CFR Part 1943-1948 Comp., p. 1071.

#### § 572a.1 Statement of policy.

(a) This section describes general policy applicable to the Corporation's provision of assistance to certain insured institutions in the context of voluntary mergers or acquisitions of those institutions under a program to be administered by the Principal Supervisory Agents. The Voluntary Assisted-Merger Program is one of a number of assistance techniques employed by the Corporation in its default-prevention activities depending upon the facts and circumstances of an assistance case.

(b) The Corporation periodically reviews the records of insured institutions which may require financial or other assistance under Section 406(f) of the National Housing Act, as amended. In order to minimize time and resources spent on resolving assisted problem cases involving simple issues, to provide eligible institutions (as defined in § 572a.2(c) of this Part) with voluntary assistance alternatives, to reduce the Corporation's costs of assistance by earlier resolution of cases, and to resolve suitable problem cases at the district level at the earliest feasible time, the Corporation, based on its review and upon the recommendation of its Director, may designate an insured institution as eligible for the Voluntary Assisted-Merger Program. The Corporation may so designate an insured institution, and approve a maximum amount of assistance which may be provided to the insured institution under the program if, in its sole judgment and discretion, that institution meets the qualifications of this Part. An insured institution which has been so designated is an "Eligible Institution" for purposes of this Part. A Principal Supervisory Agent or his designee may then negotiate and approve a merger or acquisition of the Eligible Institution, with cash financial assistance from the Corporation up to the approved amount.

(c) Designation as an Eligible Institution does not create any right or entitlement in the institution so designated, or in any other person, insured institution or other organization.



to receive assistance under, or to be considered for or designated as eligible for, the Voluntary Assisted-Merger Program.

(d) The amount of an Allocation will be kept confidential by the Corporation and the Principal Supervisory Agent, and may not be disclosed to any person other than an officer or employee of the Federal Home Loan Bank Board, the Corporation or a Federal Home Loan Bank in the course of that person's official duties. That amount is the maximum assistance which can be provided to an Eligible Institution under the program; a Principal Supervisory Agent is responsible for compliance with the Corporation's policy of minimizing the costs of assistance under the program below the Allocation to the extent possible.

#### § 572a.2 Definitions.

For purposes of this Part 572a, the following terms shall have the meaning given here.

(a) *Allocation.* A dollar amount representing the maximum amount of cash assistance that may be approved by a Principal Supervisory Agent as part of an assisted merger or acquisition of an Eligible Institution with or by a Qualified Acquirer under this Part.

(b) *Director.* The Director, Deputy Director or Acting Director of the Office of the Federal Savings and Loan Insurance Corporation, or the Director of the Problem and Rehabilitation Division of the Office of the Federal Savings and Loan Insurance Corporation.

(c) *Eligible Institution.* An insured institution which has been designated by the Corporation as meeting the qualifications of § 572a.3 of this Part.

(d) *Qualified Acquirer.* A mutually-held insured institution whose ratio of regulatory net worth to total assets will be not less than three percent immediately following its merger with or acquisition of an Eligible Institution, after giving effect to the amount of any assistance which may be provided under this Part in connection with such a merger or acquisition; which maintains one or more authorized branches in the same state as each Eligible Institution proposed to be merged with it or acquired by it; and which is, in the judgment of the Principal Supervisory Agent, viable and well-managed.

(e) *Principal Supervisory Agent.* The Principal Supervisory Agent for the Federal Home Loan Bank district of which an insured institution is a member.

(f) *Unassisted in-state merger.* A merger, consolidation, acquisition, reorganization, or purchase of assets and assumption of liabilities of an

insured institution with or into another insured institution or another person or entity headquartered in the same state; not involving financial assistance from the Corporation.

#### § 572a.3 Standards of eligibility.

The Director may recommend an insured institution to the Corporation for designation as an Eligible Institution if, in the judgment of the Director, that institution meets all of the following standards:

(a) The institution is within 24 months to insolvency, or is currently insolvent;

(b) The Director is satisfied that no unassisted in-state merger is available for the institution;

(c) The amount of the Allocation recommended by the Director does not exceed the cost of liquidating the institution through a receivership accompanied by payment of insurance of accounts; and

(d) The institution is in mutual form.

#### § 572a.4 Procedure for recommendation and designation.

(a) *Director's recommendation.* With the concurrence of the Federal Home Loan Bank Board's Office of General Counsel and Office of Examinations and Supervision, the Director may recommend insured institutions to be considered for participation in the Voluntary Assisted-Merger Program if, in the view of the Director as of the time the recommendation is made, the institution so recommended complies with the standards set forth in § 572a.3 of this Part. Each recommendation shall include the Director's estimates of the cost of assistance, the cost of liquidation, and the cost of any other solutions which have been proposed and are available at the time the recommendation is made, and the Director's recommendation for an Allocation with respect to the institution.

(b) *Designation.* If the Corporation accepts the Director's recommendation, the institution shall be designated an Eligible Institution, with an Allocation based on the amount recommended by the Director or as the Corporation may determine. The Director shall then notify the Principal Supervisory Agent of that designation and Allocation. Each designation shall be effective for a period of six calendar months from the date of the Corporation's action, provided that a designation may be extended by the Director for a further period not to exceed three calendar months.

#### § 572a.5 Actions by Principal Supervisory Agent.

(a) *New participants.* Upon being advised by the Director that an insured institution has been designated as an Eligible Institution, the Principal Supervisory Agent or his designee shall meet with the institution's board of directors and discuss the various options, including participation in the Voluntary Assisted-Merger Program. If the institution desires to participate in the program, the Principal Supervisory Agent or his designee shall:

(1) Provide the board of directors with a list of Qualified Acquirers for the institution's review, and determine an order of preference within that list; and

(2) Continue to work with the board of directors and management of the Eligible Institution to arrange and conduct negotiations with one or more qualified Acquirers and to reach a mutually acceptable plan of merger between a Qualified Acquirer and the Eligible Institution. The Principal Supervisory Agent or his designee is authorized to commit financial assistance from the Corporation as a part of such plan of merger or acquisition, in an amount not to exceed the amount of the Allocation for each Eligible Institution involved.

(b) *Other participants.* If, at the time a Principal Supervisory Agent receives notice that an institution has been designated as an Eligible Institution, there is outstanding a resolution of that institution's board of directors which authorizes and appoints either the Supervisory Agent, a Principal Supervisory Agent or the Corporation to negotiate and effect a merger or acquisition of that institution, and which consents to such a merger or acquisition, then the Principal Supervisory Agent or his designee may proceed to negotiate and effect a merger of the Eligible institution with a qualified Acquirer notwithstanding anything in paragraph (a) of this section. In order to effect such a merger, the Principal Supervisory Agent or his designee is authorized to commit financial assistance from the Corporation as a part of the merger or acquisition in an amount not to exceed the amount of the Allocation for each Eligible Institution involved.

(c) *Approvals.* A Principal Supervisory Agent is authorized to approve a merger or acquisition negotiated under paragraph (a) or (b) of this section, if:

(1) The resulting or acquiring institution is a Qualified Acquirer;

(2) Financial projections prepared by the Principal Supervisory Agent or his designee using the Corporation's standard forecasts, models and



procedures show that the resulting or acquiring institution, following the merger or acquisition (after giving effect to the assistance to be provided under this Part), will

(i) Be viable throughout the period of projection, and

(ii) Have a ratio of regulatory net worth to total assets of not less than three percent throughout that period;

(3) The resulting or acquiring institution agrees that for a period of three years following the effective date of the merger or acquisition it will not enter into or extend any contract of employment or other contract of compensation with any officer of former officer of the Eligible Institution which has a term (including any renewals) greater than one year, and further agrees that, with regard to any plan or contract involving compensation tied to increases in the net worth or equity of the Eligible Institution or the book value of its assets, or any plan or contract of severance or other benefits, no present or former officer or employee of the Eligible Institution will be provided or afforded benefits of a kind or amount more favorable to such person than would otherwise be available to an officer or employee of the resulting or acquiring institution;

(4) As a condition to the effectiveness of the merger or acquisition, and to the provision of assistance by the Corporation under this Part, the plan of merger provides that the resulting or acquiring institution does not assume and will promptly terminate any and all existing contracts of employment, severance, compensation tied to increases in the net worth or equity of the Eligible Institution or the book value of its assets, or any other contracts of compensation with any officer or employee of the Eligible Institution which have a term (including any renewals) greater than one year from the effective date of such merger or acquisition, unless such contracts are specifically disclosed to and approved by the Principal Supervisory Agent in advance of the merger; and

(5) The merger or acquisition could be approved under § 546.2(h)(1) of this Chapter without regard to § 546.2(h)(1) (i) and (xiii). In connection with a merger or acquisition so approved, a Principal Supervisory Agent may grant the resulting institution supervisory forbearances as provided in § 546.2(i)(3) (i)-(v) of this Chapter.

(d) *Assistance.* As part of a merger or acquisition approved by a Principal Supervisory Agent under this Part, the Corporation will provide financial assistance to the acquiring or resulting entity in an amount certified by the

Principal Supervisory Agent to the Director, not to exceed the amount of the Allocation for each Eligible Institution involved. The Corporation will pay the amount of the financial assistance in a single payment within 10 days of receiving notice from the Principal Supervisory Agent that a merger or acquisition so approved has become effective.

#### § 572a.6 Sunset.

(a) The Voluntary Assisted-Merger Program shall terminate on December 31, 1983, unless extended by regulatory amendment by the Corporation.

(b) No institution shall be designated as an Eligible Institution after the termination of the program. No designation which is outstanding at the termination of the program shall be further extended, but any designation outstanding as of that date shall remain valid until expiration of the period of designation, including any extension made on or before that date.

By the Federal Home Loan Bank Board.  
John M. Buckley, Jr.,  
*Acting Secretary.*

[FR Doc. 83-18029 Filed 6-14-83; 8:45 am]  
BILLING CODE 8720-01-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Assistant Secretary for Housing—Federal Housing Commissioner

#### 24 CFR Parts 203, 213, and 234

[Docket No. R-83-1103]

#### Mortgage Insurance and Home Improvement Loans; Changes in Interest Rates

**AGENCY:** Office of Assistant Secretary for Housing—Federal Housing Commissioner, Housing and Urban Development Department.

**ACTION:** Final rule.

**SUMMARY:** This change in the regulations increases the maximum allowable finance charge on insured home programs. This action by HUD is designed to bring the maximum financing charges on home loans into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

**EFFECTIVE DATE:** June 8, 1983.

**FOR FURTHER INFORMATION CONTACT:** John N. Dickie, Director, Financial Analysis Division, Office of Financial Management, Department of Housing and Urban Development, 451 7th Street,

SW., Washington, D.C. 20410 (202-755-7270).

**SUPPLEMENTARY INFORMATION:** The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on loans insured by this Department. The maximum interest rate on HUD/FHA home mortgage insurance programs has been raised from 11.50 percent to 12.00 percent for level payment insured home mortgage programs (including operative builder home loan programs), and from 11.75 percent to 12.25 percent for graduated payment home loan programs (GPM).

The Secretary has determined that such changes are immediately necessary to meet the needs of the market and to prevent speculation in anticipation of a change, in accordance with his authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public comment procedures are unnecessary and that good cause exists for making this amendment effective immediately.

This is a procedural and administrative determination as set forth in the statutes and as such does not require a determination of environmental applicability.

#### List of Subjects in 24 CFR Parts 203, 213, and 234

Mortgage insurance.

Accordingly, Chapter II is amended as follows:

#### PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

##### Subject A—Eligibility Requirements

1. Section 203.20 paragraph (a) is revised to read as follows:

##### § 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.00 percent per annum with respect to mortgages insured on or after June 8, 1983.

2. Section 203.45 paragraph (b) revised to read as follows:

##### § 203.45 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with



respect to mortgages insured on or after June 8, 1983.

3. Section 203.46 paragraph (c) is revised to read as follows:

§ 203.46 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with respect to mortgages insured on or after June 8, 1983.

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

4. Section 213.511 paragraph (a) is revised to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.00 percent per annum with respect to mortgages insured on or after June 8, 1983.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

5. Section 234.29 paragraph (a) is revised to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.00 percent per annum with respect to mortgages insured on or after June 8, 1983.

6. Section 234.75 paragraph (b) is revised to read as follows:

§ 234.75 Eligibility of graduated payment mortgages.

(b) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with respect to mortgages insured on or after June 8, 1983.

7. Section 234.76 paragraph (c) is revised to read as follows:

§ 234.76 Eligibility of modified graduated payment mortgages.

(c) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 12.25 percent per annum with respect to mortgages insured on or after June 8, 1983.

[Sec. 3(a), 82 Stat. 113; 12 U.S.C. 1709-1; Section 7 of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)]

Dated: June 8, 1983.

Philip Abrams, Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-15965 Filed 6-14-83; 8:45 am] BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Department of the Army

35 CFR Part 253

Regulations of the Secretary of the Army; Panama Canal Employment System

AGENCY: Department of the Army, DOD. ACTION: Final rule.

SUMMARY: By this document the regulations governing employment in the Panama Canal Commission are amended to add certain positions in the Panama Canal Commission to those which are excluded from various provisions of 35 CFR Part 253. These positions are new positions in the Commission.

EFFECTIVE DATE: June 15, 1983.

FOR FURTHER INFORMATION CONTACT: Colonel Robert D. Banning, Military Assistant, Office of the Assistant Secretary of the Army (Civil Works), Washington, D.C. 20310, (202) 695-1370.

SUPPLEMENTARY INFORMATION: Because this rule pertains to personnel of an agency, it is not necessary to issue a notice of proposed rulemaking under 5 U.S.C. 553, and review by the Office of Management and Budget under Executive Order 12291 dated February 17, 1981 (47 FR 13193) is also unnecessary. Further, the agency has determined, for the same reason, that the requirements of sections 603 and 604 of Title 5, United States Code, are not applicable to this rule. List of index subjects: Employment, exclusions from coverage of regulations.

PART 253—[AMENDED]

Accordingly, 35 CFR Part 253 is amended as set forth below.

Section 253.8(c)(9) is added to read as follows:

§ 253.8 Exclusions.

(c) (9) Area coordinators of the Staff Assistant to the Administrator, Panama Canal Commission.

Dated: June 10, 1983. Michael Rhode, Jr., Secretary, Panama Canal Commission. [FR Doc. 83-15973 Filed 6-14-83; 8:45 am] BILLING CODE 3640-04-M

PANAMA CANAL COMMISSION

35 CFR Parts 101 and 103

Paperwork Reduction Act; OMB Approved Collections of Information

AGENCY: Panama Canal Commission. ACTION: Final rule.

SUMMARY: In accordance with the requirement of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) that agencies publish Office of Management and Budget (OMB) control numbers assigned to their collections of information contained in regulations, the Panama Canal Commission is amending Parts 101 and 103 of Title 35, Code of Federal Regulations to reflect current OMB numbers in the format recommended by the Office of the Federal Register. In addition, one section of Part 101 is being amended to reflect current information about one of the forms mentioned therein.

EFFECTIVE DATE: June 30, 1983.

ADDRESS: Secretary, Panama Canal Commission, Suite 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004; or Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011.

FOR FURTHER INFORMATION CONTACT: Barbara Fuller, Assistant to the Secretary for Commission Affairs, telephone 202-724-0104.

SUPPLEMENTARY INFORMATION: 44 U.S.C. Chapter 35 requires Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from ten or more members of the public. As evidence of such approval, agencies are required to display an OMB control number on collection of information requirements.

The Panama Canal Commission has received OMB approval for the collection of information requirements contained in 35 CFR Parts 101 and 103.

The clearance information for Part 101 is presently included therein; it is being



amended, however, in accordance with recent guidance from OMB and the Office of the Federal Register.

The clearance information for Part 103 is being included for the first time.

The Panama Canal Commission has received clearance from OMB for the modification of one of the forms listed in § 101.10. That section is, accordingly, being amended to reflect the new form title.

The Commission has determined that this is not a major rule as defined under Section 1(b) of Executive Order 12291, dated February 17, 1981. Furthermore, the Regulatory Flexibility Act is inapplicable since this rule concerns a Commission service and the rates to be charged for such service [5 U.S.C. 601(2)]. This regulation does not affect any trade-sensitive activity.

#### List of Subjects

##### 35 CFR Part 101

Panama Canal, Vessels, Documentation.

##### 35 CFR Part 103

Panama Canal, Vessels, Order of transit, Advance reservations, Booking system.

For the reasons set out in the preamble, Parts 101 and 103, Subchapter C, Chapter I of Title 35, Code of Federal Regulations, are amended as set forth below.

#### PART 101—[AMENDED]

Section 101.10 is amended by revising paragraphs (a)(11) and (c) to read as follows:

##### § 101.10 Same; list.

(a) \* \* \*

(11) Passenger list, transiting or landing (Panama Canal Form 20)—1

\* \* \*

(c) Passenger list. The passenger list required by this section shall be accurate and legible and shall be delivered to the boarding officer. The list shall show passengers in alphabetical order.

(Approved by the Office of Management and Budget under control number 3207-0001)

#### PART 103—[AMENDED]

Section 103.8 is amended by adding the clearance language to read as follows:

##### § 103.8 Preference in the transit schedule; order of transiting vessels.

\* \* \*

(Approved by the Office of Management and Budget under control number 3207-0001)

Dated: June 6, 1983.

D. P. McAuliffe,  
Administrator.

[FR Doc. 83-19031 Filed 6-14-83; 8:45 am]

BILLING CODE 3640-04-M

#### VETERANS ADMINISTRATION

##### 38 CFR Part 1

##### Time Limit To Request Waiver

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The Veterans Administration has amended its regulation concerning the time limit in which to request waiver of benefit overpayments. The "Veterans' Compensation, Education, and Employment Amendments of 1982", Pub. L. 97-306, revised the statutory time limit in which to request waiver of benefit overpayments which is found in 38 U.S.C. 3102(a). A payee will now have 180 days, instead of two years, in which to request waiver of a benefit overpayment. This new 180 day time limit affects only those waiver requests based upon a notification of indebtedness issued after March 31, 1983.

**EFFECTIVE DATE:** April 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Peter T. Mulhern (202) 389-3405, Office of Budget and Finance (047C5), 810 Vermont Avenue, NW., Washington, D.C., 20420.

**SUPPLEMENTARY INFORMATION:** On page 15271 of the Federal Register of April 8, 1983 there was published a notice of proposed rulemaking to amend the regulation pertaining to the time limit in which to request waiver of a benefit indebtedness. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulation. We received no comments during this time period.

The Administrator hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-602. Pursuant to 5 U.S.C. 605(b), this rule is therefore exempt from the initial and final regulatory flexibility analysis requirements of section 603 and 604. The reason for this certification is that this rule affects only those individuals indebted to the U. S. Government as a result of participation in Veterans Administration programs. This rule has also been reviewed under E.O. 12291 and has been determined to be nonmajor because it only revises the

time limit in which to request waiver and does not have any adverse economic impact on or increase costs to consumers, individual industries, Federal, State and local government agencies or geographic regions.

(There is no Catalog of Federal Domestic Assistance number.)

##### List of Subjects in 38 CFR Part 1

Claims, Administrative practice and procedure, Veterans.

The proposed regulation is hereby adopted as final and is set forth below.

Approved: May 31, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

#### PART 1—GENERAL

1. Section 1.963 is amended by revising paragraph (b) to read as follows.

##### § 1.963 Waiver—other than loan guaranty.

\* \* \*

(b) *Application.* A request for waiver of an indebtedness under this section shall only be considered:

(1) If made within 2 years following the date of a notice of indebtedness issued on or before March 31, 1983 by the Veterans Administration to the debtor, or

(2) Except as otherwise provided herein, if made within 180 days following the date of a notice of indebtedness issued on or after April 1, 1983 by the Veterans Administration to the debtor. The 180 day period may be extended if the individual requesting waiver demonstrated to the Chairperson of the Committee on Waivers and Compromises that, as a result of an error by either the Veterans Administration or the postal authorities, or due to other circumstances beyond the debtor's control, there was a delay in such individual's receipt of the notification of indebtedness beyond the time customarily required for mailing (including forwarding). If the requester does substantiate that there was such a delay in the receipt of the notice of indebtedness, the Chairperson shall direct that the 180 day period be computed from the date of the requester's actual receipt of the notice of indebtedness. (38 U.S.C. 3102(a))

\* \* \*

##### § 1.963a [Amended]

2. Section 1.963a(b)(2)(ii) is amended by changing the word "Controller" to



the words "Office of Budget and Finance."

[FR Doc. 83-10003 Filed 6-14-83; 8:45 am]  
BILLING CODE 8320-01-M

### 38 CFR Part 36

#### Loan Guaranty; Closing Refinancing Loans on the Automatic Basis

**AGENCY:** Veterans Administration.

**ACTION:** Final regulations.

**SUMMARY:** The VA (Veterans Administration) is amending its regulations to include a provision allowing the maximum reasonable discount points paid by a veteran-borrower to be established based on a readily ascertainable source. This will allow those lenders who have authority to close acquisition loans automatically (without VA prior approval) to begin closing refinancing loans on the automatic basis.

The governing statute allows a veteran to pay a reasonable discount as required by a lender for such loans. The amendments will eliminate the requirement that lenders obtain the prior approval of the VA as to the amount of discount points charged a veteran and provide for a uniform objective determination of the maximum reasonable discount points chargeable by lenders for these types of loans. The amendments should simplify the processing of refinancing loans.

**EFFECTIVE DATE:** May 31, 1983.

**FOR FURTHER INFORMATION CONTACT:** Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, Washington, D.C. 20420, (202) 389-3042.

**SUPPLEMENTARY INFORMATION:** In the September 23, 1982 Federal Register (47 FR 41997), the VA proposed to amend §§ 36.4306, 36.4306a and 36.4312 of the regulations. The proposal was to incorporate into the regulations a provision for objectively calculating the maximum allowable discount points which a lender could collect from a veteran-borrower. The proposal also would allow closing of refinancing loans on the automatic basis. For a complete discussion of the regulatory proposal please refer to the September 23, 1982 Federal Register.

A VA guaranteed refinancing loan is a loan for the purpose of paying off existing mortgage loans or other liens secured by a home which is owned and occupied by the veteran. A veteran may refinance up to 100% of the reasonable value of the property and use of cash proceeds as he or she chooses.

Hereafter, these types of loans will be referred to as regular refinancing loans.

Another type of refinancing loan may be used to reduce the interest rate on an existing VA guaranteed loan on a home owned and occupied by the veteran. The veteran may not obtain any cash proceeds from the loan for his/her personal use as the loan may only be used to reduce the loan rate. Hereafter, these types of loans will be referred to as interest rate reduction refinancing loans.

VA previously required that all applications for VA guaranteed refinancing loans be submitted to the local VA office for approval of the amount of the loan discount to be paid by the veterans homeowner. Loan discount, sometimes called points, is a charge by the lender. It is based on the fact that investors often do not purchase mortgages for par or 100% of the face amount of the loan notes. An investor will purchase a group of mortgages at a certain simple interest rate and a certain loan term for a price; e.g. 97% of the total dollar value shown on the face amount of the loan notes. This group of mortgage notes is known as a pool of mortgages. Since the lender is lending 100% of the face amount of the note to the consumer and the investor is only purchasing the note at 97%, the lender will charge 3% discount or points to make up the money difference. The investor by paying less than 100% of the face amount of the note increases the return or yield on the mortgage. On VA guaranteed loans to acquire a home the discount may not be paid by the buyer. On a refinancing loan, the veteran homeowner is the party who must bear the expense. Section 1803(c)(3), title 38, United States Code, authorizes the veteran to pay a reasonable discount on a refinancing loan. Previously, the reasonableness of the proposed discount charge had to be approved in advance by the local VA office.

The amended regulations will allow lenders to charge a discount on a refinancing loan without VA prior approval provided the discount charged does not exceed the reasonable maximum based upon a readily available source for determining the maximum. It has been decided that lenders may use two methods for determining the maximum allowable discounts. Both methods will use the GNMA (Government National Mortgage Association) pass through securities 90-day forward closing bid rounded to the lower whole number for pass through securities 1/2% less than the face note rate of the loan. If the lender and borrower choose to negotiate a firm written commitment for a maximum

amount of discount to be paid, the GNMA bid price to be used in the computation must be the closing quote for that business day prior to the negotiation of the discount commitment. The firm written commitment may be negotiated at any time from the date the borrower's loan application is signed to the date of loan closing. Lenders negotiating firm commitments must close the loan at a discount no higher than the firm commitment regardless of changes in the maximum allowable VA interest rate. If a lender's discount commitment expires prior to loan closing, the lender and borrower may negotiate a new firm commitment based on the procedure outlined above or may use the following other optional method for determining the maximum discount.

If the lender and borrower choose not to negotiate a firm written discount commitment, the lender and borrower may agree to establish the discount using the following procedure. The discount may not exceed the difference between the GNMA 90-day forward bid closing quote and par value for any business day one to four days prior to loan closing. The closing quotes must be for securities 1/2% lower than the face note rate of the loan. The quotes may be rounded down to the lower whole numbers. "Loan closing" is defined for this purpose as the date on which the borrower's three day right of rescission commences pursuant to the Truth in Lending Act.

The foregoing two methods for computing maximum discount will be used for loans closed on the automatic and prior approval basis. If the lender and borrower negotiate a firm written discount commitment, a copy of this agreement must be submitted with the report of a home loan processed on the automatic basis. For prior approval loans, if the discount commitment is negotiated prior to submission of an application for home loan guaranty, a copy of the discount commitment must be submitted with the application for home loan guaranty. If the firm discount commitment is negotiated after submission of the application; for home loan guaranty, the loan application shall reflect an estimated discount, and a copy of the written discount commitment must be submitted with the certification of loan disbursement. If no firm written commitment has been submitted when the lender submits its request for loan guaranty, VA will assume that the lender has chosen the method for establishing the discount using a discount quote from one of the four days prior to closing. As long as the discount charged does not exceed an



amount which would be allowable rounding down the quotes from each of the four days prior to loan closing, the discount charged to the veteran-borrower will be acceptable.

These new procedures give lenders a readily ascertainable index for determining the maximum reasonable discount on a VA guaranteed loan. If the lender and borrower choose to lock in a discount, they may refer to the prior business day closing bid for GNMA securities  $\frac{1}{2}\%$  less than the note rate. If the previous day's closing bid on a proposed  $13\frac{1}{2}\%$  loan for GNMA 13% Issues is 97 and  $1\frac{1}{2}$ nds, the lender may round down the price to 97, and the lender and borrower may negotiate a written commitment for a discount of up to 3% of the loan amount. VA will not require that discount commitments have a minimum term. If the lender and borrower choose to base maximum loan discounts on GNMA closing quotes one to four days prior to closing; for example, if the closing bid quotes for the four days prior to closing are 96 and  $2\frac{1}{2}$ nds, 97, 97 and  $\frac{1}{2}$ nds and 97 and  $\frac{1}{2}$ nds, the lender and borrower may negotiate a closing discount of up to 4% of the loan amount since the first day's quote could be rounded down to 96.

GNMA pass through certificates are nationally traded including forward Issues. Price quotes indicate both a Bid and an Asked price. We require the use of the bid price as the basis for determining the maximum VA loan discount because this reflects what investors are willing to pay for a pool of loans at a particular interest rate. The previous day's closing price will also be a readily ascertainable quote.

The amendments authorize the Administrator to allow a lender to charge a veteran a higher discount than determined by the GNMA index in unusual cases. For instance, an investor might determine that a home's size or age would require a higher yield thereby requiring a higher discount than authorized by the use of the GNMA index. In these circumstances, the lender could seek approval from the Administrator to charge the higher discount.

Since we are establishing a method which allows lenders to readily determine the maximum reasonable discount, we are also deleting the requirement that all refinancing loans must be submitted to the local VA office for prior approval of the amount of discount.

Three other types of loans are similar to VA refinancing loans in that the veteran is authorized to pay a loan discount. These are loans on existing, occupied homes for the purposes of

repairs, alterations, or improvements when such loans are to be secured by a first lien; loans to construct homes on land already owned or to be acquired by the veteran where the veteran acts as his/her own contractor; and loans to purchase a dwelling from a class of sellers which are legally precluded from paying a loan discount. For consistency, the amendments allow eligible lenders to close these types of loans on either the prior approval or automatic basis using the GNMA index to determine the reasonable loan discount to be paid by the veteran.

Alteration, improvement, or repair loans which are unsecured or secured by less than a first lien must continue to be submitted to the local VA regional office for approval of the credit underwriting and the loan discount to be paid by the veteran, if any. These loans are more akin to second mortgage financing or consumer installment loans than to first mortgage loans for the purpose of acquiring real estate. Thus, the use of the GNMA index would probably not be reflective of the current discount being charged by lenders for home improvement loans secured by less than a first mortgage.

Thirteen comments were received concerning the proposed regulations published on September 23, 1982 (47 FR 41997). Two comments endorsed the proposal, one offered no comments, and ten offered suggestions for improving the regulatory proposal. Eight of the comments suggested adopting a GNMA forward bid price for delivery of mortgages in 30 to 120 days. One comment suggested using the FNMA (Federal National Mortgage Association) 30-day mandatory delivery yield. Two of the comments additionally suggested establishing the maximum allowable discounts at the time of the loan application with renegotiation of the discount if the VA maximum interest rate is changed. These two comments suggested that it was unfair to the veteran to be unaware of his/her discount costs until one or two days prior to closing as suggested in the proposed regulations. Other comments endorsed a system of establishing the maximum discount closer to the closing date but suggested that the index dates be three to five days prior to closing to give the lender a better opportunity to prepare the closing documents and furnish them to the loan closer.

All of the suggestions made in the public comments were carefully considered. We have chosen to adopt a system with these final regulations which is based on three major suggestions received in the public comments. First, the discount will be

based on a GNMA forward commitment for delivery of mortgages within 90-days. Second, one method of computing the maximum discount will allow lenders to use the closing bid quote for any day one to four days prior to the date of loan closing in lieu of only up to two days prior to loan closing as suggested in our proposed regulations. This should allow a lender a better opportunity to prepare loan closing documents based on an acceptable level of discount, and allow the lender and borrower more flexibility in negotiating a maximum loan discount. For lenders who wish to offer a written discount commitment and borrowers who wish to be certain of the discount costs they will be paying at loan closing, one of the available methods for establishing the maximum discount will allow the lender and borrower to negotiate a firm written discount commitment.

VA believes that a new system of establishing maximum discount points along with the ability to close refinancing loans on the automatic basis should be implemented. After reviewing the public comments and the available alternatives, we have chosen to adopt these final regulations. Our review of the issue indicates that any system adopted probably will have positive and negative points. Changes or refinements in the system may be necessary after the VA, lenders, and borrowers have an opportunity to use the new system.

An editorial amendment had been proposed to section 36.4312(d)(7)(iii) to correct a regulatory citation. In addition we propose to combine paragraphs (a) and (b) of section 36.4306 to make the regulation more understandable.

The Administrator hereby certifies that these regulation changes, as promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that these regulations will allow refinancing and similar loans to be closed on the automatic basis with a discount charge reflective of the current mortgage money market. We believe that the regulations will have no impact on small private and non-profit organizations, and small governmental jurisdictions. Small businesses should be aided since automatic loan processing of these types of loans is simpler and should be less costly. In addition, allowing the GNMA 90-day forward closing bid price to be used



should aid lenders by allowing them to charge loan discounts reflective of current market conditions. Small businesses should be aided but not in a significant manner by these amendments. There will be no compliance costs or reporting burdens on individuals or organizations.

The regulations have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulation changes. The amendments will ease processing restrictions while allowing loan discounts to be charged to the veteran based upon free market forces. The 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 Assistant Program number, 64.114.)

#### 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 the Administrator by sections 210(c) and 1803(c) (1) and (3) of title 38, United States Code.

Approved: May 31, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

#### PART 36—LOAN GUARANTY

Part 36, Title 38, Code of Federal Regulations, is amended as follows:

1. In § 36.4306, paragraph (a) is revised and paragraphs (b) and (e) are removed. Paragraph (a) reads as follows:

##### § 36.4306 Refinancing of mortgage or other lien indebtedness.

(a) Any loan for the purpose of refinancing (38 U.S.C. 1810(a)(5)) an existing mortgage loan or other indebtedness secured by a lien of record on a dwelling or farm residence owned and occupied by an eligible veteran as the veteran's home shall be eligible for guaranty in an amount not to exceed

sixty (60) percent of the loan amount or \$27,500, whichever is less, *Provided*, That—(38 U.S.C. 1810(c))

(1) The dollar amount of discount, if any, to be paid by the veteran is reasonable in amount as determined by the Administrator in accordance with § 36.4312(d)(7)(i).

(2) The loan is otherwise eligible for guaranty.

(b) [Removed]

(e) [Removed]

2. In § 36.4306a, paragraph (a) is revised as follows:

##### § 36.4306a Interest rate reduction refinancing loan.

(a) Pursuant to 38 U.S.C. 1810(a)(8), a veteran may refinance an existing Veterans Administration guaranteed, insured or direct loan to reduce the interest rate payable on the Veterans Administration loan provided the following requirements are met:

(1) The loan must be secured by the same dwelling or farm residence as the loan being refinanced and such dwelling or farm residence must be owned and occupied by the veteran as such veteran's home;

(2) The amount of the refinancing loan may not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as authorized by § 36.4312(d) and a discount not to exceed a dollar amount determined in accordance with § 36.4312(d)(7)(i);

(3) The dollar amount of the guaranty of the 38 U.S.C. 1810(a)(8) loan may not exceed the original dollar amount of guaranty applicable to the loan being refinanced, less any dollar amount of guaranty previously paid as a claim on the loan being refinanced; and

(4) The term of the refinancing loan (38 U.S.C. 1810(a)(8)) may not exceed the original term of the loan being refinanced.

3. In § 36.4312, paragraph (d)(6)(i) is revised and redesignated (d)(6) and paragraph (d)(6) (ii) through (iv) is revised and redesignated (d)(7). Paragraph (d) (6) and (7) read as follows:

##### § 36.4312 Charges and fees.

(d) . . .

(6) Allowable discounts. The veteran borrower subject to the limitations set forth in paragraph (d) (6) and (7) of this section may pay a discount required by a lender when the proceeds of the loan will be used for any of the following purposes:

(i) To refinance existing indebtedness pursuant to 38 U.S.C. 1810(a) (5) or (8);

(ii) To repair, alter or improve a dwelling owned by the veteran pursuant to 38 U.S.C. 1810(a) (4) or (7) if such loan is to be secured by a first lien;

(iii) To construct a dwelling or farm residence on land already owned or to be acquired by the veteran, provided that the veteran did not or will not acquire the land directly or indirectly from a builder or developer who will be constructing such dwelling or farm residence;

(iv) To purchase a dwelling from a class of sellers which the Administrator determines are legally precluded under all circumstances from paying such a discount if the best interest of the veteran would be so served.

(7) Computation of discounts—(i) Computation of discount—loans secured by a first lien. Unless otherwise approved by the Administrator, the discount, if any, to be paid by the borrower may not exceed the difference between the bid price, rounded to the lower whole number, and par value for GNMA (Government National Mortgage Association) 90-day forward bid closing price for pass through securities ½ percent less than the face note rate of the loan. Unless the lender and borrower negotiate a firm written commitment for a maximum amount of discount to be paid, the bid price to be used in the computation must be the GNMA 90-day forward bid closing quote for any day 1 to 4 business days prior to loan closing. "Loan closing" is defined for this purpose as the date on which the borrower's 3-day right of rescission commences pursuant to the Truth in Lending Act. If the lender and borrower choose to negotiate a firm discount commitment for a maximum amount of discount to be paid, the bid price to be used in establishing the maximum discount must be the closing quote for the business day prior to the date of the commitment. Lenders negotiating firm commitments must close that loan at a discount no higher than the firm commitment regardless of changes in the maximum allowable Veterans Administration interest rate. If a lender's commitment expires prior to loan closing, the lender and borrower may negotiate a new firm commitment based on the procedure outlined in this paragraph (d)(7)(i) or may use the procedure for determining the discount based on the GNMA 90-day forward bid closing quote for any day 1 to 4 business days prior to loan closing.

(ii) Computation of discount—unsecured loans or loans secured by



less than a first lien. The borrower, subject to the limitations set forth in paragraph (d) (6) and (7) of this section, may pay a discount required by the lender when the proceeds of the loan will be used to repair, alter, or improve a dwelling owned by the veteran pursuant to 38 U.S.C. 1810(a)(4) or (7) if such loan is unsecured or secured by less than a first lien. No such discount may be charged unless:

(A) The loan is submitted to the Administrator for prior approval;

(B) The dollar amount of the discount is disclosed to the Administrator and the veteran prior to the issuance by the Administrator of the certificate of commitment. Said certificate of commitment shall specify the discount to be paid by the veteran, and this discount may not be increased once the commitment is issued without the approval of the Administrator;

(C) The discount has been determined by the Administrator to be reasonable in amount.

(iii) A veteran may pay the discount on an acquisition and improvement loan (as defined in § 36.4301 provided:

(A) The veteran pays no discount on the acquisition portion of the loan except in accordance with paragraph (d)(6)(iv) of this section; and

(B) The discount paid on the improvements portion of the loan does not exceed the percentage of discount paid on the acquisition portion of the loan.

Acquisition and improvement loans may be closed either on the automatic or prior approval basis.

(iv) Unless the Chief Benefits Director otherwise directs, all powers of the Administrator under paragraph (d) (6) and (7) of this section are hereby delegated to the officials designated by § 36.4342(b), (38 U.S.C. 1803(c) (1) and (3), 1810(a))

[FR Doc. 83-18026 Filed 6-14-83, 8:45 am]

BILLING CODE 8320-01-M

## GENERAL SERVICES ADMINISTRATION

### 41 CFR Part 101-49

[FPMR Amdt. H-137]

#### Utilization, Donation, and Disposal of Foreign Gifts and Decorations— Miscellaneous Changes

##### Correction

In FR Doc. 83-7474 beginning on page 12089 in the issue of Wednesday, March 23, 1983, make the following correction:

On page 12090, middle column, § 101-49.303, line thirteen, "the outlining" should have read "the recipient outlining".

BILLING CODE 1505-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

#### National Flood Insurance Program; Final Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** Base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated of the table below.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian R. Mrazik, Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The base (100-year) flood elevations are finalized in the communities listed below. Any appeals of the proposed or proposed modified base flood elevations which were received have been resolved by the Agency.

| State   | City/town/county                             | Source of flooding                    | Location  | #Depth in feet above ground<br>*Elevation in feet (NGVD) |
|---|--|---------------------------------------|---|--|
| Arizona   | Gilbert (Town of) Maricopa County FEMA-6457  | Consolidated canal<br>Sheet Flow Area | At the Elliot Road crossing of Consolidated Canal.<br>Area generally located west of Cooper Road and northeast of the Southern Pacific Railroad.  | #2<br>#2   |
| Maps are available for review at the Office of the Town Clerk, Gilbert Town Hall, 119 North Gilbert Road, Gilbert, Arizona. |  |                                       |   |  |
| Arizona   | Goodyear (Town of) Maricopa County FEMA-6473 | Gila River and Agua Fria River        | Just upstream of Sarival Avenue extended.<br>Approximately 3,600 feet southwest of the intersection of Reems Road and Broadway Road.<br>Approximately 500 feet southwest of the intersection of Reems Road and Broadway Road. | *908<br>*910<br>*914                                     |



| State   | City/town/county  | Source of flooding  | Location  | #Depth in feet above ground<br>*Elevation in feet (NGVD) |
|---|---|---|---|--|
|   |   |   | Just downstream of Bullard Avenue<br>At the intersection of Broadway Road and Litchfield Road.  | *918<br>*933   |
| Maps are available for review at the Office of the Mayor, City Hall, 119 North Litchfield Road, Goodyear, Arizona.                            |   |   |   |  |
| California  | Healdsburg (City of) Sonoma County FEMA-6474                  | Russian River   | Just upstream of old U.S. Highway 101<br>Just upstream of Healdsburg Avenue<br>At easternmost corporate limits  | *88<br>*96<br>*104                                       |
| Maps are available for review at the Department of Public Works, 550 West Side Road, Healdsburg, California.                                  |   |   |   |  |
| California  | Imperial Beach (City of) San Diego County FEMA-6464           | Tijuana River<br>Oneonta Slough<br><br>Pacific Ocean  | At confluence with Oneonta Slough<br>At upstream corporate limits<br>Area generally located south of Coronado Avenue and between First Street and Fifth Street.<br>Open Coast<br>At western end of Descanso Avenue  | *6<br>*17<br>*6<br>*6<br>*10                             |
| Maps are available for review at the Planning Department, Imperial Beach City Hall, 825 Imperial Beach Boulevard, Imperial Beach, California. |   |   |   |  |
| California  | Sunnyvale (City of) Butler County FEMA-6465                   | San Francisco Bay<br>Shallow Flooding   | Along the coastline<br>Area located east of Southern Pacific Railroad crossing at Calabazas Creek.<br>Area located approximately 1000 feet east of Kifer Road crossing of Calabazas Creek.  | *7<br>*50<br>#1  |
| Maps are available for review at the Public Library, 665 West Olive Avenue, Sunnyvale, California.  |   |   |   |  |
| Colorado  | Gypsum (Town of) Eagle County FEMA-6466                       | Eagle River   | At the western corporate limits<br>At a point located approximately 225 feet downstream of Price Lane extended.<br>At a point located approximately 975 feet upstream of Price Lane extended.   | *6,239<br>*6,252<br>*6,258                               |
| Maps are available for review at the Gypsum Town Hall, 300 First Street, Gypsum, Colorado.  |   |   |   |  |
| Colorado  | City of Longmont Boulder County FEMA-6437                     | Spring Gulch  | Just upstream of the Colorado and Southern Railroad.<br>At a point located approximately 500 feet upstream of East 11th Avenue.<br>At a point located approximately 50 feet downstream of Mountain View Avenue<br>At East 15th Avenue   | *4,988<br>*4,989<br>*4,988<br>*5,003                     |
| Maps are available for review at the Office of Planning and Development, Civic Center Complex, 3rd & Kimbark, Longmont, Colorado.             |   |   |   |  |
| Georgia   | Unincorporated areas of Caloosa County (Docket No. FEMA-6454) | Spring Branch<br>West Chickamauga Creek<br>West Chickamauga Creek<br>West Chickamauga Creek<br>West Chickamauga Creek | Northern Caloosa County limits at Hamilton County, Tennessee.<br>Just downstream of confluence of Black Branch<br>Northern Caloosa County limits at Hamilton County, Tennessee<br>Immediately downstream of Route 2<br>Approximately 2,500 feet downstream of Alexandria Bridge Road.<br>Western Caloosa County limits at Walker County | *683<br>*684<br>*680<br>*690<br>*700<br>*720             |
| Maps are available for inspection at the Caloosa County Office of Commissioner of Roads and Revenue, Ringgold, Georgia.                       |   |   |   |  |
| Idaho   | Latah County (Unincorporated areas) FEMA-6508                 | Paradise Creek  | Confluence with an unnamed stream approximately 2,000 feet north of the Burlington Northern Railroad.<br>At D Street  | *2,587<br>*2,605   |
| Maps are available for review at the Office of the Auditor, Latah County Courthouse, 520, South Adam, Moscow, Idaho 83843.                    |   |   |   |  |
| Missouri  | City of Mount Vernon (Docket No. FEMA-6446)                   | Williams Creek  | At a point located approximately 800 feet downstream of County Highway Y.<br>At a point located approximately 100 feet upstream of County Highway Y.<br>At the eastern corporate limits   | *1,166<br>*1,168<br>*1,171                               |
| Maps are available for inspection at 319 East Dallas, P.O. Box 70, Mount Vernon, Missouri.  |   |   |   |  |
| Nevada  | Douglas County (Unincorporated areas) FEMA-6430               | Martin Slough   | At a point located approximately 150 feet upstream of U.S. Route 395.<br>At a point located just upstream of Buckeye Road<br>At a point located approximately 100 feet downstream of High School Street<br>At a point located just downstream of Tolar Avenue   | *4,700<br>*4,714<br>*4,740<br>4,751                      |



| State | City/town/county | Source of flooding | Location  | #Depth in feet above ground *Elevation in feet (NGVD) |
|-------|------------------|--------------------|---|---|
|       |                  | Shallow Flooding   | At the intersection of South Lampe Lane and Tolyabe Avenue.   | #1  |
|       |                  |                    | At a point located approximately 500 feet east of the intersection of Waterloo Lane and U.S. Route 395. | #2  |

Maps are available for review at the Community Development Department, Valley Professional Building, 1645 Highway 395, Minden, Nevada.

|        |  |                  |  |    |
|--------|--|------------------|--|----|
| Nevada | Las Vegas (City of) Clark County FEMA-6467 | Shallow Flooding | Intersection of Jackson Avenue and D Street        | #2 |
|        |  |                  | Intersection of Owens Avenue and Tonopah Highway   | #1 |
|        |  |                  | Intersection of Lexington Street and Bazaar Avenue | #1 |

Maps are available for review at the Land Development and Flood Control Division, Department of Public Service, 400 East Stewart Avenue, Las Vegas, Nevada.

|        |   |                     |   |      |
|--------|---|---------------------|---|------|
| Oregon | Lebanon (City of) Linn County FEMA-6508 | South Santiam River | Approximately 1,200 feet upstream of the Southern Pacific Railroad. | *24  |
|        |   |                     | Approximately 2,500 feet upstream of the Southern Pacific Railroad. | *346 |
|        |   |                     | At eastern corporate limits   | *355 |

Maps are available for review at City Hall, 929 Main Street, Lebanon, Oregon 97355.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4126); Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: May 20, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15620 Filed 6-14-83; 8:45 am]

BILLING CODE 6718-03-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 74

[Gen. Docket No. 81-415; FCC 83-267]

#### Experimental, Auxiliary and Special Broadcast and Other Program Distributional Services; Allocate the 38.6-40 GHz Band to TV Auxiliary Broadcast Pickup Stations on a Secondary Basis

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Federal Communications Commission has allocated the 38.6-40 GHz band to television pickup stations on a secondary basis to fixed operations in the Report and Order in this Docket. Because a frequency tolerance specification in the Report and Order appeared to be too stringent, it is being relaxed for transmitters which have reduced power and which employ directional antennas.

**EFFECTIVE DATE:** July 15, 1983.

**FOR FURTHER INFORMATION CONTACT:** Harding Chism/Thomas S. Tycz, Office of Science and Technology, Spectrum Management Division, Spectrum Utilization Branch, Washington, D.C. 20554, (202) 653-8166 Room 7310.

### List of Subjects in 47 CFR Part 74

Television broadcasting.

#### Memorandum Opinion and Order

In the matter of amendment of Part 2 and 74 of the Commission's rules and regulations to allocate the 38.6-40 GHz band to TV Auxiliary Broadcast Pickup Stations on a secondary basis; General Docket No. 81-415.

Adopted: June 2, 1983.

Released: June 7, 1983.

By the Commission: Commissioner Fogarty not participating.

#### Introduction

1. On April 1, 1982, the Commission adopted a Report and Order which allowed TV Auxiliary Broadcast Pickup Stations (hereinafter referred to as TV Pickup Stations) to operate in the 38.0-40 GHz band on a secondary basis to Domestic Public Fixed and Private Operational Fixed Microwave Stations.<sup>1</sup> These TV Pickup Stations were constrained to have a maximum transmitter output power of 1.5 watts and a frequency tolerance of  $\pm 0.005\%$ .

<sup>1</sup> Report and Order in Docket No. 81-415, FCC 82-148 (April 14, 1982) 47 FR 17994 (April 27, 1982).

<sup>2</sup> Frequency tolerance is the maximum permissible departure by the center frequency of the frequency band occupied by an emission from the assigned frequency or, by the characteristic frequency of an emission from the reference frequency. The frequency tolerance is expressed in parts in 10<sup>4</sup>, in Hertz or in the percentage of the assigned frequency.

The Commission has before it a petition for reconsideration filed by the M/A-COM Corporation on May 13, 1982 ("M/A-COM"). Pursuant to Section 1.429 of the Commission's Rules, M/A-COM is requesting the Commission to relax the frequency tolerance specification of  $\pm 0.005$  to  $\pm 0.05$  percent for the operation of TV Pickup Stations under certain conditions, because this lower standard would permit it to meet what it perceives to be the current marketplace demands for "shirt pocket" transmitters<sup>2</sup>. The instant Memorandum Opinion and Order amends section 74.661 of the Commission's Rules to relax the frequency tolerance of  $\pm 0.005\%$  to  $\pm 0.05\%$  for transmitters with a maximum output power of 50 milliwatts and which employ a directional antenna.

#### Discussion

2. In its petition for reconsideration M/A-COM explains that a marketing study and development program of a 40 GHz microwave transmitter commenced promptly after the issuing of the NPRM in this proceeding. Therefore M/A-COM maintains it had not advanced far

<sup>3</sup> Comments to the petition were filed by National Association of Broadcasters ("NAB"), Standard Communications Incorporated ("Standard Communications"), CBS Incorporated ("CBS"), Hughes Aircraft Company ("Hughes"). Reply comments were filed by M/A-COM. Supplemental comments were filed by Hughes, CBS and M/A-COM.



enough at the time of the commenting stage of the proceeding to discover the existence of a substantial demand for what it terms a "shirt pocket" transmitter. M/A-COM contends that a "shirt pocket" transmitter could meet the demands its study uncovered, provided a frequency tolerance specification of  $\pm 0.05\%$  is allowed. It points out the advantages of the "shirt pocket" transmitter. It is small, flexible, mobile, and it has a range of transmission which makes it applicable for use with Electronic News Gathering (ENG) camera equipment. It further indicates that the transmitter is powered by the same battery pack used by the camera equipment. The "shirt pocket" transmitter can operate up to one and one half hours with an output power of approximately 75 milliwatts with a range of about five hundred feet. M/A-COM maintains that the  $\pm 0.005\%$  frequency tolerance specification requires a transmitter to occupy a volume three times that of the "shirt pocket" transmitter. The larger unit would also weigh three to four times more and consume three to four times more power than the "shirt pocket" unit. To obtain a  $\pm 0.005\%$  frequency tolerance, M/A-COM asserts, requires a crystal reference plus phase lock loop circuitry to accomplish frequency control of a Gunn-diode oscillator. In contrast, M/A-COM's "shirt-pocket" transmitter would use a Gunn-diode oscillator coupled with a tuned cavity. In summary, M/A-COM requests that the Commission recognize the need for flexibility with respect to frequency tolerance in this band and grant its request. It points out that there are relatively few licensees in the reference band and that congestion is unlikely in the foreseeable future. It suggests that a less stringent frequency tolerance requirement would not contribute to increased interference problems.

3. Standard Communications supports M/A-COM's contention that a frequency tolerance of  $\pm 0.005\%$  is excessive. Standard Communications believes the request by M/A-COM for a  $\pm 0.05\%$  frequency tolerance requirement is reasonable and reiterates arguments mentioned by M/A-COM. It supports, however, the  $\pm 0.005\%$  frequency tolerance requirement for applications of high-power or long-haul microwave utilization.

4. The NAB also supports M/A-COM's petition. In its comments NAB requests that the Commission reconsider the technical standards because a miniaturized remote pickup transmitter for operation in the 38.6-40 GHz band has become available since the adoption

of the rules in this proceeding. NAB claims that this new technical development clearly warrants reconsideration and modification of the Commission's Rules as adopted for this new service. NAB also maintains that the Commission chose not to designate channel assignments, operating modes or bandwidth, because the intent was to facilitate experimentation. Yet, NAB argues, for all practical purposes the Commission's decision ruled out the use of cavity-stabilized oscillators. The  $\pm 0.005$  percent frequency tolerance can be achieved only with a crystal referenced oscillator. Furthermore, NAB claims that the likelihood of interference would be small. The signal propagation characteristic of the 40 GHz band would severely limit the range of equipment operation and the band is essentially an unused portion of the spectrum. For these reasons NAB believes the Commission should not require a frequency tolerance more stringent than  $\pm 0.05\%$ .

5. In contrast to M/A-COM, CBS believes that the lower frequency broadcast auxiliary bands are currently congested and there is a likelihood that the 38.6-40 GHz band will become readily attractive. As a consequence, it believes the adopted frequency tolerance requirement must be maintained to minimize the potential for interference among users. With respect to spectral efficiency, it indicates that equipment with a frequency tolerance specification as petitioned by M/A-COM would use about twice the bandwidth. Furthermore, CBS states that M/A-COM has not provided any documentation to support its claim that a substantial demand exists for the "shirt pocket" transmitter.

6. Hughes urges the Commission to maintain the frequency tolerance requirement it adopted. It claims that the 38.6-40 GHz band is primarily allocated for fixed users and that a proliferation of units operating with a relaxed frequency tolerance would contribute to increased interference and an inefficient use of the spectrum. Hughes states that in a marketing study it conducted, the users of ENG equipment mentioned that transmitting equipment larger than "shirt pocket" size would be entirely acceptable. Accordingly, to meet this market demand, Hughes is developing a light mobile transmitter for use in this band, powered by a battery-belt pack which meets the adopted frequency tolerance requirement without the use of a crystal reference. Hughes contends that M/A-COM's market study did not indicate whether users are willing to trade

increased risk of interference and decreased spectral efficiency for the convenience M/A-COM states their units would offer. It is Hughes' contention that the rules that have been adopted should not be relaxed to permit production and marketing of a substandard unit.

7. CBS and M/A-COM subsequently developed a compromise standard. Both filed late supplemental comments requesting that the frequency tolerance requirement be relaxed to  $\pm 0.05\%$  for the 38.6-40 GHz band provided two conditions are imposed on the operation of such equipment. First, a directional antenna would be required to be used with any transmitter employing a frequency tolerance of  $\pm 0.05\%$ . The parties contend the directivity of the signal would significantly reduce the risk of potential interference. Second, CBS and M/A-COM concur that the power output of such a transmitter be limited to not more than 50 milliwatts (0.05 watts) to ensure further the minimum likelihood of interference. Hughes, however, in its supplemental comments reiterated its opposition to a relaxation of the  $\pm 0.005\%$  tolerance because it is spectrally inefficient.

8. As was discussed in the Report and Order, we did not adopt a channeling plan for TV Pickups in this band to allow manufacturers the flexibility to design equipment with different modulation techniques and bandwidths. However, a frequency tolerance was adopted to maintain a degree of control over the spectral occupancy of each emission and thereby protect adjacent channel operations from interference. To loosen this tolerance without any restriction would decrease the opportunities for TV Pickup operations to have an adequate amount of spectrum when operating in close proximity to one another. We believe that the restrictions suggested by M/A-COM and CBS should provide adequate measures to further limit the likelihood of interference.\*

9. Accordingly, we are amending § 74.661 of our Rules to allow TV Pickup Stations to maintain a frequency tolerance within  $\pm 0.05$  percent of the operating frequency provided the transmitter output power does not exceed 50 milliwatts and a directional

\* To ensure that this relaxation is not causing spectrum congestion problems, the Commission will revise this rule section in three years. Moreover, the issue of technical standards is presently being addressed in a Notice of Inquiry and Proposed Rule Making in Gen. Docket 83-114 (48 FR 14399; April 4, 1983). The public may also wish to express its opinions concerning the issue of frequency tolerance standards by filing comments in Docket 83-114.



antenna is used. Otherwise, the frequency tolerance for these stations shall be maintained within  $\pm 0.005$  percent. We believe these restrictions are sufficient to make certain that the operation of this equipment complying with the relaxed frequency tolerance standard will not be detrimental to the operation of equipment using the originally adopted standards.

10. Accordingly, it is ordered, under the provisions of Section 1, 4(i) and 303 of the Communications Act 1934, as amended, that the Report and Order adopted in this docket proceeding is modified to the extent set forth herein.

11. It is further ordered that the petition for reconsideration of the Report and Order is granted to the extent set forth herein and otherwise denied.

12. It is further ordered that § 74.661 of the Commission's Rules is amended as set forth in the Appendix, effective July 15, 1983.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Appendix

Part 74 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### **PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTION SERVICES**

In § 74.661, paragraph (d) is revised to read as follows:

#### **§ 74.661 Frequency tolerance.**

(d) Television Pickup stations operating in the 38.6–40 GHz band shall maintain the carrier frequency of each authorized transmitter within plus or minus 0.005 percent of the operating frequency; as an exception, stations shall maintain the carrier frequency of the transmitter within plus or minus 0.05 percent of the operating frequency provided that the transmitter output power is no greater than 50 milliwatts and a directional antenna is used.

[FR Doc. 83-15987 Filed 6-14-83; 9:45 am]

BILLING CODE 6712-01-M



# Proposed Rules

Federal Register

Vol. 48, No. 116

Wednesday, June 15, 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.

## CONSUMER PRODUCT SAFETY COMMISSION

### 16 CFR Part 1145

#### Proposed Rule To Regulate Under the CPSA a Risk of Injury That May Be Presented by Certain Expandable Children's Enclosures

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

**SUMMARY:** The Commission is investigating the possibility that certain circular, expandable children's enclosures (sometimes called "corrals") made from criss-crossed slats of solid material, may present a potential hazard of strangulation if a child's neck becomes entrapped in an intersection of the slats. The Commission proposes, should regulatory action become necessary regarding the possible risk of strangulation which may be associated with these products, to use the procedures of the Consumer Product Safety Act rather than those of the Federal Hazardous Substances Act. The Commission preliminarily determines that this transfer is in the public interest because, in the event the Commission believes that a risk of strangulation is associated with these products, public notification and remedial action can be accomplished more expeditiously under the CPSA than under the FHSA.

**DATE:** Comments concerning this proposal must be received in the Office of the Secretary by July 15, 1983.

**ADDRESS:** Comments should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6800.

**FOR FURTHER INFORMATION CONTACT:** Earl A. Gershenow, Trial Attorney, Division of Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; (301) 492-6826.

**SUPPLEMENTARY INFORMATION:** By this notice, the Commission proposes to regulate under the Consumer Product Safety Act (CPSA, 15 U.S.C. 2051 *et seq.*)

a possible risk of strangulation that may be associated with certain expandable children's enclosures, which are described in detail below.

Section 30(d) of the CPSA (15 U.S.C. 2079(d)) governs this proposed rule. That section provides:

A risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act . . . may be regulated under this Act [the CPSA] only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act.

#### A. Background

In 1981, the Commission received two reports of deaths of children associated with expandable children's enclosures, sometimes called "corrals." These products are made from criss-crossed slats of solid material which are riveted at most crossings to form a continuous, circular enclosure. These products are expandable to various diameters, and are intended to serve a purpose similar to that of a playpen: to confine a child within a restricted area, either indoors or outdoors.

When such a product is in use, the slats cross one another and form a series of V-shaped configurations at the top and bottom of the enclosure.

Investigations of the fatalities reported to the Commission in 1981 indicate that the children involved may have slipped while attempting to climb out of the enclosures, catching their necks in one of the V-shaped configurations formed by the crossing of the slats at the top of the enclosure. If a child's feet were not in contact with the ground, and if the angle formed by the crossing of the slats were sufficiently acute, the child's head might not pass through the opening. The weight of the body pressing the neck against the slats of the enclosure may block passage of air, resulting in death or injury by strangulation.

The Commission has also received information about a third death associated with an expandable enclosure which occurred in 1982.

In addition to the three deaths associated with expandable enclosures, the Commission received a report of a non-fatal accident associated with an expandable enclosure in 1980, in which irreversible brain damage may have resulted from oxygen deprivation after a child's neck became entrapped in the V-

shaped opening between two of the slats at the top of an expandable enclosure.

The Commission also has information about four other incidents involving entrapment of children in expandable enclosures, one of which resulted in lacerations and abrasions to the child's head; the other three incidents resulted in minor injuries or no injuries to the children involved. These four accidents resulted when children put their heads through a diamond-shaped opening formed by criss-crossed slats in the side of the enclosure.

#### B. Regulation Under FHSA

At this time, the expandable enclosures described above could be subject to regulation by the Consumer Product Safety Commission under provisions of the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 *et seq.*) as articles intended for use by children.

In accordance with provisions of section 3(e) through (i) of the FHSA (15 U.S.C. 1262(e), (f), (g), (h), (i)), the Commission could begin a proceeding for the issuance of a rule to declare that the expandable enclosures described in this notice present a mechanical hazard. If issued on a final basis, such a rule would have the effect of classifying these children's articles as "banned hazardous substances" as that term is used in section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261(q)(1)(A)), and would prohibit the distribution or sale of these products in the United States, as well as their importation into this country. If a children's article presents an "imminent hazard," provisions of section 3(e)(2) of the FHSA (15 U.S.C. 1262(e)(2)) authorize the Commission to issue an immediate order declaring to the product to be a banned hazardous substance pending completion of a proceeding to issue a banning rule.

A final rule issued under provisions of sections 3(e) through (i) of the FHSA would also make the products in question subject to provisions of section 15 of the FHSA (15 U.S.C. 1274). That section authorizes the Commission to determine, after affording all interested persons opportunity for a hearing, that notification to the public of the hazard presented by a product which is a "banned hazardous substance" is necessary in order to adequately protect the public. That section also authorizes the Commission, after affording all



interested persons opportunity for a hearing (which could be combined with a hearing regarding the need for public notification), to require the manufacturer, distributor or dealer of a product which is a banned hazardous substance to elect to repair or replace the product, or to refund the purchase price of the product.

However, the provisions of section 15 of the FHSA concerning public notification and corrective action would be applicable to the products which are the subject of this notice only if the Commission had first issued a rule under provisions of sections 3(e) through (i) of the FHSA to announce the Commission's determination that the products present a mechanical hazard.

A proceeding to issue such a rule is initiated by publication of an advance notice of proposed rulemaking in the *Federal Register* to invite comments from all interested persons about the risk of injury associated with the product which is the subject of the proceeding and possible means of addressing that risk of injury, including voluntary standards now in existence or which might be developed. If, after consideration of all information received in response to the advance notice of proposed rulemaking, the Commission decides to continue the proceeding, publication of a second notice in the *Federal Register* is required to propose the rule and invite written comments on the proposal. The Commission must then analyze all comments received in response to the proposal and publish a third notice in the *Federal Register* to issue the rule on a final basis.

#### C. Regulation Under CPSA

The CPSA has provisions for requiring public notification of substantial hazards which may be presented by these articles and for ordering corrective action to be taken with regard to them without the necessity of first completing a rulemaking proceeding.

Additionally, the CPSA has provisions which authorize the Commission in certain cases to obtain an administrative order for public notification of the hazard presented by a product and for repair, or replacement of the product, or refund of the purchase price of the product without any necessity of first completing a rulemaking proceeding. The FHSA has no corresponding provisions.

Section 15 of the CPSA (15 U.S.C. 2064) confers upon the Commission the authority to order public notification of the hazard presented by a product if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a

"substantial product hazard," and that notification is required in order to adequately protect the public from that substantial product hazard.

Additionally, section 15 of the CPSA authorizes the Commission to order any manufacturer, importer, distributor, or retailer of a product to elect to repair or replace the product, or to refund the purchase price of the product, if the Commission determines, after affording all interested persons opportunity for a hearing, that the product presents a "substantial product hazard," and that issuance of such an order is in the public interest.

If the products described in this notice were subject to regulation under the CPSA, no requirement for rulemaking would exist in order to invoke the provisions of section 15 of that Act.

Additionally, provisions of section 12 of the CPSA (15 U.S.C. 2061) authorize the Commission to file an action in a United States district court against a manufacturer, importer, distributor, or retailer of a consumer product which presents an imminent and unreasonable risk of death or severe personal injury. The court has the authority to order the recall of the product, its repair or replacement, or refund of the purchase price. The court also has authority to order a firm to undertake extensive notification efforts to advise purchasers and the general public of the nature of the risk and of the firm's obligation for remedial action. The Commission may file an action under section 12 of the CPSA without any requirement for having first undertaken a rulemaking proceeding. As noted above, no corresponding provisions exist in the FHSA.

Because notification to the public of any hazard which may be presented by the products described in this notice and remedial action with regard to those products could be accomplished more expeditiously under the CPSA than under the FHSA, the Commission has preliminarily determined that it would be in the public interest to regulate under the CPSA rather than the FHSA any risk of strangulation which may be associated with the expandable children's enclosures described in this notice if a child's neck becomes entrapped between the slate of such an enclosure.

As noted above, the FHSA has provisions for issuance of an immediate order to declare a children's article to be a banned hazardous substance if it presents an "imminent hazard." However, some products may present a "substantial product hazard" warranting issuance of an order for public notification and corrective action,

without amounting to an "imminent hazard" as that term is used in section 3(e)(2) of the FHSA.

In making the preliminary determination set forth above, the Commission has decided that, notwithstanding provisions of section 3(e)(2) of the FHSA, use of the procedures of the CPSA may lead to more expeditious notification and corrective action than might be obtained by following the procedures of the FHSA.

If the Commission issues the rule proposed below on a final basis, and thereafter determines that a standard or regulation may be needed to address any risk of which these products may present, the CPSA would also authorize the Commission to issue a standard or banning rule. Procedures for issuance of a standard are set forth in sections 7 and 9 of the CPSA (15 U.S.C. 2056, 2058); procedures for issuance of a banning rule are in sections 8 and 9 of the CPSA (15 U.S.C. 2057, 2058).

#### D. Discussion of Recent Judicial Decision

In a recent decision that vacated the Commission's ban of urea formaldehyde foam insulation (UFFI), the U.S. Court of Appeals for the Fifth Circuit Discussed section 30(d) of the CPSA as a "tangential" procedural issue. *Gulf South Insulation, et al. v. CPSC, F.2d* (5th Cir. No. 82-4218; April 7, 1983). After rejecting the Commission's finding that the UFFI "risk could not have been regulated sufficiently under the Federal Hazardous Substances Act," the Court focused on the Public interest finding of section 30(d).

The Commission had found that it was in the public interest to regulate UFFI under the CPSA instead of by using the "complex and lengthy" rulemaking proceeding required by the FHSA. The Court rejected that finding and held, narrowly, that the Commission could not discard "the due process procedures mandated by the Federal Hazardous Substances Act" to regulate UFFI under the CPSA. Slip op. at 3646.

The Commission disagrees with this holding and has petitioned the Court for a rehearing of its UFFI decision, based on this 30(d) issue and other issues. In any case, however, the Commission believes preliminarily that the Court's discussion of section 30(d) does not apply to the rule proposed below. As discussed in this notice, the Commission's proposed public interest finding is based on the expeditious notification and corrective action that is more likely to be obtained under the CPSA than under the FHSA. There are



at least two major reasons for this conclusion, and both distinguish the expandable enclosure situation from the UFFI situation:

1. The Court seems to have been particularly concerned about the "due process" procedures that would have been provided, had UFFI been regulated under the FHSA, 15 U.S.C. 1261(q)(2), referring to sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act which may involve a formal, trial-type rulemaking proceeding after an informal notice and comment rulemaking proceeding has been completed. However, the expandable enclosures that are the subject of the rule proposed below are children's products, and therefore governed by different regulatory procedures of the FHSA, 15 U.S.C. 1262(e)-(i). Under those procedures, unless the Commission specifically elects to use the section 701 procedures, a simple three-stage, informal notice and comment proceeding would apply. This proceeding is virtually identical to the three-stage, informal notice and comment proceeding that would apply to the expandable enclosures if they were the subject of a rulemaking proceeding under the CPSA, 15 U.S.C. 2058(a)-(g).

2. If the Commission addressed the expandable enclosure entrapment risk under section 15 of the CPSA, an adjudicatory hearing must be provided before the Commission could order a recall or other mandatory action. 15 U.S.C. 2064.

That hearing would provide any affected industry party with the "due process" safeguards that the Court apparently believed were being denied to the UFFI industry.

In short, therefore, the UFFI judicial decision does not apply to the expandable enclosure situation. A public interest finding that CPSA procedures should be used instead of FHSA procedures is not "based solely on a desire to avoid" the FHSA procedures. *Gulf South* at 3646. In any case, the Court also limited its discussion to products that are not "extremely dangerous," as it found that UFFI was not. Since the expandable enclosures are potentially extremely dangerous—responsible for two, three, or more deaths of children—they are beyond the scope of the Court's decision on UFFI.

#### E. Impact on Small Businesses

Section 603 of the Regulatory Flexibility Act (REA, 5 U.S.C. 603) requires agencies to prepare and make available for public comment an initial regulatory flexibility analysis of the

impact of any proposed rule on small entities, including small businesses. Section 605(b) of the RFA provides that an agency is not required to prepare a regulatory flexibility analysis if the agency certifies that the rule, if issued on a final basis, will not have a significant economic impact on a substantial number of small entities.

The regulation proposed below, if issued on a final basis, will not by itself impose any legal or other obligation on any person or firm. The rule would simply express the Commission's determination that any action taken to eliminate or reduce the risk of injury with which it is concerned will be taken following the procedures set forth in the CPSA rather than the FHSA.

If the Commission issues a final rule based on the proposal published below, and then determines that it should act to eliminate or reduce the risk of injury which is the subject of the rule, the Commission will be required to initiate and follow through to completion appropriate judicial or administrative proceedings under one or more sections of the CPSA before it can impose any obligation on any person or firm.

Since a final rule based on the proposal imposes no obligation on any person or firm, the Commission hereby certifies that it will not have a significant economic impact on a substantial number of small businesses.

#### F. Environmental Considerations

The regulation proposed below falls within the categories of Commission actions described in 16 CFR 1021.5(c) that have little or no potential for affecting the human environment. For this reason, neither an environmental assessment nor an environmental impact statement is required.

#### G. Conclusion and Proposal

After consideration of the information set forth above, and provisions of the FHSA and the CPSA, the Commission hereby proposes to regulate under the CPSA rather than the FHSA the possible risk of strangulation which may be associated with the children's expandable enclosures described in this notice if a child's neck becomes entrapped between the slats of such an enclosure. Until issuance of any final regulation under section 30(d) of the CPSA, the Commission has authority to regulate under the FHSA any risk of injury described in this notice which these products may present.

#### List of Subjects in 16 CFR Part 1145

Administrative practice and procedures. Consumer protection. Infants and children.

Therefore, under provisions of the Consumer Product Safety Act (section 30(d), Pub. L. 92-573, 86 Stat. 1207, as amended Pub. L. 94-284, 90 Stat. 503, Pub. L. 97-35, 95 Stat. 703; 15 U.S.C. 2079(d)), the Commission proposes to amend the Code of Federal Regulations, Title 16, Chapter II, Subchapter B, Part 1145, by adding new a § 1145.13 as follows:

#### PART 1145—REGULATION OF PRODUCTS SUBJECT TO OTHER ACTS UNDER THE CONSUMER PRODUCT SAFETY ACT

##### § 1145.13 Certain expandable children's enclosures; risk of strangulation.

(a) The Commission finds that it is in the public interest to regulate under the Consumer Product Safety Act, rather than under the Federal Hazardous Substances Act, the possible risk of strangulation that may be associated with expandable children's enclosures made from criss-crossed slats of solid material.

(b) Therefore, if the Commission finds regulation to be necessary, any such expandable children's enclosures shall be regulated only under one or more provisions of the Consumer Product Safety Act.

Interested persons are invited to submit written comments by July 15, 1983. Comments may be accompanied by written data, views, and arguments, and should be addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Received comments may be seen in the Office of the Secretary, eighth floor, 1111 18th Street, NW., Washington, D.C., between 8:30 a.m. and 5:00 p.m., Monday through Friday.

(Sec. 30(d), Pub. L. 92-573, 86 Stat. 1207, as amended Pub. L. 94-284, 90 Stat. 503, Pub. L. 97-35, 95 Stat. 703; 15 U.S.C. 2079(d))

Dated: June 10, 1983.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-19022 Filed 6-14-83; 9:45 am]

BILLING CODE 6355-01-M

#### COMMODITY FUTURES TRADING COMMISSION

##### 17 CFR Part 1

#### Fees for Contract Market Designations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed schedule of fees.

SUMMARY: As part of the Futures Trading Act of 1982, Congress amended



Section 26 of the Futures Trading Act of 1978 to allow the Commission to promulgate a schedule of fees "to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration with its administration and enforcement of the Commodity Exchange Act." In this regard the Commission proposes to establish a standard formula for contract market designation applications. The proposed formula is based upon a moving average of Commission costs expended reviewing contract marketing applications over the previous three fiscal years. Under the proposed formula, using the costs for fiscal years 1981, 1982 and the first half of fiscal year 1983, the Commission proposes an application fee of \$10,000 for all pending applications or new applications submitted.

**DATE:** Comments must be received on or before July 15, 1983.

**ADDRESS:** Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

**FOR FURTHER INFORMATION CONTACT:** Stacy Dean, Counsel to the Executive Director, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254-7360.

#### SUPPLEMENTARY INFORMATION:

##### 1. Introduction

The Futures Trading Act of 1982 (Pub. L. No. 97-444, 96 Stat. 2294, Jan. 11, 1983) amended Section 26 of the Futures Trading Act of 1978 (7 U.S.C. 16a)<sup>1</sup> to provide specific authority to the Commission:

To promulgate, after notice and opportunity for hearing, a schedule of appropriate fees to be charged for services rendered and activities and functions performed by the Commission in conjunction with its administration and enforcement of the Commodity Exchange Act: *Provided*, That the fees for any specific service or activity or function shall not exceed the actual costs thereof to the Commission. (96 Stat. 2326.)

The Conference Report accompanying the legislation (H.R. Rep. No. 964, 97th Cong. 2d Sess. (1982)) states that "the conferees intend that the fee schedule addressed by the Conference substitute be strictly limited to Commission activities directly related to:

<sup>1</sup> Section 26, formerly entitled "Plan for User Fees," gave the Commission, with certain restrictions, the authority "to charge and collect reasonable fees to cover the estimated cost of regulating transactions under the jurisdiction of the Commission." No fees were promulgated by the Commission under this provision.

... contract market designation . . ." as well as other enumerated Commission functions (p. 57).

In this regard, the Commission proposes to add an Appendix A to Part 1 of its regulations to set forth a standard formula which would be used to establish a fee each fiscal year for contract market designation applications. The Commission proposes to establish a standard methodology, as explained in further detail below, which will result in the calculation of a fee for a particular year which will vary depending upon actual costs to the Commission expended for the previous three fiscal years and the number of contracts reviewed in that three year period. Thus, a contract market application would be subject to the fee in effect on the date the application is filed, regardless of the date of designation.

##### II. Contract Market Designation

The Commodity Exchange Act authorizes the Commission to designate any board of trade as a "contract market" to buy and sell futures or options on specified commodities under certain conditions. Accordingly, contract market applications are reviewed to ensure compliance with all requirements of the Act and all rules and regulations of the Commission. Specific economic and public interest factors are considered in accordance with the Commission's Guidelines No. 1, 17 CFR, Part 5, Appendix A. In this regard, the Commission seeks to ensure, among other things, that the contract is a viable mechanism for commercial hedging and price discovery; deliverable supplies of the underlying commodity are adequate; the contract conforms with commercial practices in the cash market; the contract is in the public interest; and the contract market will maintain adequate rule enforcement programs.

Pursuant to the Commission directive, the staff has reviewed various ways to establish an application fee which reflects actual costs expended by the Commission with respect to the contract market designation process mandated by the Act. While the Commission recognizes there may be varying methods to establish an appropriate application fee, the Commission has taken into consideration potential anticompetitive effects and is proposing a fee based upon actual costs expended over the last three fiscal years.

In essence, the Commission proposes to publish each year an application fee based upon a three year moving average of actual costs expended and the number of contracts reviewed in that period of time. Thus for FY 1984, the

Commission would calculate the costs associated with contract market applications for fiscal years 1981, 1982 and 1983. The total three year costs would be divided by the total number of applications reviewed during those three fiscal years. The Commission believes that establishment of this standard methodology is a fair and accurate means of establishing an application fee for each fiscal year.

In addition, the Commission proposes to set a fee for all pending applications and new applications submitted prior to the publication to the FY 1984 fee. Because the Commission believes that the data beginning in fiscal year 1981 is the most reliable and most accurately reflects the annual costs and contracts reviewed, the Commission proposes that the fee applicable to contracts pending or submitted would be based upon the cost expended and number of contracts reviewed in FY 1981, FY 1982 and the first six months of FY 1983.

Since the beginning of fiscal year 1981 through the first half of fiscal year 1983 the staff estimates that the Commission has spent approximately \$950,537 in considering applications for contract market designations.<sup>2</sup> During that time period review has been undertaken on 91 contract market designation applications. Thus, the staff estimates that the Commission spent an average of \$10,445 on each application for contract market designation on which review has been undertaken.<sup>3</sup>

<sup>2</sup> In FY 1981 the Commission spent \$312,634; FY 1982 \$440,345; and in the first half of FY 1983 \$188,558. These figures include compensation and benefit costs of the staff time devoted to review and analysis of applications for contract market designation. Costs were derived by using the Commission's Budget Account Codes. The \$950,537 figure also includes actual travel costs associated with the review and an overhead cost of 32%, the Commission's actual overhead percentage for space, supplies, utilities, etc. However, the figure does not include the costs of reviews performed by the Division Directors or the Commissioners or the overhead associated with such costs. Nor does it include the costs of staff support provided to the Commission by the Secretariat, Administrative Services, Personnel, and other support units. Consequently, use of this cost figure results in a conservative estimate of the average costs of considering an application for contract market designation.

<sup>3</sup> This is a conservative estimate not only for the reasons stated in footnote 2 above, but also because considerable work and therefore cost to the Commission was expended on some of these 91 applications before fiscal year 1981, and, for those of the 91 applications not yet approved, disapproved or withdrawn, additional work and cost has yet to be incurred. These unaccounted for additional costs would obviously raise the average costs expended on each application. In addition, the average cost would be higher if the FY 1981 and FY 1982 expenditures were expressed in terms of 1983 dollars.



The Commission proposes to charge a fee of \$10,000 for each application for contract market designation, based on the average actual cost to the Commission for work done on each application considered in fiscal years 1981, 1982 and the first half of fiscal year 1983. The figure of \$10,445 has been rounded to \$10,000. For the reason stated in footnotes 2 and 3 above, this figure is conservative. The use of the \$10,000 figure is consistent with the language in the statute which prohibits the Commission from recovering more than its actual costs. The \$10,000 figure would be subject to review each year as current data for the costs of considering applications in the previous three fiscal years becomes available.<sup>4</sup>

While the costs of reviewing individual applications will obviously vary, the Commission believes it is appropriate to charge the same "average" fee for each application, rather than attempting to determine the actual costs of considering each separate application. To do otherwise would have the effect of discouraging innovation, since innovative applications for contract market designation are often the most time consuming to analyze. Moreover, it is appropriate to charge the same price for a less innovative application, since these applications are less costly to consider only because of the efforts that the Commission staff previously expended on previous applications.

The Commission proposes to publish early in each fiscal year the fee for contract market applications submitted after that date in a new Appendix A to Part 1 of the Commission's regulations. A check or money order should be made payable to the Commodity Futures Trading Commission with the application for contract market designation and should be submitted to the Office of the Secretariat. No fees or applications would be accepted in the regional offices, in order to centralize bookkeeping procedures for fee collection. Fees would be deposited through the Commission's Budget Office to the U.S. Treasury for disbursement from the general fund in accordance with Congressional appropriations.<sup>5</sup>

<sup>4</sup> The Commission projects that, because of the large inventory of contracts on which review is ongoing but has not been completed the costs expended reviewing contract market applications for fiscal year 1983 will increase significantly without a corresponding increase in the number of contracts reviewed. This will result in a significant increase in the three year moving average and the fee to be charged in fiscal year 1984.

<sup>5</sup> 31 U.S.C. § 3302 (1983). See also 31 U.S.C. § 9701 (1983).

Applications received without fees would be returned by the Secretariat to the submitting exchange, and the one-year statutory time period for reviewing applications would not begin to run.

The Commission further recommends that in the event that an application for contract market designation is withdrawn or disapproved the fee would not be refunded. See *New England Power Co. v. United States Nuclear Regulatory Commission*, 683 F.2d 12 (1st Cir. 1982). The costs of analyzing an application which is ultimately withdrawn or disapproved should be recovered by the Commission. Further, a non-refundable fee should ensure that the Commission receives serious and well-reasoned applications.

Finally, the Commission proposes that the \$10,000 fee apply to all applications for contract market designation which are pending as of the effective date of the proposed regulation, as well as to applications submitted after that date. See *Hannifin v. Morton*, 444 F.2d 200 (10th Cir. 1971); *Miller v. Udall*, 317 F.2d 573 (D.C. Cir. 1963).<sup>6</sup> Exchanges with pending applications would be instructed to submit the \$10,000 fee for each such application within 30 days of the effective date of the proposed regulation. To avoid any unfairness to pending applicants, however, the Commission further proposes that exchanges be allowed to withdraw without prejudice applications which are pending as of the effective date of the proposed regulation without incurring the \$10,000 fee. If an exchange with a pending application fails to submit the \$10,000 fee within the 30-day period, the application would be considered withdrawn, and the exchange would not be liable for any fee. The exchange could, of course, resubmit its application at another time, along with the appropriate fee.

<sup>6</sup> In *Hannifin*, the Secretary of the Interior promulgated a rule imposing an annual fee of 25 cents per acre on prospecting permits for federally owned sulphur lands. The plaintiffs challenged the validity of the rule insofar as it applied to permit applications which were pending before the proposed rule was announced. The Tenth Circuit rejected that challenge.

We are of the opinion that the plaintiff and the members of the class had not acquired any vested right which would preclude subjecting them to the operation of the regulation.

To hold otherwise, and to thereby recognize that the mere filing of an application creates a property right which is immune from modification, would seriously handicap the Secretary in the exercise of his proprietary duties.

444 F.2d at 202-03. Similarly, in *Miller*, the D.C. Circuit held that a statutory change in the minimum annual rental fee for oil and gas leases should be applied to pending applications.

### III. Regulatory Flexibility Act

The Commission has previously determined that contract markets are not "small entities" for purposes of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) (47 FR 18618; April 30, 1982). The requirements of the Regulatory Flexibility Act do not, therefore, apply to those entities. Accordingly, the Acting Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b) that the rule proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities.

#### List of Subjects in 17 CFR Part 1

Applications for contract market designation. Fees.

Adding Appendix A to Part 1 of Chapter 1 of Title 17 CFR

#### PART 1—[AMENDED]

In consideration of the foregoing, and pursuant to the authority contained in the Commodity Exchange Act, and in particular Sections 2(a)(11), 8a(5) and 26, 7 U.S.C. 4a(j), 12a(5) and 16a (1976 and Supp. V 1981), as amended by the Future Trading Act of 1982, Pub. L. 97-444, Section 237, 96 Stat. 2328 (Jan. 11, 1983), and the Independent Offices Appropriations Act, as amended by Pub. L. 97-258, 96 Stat. 1051 (Sept. 13, 1982) (see 31 U.S.C.A. § 9701), the Commission proposes to amend Part 1 of Chapter 1 of Title 17 of the Code of Federal Regulations by adding Appendix A, to read as follows:

#### Appendix A—Schedule of Fees

(a) Applications for Contract Market Designation. All applications for designation as a contract market shall be subject to an application fee based upon the average Commission costs expended reviewing contract market applications over a period of the preceding three fiscal years.

(b) Each application for designation as a contract market must be accompanied by a check or money order in the amount of \$10,000 made payable to the Commodity Futures Trading Commission.

(c) Checks and applications should be sent to the attention of the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. No checks or money orders may be accepted by personnel other than those in the Office of the Secretariat.

(d) Failure to submit the fee with an application for designation as a contract market (or, if an application is pending, within 30 days of the effective date of this regulation) will result in return of the application. Fees will not be returned after receipt.



Issued in Washington, D.C., on June 10, 1983, by the Commission.

Jane K. Stuckey,

*Secretary of the Commission.*

[FR Doc. 83-19021 Filed 6-14-83; 8:45 am]

BILLING CODE 6351-01-M

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**FEDERAL EMERGENCY  
MANAGEMENT AGENCY****44 CFR Part 67**

[Docket No. FEMA-6508]

**National Flood Insurance Program,  
Proposed Flood Elevation  
Determination; Idaho***Correction*

In FR Doc. 83-12002 beginning on page 20443 in the issue of Friday, May 6, 1983, make the following corrections:

1. On page 20444, in the table, under column two, "City/town/county" line five, "Lath County" should read "Latah County."

2. On page 20444, in the table, under column five, "#Depth in feet above ground. \*Elevation in feet (NGVD), "lines six and seven," "(1)" should read "(3)".

BILLING CODE 1505-01-M



# Notices

Federal Register

Vol. 48, No. 116

Wednesday, June 15, 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

#### Forms Under Review by Office of Management and Budget

June 10, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzer, Acting Department Clearance Officer, USDA, OIRM, Room 108-W, Admin. Bldg., Washington, D.C. 20250, (202) 447-6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attn: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from so promptly, you should advise the OMB Desk

Officer of your intent as early as possible.

#### Extension

##### • Agricultural Stabilization and Conservation Service

##### Financial Statement

##### ASCS-398

##### On occasion

Farms: 15,000 responses; 15,000 hours; not applicable under 3504(h)

Beverly Pritts, (202) 447-8374

##### • Economic Research Service

##### Survey of Plant Capacity for Refining Fats and Oils

##### On occasion

Businesses: 105 responses; 105 hours; not applicable under 3504(h)

Duane Hacklander, (202) 447-8776.

Marshall L. Dantzer,

Acting Department Clearance Officer.

[FR Doc. 83-15904 Filed 6-14-83; 8:45 am]

BILLING CODE 3410-01-M

## CIVIL AERONAUTICS BOARD

[Docket 41499]

### Buffalo Airways, Inc., Fitness Investigation; Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on June 30, 1983, at 10:00 a.m. (local time) in Room 1012, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., June 9, 1983

John M. Vittono,

Administrative Law Judge.

[FR Doc. 83-16052 Filed 6-14-83; 8:45 am]

BILLING CODE 6320-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Countervailing Duty Investigation; Carbon Steel Wire Rod From Trinidad and Tobago

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Initiation of Countervailing Duty Investigation.

**SUMMARY:** On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty

investigation to determine whether producers, manufacturers, or exporters in Trinidad and Tobago of carbon steel wire rod, as described in the "Scope of the Investigation" section below, receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If our investigation proceeds normally, we will make our preliminary determination on or before August 9, 1983.

**EFFECTIVE DATE:** June 15, 1983.

#### FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-5414.

#### SUPPLEMENTARY INFORMATION:

##### Petition

On May 16, 1983, we received a petition from counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation and Raritan River Steel Company on behalf of the U.S. industry producing carbon steel wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in Trinidad and Tobago of steel wire rod receive, directly or indirectly, bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Trinidad and Tobago are not "countries under the Agreement" within the meaning of section 701(b) of the Act and therefore section 303 of the Act applies to this investigation. Under this section, because the merchandise under investigation is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

##### Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the



petitioner supporting the allegations. We have examined the petition on carbon steel wire rod and we have found that the petition meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Trinidad and Tobago of carbon steel wire rod as described in the "Scope of the Investigation" section of this notice, receive bounties or grants. If our investigation proceeds normally, we will make a preliminary determination by August 9, 1983.

#### Scope of the Investigation

The product covered by this investigation is carbon steel wire rod, a coiled semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. The merchandise is currently classified under item number 607.17 of the Tariff Schedules of the United States.

#### Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, or exporters in Trinidad and Tobago of carbon steel wire rod receive the following benefits that constitute bounties or grants: government equity contributions on terms inconsistent with commercial considerations, government loan guarantees, import duty exemptions on capital equipment, government cash infusions to cover operating losses, preferential natural gas prices, preferential rental or lease terms for facilities provided by the Point Lisas Development Project, government provision of infrastructure at the Point Lisas Development Project, worker training subsidies, preferential export credit insurance, preferential shipping rates, government sponsored marketing assistance, and tax concessions under the Trinidad and Tobago Corporation Tax Act of 1966.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-16004 Filed 6-14-83; 8:45 am]

BILLING CODE 3510-25-M

#### National Bureau of Standards

#### National Bureau of Standards' Visiting Committee; Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet

on Wednesday, July 13, 1983, from 8:30 a.m. to 5:15 p.m., and Thursday, July 14, 1983, from 9:00 a.m. to 11:45 a.m. in Lecture Room B, Administration Building, National Bureau of Standards, Gaithersburg, Maryland, and from 2:00 p.m. to 3:00 p.m. in Room 5854, Department of Commerce, Washington, D.C.

The NBS Visiting Committee is composed of five members prominent in the fields of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to review the efficiency of the Bureau's scientific work and the condition of its equipment in order to assist the Committee in reporting to the Secretary of Commerce as required by law.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Mrs. Carolyn Goodfellow, Office of Research and Technology Applications, National Bureau of Standards, Washington, D.C. 20234, telephone (301) 921-2226.

Dated: June 10, 1983.

Ernest Ambler

Director.

[FR Doc. 83-16005 Filed 6-14-83; 8:45 am]

BILLING CODE 3510-13-M

#### CONSUMER PRODUCT SAFETY COMMISSION

#### Public Meeting Concerning Commission Priorities

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Commission will conduct a public meeting to obtain views from interested parties about priorities for Commission attention during fiscal year 1985. Participation by members of the public is invited.

**DATES:** The meeting will begin at 9:30 a.m. on June 27, 1983. Requests from members of the public who desire to make presentations should be received by the Office of the Secretary not later than June 20, 1983.

**ADDRESS:** The meeting will be in the third floor conference room, 1111 18th Street, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** For information about the meeting or to request opportunity to make a presentation at the meeting, contact Sadye E. Dunn, Secretary, Consumer Product Safety Commission,

Washington, D.C. 20207; telephone (301) 492-6800.

**SUPPLEMENTARY INFORMATION:** The Consumer Product Safety Commission will conduct as public meeting to receive views from interested parties concerning establishment of priorities for Commission attention during fiscal year 1985 (October 1, 1984 through September 30, 1985). The meeting will begin at 9:30 a.m. on June 27, 1983, in the Commission's conference room, third floor, 1111 18th Street, NW., Washington, D.C.

The purpose of the meeting is to obtain views concerning projects and activities which should be given priority by the Commission during fiscal year 1985 from a wide range of interested parties including representatives of consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; and representatives of health and safety agencies of state and local governments.

The Commission is charged by Congress with protection of the public from unreasonable risks of injury associated with consumer products. In accordance with that mandate, the Commission administers and enforces the following laws, and rules issued under those laws:

The Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*);

The Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*);

The Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); and

The Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*).

Standards and regulations issued under those statutes are published in the Code of Federal Regulations, Title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers in or around their homes, in schools, in recreation, and other settings, its staff and budget are limited. For that reason, the Commission must concentrate its resources on the most serious hazards associated with consumer products within its jurisdiction in order to discharge its Congressional mandate effectively.

In its Budget Request for fiscal year 1984 (October 1, 1983 through September 30, 1984), the Commission identified nine priority projects for that fiscal year. Those projects are described in Appendix 1 to this notice. The Commission's priority projects for fiscal year 1983 (October 1, 1982 through September 30, 1983) are also described in Appendix 1. The order in which the projects appear in Appendix 1 does not



reflect the relative priority of one project over another, and that appendix does not contain a complete list of all projects undertaken by the Commission during those fiscal years.

Commission priorities are selected in accordance with Commission's policy governing establishment of priorities, published at 16 CFR 1009.8.

Interested parties who desire to make presentations at this meeting should call or write Sadye E. Dunn, Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492-6800 not later than June 20, 1983.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations are encouraged to submit a written text or summary of their presentations to the Office of the Secretary, not later than June 20, 1983.

The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations.

The public meeting will begin at 9:30 a.m. on June 27, 1983, and will conclude on the same day.

Dated: June 13, 1983.

Sadye E. Dunn,

Secretary Consumer Product Safety Commission.

#### Appendix 1—Commission Priorities for Fiscal Year 1984 (October 1, 1983 Through September 30, 1984)

**Chain Saws**—Each year, an estimated 28,000 medically attended injuries occur from chain saw "kickback" (the sudden rearward and upward travel of a chain saw when it bucks, kicks or unexpectedly jumps toward the operator). In FY 1984, the Commission will continue work toward development of a mandatory product safety standard designed to address the kickback hazard, and will work with industry on a voluntary standard as an alternative. In addition, the agency will work on strategies to address non-kickback injuries (estimated at 95,000 per year, but generally less serious than kickback injuries), and will conduct an information and education program to inform consumers how to use chain saws safely.

**Chlorocarbons**—Long-term animal testing of two chemicals (perchloroethylene, widely used in dry cleaning, and dichloromethane, used as a paint remover and solvent) will be completed in FY 1983. Preliminary indications are that both compounds may cause cancer. In FY 1984, CPSC will continue work to analyze the potential risk to consumers from exposure to these chemicals, and, if appropriate, will develop remedial strategy options.

**Gas Heating Equipment**—Gas heating systems account for the majority of carbon monoxide deaths in the home—about 290 deaths each year. In addition, gas-fired heating systems account for a significant number of fire-related deaths and injuries. In FY 1984, the Commission will work with

voluntary standards groups (for example, the American National Standards Institute) to improve the safety of these products, and will conduct an outreach program to increase consumer awareness of potential hazards.

**Indoor Air Quality—Combustion Products**—The Commission is concerned about possible health problems caused by pollutant emissions from fuel-fired appliances. Pollutants include carbon monoxide, nitrogen oxides, and formaldehyde. Studies indicate that living in homes with gas stoves may have increased the incidence of respiratory disease and lung dysfunction in children. In FY 1984, the Commission will continue to conduct tests to measure consumers' exposure to pollutants from these sources, and will seek the aid of appliance and heater manufacturers to develop appropriate remedial strategies.

**Juvenile Sports Equipment**—Each year, there are over 900,000 medically attended injuries of children from the ages of 5 through 14 associated with baseball, football and soccer activities. Between 1973 and 1980, there were over 60 deaths of children in this same age group which were associated with these sports. In FY 1984, the Commission will conduct a detailed analysis of injuries, test protective equipment, and develop proposals to improve safety in the juvenile sports area. Proposals to improve safety may include information and education efforts, rule changes, and equipment improvements.

**Particleboard and Paneling**—Formaldehyde emissions from these pressed wood products may constitute a health risk to consumers. Both acute and chronic health hazards are of concern. In FY 1984, the Commission will continue the evaluation of formaldehyde emissions from these products and the assessment of consumer exposure and risk resulting from the use of these products in conventional (as opposed to mobile) homes. This work will provide the basis for determining whether any action is necessary to reduce possible health hazards. Industry is working cooperatively with the Commission in evaluating technical data on methods of measuring formaldehyde emissions as well as sharing information on resin technology and product use.

**Poison Prevention Packaging**—The Poison Prevention Packaging Act provides authority to issue regulations requiring child-resistant packaging for certain products to protect children from serious injury or illness. In FY 1984, CPSC will investigate and develop proposals, if appropriate, to require child-resistant packaging for certain camphorated products, petroleum distillates and topical drugs to prevent ingestion injuries from these products. In addition, CPSC is concerned that increased usage of dual purpose closures may lead to increased accidental ingestion of dangerous chemicals by children. In FY 1984, the agency will continue to monitor market data and ingestion data, and, if necessary, will develop regulations regarding the use of dual purpose closures.

**Safety for Older Consumers**—The elderly are the largest growing segment of our society and suffer most severely from product-related accidents. The special circumstances and life styles of persons aged 65 and over which make them particularly

vulnerable to injury will be addressed. Attention will center on reducing incidence of falls, fires, scalds and the effects of indoor air pollution.

**Smoldering Ignition**—Fire is the fourth leading cause of accidental death in the United States, and the second leading cause of accidental death in the home. Upholstered furniture fires cause more deaths than any other product under CPSC jurisdiction. It is estimated that 1,150 deaths, 4,200 injuries and 24,600 fires occur annually as a result of cigarette ignition of upholstered furniture. Mattress and bedding fires, which cause an estimated 1,000 deaths annually, are also a serious safety problem.

In FY 1984, the Commission will continue its cooperative efforts with industry to improve the resistance of upholstered furniture to cigarette ignition. The agency will also conduct an information and education program to warn consumers of the fire hazard. In addition, CPSC will analyze injury data associated with mattress and bedding fires, and will develop remedial strategies for the hazard.

#### Commission Priorities for Fiscal Year 1983 (October 1, 1982 Through September 30, 1983)

**Chain Saws**—See discussion in FY '84 priorities.

**Smoldering Ignition of Furniture and Bedding**—See discussion in FY '84 priorities.

**Children's Exposure to Carcinogens**—Various rubber and plastic children's products may contain the potentially cancer causing substances, nitrosamines or phthalates. The Commission will evaluate the extent to which children are exposed to these substances and will consider alternatives to reduce any risk to children, including cooperative efforts with industry.

**Heating Equipment Fires**—An estimated 850 deaths and 8,700 injuries each year result from heating equipment fires. The Commission will work with industry to develop safer gas water heaters, solid fuel appliances and kerosene heaters. Consumers will be informed of the potential hazards of these products and how to safeguard against them.

**Smoke Detectors**—The Commission will work with fire departments, insurance companies and state and local agencies to promote the wider use of smoke detectors in residences.

**Formaldehyde Released from Plywood and Particle Board**—See discussion in FY '84 priorities.

**Pharmacy/Medical Community Awareness**—The Commission will attempt to further reduce accidental ingestions of prescription drugs by children under five by working with State Boards of Pharmacy to bolster enforcement of child-resistant closure dispensing regulations and by preparing instructional materials for pharmacy and medical school students to increase their awareness of ingestion hazards.

**Indoor Air Quality—Combustion Products**—See discussion in FY '84 priorities.

**Dual Purpose Closure Analysis**—See discussion in FY '84 priorities under the heading *Poison Prevention Packaging*.



**School Laboratory Chemicals**—The Commission will increase awareness of potential hazards from school laboratory chemicals so that safety precautions can be taken by students and their teachers. The CPSC will also make a strong effort to find substitutes for the chemicals used today.

[FR Doc. 83-16185 Filed 6-14-83; 8:45 am]

BILLING CODE 6355-01-M

## DEPARTMENT OF EDUCATION

### Office of Educational Research and Improvement

#### Planning for Future Support of Research and Development Centers and Regional Educational Laboratories; Public Meetings and Request for Public Comment

**AGENCY:** Department of Education.

**ACTION:** Notice of public meetings and request for public comment on planning for future support of research and development centers and regional educational laboratories.

**SUMMARY:** The National Institute of Education (NIE) will hold public meetings, and the Director of NIE is inviting written comments from the public, regarding educational research, issues, problems, needs, and priorities of each region of the country in planning for future support of the research and development (R&D) centers and regional educational laboratories through open competitions.

**DATES:** Public meetings are scheduled for June 16, June 20, June 22, and June 24, 1983. Written comments must be submitted on or before July 9, 1983.

**ADDRESSES:** Public meetings will be held in the following cities on the dates shown, starting at 9:00 a.m. and ending at 5:00 p.m. except for the Washington meeting which will start at 8:30 a.m. and end at 4:30 p.m.

Washington—June 16, 1983—GSA Regional Office Building Auditorium, Room 1041, 1st Floor, 7th and D Streets SW., Contact: Phillip Whiteman, NIE, 202-254-5740

Atlanta—June 20, 1983—Senator Richard Russell Building, L. D. Strom Auditorium, 75 Spring Street SW., Contact: John Lovegrove, ED Region IV Office, 404-221-2063

Chicago—June 20, 1983—300 S. Wacker Drive Building, 35th Floor Conference Room. Contact: Vince Birdin, ED Region V Office, 312-353-0966

Philadelphia—June 20, 1983—Drexel University, Main Auditorium, 32nd and Chestnut Streets. Contact: Joseph P. Ambrosino, ED Region III Office, 215-596-1001

San Francisco—June 20, 1983—San Francisco Unified School District, Edison Elementary School, School Auditorium, 3531 22nd Street. Contact: Eugene Gonzales, ED Region IX Office 415-556-4920

Dallas—June 22, 1983—El Centro College, Performing Arts Theatre, Market and Main Streets. Contact: Scott Tuxhorn, ED Region VI Office, 214-767-3626

Kansas City—June 22, 1983—Kansas City Technical Education Center, Auditorium, 1215 Truman Road. Contact: Harry Kellman, ED Region VII Office, 816-374-2276

New York—June 22, 1983—Courtroom #238, 26 Federal Plaza. Contact: Lorraine Colville, ED Region II Office, 212-264-7005

Seattle—June 22, 1983—New Federal Building, South Auditorium, Room 514, 915 Second Avenue. Contact: Hyrum M. Smith, ED Region X Office, 206-442-0460

Boston—June 24, 1983—Administration Building for Boston School Department, Boston School Committee, Meeting Room, 1st Floor, 28 Court Street. Contact: Dr. Thomas J. Burns, ED Region I Office, 617-223-6814

Denver—June 24, 1983—Mountain Bell Auditorium, 1005 17th Street. Contact: Tom Tancredo, ED Region VIII Office, 303-837-3544.

**FOR FURTHER INFORMATION CONTACT:** Individual coordinators for meetings, whose telephone numbers are listed in the ADDRESSES section above.

**SUPPLEMENTARY INFORMATION:** NIE is planning the competition of a nationwide network of R&D centers and regional educational laboratories to be held during 1984. To prepare for this competition, NIE is holding a series of 11 public meetings across the country from June 16 through June 24, 1983.

The agenda for each meeting will be as follows:

\*9:00-9:30 Registration  
 9:30-10:00 Briefing on Background of Meeting by NIE Staff  
 10:00-12:00, 1:00-5:00 Presentations/Comments

\*Exception: The Washington meeting will be held from 8:30 to 4:30.

#### Purposes of the Public Meetings

These public meetings are intended to:

- Provide interested groups and individuals with an opportunity to advise NIE on the educational needs and priorities of their regions and the types of educational research and development services they believe would be most responsive to those needs;

- Inform NIE about the education community's views regarding the most appropriate institutional characteristics for the laboratories and centers; and

- Discuss NIE's plans for the laboratory and center competition.

The Director wishes to hear from as many people as possible regarding the Institute's efforts to improve education through the work of laboratories and centers. Following the meetings, NIE will review all correspondence and contributions of participants, consult with a national advisory panel, and develop final plans for the competition.

#### Background

NIE currently supports seven regional laboratories and nine R&D centers located throughout the country. They are the remaining organizations of a nationwide network of 20 laboratories and 10 centers established by the U.S. Office of Education in the mid-60's. Over the years, some of the original institutions closed as a result of evaluations of their work, increasing competition for available funds, changes in Federal policy, and other circumstances.

The current funding cycle for the existing labs and centers is scheduled to end during 1984-1985, and the Congress has instructed NIE to conduct an open competition for future laboratory and center support. This will be the first competition of its kind since the regional laboratories and R&D centers were established almost twenty years ago.

This competition will meet statutory requirements that the Director of NIE "make grants to, and enter into contracts with—(A) regional educational laboratories established by public agencies or nonprofit organizations; and (B) research and development centers established by institutions of higher education or by interstate agencies established by compact which operate subsidiary bodies established to conduct postsecondary educational research and development." [Sec. 405(f)(1) of the General Education Provisions Act, 20 U.S. Code 1221e (Pub. L. 96-374)]

The law also requires that such institutions will conduct research and development activities according to a long-range plan, ensure the dissemination of the results of such work, provide technical assistance to appropriate educational agencies and institutions, and to the extent practicable, provide training to women and members of minority groups.



**R&D Centers**

The purpose of NIE centers has been to provide research leadership in educational problem areas that are of national importance. Each center has been responsible for establishing strategies and programs in pursuit of its mission through consultation with scholars and practitioners in its field and in collaboration with NIE staff. The current centers have been focusing their resources on particular topics or problem areas for extended periods of time. These topics include: evaluation, educational finance and governance, the social organization of schools, educational policy and management, higher education management systems, learning research and development, education and work, teacher education, and individualized schooling.

Center research is typically long-term, multidisciplinary and programmatically integrated. Each center works actively with a national advisory panel of scholars, educators and policymakers to guide and review its direction and performance. Implied in the notion of leadership are key responsibilities that each center strives to carry out: (1) Encouraging excellence in research and related activities; (2) breaking new ground in areas where progress in education is needed; (3) participating in national networks of scholars and practitioners working on similar problems; and (4) making the results of research available in forms that are most useful to partitioners and policymakers.

Current R&D centers are as follows:

- Center for Educational Policy and Management (CEPM), Eugene, OR
  - Center for Social Organization of Schools (CSOS), Baltimore, MD
  - Center for the Study of Evaluation (CSE), Los Angeles, CA
  - Institute for Research on Educational Finance and Governance (IFG), Stanford, CA
  - Learning Research and Development Center (LRDC), Pittsburgh, PA
  - National Center for Higher Education Management Systems (NCHEMS), Boulder, CO
  - National Center for Research in Vocational Education (NCRVE), Columbus, OH
  - Research and Development Center for Teacher Education (RDCTE), Austin, TX
  - Wisconsin Center for Education Research (WCER), Madison, WI
- As the Institute plans for center competitions, the Director invites comments and advice, first of all, on those research issues and educational

problems that should have the highest priority for the work of centers. In addition, the Director invites opinions on particular options for structuring centers around the issues and problems identified by commenters. The following topics may be used as a guide in organizing comments:

1. The balance of basic, applied, and policy research appropriate for a center for the issues identified;
2. The need for training, development, dissemination, technical assistance, or other related activities for the problems and issues having the highest priority;
3. The most productive relationship between NIE and its centers regarding the initiation of research projects;
4. The primary audiences for work on the problems and issues identified by the commenter, and the method for disseminating results of the work to those audiences; and
5. Options, if any, for the structure and organization of centers (single site, consortium, multi-site network, etc.).

**Regional Educational Laboratories**

NIE currently sponsors regional laboratories that are intended to complement the work of other educational agencies (including state departments of education, school districts, colleges and universities, private firms, and other organizations) in identifying and helping to meet educational R&D needs in specified geographical areas of the country.

The current laboratories are governed by boards of directors that reflect the many interests of educational groups in the regions. Although the specific activities of individual laboratories may vary considerably, they generally perform the following functions:

- Identify concerns and priorities through regionally representative governance and advisory structures.
- Conduct applied research and development in pursuit of those priorities.
- Provide technical assistance to the region.
- Facilitate communication among educational agencies and individuals in the region.
- Promote the regional use of R&D results from all sources, and
- Disseminate nationally the results of their own activities.

Current laboratories are as follows:

- Appalachia Educational Laboratory, Inc. (AEL), Charleston, WV (AL, KY, OH, PA, TN, VA, WV)
- Far West Laboratory for Educational Research and Development (FWL), San Francisco, CA (CA, NV, UT)

- Mid-continent Regional Educational Laboratory (McREL), Kansas City, MO (CO, KS, MO, NE, ND, SD, WY)

- Northwest Regional Educational Laboratory (NWREL), Portland, OR (AK, HI, ID, MT, OR, WA, American Samoa, Guam, Micronesia, Northern Marianas)

- Research for Better Schools, Inc. (RBS), Philadelphia, PA (DE, NJ, PA)

- Southwest Educational Development Laboratory (SEDL), Austin, TX (AR, LA, MS, NM, OK, TX)

- Southwest Regional Laboratory (SWRL), Los Alamitos, CA (AZ, CA, NV)

**Note.**—As alternatives to full laboratory services, McREL and AEL provide interim services to IL, IN, IA, KY, MI, MN, MO, OH, TN, and WI.

As the Institute plans for the laboratory competitions, the Director invites comments on the needs and priorities of each region of the country, as well as on laboratory purposes, functions, structures, governance and boundaries. The following topics may be used as a guide in organizing comments:

**Boundaries**

1. The combination of states in the commenter's area of the country that would make for the most sensible, effective grouping for laboratory governance and activities;
2. The general policies on regional boundaries that NIE should establish with respect to minimum/maximum size, overlap of service areas, or eligibility of states to receive services from more than one institution;
3. The key educational issues on which the work of a laboratory in the commenter's region should focus;

**Purposes and Functions**

4. The activities and client groups on which the laboratory in the commenter's region should concentrate over the next several years;
5. The most effective strategies and activities for improving educational quality, based on the commenter's past experience with laboratories or similar institutions;
6. The manner in which a laboratory should work with other agencies already involved in research, development, dissemination, or technical assistance in the commenter's region;
7. The core functions—such as assessing regional needs, conducting applied research, or disseminating exemplary research and practice—that NIE should require for all laboratories to ensure consistency and coordination across institutions, if any;



*Structure and Governance*

8. The advantages and problems in using existing organizations, creating new organizations, or using collaborative arrangements among existing groups as the basis for laboratory operations in the commenter's region;

9. The basis on which regional laboratories should select representatives for their governing boards, and the roles the boards should play; and

10. The most productive relationship between NIE and its laboratories with respect to decision-making concerning the goals, structure, and quality of their projects.

**Invitation To Comment**

The Director invites interested persons to make an oral presentation on the meeting dates scheduled. To make an oral presentation, contact in advance the coordinator for the meeting you wish to attend. Interested persons wishing to make an oral presentation without contacting the appropriate meeting coordinator in advance to reserve a slot may schedule an oral presentation in person on the day of the meeting if slots are available. Speakers will be scheduled on a first-come, first-served basis. Presentations may not exceed ten minutes. Oral testimony should be accompanied by a written statement to be included in the meeting record.

The Director encourages persons unable to participate in a meeting to send their written comments to: Phillip L. Whiteman, Office of the Director, National Institute of Education, 1200 19th Street, N.W., Washington, D.C. 20208. Written comments will become part of the official record of these meetings if they are submitted no later than July 9, 1983.

(Catalog of Federal Domestic Assistance: 84-117, Educational Research and Improvement)

Dated: June 8, 1983.

Fred W. Decker,

*Acting Assistant Secretary for Educational Research and Improvement.*

[FR Doc. 83-16122 Filed 6-14-83; 8:45 am]

BILLING CODE 4000-01-M

**DEPARTMENT OF ENERGY****Economic Regulatory Administration**

[ERA Docket No. 83-CDRT-144]

**Allentown Hospital; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Allentown Hospital, 17th & Chew Streets, Allentown, Pennsylvania 18102,

filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at the Allentown, Pennsylvania Hospital facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, Allentown Hospital indicates that the volume of natural gas for which it requests certification is approximately 70,000 Mcf per year. This volume is estimated to displace the use of approximately 500,000 gallons of No. 2 fuel oil (0.2 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and by UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Allentown Hospital and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-16076 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-162]

**The F&M Schaefer Brewing Co.; Application For Certification of the Use of Natural Gas To Displace Fuel Oil**

The F&M Schaefer Brewing Co. (Schaefer), Lehigh Valley Brewery, SW Corner Route 22 and Highway 100, P.O. Box 2568, Allentown, Pennsylvania 18001, filed an application on June 7, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its brewery in Allentown, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, Schaefer indicates that the volume of natural gas for which it requests certification is approximately 590,673 million cubic feet per year. This volume is estimated to displace the use of approximately 3,835,540 gallons of No. 6 fuel oil (2.2 percent sulfur) per year.

The eligible seller is Exxon USA, P.O. Box 2180, Houston, Texas 77001. This gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and by UGI Corporation, Gas Utility Division, 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.



An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Schaefer and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16075 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-147]

**The Faultless Rubber Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

The Faultless Rubber Company (Faultless Rubber), 268 East Fourth Street, Ashland, Ohio 44805, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Ashland, Ohio plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Faultless Rubber indicates that the volume of natural gas for which it requests certification is approximately 140,000 Mcf per year. This volume is estimated to displace the use of approximately 933,300 gallons of No. 6 fuel oil (.5 percent sulfur) per year.

The eligible seller is Exxon-U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gulf Transmission Corporation, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas Transmission Company, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314; and by Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Faultless Rubber and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16064 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-105]

**The General Tire & Rubber Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

The General Tire & Rubber Company (General Tire), One General Street, Akron, Ohio 44329, filed an application on May 19, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Jeannette, Pennsylvania, and at its Toledo, Ohio, plants pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, General Tire indicates that the volume of natural gas for which it requests certification is a total of approximately 370,000 Mcf per year at the two plants (220,000 Mcf at Jeannette and 150,000 Mcf at Toledo). This volume is estimated to displace the use of approximately 2,480,900 gallons of No. 6 fuel oil (less than 1.0 percent sulfur) per year at the two plants (1,480,000 gallons at Jeannette and 1,000,000 gallons at Toledo).

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001, and Victory Development Company, 1460 U.S. Steel Building, Pittsburgh, Pennsylvania 15219. The gas will be transported by the Columbia Gulf Transmission Corporation, 3805 W., Alabama Avenue, Houston, Texas 77027, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and by Columbia Gas of Pennsylvania, 99 North Front Street, Columbus, Ohio 43215 (Jeannette plant), and Columbia Gas of Ohio 99 North Front Street, Columbus, Ohio 43215 (Toledo plant), each a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to General Tire and any person filing comments and will be published in the **Federal Register**.



Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 83-10063 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-124]

**Harbison-Walker Refractories U.S.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Harbison-Walker Refractories U.S. (Harbison-Walker), 2 Gateway Center, Pittsburgh, Pennsylvania 15222, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Baltimore, Maryland facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Harbison-Walker indicates that the volume of natural gas for which it requests certification is approximately 547,500 Mcf per year. This volume is estimated to displace the use of approximately 93,075 barrels of No. 2 fuel oil (0.2 percent sulfur) per year.

The eligible seller is POI Energy, Inc., Subsidiary, Park-Ohio Industries, Inc., 777 East 79th Street, Cleveland, Ohio 44103. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25325; and by Baltimore Gas & Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of

this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Harbison-Walker and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16079 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-125]

**Heinz U.S.A.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Heinz U.S.A., a division of H.J. Heinz Co. (Heinz), P.O. Box 57, Pittsburgh, Pennsylvania 15230, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Fremont, Ohio plant pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Heinz indicates that the volume of natural gas for which it requests certification is approximately 553,500 Mcf per year. This volume is estimated to displace the use of approximately 3,690,000 gallons of No. 6 fuel oil (1.5 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001. The gas will be transported by Columbia Gulf Transmission Corporation, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Gas Transmission Corporation, P.O. box 1273, Charleston, West Virginia 25325; and by Columbia Gas of Ohio, 99 North Front Street, Columbus, Ohio 43215 a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the

circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposal oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Heinz and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16077 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-120]

**Hofmann Industries, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Hofmann Industries, Inc. (Hofmann), 3145 Shillington Road, Sinking Spring, Pennsylvania 19608, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Sinking Spring, Pennsylvania plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Hofmann indicates that the volume of natural gas for which it requests certification is approximately 44,056 Mcf per year. This volume is estimated to displace the use of



approximately 299,293 gallons of No. 6 fuel oil (1.5 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, W. Virginia 25314; and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution Company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Hofmann and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

**James W. Workman,**  
*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-14081 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

**[ERA Docket No. 83-CERT-148]**

**Kaiser Aluminum & Chemical Corp.;  
Application for Certification of the Use  
of Natural Gas To Displace Fuel Oil**

Kaiser Aluminum & Chemical Corporation (Kaiser), 300 Lakeside Drive, Oakland, California 94643, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its

Kaiser Agricultural Chemical plant in Hamilton County, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Kaiser indicates that the volume of natural gas for which it requests certification is approximately 215,000 Mcf per year. This volume is estimated to displace the use of approximately 1,550,215 gallons of No. 2 fuel oil (.3 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2610, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012; and by The Concinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Kaiser and any person

filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**  
*Director, Economic Regulatory Administration.*

[FR Doc. 83-16074 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

**[ERA Docket No. 83-CERT-011]**

**Kerr Glass Manufacturing Corp.;  
Certification of Eligible Use of Natural  
Gas To Displace Fuel Oil**

On April 11, 1983, Kerr Glass Manufacturing Corporation (Kerr), 501 South Shatto Place, Los Angeles, California 90020, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 5,000 Mcf per day of natural gas which is expected to displace the use of approximately 794 barrels of No. 6 fuel oil (1.0-2.0 percent sulfur) per day at its glass production facility in Dunkirk, Indiana.

The eligible sellers of the natural gas are SW Pipeline Company, c/o Industrial Gas Services, Inc., 4501 Wadsworth Boulevard, Wheatridge, Colorado 80033; and IGC Energy, Inc., 1630 North Meridian Street, Indianapolis, Indiana 46202. The gas will be transported by Panhandle Eastern Pipeline Company, P.O. Box 1642, Houston, Texas 77001; and by Indiana Gas Company, P.O. Box 1231, Muncie, Indiana 47305, a local distribution company.

Notice of that application was published in the **Federal Register** [48 FR 23298, May 24, 1981] and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Kerr's application 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 Kerr's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA Natural



Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-16066 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-118]

**National Starch and Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

National Starch and Chemical Corporation (National), P.O. Box 1084, Indianapolis, Indiana 46206, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Indianapolis, Indiana, facility pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, National indicates that the volume of natural gas for which it requests certification is approximately 860,000 Mcf per year. This volume is estimated to displace the use of approximately 4,011,960 gallons of No. 6 fuel oil (1.5 percent sulfur) per year.

The eligible seller is Oklahoma Natural Gas Company, P.O. Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Panhandle Eastern Pipeline Company, 3000 Bissonnet Avenue, Houston, Texas 77005; and Citizens Gas & Coke Utility, 2020 North Meridian Street, Indianapolis, Indiana 46202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to National and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 16071 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-121]

**National Starch & Chemical Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

National Starch & Chemical Corporation (National Starch), P.O. Box 197, Meredosia, Illinois 62665, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Meredosia, Illinois plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, National Starch indicates that the volume of natural gas for which it requests certification is approximately 192,500 Mcf per year. This volume is estimated to displace the use of approximately 1,300,600 gallons of No. 5 fuel oil (0.8 percent sulfur) per year.

The eligible seller, who is also a transporter, is Panhandle Eastern Pipeline Company, 3000 Bissonnet Avenue, P.O. Box 1642, Houston, Texas 77001. The gas will also be transported by Central Illinois Public Service (CIPS), 607 East Adams Street, Springfield, Illinois 62701, a local distributor.

In order to provide the public with as much opportunity to participate in this

proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to National Starch and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 10, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-16078 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-78]

**O. M. Scott and Sons Co.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

O. M. Scott and Sons Company (O. M. Scott), 14111 Scottslawn Road, Marysville, Ohio 43041, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Marysville, Ohio, facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Fuels Conversion Division Docket Room, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, O. M. Scott indicates that the volume of natural gas for which it requests certification is approximately 32,170 Mcf per year. This



volume is estimated to displace the use of approximately 231,000 gallons of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible sellers are Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055, and Ohio Shale Pipeline Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to O. M. Scott and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

James W. Workman,  
Director, Office of Fuels Programs, Economic  
Regulatory Administration.

[FR Doc. 83-19067 Filed 6-14-83; 8:45 am]  
BILLING CODE 6450-01-M

[ERA No. 83-CERT-122]

**Oscar Mayer Foods Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Oscar Mayer Foods Corporation (OSCAR MAYER), P.O. Box 7188, Madison, Wisconsin 53707, filed an application on May 25, 1983, with the Economic Regulatory Administration

(ERA) for certification of an eligible use of natural gas to displace fuel oil at its Beardstown, Illinois processing plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16 1979). More detailed information is contained in the application on file and available for public 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.

In its application, OSCAR MAYER indicates that the volume of natural gas for which it requests certification is approximately 182,500 Mcf per year. This volume is estimated to displace the use of approximately 1,377,510 gallons of No. 2 fuel oil (0.1 percent sulfur) per year.

The eligible seller, who is also the interstate transporter, is Panhandle Eastern Pipeline Company, 300 Bissonnet Avenue, P.O. Box 1642, Houston, Texas 77001. The gas will be distributed locally by Central Illinois Public Service Corporation (CIPS), 607 East Adams Street, Springfield, Illinois 62701.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to OSCAR MAYER and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., June 10, 1983.

James W. Workman,  
Director, Office of Fuels Programs, Economic  
Regulatory Administration.

[FR Doc. 83-19066 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-145]

**Phoenix Forging Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Phoenix Forging Company (Phoenix), P.O. Box 70, Catasauqua, Pennsylvania 18032, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Catasauqua, Pennsylvania, plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, Phoenix indicates that the volume of natural gas for which it requests certification is approximately 102,060 Mcf per year. This volume is estimated to displace the use of approximately 745,038 gallons of No. 2 fuel oil (0.25 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within



the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Phoenix and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 9, 1983.  
James W. Workman,  
Director, Office of Fuels Programs, Economic  
Regulatory Administration.

[FR Doc. 83-16073 Filed 6-14-83; 8:45 am]  
BILLING CODE 6450-01-M

[Docket No. ERA-FC-83-006; OFP Case No. 56372-9228-20-24]

### The Procter & Gamble Manufacturing Co.; Order Granting Exemption

**AGENCY:** Economic Regulatory Administration, Department of Energy.  
**ACTION:** Order Granting to The Procter & Gamble Manufacturing Company an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

**SUMMARY:** On March 4, 1983, The Procter & Gamble Manufacturing Company (P&G), filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent cogeneration exemption for an electric powerplant from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*) (FUA or the Act). Title II of FUA prohibits both the use of petroleum and natural gas as a primary energy source in any new powerplant and the construction of any such facility without the capability to use an alternate fuel as a primary energy source. Final rules setting forth criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA were published in the *Federal Register* at 46 FR 59872 (December 7, 1981). Final rules governing the cogeneration exemption were revised on June 25, 1982 (47 FR 29209 (July 6, 1982)), and are contained in 10 CFR 503.37.

P&G requested a permanent cogeneration exemption for a 20 megawatt powerplant consisting of a combustion turbine capable of using natural gas or No. 2 distillate oil to produce electricity and a heat recovery boiler equipped with a duct burner to generate process steam at P&G's

Sacramento, California consumer and industrial products manufacturing facility.

Pursuant to section 212(c) of the Act and 10 CFR 503.37, ERA hereby issues this Order granting a permanent cogeneration exemption for the new powerplant. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section, below.

**DATES:** In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on August 14, 1983.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: DOE, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.-4:00 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Anthony Wayne, Office of Fuels Programs, Economic Regulatory Administration, 1000 Independence Avenue SW., Room GA-073C, Washington, D.C. 20585, Phone (202) 252-1730.

Allan Stein, Esq., Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-222, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

**SUPPLEMENTARY INFORMATION:** P&G proposes to operate a cogeneration system at its Sacramento, California plant which will generate electrical power for sale to Pacific Gas and Electric Company (PG&E), and produce steam to meet the plant's process requirements. The proposed system will consist of a 20 megawatt aircraft derivative gas turbine/generator, together with a heat recovery boiler, which will utilize exhaust heat from the turbine to produce steam for use in the plant. The heat recovery boiler will be supplemented by a natural gas-fired duct burner with a rating of 40 MM Btu/hr., which will be used only when the plant steam demand exceeds the recoverable heat capacity of the turbine exhaust.

P&G expects to sell all the net annual electric power generation of the turbine generator to PG&E.

The petitioner certified that: (1) the gas or oil to be consumed by the cogeneration facility will be less than that which would otherwise be consumed in the absence of the cogeneration facility where the calculation of savings is in accordance with 10 CFR 503.37(b); and, (2) the use of

a mixture of petroleum and natural gas and an alternate fuel is not feasible, as required under 10 CFR 503.9.

In accordance with 10 CFR 503.37(c), P&G also included as part of its petition: (1) exhibits containing the basis for the foregoing certifications, and (2) an environmental impact analysis, as required under 10 CFR 503.13(a).

After review of the petitioner's environmental impact analysis, together with other relevant information, ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

In accordance with the procedural requirements of FUA and 10 CFR 501.3(b), ERA published its Notice of its Acceptance of Petition for Exemption and Availability of Certification relating to the subject powerplant in the *Federal Register* on April 5, 1983 (48 FR 14740), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by section 701(f) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency for comments. During the public comment period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on May 20, 1983. No comments were received and no hearing was requested.

#### Decision and Order:

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all the eligibility requirements for the requested exemption as set forth in 10 CFR 503.37(a)(1) and, pursuant to section 212(c) of FUA, ERA hereby grants P&G a permanent cogeneration exemption for the subject new powerplant to be located at its Sacramento, California plant.

Pursuant to section 702(c) of the Act and 10 CFR 501.69 any person aggrieved by this Order may petition for judicial review thereof at any time before the 60th day following the publication of this Order in the *Federal Register*.

Issued in Washington, D.C. on June 8, 1983.  
Robert L. Davies,  
Deputy Director, Office of Fuels Programs,  
Economic Regulatory Administration.

[FR Doc. 83-16090 Filed 6-14-83; 8:45 am]  
BILLING CODE 6450-01-M



## ERA Docket No. 83-CERT-097]

**Providence Hospital; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

Providence Hospital, 2446 Kipling Avenue, Cincinnati, Ohio 45239, filed an application on May 16, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its hospital facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, Providence Hospital indicates that the volume of natural gas for which it requests certification is approximately 90,000 Mcf per year. This volume is estimated to displace the use of approximately 652,140 gallons of No. 2 fuel oil (0.5 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 43201; and by Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, and the Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, the local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The

request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Providence Hospital and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

(FR Doc. 83-10666 Filed 6-14-83; 8:45 am)

BILLING CODE 6450-01-M

## [ERA Docket No. 83-CERT-123]

**Quincy Soybean Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Quincy Soybean Company (Quincy Soybean), P.O. Box 329, Quincy, Illinois, 62306, filed an application on May 25, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Quincy, Illinois processing plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, Quincy Soybean indicates that the volume of natural gas for which it requests certification is approximately 1,116,170 Mcf per year. This volume is estimated to displace the use of approximately 8,088,400 gallons of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible seller, who is also the interstate transporter, is Panhandle Eastern Pipeline Company, 3000 Bissonnet Avenue, P.O. Box 1842, Houston, Texas 77001. The gas will be distributed locally by Central Illinois Public Service Company (CIPS), 607 East Adams Street, Springfield, Illinois 62701.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels

Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Quincy Soybean and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

(FR Doc. 83-10072 Filed 6-14-83; 8:45 am)

BILLING CODE 6450-01-M

## [ERA Docket No. 83-CERT-117]

**Reilly Tar & Chemical Corp.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

Reilly Tar & Chemical Corporation (Reilly), 151 North Delaware Street, Suite 1510, Indianapolis, Indiana 46204, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA), for certification of an eligible use of natural gas to displace fuel oil at its Indianapolis, Indiana, chemical facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, 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.

In its application, Reilly indicates that the volume of natural gas for which it requests certification is approximately 1,424,000 Mcf per year. This volume is estimated to displace the use of approximately 8,307,000 gallons of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Oklahoma Natural Gas Company, P.O. Box 571,



Tulsa, Oklahoma 74102. The gas will be transported by Panhandle Eastern Pipe Line Company, 3000 Bissonnet Avenue, Houston, Texas 77005; and by Citizens Gas & Coke Utility, 2020 North Meridian Street, Indianapolis, Indiana 46202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Reilly and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 10070 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-146]

**St. Joseph Hospital; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

St. Joseph Hospital and Health Care Center (St. Joseph), 250 College Avenue, Lancaster, Pennsylvania 17604, filed an application on May 26, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Lancaster, Pennsylvania facility, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public 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.

In its application, St. Joseph indicates that the volume of natural gas for which it requests certification is approximately 84,000 Mcf per year. This volume is estimated to displace the use of approximately 630,000 gallons of No. 2 fuel oil (1.2 percent sulfur) per year.

The eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; and by UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 100 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to St. Joseph and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-16065 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-112]

**Toledo Alfalfa Mills, Inc., Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Toledo Alfalfa Mills, Inc. (Alfalfa Mills), 861 South Stadium Rd., Oregon, Ohio, 43616, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Oregon, Ohio, facility pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, 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.

In its application, Alfalfa Mills indicates that the volume on natural gas for which it requests certification is approximately 30,000,000 Mcf per year. This volume is estimated to displace the use of approximately 4,771,000 barrels of No. 6 fuel oil (0.6 percent sulfur) per year.

The eligible sellers are J & J Enterprises, Inc., P.O. Box 697, Indiana, Pennsylvania 15701; and Castle Gas Inc., P.O. Box 10337, Pittsburgh, Pennsylvania 15324. The gas will be transported by Columbia Transmission Line No. 1711, Charleston, W. Virginia 25325; and Columbus Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a



summary of the proposed oral presentation and a statement as to why an oral presentation is necessary.

If the ERA determines that an oral presentation is necessary, further notice will be given to Alfalfa Mills and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 9, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-16069 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-116]

**Verhoff Alfalfa Mills, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

Verhoff Alfalfa Mills, Inc. (Verhoff), 12394 Rd. 9-L, Ottawa, Ohio 45875, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Ottawa, Ohio plant, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, 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.

In its application, Verhoff indicates that the volume of natural gas for which it requests certification is approximately 41,000,000 Mcf per year. This volume is estimated to displace the use of approximately 6,521,500 barrels of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Appalachian Petroleum Co., Box 319, Lowell, Ohio 45744. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and West Ohio Gas Company, P.O. Box 149, Lima, Ohio 45802, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the

circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register**.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposal oral presentation and a statement as to why an oral presentation is necessary.

If ERA determines that an oral presentation is necessary, further notice will be given to Verhoff and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-16062 Filed 6-14-83; 8:45 am]

BILLING CODE 6450-01-M

**Federal Energy Regulatory Commission**

[Docket No. G-3894-015, et al.]

**ARCO Oil and Gas Company, Division of Atlantic Richfield Company, et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates<sup>1</sup>**

June 9, 1983.

Take notice that each of the Applicants listed herein has filed an

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 27, 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, .214). 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

| Docket No. and date filed    | Applicant  | Purchaser and location   | Price per 1,000 ft <sup>3</sup> | Pressure base |
|------------------------------|--|--|---------------------------------|---------------|
| G-3894-015, D, May 26, 1983  | ARCO Oil and Gas Company, Division of Atlantic Richfield Company, Post Office Box 2619, Dallas, Texas 75221. | Texas Gas Transmission Corporation, North Tepe-tale Field, Acadia Parish, Louisiana.             | (1)                             |               |
| G-3894-016, D, May 26, 1983  | do   | Natural Gas Pipeline Company of America, Hagist Ranch Field, McMullen and Duval Counties, Texas. | (2)                             |               |
| G-10269-000, D, May 26, 1983 | do   | Texas Eastern Transmission Corporation, East white Point Field, Nueces County, Texas.            | (3)                             |               |



| Docket No. and date filed                | Applicant   | Purchaser and location   | Price per 1,000 ft <sup>3</sup> | Pressure base |
|--|---|--|---------------------------------|---------------|
| C165-513-000, D, May 26, 1983            | do  | Natural Gas Pipeline Company of America, Indian Basin Field, Eddy County, New Mexico.  | (*)                             |               |
| C168-1240-000, D, May 26, 1983           | do  | Northern Natural Gas Company, N. E. Oates Field, Pecos County, Texas.  | (*)                             |               |
| C171-451-000, D, May 25, 1983            | do  | Natural Gas Pipeline Company of America, Evetts Field, Loving and Winkler Counties, Texas.   | (*)                             |               |
| C178-1041-000, May 20, 1983              | Texaco Inc., P.O. Box 2100 Denver, Colorado 80201.                | Montana-Dakota Utilities Co., Mondak Field, Richland County, Montana.  | (*)                             |               |
| C183-248-000 B, May 9, 1983              | Hanson Oil Corporation, P.O. Box 1515, Roswell, New Mexico 85201. | Warren Petroleum Co. (Division of Gulf Oil Corporation), Sec. 2-T9S-R33E, Vada Penn Field, Lea County, New Mexico.   | (*)                             |               |
| C183-247-000(C173-252), B, May 25, 1983  | Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77252. | Northern Natural Gas Company, Flying "W" (Ellenburg) Field, Winkler County, Texas.   | (*)                             |               |
| C183-148-000 (C179-506), B, May 25, 1983 | Tenneco Exploration, Ltd., P.O. Box 2511, Houston, Texas 77001.   | Tennessee Gas Pipeline Company, High Island Block A-336, Offshore Texas.   | (*)                             |               |
| C183-249-000, A, May 27, 1983            | do  | Cajun Natural Gas Company, High Island Block A-270 "B", Offshore Texas South Marsh Island Block 116, Offshore Louisiana Brazos Block A-22, Offshore Texas. | (*)                             | 14.73         |
| C183-250-000, A, May 27, 1983            | do  | Cajun Natural Gas Company, Ship Shoal Block 181 "B", Offshore Louisiana Ship Shoal Block 170 #4, Offshore Louisiana.                                       | (*)                             | 14.73         |

<sup>1</sup> Deletion of acreage. ARCO has no remaining reserves or production.

<sup>2</sup> ARCO no longer owns any interest in Lease No. TX-12135.

<sup>3</sup> ARCO no longer owns any interest in Lease Nos. 97 and 29.

<sup>4</sup> ARCO no longer owns any interest in Lease Nos. TX-50593C and TX-50596B.

<sup>5</sup> Applicant is filing to reflect the change in delivery point.

<sup>6</sup> Reserves in both wells depleted.

<sup>7</sup> Uneconomical to both parties due to the low pressure and minimal quantities of the casinghead gas.

<sup>8</sup> Economic depletion of reserves.

<sup>9</sup> Applicant is filing under Gas Purchase and Sales Agreement dated May 26, 1983.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession

[PR Doc. 83-16053 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-324-000]

### Columbia Gas Transmission Corp.; Application

June 10, 1983.

Take notice that on May 13, 1983, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-324-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Allied Corporation, Fibers & Plastics Company (Allied), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 15,000 dt equivalent of natural gas per day on a best-efforts basis for one year from the date delivery of natural gas commences and year to year thereafter. Applicant proposes to receive the gas for the account of Allied at existing points of receipt from Allegheny Land & Mineral Company (Allegheny) located in Randolph County, West Virginia. Applicant proposes to deliver those quantities to Commonwealth Gas Pipeline Corporation (Commonwealth) for the account of Allied at an existing point of delivery located in Greene County, Virginia. It is stated that Commonwealth would make ultimate delivery of the gas to Allied through an existing point of delivery at Allied's

plant site in Hopewell, Virginia. It is further stated that the gas would be purchased by Allied from Allegheny, such purchase materially affecting the ability of Allied to continue the operation of its Hopewell, Virginia plant.

Applicant states that no additional facilities would be required to effectuate the receipt and delivery of the gas to be transported. Applicant also states that the transportation charge for the proposed service is presently 40.11 cents per dt equivalent, with retainage for company-use and unaccounted-for gas of 2.85 percent of the total quantity received for the account of Allied. Applicant further states that the transportation charge is subject to adjustment to reflect revised average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in future rate filings by Applicant. Further, it is stated that the gas is subject to the General R&D Funding Unit of the Gas Research Institute and further that the treatment of revenues received by Applicant for its proposed service would be subject to Applicant's ongoing rate proceeding pending in Docket No. RP82-120-000.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 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. 83-19038 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-331-000]

**Columbia Gas Transmission Corp. and  
Columbia Gulf Transmission Corp.;  
Application**

June 10, 1983.

Take notice that on May 20, 1983, Columbia Gas Transmission Corporation (Columbia Transmission), P.O. Box 1273, Charleston, West Virginia 25325, and Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-331-000 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of The Brooklyn Union Gas Company (Brooklyn Union), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to transport up to 10,000 dt equivalent of natural gas per day on a best-efforts basis for Brooklyn Union. It is stated that Columbia Transmission would receive the gas in Barbour, Randolph and Tucker Counties, West Virginia, and would make thermally equivalent quantities of natural gas, less retainage, available to Columbia Gulf by reducing its takes from Columbia Gulf at mutually agreeable existing points of interconnection. It is further stated that Columbia Gulf would redeliver thermally equivalent quantities, less retainage, to Transcontinental Gas Pipe Line Corporation (Transco) at an existing point of interconnection between Columbia Gulf and Transco in Terrebonne Parish, Louisiana, for the account of Brooklyn Union. Applicants indicate that the gas to be transported would be purchased for system supply by Brooklyn Union from its affiliate, Fuel Resources Inc.

It is submitted that Columbia Transmission's transportation charge for this proposed service would be its average systemwide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, which charge is currently 40.11 cents per dt. Columbia Transmission states it would retain for company-use and unaccounted-for gas a percentage of the total quantity of natural gas delivered into its system for account of Brooklyn

Union, which percentage is currently 2.85 percent. Columbia Gulf proposes to retain for company-use and unaccounted-for gas a percentage of the total quantity of gas delivered into its system by Columbia Transmission for the account of Brooklyn Union, which percentage is currently 3.33 percent. Columbia Gulf states it would not make a transportation charge for this backhaul service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 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 285.214 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 Applicants to appear or be represented at the hearing.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 83-19039 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-534-000]

**CP National Corp.; Filing**

June 10, 1983.

The filing Company submits the following:

Take notice that on May 31, 1983, CP National Corporation (CPN) tendered for filing related to a Residential Purchase and Sale Agreement (Agreement) between CPN and the Bonneville Power Administration (BPA):

1. Bonneville Power Administration's written report on Appendix 1 and Average System Cost submitted January 6, 1983.

2. The average System Cost as determined by Bonneville of 23.15 mills per kilowatt-hour.

3. A revised Appendix 1 of CP National wherein the Average System Cost is 23.15 mills per kilowatt-hour.

CPN states that the Agreement provides for the exchange of electric power between CPN and BPA for the benefit of CPN's residential and farm customers.

A copy of the filing was served upon BPA and Industrial Customers of BPA.

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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 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. 83-16040 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7257-000]

**David B. Dubrul; Exemption From Licensing**

June 9, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Lane Shops, Project No. 7257, was filed on May 4, 1983, by Mr. David B. Dubrul. The proposed hydroelectric project would have an installed capacity of 190 kW and would be located on the North Branch of the Winooski River in Washington County, Vermont.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this



notification that the above project is exempted from licensing as of June 3, 1983.

Lawrence R. Anderson,  
Director, Office of Electric Power Regulation.

[FR Doc. 83-16056 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C174-118-000 et al.]

**Devon Energy Corp. (Devon Corporation); Application for Amendment of Certificates of Public Convenience and Necessity, Related FERC Gas Rate Schedules, and Certain Proceedings To Reflect Merger**

June 10, 1983.

Take notice that on September 16, 1981, Devon Energy Corporation (Devon Energy), of 1500 Mid-American Tower, Oklahoma City, Oklahoma 73102 filed an application to amend the certificates of public convenience and necessity and the FERC Gas Rate Schedules of Devon Corporation (Devon), and certain proceedings in which Devon is a party, to reflect the merger of Devon into Devon Energy.

Devon Corporation was incorporated on July 25, 1969, under the laws of the State of Oklahoma. Devon Energy Corporation was incorporated on March 25, 1981, under the laws of the State of Nevada. Pursuant to a Plan and Agreement of Merger and Reorganization executed May 14, 1981, Devon agreed to merge with and into Devon Energy, effective June 25, 1981.

The certificate proceedings and FERC Gas Rate Schedules of Devon for which amendment to reflect the change in corporate name is requested, are listed in the attached Appendix A, and the proceedings in which Devon is a party for which amendment to reflect the change in corporate name is requested, are listed in Appendix B attached hereto.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 27, 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, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to be represented at the hearing.

Kenneth F. Plumb,  
Secretary.

APPENDIX A

| Docket No. | Purchaser                       | Rate schedule No. |
|------------|---------------------------------|-------------------|
| C174-116   | Southern Natural Gas Co.        | 1                 |
| C174-230   | Columbia Gas Transmission Corp. | 9                 |
| C176-482   | Tennessee Gas Pipeline Co.      | 44                |

Docket Nos.

C174-140  
C179-107  
C179-525  
C176-842

Appendix B

Columbia Gas Transmission Corporation,  
Docket No. GP80-11\*  
Texas Gas Transmission Corporation, Docket No. GP80-23\*  
Transcontinental Gas Pipe Line Corporation, Docket No. GP80-24\*  
Tennessee Gas Pipeline Company, Docket No. GP80-20\*  
Southern Natural Gas Company, Docket No. GP80-35\*  
Panhandle Eastern Pipeline Company, Docket No. GP80-19\*  
Texas Eastern Transmission Corporation, Docket No. GP80-21\*

[FR Doc. 83-16042 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

\*Pursuant to § 154.94 of the Regulations, as a supplier to each of the pipeline companies listed, Devon Energy is automatically a party in protest proceedings involving payment of Natural Gas Policy Act prices under its contract with that pipeline company. Devon was recently officially dismissed from the proceedings in Docket No. GP80-12.

[Docket No. CP83-227-001]

**Florida Gas Transmission Co.; Amendment**

June 10, 1983.

Take notice that on May 11, 1983, Florida Gas Transmission Company (Applicant), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP83-227-001 an amendment to its application filed in Docket No. CP83-227-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in the transportation service to be provided Southern Natural Gas Company (Southern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated October 8, 1982, Applicant states that it proposes to transport natural gas for Southern. Applicant would receive the volumes for the account of Southern at an existing point of interconnection between the facilities of Louisiana Resources Company and Applicant in Vermilion Parish, Louisiana. Applicant proposes to transport and deliver these quantities to Southern at existing points of interconnection between its facilities and those of Southern in Washington Parish, Louisiana or between the facilities of Applicant and Trunkline Gas Company in Calcasieu Parish, Louisiana.

Pursuant to an agreement dated November 23, 1982, Applicant proposes to change the term to state that the agreement would be in effect for a term of five years from the effective date and shall extend thereafter until either party given six months written notice to terminate.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons



who have heretofore filed need not file again.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-16043 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3279-002]

**Kent, Ohio; Exemption From Licensing**

June 9, 1983.

A notice of exemption from licensing of a small hydroelectric project known as the Kent Dam, Project No. 3279, was filed on April 25, 1983, by the City of Kent, Ohio. The proposed hydroelectric project would have an installed capacity of 420 kW and would be located at the Kent Dam on the Cayahoga River in Portage County, Ohio.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of May 25, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16055 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST83-356]

**Michigan Consolidated Gas Co.; Self-Implementing Transactions**

June 10, 1983.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA). The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to § 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to § 284.202 of the Commission's Regulations. Any interested persons may file a complaint concerning such transaction pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" or "G (HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,  
Secretary.

| Docket No.† | Transporter/seller                  | Recipient                            | Date filed | Part 284, subpart | Expirations date² | Transportation-rate (cents per MMBtu) |
|-------------|-------------------------------------|--------------------------------------|------------|-------------------|-------------------|---------------------------------------|
| ST83-310    | Transok Pip Line Co.                | Delta Gas, Inc.                      | 4/1/83     | C                 |                   |                                       |
| ST83-311    | Trunkline Gas Co.                   | Panhandle Eastern Pipe Line Co.      | 4/4/83     | G                 |                   |                                       |
| ST83-312    | Michigan Wisconsin Pipe Line Co.    | Transcontinental Gas Pipe Line Corp. | 4/5/83     | G                 |                   |                                       |
| ST83-313    | do                                  | Michigan Consolidated Gas Co.        | 4/5/83     | B                 |                   |                                       |
| ST83-314    | Michigan Consolidated Gas Co.       | Citizens Gas Fuel Co.                | 4/5/83     | G(HT)             |                   |                                       |
| ST83-315    | Western Slope Gas Co.               | Northwest Pipeline Corp.             | 4/18/83    | G(HT)             |                   |                                       |
| ST83-316    | Southern Natural Gas Co.            | Northern Natural Gas Co.             | 4/6/83     | G                 |                   |                                       |
| ST83-317    | Sugar Bowl Gas Corp.                | Texas Eastern Transmission Corp.     | 4/6/83     | C                 |                   |                                       |
| ST83-318    | Tennessee Gas Pipeline Co.          | Southern Natural Gas Co.             | 4/15/83    | G                 |                   |                                       |
| ST83-319    | United Gas Pipe Line Co.            | Clarke-Mobile Counties Gas District  | 4/7/83     | B                 |                   |                                       |
| ST83-320    | Natural Gas Pipeline Co. of America | Houston Pipe Line Co.                | 4/8/83     | B                 |                   |                                       |
| ST83-321    | Northwest Pipeline Corp.            | Mountain Fuel Resources, Inc.        | 4/8/83     | G                 |                   |                                       |
| ST83-322    | do                                  | Northern Natural Gas Co.             | 4/8/83     | G                 |                   |                                       |
| ST83-323    | United Gas Pipe Line Co.            | Delhi Gas Pipeline Corp.             | 4/11/83    | B                 |                   |                                       |
| ST83-324    | Colorado Interstate Gas Co.         | Western Slope Gas Co.                | 4/11/83    | B                 |                   |                                       |
| ST83-325    | Delhi Gas Pipeline Corp.            | United Gas Pipe Line Co.             | 4/11/83    | C                 |                   |                                       |
| ST83-326    | Western Slope Gas Co.               | Mountain Fuel Resources Inc.         | 4/18/83    | G(HS)             |                   |                                       |
| ST83-327    | Producer's Gas Co.                  | Tennessee Gas Pipeline Co.           | 4/15/83    | C                 | 9/11/83           | 37.50                                 |
| ST83-328    | Columbia Gas Transmission Corp.     | Bridgeline Gas Distribution Co.      | 4/15/83    | B                 |                   |                                       |
| ST83-329    | Mississippi Valley Gas Co.          | Texas Eastern Transmission Corp.     | 4/15/83    | G(HT)             | 9/11/83           | 21.90                                 |
| ST83-330    | Trunkline Gas Co.                   | Dow Intrastate Gas Co.               | 4/18/83    | B                 |                   |                                       |
| ST83-331    | Michigan Consolidated Gas Co.       | Michigan Wisconsin Pipe Line Co.     | 4/18/83    | G(HT)             |                   |                                       |
| ST83-332    | Tennessee Gas Pipeline Co.          | Natural Gas Pipeline Co. of America  | 4/19/83    | G                 |                   |                                       |
| ST83-333    | do                                  | Southern Connecticut Gas Co.         | 4/21/83    | B                 |                   |                                       |
| ST83-334    | Michigan Wisconsin Pipe Line Co.    | Cajun Natural Gas Co.                | 4/21/83    | B                 |                   |                                       |
| ST83-335    | do                                  | Texas Eastern Transmission Corp.     | 4/21/83    | G                 |                   |                                       |
| ST83-336    | National Fuel Gas Supply Corp.      | Southern Connecticut Gas Co.         | 4/22/83    | B                 |                   |                                       |
| ST83-337    | do                                  | Eastern Shore Natural Gas Co.        | 4/22/83    | G                 |                   |                                       |
| ST83-338    | El Paso Natural Gas Co.             | Westar Transmission Co.              | 4/22/83    | B                 |                   |                                       |
| ST83-339    | Northern Natural Gas Co.            | Cajun Natural Gas Co.                | 4/25/83    | B                 |                   |                                       |
| ST83-340    | Tennessee Gas Pipeline Co.          | United Gas Pipe Line Co.             | 4/25/83    | G                 |                   |                                       |
| ST83-341    | do                                  | do                                   | 4/25/83    | G                 |                   |                                       |
| ST83-342    | Panhandle Eastern Pipe Line Co.     | Citizens Gas Fuel Co.                | 4/25/83    | B                 |                   |                                       |
| ST83-343    | Trunkline Gas Co.                   | Michigan Wisconsin Pipe Line Co.     | 4/25/83    | G                 |                   |                                       |
| ST83-344    | United Gas Pipe Line Co.            | Delta Gas, Inc.                      | 4/29/83    | B                 |                   |                                       |
| ST83-345    | Texas Eastern Transmission Corp.    | Southern Natural Gas Co.             | 4/29/83    | G                 |                   |                                       |
| ST83-346    | do                                  | United Gas Pipe Line Co.             | 4/29/83    | G                 |                   |                                       |
| ST83-347    | Florida Gas Transmission Co.        | Northern Natural Gas Co.             | 5/2/83     | G                 |                   |                                       |



| Docket No. <sup>1</sup> | Transporter/seller                   | Recipient                           | Date filed | Part 284, subpart | Expiration date <sup>2</sup> | Transportation rate (cents per MMBtu) |
|-------------------------|--------------------------------------|-------------------------------------|------------|-------------------|------------------------------|---------------------------------------|
| ST83-348                | National Fuel Gas Supply Corp        | Ferro Corp                          | 5/3/83     | F                 |                              |                                       |
| ST83-349                | Michigan Consolidated Gas Co         | City Gas Co                         | 5/3/83     | G(HS)             |                              |                                       |
| ST83-350                | do                                   | Fountaintown Gas Co                 | 5/3/83     | G(HS)             |                              |                                       |
| ST83-351                | do                                   | Lincoln Natural Gas Co              | 5/3/83     | G(HS)             |                              |                                       |
| ST83-352                | do                                   | Michigan Gas Utilities Co           | 5/3/83     | G(HS)             |                              |                                       |
| ST83-353                | do                                   | Michigan Power Co                   | 5/3/83     | G(HS)             |                              |                                       |
| ST83-354                | do                                   | North Central Public Service Co     | 5/3/83     | G(HS)             |                              |                                       |
| ST83-355                | do                                   | Ohio Gas Co                         | 5/3/83     | G(HS)             |                              |                                       |
| ST83-356                | do                                   | Ohio Valley Gas Corp                | 5/3/83     | G(HS)             |                              |                                       |
| ST83-357                | do                                   | Paris-Henry Co. Public Utility Dist | 5/3/83     | G(HS)             |                              |                                       |
| ST83-358                | do                                   | Wisconsin Fuel and Light Co         | 5/3/83     | G(HS)             |                              |                                       |
| ST83-359                | do                                   | Wisconsin Gas Co                    | 5/3/83     | G(HS)             |                              |                                       |
| ST83-360                | do                                   | Wisconsin Natural Gas Co            | 5/3/83     | G(HS)             |                              |                                       |
| ST83-361                | do                                   | Wisconsin Power and Light Co        | 5/3/83     | G(HS)             |                              |                                       |
| ST83-362                | do                                   | Wisconsin Public Service Co         | 5/3/83     | G(HS)             |                              |                                       |
| ST83-363                | Rocky Mountain Natural Gas Co., Inc. | Northwest Pipeline Corp             | 4/27/83    | C                 | 9/23/83                      | 19.80                                 |
| ST83-364                | Southern Natural Gas Co              | Tennessee Gas Pipeline Co           | 5/4/83     | G                 |                              |                                       |
| ST83-365                | Northern Natural Gas Co              | Southern Natural Gas Co             | 5/5/83     | G                 |                              |                                       |
| ST83-366                | Panhandle Eastern Pipe Line Co       | Peoples Natural Gas Co              | 5/5/83     | B                 |                              |                                       |
| ST83-367                | Trunkline Gas Co                     | Southern Natural Gas Co             | 5/5/83     | G                 |                              |                                       |
| ST83-368                | Northern Natural Gas Co              | Florida Gas Transmission Co         | 5/6/83     | G                 |                              |                                       |
| ST83-369                | Texas Eastern Transmission Corp      | Texas Gas Transmission Corp         | 5/6/83     | G                 |                              |                                       |
| ST83-370                | do                                   | Natural Gas Pipeline Co. of America | 5/6/83     | G                 |                              |                                       |
| ST83-371                | Canyon Creek Compression Co          | Columbia Gas Transmission Corp      | 5/6/83     | G                 |                              |                                       |
| ST83-372                | Texas Gas Transmission Corp          | Texas Eastern Transmission Corp     | 5/6/83     | G                 |                              |                                       |
| ST83-373                | Panhandle Eastern Pipe Line Co       | Seward County Gas Co                | 5/6/83     | B                 |                              |                                       |
| ST83-374                | do                                   | Columbia Gas of Pennsylvania, Inc   | 5/10/83    | F                 |                              |                                       |
| ST83-375                | Texas Gas Transmission Corp          | The Cincinnati Gas and Electric Co  | 5/9/83     | B                 |                              |                                       |
| ST83-376                | Houston Pipe Line Co                 | Southern Natural Gas Co             | 5/4/83     | C                 |                              |                                       |
| ST83-377                | Delta Natural Gas Co., Inc           | Columbia Gas Transmission Corp      | 5/11/83    | G(HT)             |                              |                                       |
| ST83-378                | Tennessee Gas Pipeline Co            | Transcontinental Gas Pipe Line Corp | 5/12/83    | G                 |                              |                                       |
| ST83-379                | do                                   | do                                  | 5/12/83    | G                 |                              |                                       |
| ST83-380                | El Paso Natural Gas Co               | United Texas Transmission Co        | 5/12/83    | B                 |                              |                                       |
| ST83-381                | Northern Natural Gas Co              | Florida Gas Transmission            | 4/27/83    | G                 |                              |                                       |
| ST83-382                | do                                   | Coronado Transmission Co            | 4/27/83    | B                 |                              |                                       |
| ST83-383                | Western Slope Gas Co                 | Northwest Pipeline Corp             | 5/16/83    | G(HT)             |                              |                                       |
| ST83-384                | National Fuel Gas Supply Corp        | Bethlehem Steel Corp                | 5/16/83    | F                 |                              |                                       |
| ST83-385                | Tennessee Gas Pipeline Co            | Natural Gas Pipeline Co. of America | 5/16/83    | F                 |                              |                                       |
| ST83-386                | National Fuel Gas Supply Corp        | Bethlehem Steel Corp                | 5/17/83    | G                 |                              |                                       |
| ST83-387                | do                                   | do                                  | 5/17/83    | F                 |                              |                                       |
| ST83-388                | Michigan Consolidated Gas Co         | Iowa Southern Utilities Co          | 5/17/83    | G(HS)             |                              |                                       |
| ST83-389                | Michigan Wisconsin Pipe Line Co      | Producers Gas Co                    | 5/17/83    | B                 |                              |                                       |
| ST83-390                | do                                   | Michigan Consolidated Gas Co        | 5/17/83    | G                 |                              |                                       |
| ST83-391                | United Gas Pipe Line Co              | Delhi Gas Pipeline Corp             | 5/19/83    | B                 |                              |                                       |
| ST83-392                | El Paso Natural Gas Co               | Westar Transmission Co              | 5/20/83    | B                 |                              |                                       |
| ST83-393                | United Gas Pipe Line Co              | United Texas Transmission Co        | 5/23/83    | B                 |                              |                                       |
| ST83-394                | Transcontinental Gas Pipe Line Corp  | Northern Natural Gas Co             | 4/25/83    | G                 |                              |                                       |

<sup>1</sup> The noticing of these filings does not constitute a determination of whether the filings comply with the commission's regulations.

<sup>2</sup> The Intrastate Pipeline has sought commission approval of its transportation rate pursuant to section 284.123(b)(2) of the commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[FR Doc. 83-18044 Filed 6-14-83; 8:45 am.]

BILLING CODE 6717-01-M

[Docket No. CP79-19-004]

**Mountain Fuel Supply Co.; Petition to Amend**

June 10, 1983.

Take notice that on May 13, 1983, Mountain Fuel Supply Company (Petitioner), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket NO. CP79-19-004 a petition to amend the order issued June 5, 1979, as amended, in Docket No. CP79-19 pursuant to Section 7 of the Natural Gas Act so as to authorize the transportation of natural gas for Panhandle Eastern Pipe Line Company (Panhandle) from two additional receipt points and to add or delete receipt points in the future as required to facilitate transportation by Petitioner on behalf of Panhandle, all as more fully set forth in the petition to amend which is on file with the

Commission and open to public inspection.

Petitioner states that it is authorized to transport up to 48,200 Mcf of natural gas per day for Panhandle's account pursuant to a transportation and exchange agreement dated June 28, 1978. Petitioner now seeks authority to establish receipt points for Panhandle's Nitchie Gulch and Steamboat Mountain Prospect area supplies with both points located in Sweetwater County, Wyoming.

Additionally, Petitioner requests blanket authority to add or delete receipt points as required for Panhandle's gas within the authorized volume limitations.

Petitioner states that no new facilities would be required at this time to effectuate the service requested.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before

July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 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.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 83-18045 Filed 6-14-83; 8:45 am.]

BILLING CODE 6717-01-M



[Docket No. CP83-341-000]

**Natural Gas Pipeline Co. of America;  
Request Under Blanket Authorization**

June 10, 1983.

Take notice that on May 26, 1983, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP83-341-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Natural proposes to abandon facilities and gas service to Northern Illinois Gas Company (NI-Gas) at Natural's Lemont delivery point, near Lemont, DuPage County, Illinois, under authorization issued in Docket No. CP82-420-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

NI-Gas, it is said, has informed Natural that, due to construction of additional facilities by NI-Gas in the Lemont area designed to improve service to its customers, Natural's Lemont delivery point would no longer be necessary to serve NI-Gas. Natural states that there would be no adverse effect on any of the customers of NI-Gas, or Natural, by reason of the abandonment and removal of the subject facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 159.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-16046 Filed 6-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-350-000]

**Northern Natural Gas Co., Division of  
InterNorth, Inc.; Application**

June 10, 1983.

Take notice that on May 26, 1983, Northern Natural Gas Company,

Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-350-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Natural Gas Pipeline Company of America (Natural), 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 has entered into a transportation agreement with Natural. It is stated that Applicant would receive up to 13,000 Mcf of natural gas per day (contract quantity) at Matagorda Island Area Block 686, offshore Texas (MAT 686), transport such gas on a firm basis through its ownership interest in the Matagorda Offshore Pipeline System (MOPS) and redeliver equivalent quantities less fuel and unaccounted for gas to Houston Pipe Line Company (HPL) for Natural's account at the terminus of MOPS near Tivoli in Refugio County, Texas. Applicant also proposes to transport through MOPS on a best-efforts basis volumes in excess of the contract quantity which Natural tenders to Applicant in MAT 686. Applicant notes that it commenced the proposed service on September 27, 1982 pursuant to Part 284 of the Commission's Regulations. It is further stated that the term of the proposed service would be 8 years from the September 13, 1982, date of the transportation agreement and year to year thereafter.

Applicant proposes to change Natural a monthly demand charge of \$4.18 per Mcf of contract quantity for the service and 13.75 cents per Mcf for volumes in excess of the contract quantity.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 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. 83-16047 Filed 6-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-344-000]

**Northwest Central Pipeline Corp.;  
Request Under Blanket Authorization**

June 10, 1983.

Take notice that on May 26, 1983, Northwest Central Pipeline Corporation (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP83-344-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to add a new delivery point for the Gas Service Company (Gas Service) under the authorization issued in Docket No. CP82-479-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Applicant proposes to construct and operate metering, regulating, and appurtenant facilities in Sedgwick County, Kansas. It is stated that Gas Service, an existing customer of Applicant, has requested this additional delivery point in order to serve better its customers in this general area and to make a sale of gas to a new asphalt plant operated by the Ritchie Corporation. Applicant estimates the cost to these facilities to be \$37,940, which would be paid from treasury cash. Applicant states that the projected volume of gas delivered through these facilities would be 55,000 Mcf per year with a maximum peak load of 165 Mcf per hour at 60 psig.

Applicant states that its tariff does not prohibit adding new delivery points



for existing customers. It is further stated that Applicant has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 83-19048 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-328-000]

**Oasis Pipe Line Co.; Application**

June 10, 1983.

Take notice that on May 16, 1983, Oasis Pipe Line Company (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP83-328-000 an application pursuant to Section 311 (a)(2) of the Natural Gas Policy Act of 1978 and § 284.127 of the Commission's Regulations for authority to transport certain quantities of natural gas for El Paso Natural Gas Company (El Paso), 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 currently engaged in the transportation of natural gas on behalf of El Paso pursuant to a transportation agreement dated August 13, 1979. It is stated that service under this agreement commenced August 14, 1979, for an initial term of two years under the self-implementing provisions of § 284.122(a) of the Commission's Regulations and was extended for a period of two years commencing August 14, 1981, pursuant to § 284.125 of the Commission's Regulations. In order that the transportation service might be continued on an uninterrupted basis, Applicant requests the Commission authorize a continuation of the transportation arrangement for a period of two years commencing August 14, 1983, and ending August 13, 1985.

Applicant proposes to transport up to 50,000 Mcf of gas per day for El Paso. Applicant states that it would transport gas acquired by El Paso from certain wells located in the East Chapa Field Area, Live Oak County, Texas, under the terms and conditions of a gas transportation agreement dated August 13, 1979, as amended May 4, 1983. Applicant states that a thermally equivalent quantity of gas so delivered, less El Paso's *pro rata* share of compressor fuel on Applicant's system, would be redelivered by Applicant to El Paso, or for its account, at a point or points located at the existing interconnection of Applicant's and El Paso's pipeline facilities near the Mobil Waha Plant in Pecos County, Texas, and the existing interconnection of Applicant's and Northern Natural Gas Company's pipeline facilities in the Gomez Field Area, Pecos County, Texas. It is stated that El Paso has agreed to pay Applicant 12.39 cents per million Btu of gas delivered.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 1, 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 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.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 83-19049 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

**Oil Pipeline Tentative Valuation**

June 10, 1983.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative annual valuation is under consideration for the common carrier by pipeline listed below:

1980 Basic Report

Valuation Docket No. PV-1465-000, C & T Pipeline, Inc., P.O. Box 6317, Columbia, South Carolina 29260.

On or after July 18, 1983, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an appropriate certificate of the service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

**Francis J. Connor,**

*Administrative Officer, Oil Pipeline Board.*

[FR Doc. 83-19041 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-535-000]

**Potomac Electric Power Co.; Filing**

June 10, 1983.

The filing Company submits the following:

Take notice that the Potomac Electric Power Company and Virginia Electric and Power Company tendered for filing under § 35.12 of the Commission's regulations on June 3, 1983 and Agreement dated May 25, 1983 providing general terms for interchange services between the parties, and establishing rates for limited term power and reserved energy services.

The Companies request an effective date of May 29, 1983, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 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. 83-10050 Filed 6-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER83-530-000]

**Public Service Company of Colorado; Filing**

June 10, 1983.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on May 31, 1983, tendered for filing a Firm and Non-Firm Letter Agreement between PSCo and the Colorado-Ute Electric Association, Inc. (Ute).

PSCo states that the Agreement provides for the sale of both firm and non-firm electric energy between the electric systems of PACo and Ute. The Agreement provides for establishing terms and conditions of such firm and non-firm electric energy.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 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. 83-10051 Filed 6-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Project No. 6898-002]

**Shenandoah Hydro Co.; Exemption From Licensing**

June 9, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Chapman Dam, Project No. 6898, was

filed on April 19, 1983, by Shenandoah Hydro Company. The proposed hydroelectric project would have an installed capacity of 500 kW and would be located on the North Fork of the Shenandoah River in Shenandoah County, Virginia.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of May 19, 1983.

**Lawrence R. Anderson,**  
*Director, Office of Electric Power Regulation.*

[FR Doc. 83-10057 Filed 6-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER83-532-000]

**Southern California Edison Co.; Filing**

June 10, 1983.

The filing Company submits the following:

Take notice that on May 31, 1983, the Southern California Edison Company (SCE) tendered for filing a notice of change of rates for transmission services as embodied in SCE's agreements with the following entities:

|                   | Rate schedules FERC No. |
|-------------------|-------------------------|
| City of Anaheim   | 130                     |
| City of Azusa     | 160                     |
| City of Banning   | 159                     |
| City of Colton    | 162                     |
| City of Riverside | 129                     |
| City of Vernon    | 149                     |

SCE requests an effective date of January 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 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. 83-19033 Filed 6-14-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. GP83-32-000]

**Texaco Inc.; Petition for Declaratory Order**

Issued: June 10, 1983.

On May 27, 1983, Texaco Inc. (Texaco), P.O. Box 53232, Houston, Texas 77052, filed a petition pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure for a Declaratory Order relative to the question of whether the filing of a blanket affidavit pursuant to § 154.94(h) of the Commission's regulations (18 CFR 154.94(h)) eliminates the requirement to file Format FERC No. 559 (18 CFR 250.14) before a producer is authorized to collect new or adjusted tax reimbursements resulting from changes in a state's severance taxes on natural gas.

Under § 154.94(h), an independent producer may file a blanket affidavit to collect "any maximum lawful price (including periodic escalations) which is applicable under section 104(b)(1)(A), 106(a), 102(d) or 108 of the Natural Gas Policy Act of 1978 (NGPA) \* \* \*". Format FERC No. 559 is used to collect data concerning changes in rates other than the periodic escalations authorized under the blanket affidavit.

NGPA section 110(a)(1) states that a price for the first sale of natural gas is not considered to exceed the maximum lawful price if such a price is necessary to recover state severance taxes borne by the seller. Texaco states that once a producer files a blanket affidavit, the Commission has all the necessary relevant information concerning contractual authority to collect tax reimbursement for severance taxes borne by the seller. "Therefore, Texaco asserts that section 110 of the NGPA does not require that changes in the amount of state severance tax reimbursement collected by a qualifying seller be reported to the Commission as a change to base rates collectible under a producer's rate schedule and blanket affidavit." <sup>1</sup> Accordingly, Texaco states

<sup>1</sup>Texaco Petition for Declaratory Order at 4.



that the Commission should not require it to file Format FERC No. 559 to reflect changes in state-mandated severance taxes.

Texaco requests an order declaring that producers who are contractually authorized to collect NGPA maximum lawful prices, and who have already on file with the Commission a rate schedule and blanket affidavit indicating the contractual authority to collect tax reimbursements for state severance taxes borne by the producer, may collect such tax reimbursements without first filing Format FERC No. 559.

Any person desiring to be heard or to protest this petition for a declaratory order should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or petition to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-19034 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7254-000]

**West Dudley Power Co.; Exemption From Licensing**

June 10, 1983.

A notice of exemption from licensing of a small hydroelectric project known as West Dudley, Project No. 7254, was filed on May 2, 1983, by the West Dudley Power Company. The proposed hydroelectric project would have an installed capacity of 350 kW and would be located on the Quinebaug River in Worcester County, Massachusetts.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of June 1, 1983.

**Lawrence R. Anderson,**  
*Director, Office of Electric Power Regulation.*

[FR Doc. 83-19035 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-536-000]

**Wisconsin Electric Power Co.; Filing**

June 10, 1983.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company (WEP) on June 3, 1983 tendered for filing executed service agreements between the Company and Alger Delta Cooperative Electric Association and Ontonagon County Rural Electrification Association. The service agreements set forth the terms and conditions upon which WEP will provide electric service to the Customers. The service agreements replace unexecuted service agreements, which have been in effect with the Commission since July 30, 1982. The rates under the filed service agreements are the same as those under the unexecuted service agreements to be superseded.

WEP requests that the service agreements be allowed to become effective sixty days after the filing date as replacements to the unexecuted service agreements now in effect.

Copies of the filing have been served on the Customers and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 28, 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. 83-19036 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-529-000]

**Wisconsin Public Service Corp.; Filing**

June 10, 1983.

The filing Company submits the following:

Take notice that Wisconsin Electric Power Company (WPS) on May 31, 1983, tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with

the City of Marshfield, Wisconsin, City of Manitowoc, Wisconsin, and the Consolidated Water Power Company. This agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements*, and also amends Appendix A, Exhibit 1, Section 3, Paragraph 3.01, to properly describe the current metering installations.

WPS requests an effective date of June 1, 1983, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the City of Marshfield, Wisconsin, City of Manitowoc, Wisconsin, and the Consolidated Water Power Company.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 27, 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. 83-19037 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 7268-000]

**Mr. & Mrs. Robert M. Woodside; Exemption From Licensing**

June 10, 1983.

A notice of exemption from licensing of a small hydroelectric project known as Woodside Hydro, Project No. 7268, was filed on May 9, 1983, by Mr. & Mrs. Robert M. Woodside. The proposed hydroelectric project would have an installed capacity of 300 kW and would be located on the Gihon River in Lamoille County, Vermont.

Pursuant to §§ 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in § 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is



exempted from licensing as of June 8, 1983.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 83-16052 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[PP 6G1838/T410; PH-FRL-2378-8 ]

### Butachlor; Renewal of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** EPA has renewed temporary tolerances for residues of the herbicide butachlor in or on the raw agricultural commodities rice and rice straw.

**DATE:** These temporary tolerances expire April 23, 1984.

**FOR FURTHER INFORMATION CONTACT:** Robert Taylor, Product Manager (PM), 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-1800).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that published in the Federal Register of May 19, 1982 (47 FR 21617) stating that temporary tolerances had been extended for residues of the herbicide butachlor [N-butoxymethyl]-2-chloro-2',6'-diethylacetanilide] in or on raw agricultural commodities rice at 0.5 part per million (ppm), and rice straw at 3 ppm. A feed additive regulation permitting the residues of butachlor in rice hulls at 1 part per million (ppm), and in rice bran at 0.5 ppm has been published.

These tolerances were renewed in response to pesticide petition (PP 6G1838), submitted by Monsanto Company, 1101 17th St., NW., Washington, DC 20036.

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 524-EUP-30 which is being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (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. Monsanto Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of 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 April 23, 1984. Residues not in excess of the temporary tolerances in or on the above raw agricultural commodities after this expiration date will not be considered actionable if 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: June 1, 1983.

Douglas D. Camp,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-15436 Filed 6-14-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-326; PH-FRL 2379-8]

### Certain Companies, Pesticide Petitions; Diamond Shamrock Corp. et al.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** EPA has received pesticide petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

**ADDRESS:** Written comments to: Product Manager (PM) 21, 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-326] and the 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:** Henry Jacoby, 703-557-1900.

**SUPPLEMENTARY INFORMATION:** EPA gives notice that the agency has received the following pesticide 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 Cosmetic Act. The analytical method for determining residues where required, is given in each petition.

#### Initial Filing

PP 3F2875. Diamond Shamrock Corp., 1100 Superior Ave., Cleveland, OH 44114. Proposes amending 40 CFR 180.275 by establishing tolerances for the combined residues of the fungicide chlorothalonil (2,4,5,6-tetrachloroisophthalonitrile and its metabolite (4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the commodities almonds and meat at 0.05 part per million (ppm); almond hulls, eggs, milk, poultry, and wheat at 0.1 ppm; and rice at 4.0 ppm. The proposed analytical method for determining residues is by gas chromatography.

#### Amended Petition

PP 2F2607. Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49001. EPA issued a notice published in the Federal Register of January 27, 1982 (47 FR 3875) which announced that Upjohn Co., had submitted pesticide petition 2F2607 to the Agency proposing to amend 40 CFR 180.200 by establishing tolerances for the residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the commodities peanuts at 0.5 ppm; peanut hulls at 5.0 ppm; peanut hay (vines) at 50.0 ppm; fat, meat, and meat



byproducts of cattle, goats, hogs, horses, and sheep at 0.06 ppm; and milk at 0.01 ppm. Upjohn Co., has amended the petition by:

a. Deleting the proposed tolerances on peanuts at 0.5, and peanut hay (vines) at 50.0 ppm.

b. Adding peanut nutmeats at 1.0 ppm; peanut vines (forage) at 25.0 ppm and peanut hay at 10.0 ppm; eggs, meat, and meat byproducts of poultry at 0.01 ppm.

c. Decreasing the tolerance levels on fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep from 0.06 to 0.01 ppm.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: June 3, 1983.

**Douglas D. Campi,**

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-15581 Filed 6-14-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50595; PH-FRL 2380-1]

**Issuance of Experimental Use Permits; Ciba-Geigy Corp. et al.**

**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:**

The product manager cited in each experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

**SUPPLEMENTARY INFORMATION:** EPA has issued the following experimental use permits:

100-EUP-64. Renewal. Ciba-Geigy Corporation, P.O. Box 18300, Greensboro, NC 27407. This experimental use permit allows the use of 150 pounds of the fungicide 1-[[2-(2,4-dichlorophenyl)-4-ethyl-1,3-dioxolan-2-yl] methyl]-1H-1,2,4-triazole on almonds, apples, cherries, peaches, plums, and fresh prunes to evaluate the control of apple scab, apple powdery mildew, brown rot blossom blight, cedar apple rust, cherry leaf spot, cherry powdery mildew, fruit brown rot, and quince rust. A total of 265 acres are involved; the program is authorized in the States of Arkansas, California, Georgia, Indiana, Maine, Maryland,

Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Virginia, Washington, and West Virginia. The permit was previously effective from October 7, 1980 to December 31, 1982. The permit is now effective from April 22, 1983 to December 31, 1983. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Henry Jacoby, PM 21, Rm. 229, CM#2 (703-557-1900)).

464-EUP-80. Issuance. Dow Chemical, U.S.A., P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 65 pounds of the herbicide methyl 2-[[[3-chloro-5-(trifluoromethyl)-2-pyridinyl]oxy]phenoxy] propanoate in industrial sites to evaluate the control of weeds. A total of 260 acres are involved; the program is authorized only in the States of Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oregon, South Carolina, Tennessee, Texas, Vermont, Virginia, and Washington. The experimental use permit is effective from April 20, 1983 to April 20, 1984. (Robert Taylor, PM 25, Rm. 245, CM#2 (703-557-1800))

352-EUP-107. Issuance. E.I. du Pont de Nemours and Company, Wilmington, DE 19898. This experimental use permit allows the use of 3,741 pounds of the herbicide methyl 2-[[[4,6 dimethyl-2-pyrimidinyl]amino]carbonyl]amino] sulfonyl]benzoate on noncropland areas to evaluate the control of weeds. A total of 4,988 acres are involved; the program is authorized in all 50 States except Alaska, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, South Dakota, Vermont, and Wyoming. The experimental use permit is effective from April 20, 1983 to April 20, 1984. (Robert Taylor, PM 25, Rm. 245, CM#2 (703-557-1800)).

1471-EUP-75. Amendment. Elanco Products Company, 740 S. Alabama St., Indianapolis, IN 46285. A notice was published in the *Federal Register* of January 5, 1983 (48 FR 504) pertaining to the extension of an experimental use permit, 1471-EUP-75, to Elanco Products Company. At the request of the company, the permit has been amended to reduce the acreage and quantity of the active ingredient for grapes. This experimental use permit now allows the use of 4,875 pounds each year of the fungicide fenarimol on apples and grapes to evaluate the control of foliage and fruit diseases. A total of 6,188 acres

are involved; 5,188 acres of apples to be treated and 1,000 acres of grapes to be treated. The program is authorized only in the States of California, Indiana, Michigan, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, and Washington for apples and in California, Michigan, New York, Ohio, Oregon, and Washington for grapes. The experimental use permit is effective from March 19, 1983 to March 19, 1985. Temporary tolerances for residues of the active ingredient in or on apples and grapes have been established. (Henry Jacoby, PM 21, Rm. 229, CM#2 (703-557-1900)).

21137-EUP-3. Extension. EM Industries, Inc., 5 Skyline Drive, Hawthorne, NY 10532. This experimental use permit allows the use of 41.1 pounds of the herbicide 2-chloro-9-hydroxyfluorene-9-carboxylic acid on cucumbers to evaluate its ability to induce seedless fruit in all-female cultivars of pickling cucumbers. A total of 750 acres are involved; the program is authorized only in the States of Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, New York, North Carolina, Ohio, South Carolina, Texas, and Wisconsin. The experimental use permit is effective from March 22, 1983 to March 22, 1984. A temporary tolerance for residues of the active ingredient in or on cucumbers has been established. (Robert Taylor, PM 25, Rm. 245, CM#2 (703-557-1800)).

279-EUP-96. Issuance. FMC Corporation, 2000 Markets St., Philadelphia, PA 19103. This experimental use permit allows the use of 480 pounds of the fungicide triforine on almonds to evaluate the control of brown rot blossom blight. A total of 400 acres are involved; the program is authorized only in the State of California. The experimental use permit is effective from April 18, 1983 to March 1, 1985. A temporary tolerance for residues of the active ingredient in or on almonds has been established. This permit is issued with the limitation that all almond hulls are destroyed or used for research purposes only. Hulls from treated almond trees may not be fed to animals. (Henry Jacoby, PM 21, Rm. 229, CM#2 (703-557-1900)).

8730-EUP-12. Renewal. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 8.14 pounds of the pheromone (Z,Z)-3,13-octadecadien-1-ol acetate on peach trees to evaluate the control of the peach tree borer and lesser peach tree borer. A total of 500 acres are involved; the program is authorized only



in the State of Georgia. The permit was previously effective from January 18, 1982 to January 18, 1983. The permit is now effective from April 11, 1983 to April 11, 1984. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on peaches has been established. (Timothy Gardner, PM 17, Rm. 207, CM#2 (703-557-2690)).

11273-EUP-34. Issuance. Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108. This experimental use permit allows the use of 54 pounds of the biological insecticide *Bacillus thuringiensis* var. *Kurstaki* on forests to evaluate the control of various forest insects. A total of 600 acres are involved; the program is authorized only in the State of Pennsylvania. The experimental use permit is effective from May 15, 1983 to May 15, 1984. (Timothy Gardner, PM 17, Rm. 207, CM#2, (703-557-2690)).

748-EUP-18. Issuance. PPG Industries, Inc., P.O. Box 31, Barberton, OH 44203. This experimental use permit allows the use of 844 pounds of the herbicide 1-(carboethoxy) ethyl 5-[2-chloro-4-(trifluoromethyl) phenoxy]-2-nitrobenzoate on soybeans to evaluate the control of weeds. A total of 5,000 acres are involved; the program is authorized only in the States of Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from April 22, 1983 to April 22, 1984. This permit is issued with the limitation that treated plants are not used for feed or forage. A temporary tolerance for residues of the active ingredient in or on soybeans has been established. (Richard Mountfort, PM 23, Rm. 237, CM#2 (703-557-1830)).

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 Headquarters 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: June 3, 1983.

Douglas D. Camp.

Director, Registration Division, Office of Pesticide Programs.

(FR Doc. 83-15582 Filed 6-14-83; 8:45 am)

BILLING CODE 6560-50-M

[PP 2G2622/T419 PH-FRL 2381-6]

**Pesticides; American Cyanamid Co.; Renewal of Temporary Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has renewed temporary tolerances for residues of the pesticide (+)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity apples.

**DATE:** This temporary tolerance expires April 11, 1984.

**FOR FURTHER INFORMATION CONTACT:**

Timothy Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-2690).

**SUPPLEMENTARY INFORMATION:**

EPA issued a notice that published in the *Federal Register* of May 5, 1982 (47 FR 19445) stating that a temporary tolerance had been extended for residues of the pesticide (+)cyano(3-phenoxyphenyl)methyl(+)-4-(difluoromethoxy)-alpha-(1-methylethyl) benzeneacetate in or on the raw agricultural commodity apples at 1.0 part per million (ppm). This tolerance had been established in response to pesticide petition (PP 2G2622), submitted by American Cyanamid Company, Agricultural Research Division, P.O. Box 400, Princeton, NJ 08540.

The company has requested a one-year renewal of the temporary tolerances to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 241-EUP-99 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 tolerance will protect the public health. Therefore, the temporary tolerance has 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 authority by the experimental use permit.

2. American Cyanamid Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance, and on request make the records available to any authorized office or employee of the EPA or the Food and Drug Administration.

This tolerance expires April 11, 1984. Residues not in excess of this amount remaining in or on the above raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance 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: June 6, 1983.

Douglas D. Camp.

Director, Registration Division, Office of Pesticide Programs.

(FR Doc. 83-15582 Filed 6-14-83; 8:45 am)

BILLING CODE 6560-50-M

**FEDERAL COMMUNICATIONS COMMISSION**

**Technical Subgroup of Radio Advisory Committee; Resumed Meeting**

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Thursday July 28, 1983 at 10 a.m. in the Vincent Wasilewski Room of



the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the July 28, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841-0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-15960 Filed 6-14-83; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

[Docket No. 83-27]

### Pascoe Building Systems v. Pacific Westbound Conference and American President Lines, Ltd.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Pascoe Building Systems against Pacific Westbound Conference and American President Lines, Ltd. was served June 8, 1983. Complainant alleges that respondents have subjected it to an overcharge of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Joseph N. Ingolia. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are

necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 83-19011 Filed 6-14-83; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Alaska Pacific Bancorporation; Proposed Acquisition of Pentek Leasing, Inc.

Alaska Pacific Bancorporation, Anchorage, Alaska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Pentek Leasing, Inc., San Jose, California.

Applicant states that the proposed subsidiary would engage in the activities of leasing (and brokering leases of ) personal property; and commercial finance activities such as factoring of receivables and making commercial loans. These activities would be performed from offices of Applicant's subsidiary in San Jose and Sacramento, California, and Seattle, Washington, and the geographic areas to be served are Washington, Oregon, California and the western United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15961 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed De Novo Nonbank Activities; Skandinaviska Enskilda Banken, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increase competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Skandinaviska Enskilda Banken*, Stockholm, Sweden (finance and leasing; New York): To engage *de novo* through its subsidiary, *FinansSkandic Corporation* and, from time to time,



through subsidiaries of FinansSkandic Corporation or its New York Article XII Investment Company, Skandinaviska Enskilda Banken Corporation, in providing financing primarily in connection with imports of capital goods into the United States by Swedish, Nordic and U.S. companies, and their affiliates, including receivables and inventory financing, lease financing and making or acquiring for its own or for the account of others, loans and other extensions of credit such as would be made by a finance or factoring company. These activities will be conducted from an office in New York which would serve the United States. Comments on this application must be received not later than July 6, 1983.

**B. Federal Reserve Bank of Atlanta**  
(Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Barnett Banks of Florida, Inc.*, Jacksonville, Florida (check verification services; Florida and Tennessee): To engage through its subsidiary, Verifications, Inc., in offering from additional offices, check verification services, including authorizing subscribing merchants to accept certain personal purchase money checks and obligating Verifications, Inc. to purchase properly verified checks which are subsequently dishonored. These activities would be conducted from additional offices in Fort Lauderdale, Florida and Chattanooga, Tennessee, as well as from existing office of Verifications, Inc. in Florida and Tennessee, serving the States of Florida and Tennessee. Comments on this application must be received not later than July 6, 1983.

**C. Federal Reserve Bank of Dallas**  
(Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico (underwriting of credit life insurance and credit accident and health insurance; New Mexico): To engage, through its subsidiary, First City Life Company, in operating as an underwriter of credit life insurance and credit accident and health insurance which is directly related to extensions of credit made by subsidiaries of First City Financial Corporation. These activities would be conducted from an office in Albuquerque, New Mexico, serving the State of New Mexico. Comments on this application must be received not later than July 5, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-15967 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

**Central Pacific Corp.; Proposed Acquisition of Executive Appraisers, Inc.**

Central Pacific Corporation, Bakersfield, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Executive Appraisers, Inc., Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of real estate appraisals. These activities would be performed from offices of Applicant's subsidiary in Phoenix, Arizona, and the geographic areas to be served are the State of Arizona and principally in and around the city of Phoenix, Arizona. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-15962 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

**Dauphin Deposit Corp.; Formation of Bank Holding Company**

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent or more of the voting shares of Bancorp of Pennsylvania, Reading, Pennsylvania and thereby indirectly acquire Bank of Pennsylvania, Reading, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dauphin Deposit Corporation, Harrisburg, Pennsylvania, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Colowhill Life Insurance Company, Reading, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of reinsuring credit life health and accident insurance related to extensions of credit by Bank of Pennsylvania. These activities would be performed from offices of Applicant's subsidiary in Reading, Pennsylvania. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, 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 Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-15963 Filed 6-14-83; 8:45 am]

**BILLING CODE 6210-01-M**

### **Formation of Bank Holding Companies; First Oak Brook Bancshares, Inc., et al.**

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Oak Brook Bancshares, Inc.*, Oak Brook, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Oak Brook Bank, Oak Brook, Illinois; First National Bank and Trust Company of Oak Brook, Oak Brook, Illinois; and Metropolitan Trust & Savings Bank of Addison, Addison, Illinois. Comments on this application must be received not later than July 6, 1983.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Memsec, Inc.*, Elm Creek, Nebraska; to become a bank holding company by

acquiring 100 percent of the voting shares of First National Bank of Elm Creek, Elm Creek, Nebraska. Comments on this application must be received not later than July 6, 1983.

2. *Summit Bancshares* (a Missouri partnership), Lee's Summit, Missouri; to become a bank holding company by acquiring at least 50.25 percent of the voting shares of Bank of Lee's Summit, Lee's Summit, Missouri. Comments on this application must be received not later than July 6, 1983.

**C. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Brenham Bancshares, Inc.*, Brenham, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of The Brenham National Bank, Brenham, Texas. Comments on this application must be received not later than July 8, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-15964 Filed 6-14-83; 8:45 am]

**BILLING CODE 6210-01-M**

### **Mellon National Corporation; Merger of Bank Holding Companies**

Mellon National Corporation, Pittsburgh, Pennsylvania, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with CCB Bancorp, Inc., State College, Pennsylvania. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 7, 1983. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 9, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-15968 Filed 6-14-83; 8:45 am]

**BILLING CODE 6210-01-M**

### **Ranier Bancorporation; Proposed Arranging of Equity Financing**

Ranier Bancorporation, Seattle, Washington, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(a) of the Board's Regulation Y (12 CFR 225.4(a)), for permission to engage in the activity of arranging equity financing for income producing real properties with institutional and sophisticated individual investors through its wholly-owned subsidiary, Ranier Mortgage Company, Seattle, Washington.

These activities would be performed from offices of Applicant's subsidiary in Santa Ana, California and Seattle, Washington, and the geographic area to be served is the entire United States. Although arranging equity financing has not been added to the list of permissible 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 outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than July 7, 1983.



Board of Governors of the Federal Reserve System, June 9, 1983

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15965 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

### Toledo Trustcorp, Inc.; Proposed Acquisition of SeaGate Community Development Corporation

Toledo Trustcorp, Inc., Toledo, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of SeaGate Community Development Corporation, Toledo, Ohio.

Applicant states that the proposed subsidiary would engage in community development projects. These activities would be performed from offices of Applicant's subsidiary in Toledo, Ohio, and the geographic area to be served is the State of Ohio. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than July 7, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15966 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

### Formation of Bank Holding Companies; Federal Reserve Bank of Richmond, et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Palmer National Bancorp, Inc.*, Washington, D.C.; to become a bank holding company by acquiring 100 percent of the voting shares of Palmer National Bank, Washington, D.C., a *de novo* bank. Comments on this application must be received not later than June 29, 1983.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Wrightsville Holding Company*, Wrightsville, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Exchange Bank of Wrightsville, Wrightsville, Georgia. Comments on this application must be received not later than July 8, 1983.

**C. Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Danville Bancorp, Inc.*, Danville, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens National Bank of Danville, Danville, Kentucky.

Comments on this application must be received not later than July 6, 1983.

**D. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Buffalo Bancshares, Inc.*, Buffalo, Oklahoma; to become a bank holding company by acquiring 80 percent of the voting shares of Oklahoma State Bank, Buffalo, Oklahoma. Comments on this application must be received not later than July 8, 1983.

**Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *The First Jefferson Company*, Jefferson, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The Jefferson Company, Jefferson, Texas. Comments on this application must be received not later than July 8, 1983.

2. *Keene Bancorp, Inc.*, Keene, Texas; to become a bank holding company by acquiring 91.08 percent of the voting shares of First State Bank, Keene, Texas. Comments on this application must be received not later than July 8, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-15971 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

### Proposed de Novo Nonbank Activities; Federal Reserve Bank of Boston, et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a



written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

**A. Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02108:

1. *RIHT Financial Corporation* (formerly Hospital Trust Corporation), Providence, Rhode Island (mortgage banking and servicing activities; Nationwide): To engage through its subsidiary, RIHT Mortgage Corporation, in the origination, sale and servicing of residential and commercial mortgage loans. These activities would be conducted from an office to be located in Tysons Center, Virginia. The services area for the mortgage banking activities would be Virginia; the servicing activity would be offered on a nationwide basis. Comments on this application must be received not later than July 8, 1983.

**B. Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (reinsurance or underwriting of credit life and credit accident and health insurance; Delaware): To engage through their subsidiary, Citadel Life Insurance Company, in the reinsurance or underwriting of credit life and credit accident and health insurance in Delaware. Such insurance will be sold in connection with extensions of credit by Barclays American Corporation and its subsidiaries (all indirect subsidiaries of Barclays) through their offices in Delaware, serving the State of Delaware. Comments on this application must be received not later than July 8, 1983.

2. *Chemical First State Corporation*, Wilmington, Delaware (data processing activities, Somerset, New Jersey): To engage through its subsidiary, ChemNetwork Processing Services, Inc., in providing data processing and data transmission services, data bases and facilities for the internal operations of

Chemical New York Corporation, including Chemical Bank, Chemical Bank (Delaware) and all other Chemical New York Corporation subsidiaries; providing to others data processing and transmission services, facilities, data bases or access to such services, facilities or data bases by any technologically feasible means for financial, banking or economic data; and providing to others excess capacity and time sharing on data processing or transmission equipment or facilities. The service area of the company will be the eastern United States. Comments on this application must be received not later than July 8, 1983.

**C. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *First Railroad & Banking Company of Georgia*, Augusta, Georgia (personal property leasing; southeastern United States): To engage, through its subsidiary, Capital Lease Plan Corporation, in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Charlotte, North Carolina, serving the southeastern United States. Comments on this application must be received not later than July 5, 1983.

**D. Federal Reserve Bank of Kansas City** (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Missouri Banc-Management, Inc.*, Kansas City, Missouri (management consulting advice; Missouri): To engage in the activity of providing management consulting advice to financial institutions, pursuant to 12 CFR 225.4(a)(12). This activity will be conducted in the State of Missouri. Comments on this application must be received not later than July 6, 1983.

Board of Governors of the Federal Reserve System, June 9, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[FR Doc. 83-15972 Filed 6-14-83; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Advisory Council on Social Security; Meeting

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to Section 10(a)(2) of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Council on Social Security, as established by the Secretary of Health and Human Services, in accordance with Section 706 of the Social Security Act, 42 U.S.C. Sec. 9007.

**DATE/ADDRESS:** The meeting will be held July 18-19, 1983, from 9:00 a.m. to 4:00 p.m. on July 18, and from 9:00 a.m. to 5:00 p.m. on July 19. It will be held in the first floor Auditorium of the Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

**FOR FURTHER INFORMATION CONTACT:** Thomas R. Burke, Executive Director, 200 Independence Avenue, SW., Washington, D.C. 20201; telephone 202/755-8670 or 755-8671.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Attendance will be limited to the space available. The meeting will be structured as follows: July 18 will be constituted as a meeting of the Advisory Council; on July 19, the period from 9:00 a.m. to 12:00 noon will continue as a Council meeting; the period from 1:00 to 5:00 p.m. will be constituted as a public hearing.

The subject of the hearing will be alternatives for increasing trust fund revenues through taxation. The Hospital Insurance (HI) Trust Fund (Part A) is financed primarily by payroll taxes. (The Supplementary Medical Insurance (SMI) Trust Fund (Part B) is financed by beneficiary premiums and general revenues). Under current law, projections of income and outlays indicate a cumulative HI Trust Fund deficit in excess of \$200 billion in 1995. The Council is seeking advice on whether to recommend in its report additional taxes, and if so, from what sources. Possibilities include, but are not limited to increasing payroll contributions, annual budget appropriations, percentage of income taxes, or earmarked user taxes on such items as alcoholic beverages and tobacco products. Interested parties are invited to present testimony limited to this subject only; however, only those requesting in advance, preferably in writing, to appear will be permitted to present oral statements. Presenters representing organizations and associations should submit two days in advance 20 copies of their presentation, and should bring an additional 50 copies to the hearing to be made available to the public. Presenters speaking as private citizens should submit two



copies two days in advance. Oral presentation should summarize the written statement, and will be limited to a maximum of five minutes. Other written material can be submitted for the record. Submit written requests to the Advisory Council on Social Security, Attn: Public Hearing, 200 Independence Avenue, SW., Washington, D.C. 20201, or telephone 202/755-8670 or 755-8671. The Chairperson or Executive Director reserves the right to determined order of presentation, but will make every effort, within the time constraints, to hear all who wish to be heard.

The proposed meeting agenda includes further discussions on the Medicare program and such other business as the Chairperson, the Executive Director, or the membership may put before the Council.

A previous meeting of the Advisory Council on Social Security was announced in 48 Federal Register 25278, June 8, 1983.

Sign language interpreting services will be provided if requested in advance.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Administrative Officer, Advisory Council on Social Security, Room 317-H, HHH Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Thomas R. Burke,  
Executive Director.

[FR Doc. 83-15987 Filed 6-14-83; 8:45 am]  
BILLING CODE 4120-03-M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-83-1255]

### Performance Review Board; Appointments

**ACTION:** Notice of Appointment.

**SUMMARY:** The Department of Housing and Urban Development announces the appointments of Maurice L. Barksdale and Martha D. Lamkin to the Departmental Performance Review Board. Mr. Barksdale is the Deputy Assistant Secretary for Multifamily Housing Programs, Office of Housing, Department of Housing and Urban Development, Washington, D.C. 20410. Ms. Lamkin is the Area Manager, Indianapolis Area Office, Region V, Department of Housing and Urban Development, Indianapolis, Indiana 46207.

### FOR FURTHER INFORMATION CONTACT:

Persons desiring any further information about the Performance Review Board and its members may contact Thomas R.

Whittleton, Acting Director of Personnel, Department of Housing and Urban Development, Washington, D.C. 20410, telephone (202) 755-5500. (This is not a toll-free number.)

Dated: June 8, 1983.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 83-15996 Filed 6-14-83; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Choctaw Nation of Oklahoma; Plan for the Use and Distribution of Choctaw Nation of Oklahoma Judgment Funds Docket 249 Before the United States Court of Claims

June 2, 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 30, 1976, in satisfaction of the award granted to the Choctaw Nation of Oklahoma in United States Court of Claims Docket 249. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated January 28, 1983, and was received (as recorded in the Congressional Record) by the House of Representatives on February 10, 1983, and by the Senate on February 28, 1983. The plan became effective on May 10, 1983, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plans reads as follows:

"The entirety of the funds appropriated by the Act of September 30, 1976, 90 Stat. 1415, in satisfaction of a judgment awarded to the Choctaw Nation of Oklahoma before the Indian Claims Commission, including all interest and investment income accrued, less attorney fees and litigation expensed, shall be invested by the Secretary of the Interior and the principal and interest and investment income accrued shall be expended in a Choctaw Nation health program designed to benefit tribal members who have attained the age of at least fifty (50) years. Such program shall be implemented according to a Plan of

Operations adopted by the tribal governing body subject to the approval of the Secretary of the Interior. Eighty-seven (87) percent of the funds shall be used for obtaining dentures, eyeglasses and hearing aids; and thirteen (13) percent shall be used for the administration of the program. None of the funds utilized for such programing purposes shall be considered as income or resources in determining either eligibility for or the amount of assistance under the Social Security Act of any Federal or federally assisted programs."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-16016 Filed 6-14-83; 8:45 am]

BILLING CODE 4310-02-M

### Bureau of Land Management

#### Casper District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Casper District Grazing Advisory Board will be held July 27, 1983.

The meeting will consist of a tour of range management projects in the Bates Hole area southwest of Casper. The tour will leave the Bureau of Land Management Office, 951 Rancho Road, Casper, Wyoming at 8 a.m.

The tour will include discussion of pasture systems, sagebrush burning, range trend plots and watershed sedimentation studies.

The tour is open to the public. Those attending must furnish their own transportation and lunch. Those attending should notify the District Manager, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601 by July 22.

A summary of the tour presentation will be maintained at the District Office and be available for public inspection within 30 days following the meeting.

Leslie A. Olver,

Acting District Manager.

[FR Doc. 83-16009 Filed 6-14-83; 8:45 am]

BILLING CODE 4310-04-M

### Fish and Wildlife Service

#### Endangered Species Permit, Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):



Applicant; Zoological Society of San Diego, San Diego, CA—PRT 2-10576

The applicant requests a permit to import one male and two female captive-born brown hyenas (*Hyaena brunnea*) from the Natal Parks, Game & Fish Preservation Board, Pietermaritzburg, South Africa for enhancement of propagation.

Application: Cheyenne Mountain Zoological Park, Colorado Springs, CO—PRT 2-10581

The applicant request a permit to import one male white-cheeked gibbon (*Hylobates concolor leucogenys*) from Ouwehand Zoo, Holland for enhancement of propagation.

Applicant: Florida Wildlife Sanctuary, Melbourne, FL—PRT 2-10584

The applicant requests a permit to export four disabled brown pelicans (*Pelecanus occidentalis*) to the Stockholm Zoo, Sweden for enhancement of propagation and survival.

Documents and other information submitted with these applications are available to the public normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these application within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: June 9, 1983.

Larry LaRochelle,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-16095 Filed 6-14-83; 8:45 am]

BILLING CODE 4310-55-M

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-115 (Final)]

### Canned Mushrooms From the People's Republic of China

**AGENCY:** International Trade Commission.

**ACTION:** Institution of final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

**EFFECTIVE DATE:** June 10, 1983.

**SUMMARY:** As a result of an affirmative preliminary determination by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from the People's Republic of China of canned mushrooms,

prepared or preserved, other than frozen, provided for in item 144.20 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-115 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. On June 6, 1983, Commerce notified the Commission that it had postponed the date for its final determination to September 28, 1983. The Commission, therefore, will make its final determination by November 14, 1983 (19 CFR 207.25).

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy McCarty (202-724-1753), Office of Industries, U.S. International Trade Commission.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On December 2, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigation, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of canned mushrooms from the People's Republic of China which were alleged to be sold at LTFV. The preliminary investigation was instituted in response to a petition filed on October 18, 1982, by counsel for the Four "H" Corp.

**Participation in the investigation.**—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)).

Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

**Staff report.**—A public version of the staff report containing preliminary findings of fact in this investigation will be placed in the public record on September 16, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing.**—The Commission will hold a hearing in connection with this investigation beginning at 10:00 a.m., on October 4, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on September 14, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on September 16, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is September 27, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on October 11, 1983.

**Written submissions.**—As mentioned, parties to this investigation may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before October 11, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in



accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: June 10, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16093 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-130]

**Certain Braiding Machines; Commission Decision Not To Review Initial Determination**

AGENCY: International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the above-captioned investigation. Accordingly, as of June 9, 1983, the initial determination became the Commission's determination.

**AUTHORITY:** This investigation is instituted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), 19 U.S.C. 1337a, and paragraph 3 of the Commission Order issued on June 29, 1979, in connection with investigation No. 337-TA-54, Certain Multicellular Plastic Film (USITC Pub. 987, June 1979).

**SUPPLEMENTARY INFORMATION:** This investigation was instituted on September 24, 1982. See 47 FR 42845 (Sept. 29, 1982).

On May 6, 1983, the Commission's

presiding officer issued an initial determination finding no violation of section 337. Complainant New England Butt Co. filed a petition for review, which was opposed by the respondents and by the Commission's investigative attorney (except regarding the presiding officer's treatment of the issue of secondary meaning).

Having examined the record in this investigation, including the initial determination of the presiding officer, the petition for review, and the responses thereto, the Commission determined not to review the initial determination.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Jack Simmons, III, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: June 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16089 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-139]

**Certain Caulking Guns; Initial Determination Terminating Respondent on the Basis of Settlement Agreement**

AGENCY: International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Great American Marketing, Inc. (GAM).

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 9, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**Written Comments**

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 9, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16086 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

**Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement**

AGENCY: International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Household Merchandising, Inc. (referred to in the Notice of Investigation as Ben Franklin, Division of Household Merchandising Inc.).

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act



of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

#### Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 10, 1983.

By order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 83-16082 Filed 6-14-83; 8:45 am]  
BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-141]

### Certain Copper-Clad Stainless Steel Cookware; Commission Determination Not To Review Initial Determinations

**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has determined not to review the presiding officer's initial determinations (Orders Nos. 6, 7, 8, 9,

and 10) granting joint motions by the complainant, various respondents, and the Commission investigative attorney to terminate the above-captioned investigation as to those respondents.

**Authority:** Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983; to be codified at 19 CFR 210.53 (c) and (h)).

**SUPPLEMENTARY INFORMATION:** On May 16, 1983, the presiding officer issued five initial determinations granting five joint motions to terminate the above-captioned investigation as to the following respondents: Order No. 6 grants Motion No. 141-8 (regarding Aldens, Inc.; Gamble Skogmo, Inc.; GRF, Inc.; National Brand Distributors Corp., Celadon Trading Corp.; L.S. Ayres Co.; Baek Yang Stainless Steel Industrial Co., Ltd.; Gum Jong Stainless Steel Co.; and Tae Chang Industrial Co., Ltd.); Order No. 7 grants Motion No. 141-9 (regarding Stop and Shop, Inc.); Order No. 8 grants motion No. 141-13 (regarding Dayton-Hudson Corp.); Order No. 9 grants Motion No. 141-5 (regarding Coast to Coast Stores); and Order No. 10 grants Motion No. 141-6 (regarding TG&Y Stores, Inc.).

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: June 8, 1983.

By order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 83-16090 Filed 6-14-83; 8:45 am]  
BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-141]

### Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Sears, Roebuck & Company.

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

#### Written Comments

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 10, 1983.

By order of the Commission.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 83-16064 Filed 6-14-83; 8:45 am]  
BILLING CODE 7020-02-M



[Investigation No. 337-TA-135]

**Certain Direction-Reversing Musical Crib Toys; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement****AGENCY:** International Trade Commission.**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondents on the basis of a consent order agreement: Durham Industries, Inc., and Durham Industries of Hong Kong, Ltd.**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 9, 1983.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E. Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**Written Comments**Interested persons may file written comments with the Commission concerning termination of the aforementioned respondents. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E. Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

Issued: June 9, 1983.

By order of the Commission.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-16088 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-54B]

**Certain Multicellular Plastic Film; Investigation****AGENCY:** International Trade Commission.**ACTION:** Institution of investigation to determine whether the process used by Unipak (H.K.) Ltd. to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of U.S. Letters Patent 3,416,984.**AUTHORITY:** The authority for the Commission's disposition of this matter is contained in section 337 and in §§ 210.53(a) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983); to be codified at 19 CFR 210.53(a) and (h)).**SUPPLEMENTARY INFORMATION:** At the conclusion of investigation No. 337-TA-54, the Commission, on June 29, 1979, ordered exclusion of multicellular film manufactured abroad in accordance with the process disclosed by claims 1 and 2 of U.S. Letters Patent 3,416,984 owned by Sealed Air Corporation of Saddle Brook, New Jersey. Paragraph 3 of the Commission's order provided that persons desiring to import multicellular plastic film into the United States could petition the Commission to institute such further proceedings as would be appropriate in order to determine whether the multicellular plastic film sought to be imported should be allowed entry into the United States.

On May 5, 1983, a petition was filed with the Commission on behalf of Unipak (H.K.) Ltd., of Hong Kong, requesting the Commission to institute further proceedings for the purpose of determining whether the process used by that firm to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of Sealed Air Corporation's '84 patent.

Having considered the petition before it, the Commission on June 7, 1983, instituted an investigation to determine whether the process used to manufacture multicellular plastic film abroad by Unipak (H.K.) Ltd. would, if practiced in the United States, infringe claims 1 or 2 of U.S. Letters Patent 3,416,984.

**Parties**

For the purpose of the Commission's investigation, the following are named parties upon which this notice of investigation shall be served:

(1) The petitioner is Unipak (H.K.) Ltd., 59-61 Wong Chuk Hang Rd., 1st and 2d Fl., Aberdeen, Hong Kong.

(2) Sealed Air Corporation, Park 80 Plaza East, Saddle Brook, New Jersey 07662, owner of U.S. Letters Patent 3,416,984 and complainant in the Commission's earlier investigation, is named an interested party upon which the petition and the affidavits attached thereto are to be served.

(3) A Commission investigativen attorney shall be appointed by Mr. David I. Wilson, Chief, Unfair Import Investigations Division, U.S. International Trade Commission.

**Presiding Officer and Recommended Determination**

Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate a presiding officer who is directed to issue an initial determination as soon as feasible. The initial determination shall be limited to the question of whether the process employed by Unipak (H.K.) Ltd. to manufacture multicellular plastic film abroad would, if practiced in the United States, infringe claims 1 or 2 of Sealed Air Corporation's '84 patent. The burden of proof shall be upon petitioner to show that its process would not, if practiced in the United States, infringe the patent in question.

**Petition Available for Public Inspection**

The petition and the accompanying affidavit filed on behalf of Unipak (H.K.) Ltd. are available for inspection by interested persons during official business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E. Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0189.

By order of the Commission.

Issued: June 9, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-16087 Filed 6-14-83; 8:47 am]

BILLING CODE 7020-02-M



**[Investigation No. 337-TA-150]****Certain Self-Stripping Electrical Tap Connectors; Order**

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the *Federal Register*.

Issued: June 9, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 16081 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

**[Investigation No. 337-TA-133]****Certain Vertical Milling Machines and Parts, Attachments and Accessories Thereto; Receipt of Initial Determination Terminating Respondents on the Basis of Consent Order Agreement**

**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a consent order agreement: Intermark-Hartford Corporation

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on June 10, 1983.

Copies of the initial determination, the consent order agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**Written Comments:**

Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must

be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.

Issued: June 10, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-16083 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

**[Investigations Nos. 731-TA-131 and 132 (Preliminary)]****Certain Welded Carbon Steel Pipes and Tubes From the Republic of Korea and Taiwan****Determinations**

On the basis of the record<sup>1</sup> developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from the Republic of Korea (Korea) and Taiwan of certain small diameter circular welded carbon steel pipes and tubes,<sup>2</sup> which are alleged to be sold in the United States at less than fair value (LTFV).

The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, by reason of

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

<sup>2</sup> For purposes of these investigations, the term "certain small diameter circular welded carbon steel pipes and tubes" covers welded carbon steel pipes and tubes, of circular cross section, with walls not thinner than 0.065 inch (0.375 inch or more but not over 4.5 inches in outside diameter, provided for in items 610.3231, 610.3232, 610.3241, and 610.3244 of the Tariff Schedules of the United States Annotated (1983) (TSUSA).

imports from Korea<sup>3</sup> and Taiwan of welded carbon steel pipes and tubes, of heavy-walled rectangular (including square) cross section, provided for in item 610.3955 of the TSUSA, which are alleged to be sold at LTFV.

The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry is materially retarded, by reason of imports from Korea<sup>4</sup> and Taiwan of welded carbon steel pipes and tubes, of light-walled rectangular (including square) cross section, provided for in item 610.4975 of the TSUSA, which are alleged to be sold at LTFV.

**Background**

On April 21, 1983, counsel for the Committee on Pipe and Tube Imports (CPTI) filed a petition with the U.S. International Trade Commission and the U.S. Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports from Korea and Taiwan of certain welded carbon steel pipes and tubes which are alleged to be sold at LTFV. Accordingly, effective April 21, 1983, the Commission instituted preliminary antidumping investigations under section 733(a) of the Act (19 U.S.C. 1673b(a)).

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* on May 4, 1983 (48 FR 20164). The conference was held in Washington, D.C. on May 16, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on June 6, 1983. A public version of the Commission's report, *Certain Welded Carbon Steel Pipes and Tubes from the Republic of Korea and*

<sup>3</sup> Commissioner Haggart determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Korea of welded carbon steel pipes and tubes, of heavy-walled rectangular (including square) cross section, which are alleged to be sold at LTFV.

<sup>4</sup> Commissioner Haggart determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Korea of welded carbon steel pipes and tubes, of light-walled rectangular (including square) cross section, which are alleged to be sold at LTFV.



Taiwan (investigations Nos. 731-TA-131 and 132 (Preliminary), USITC Publication 1389, 1983), contains the views of the Commission and information developed during the investigations.

By order of the Commission.  
Issued: June 6, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16091 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-136 (Preliminary)]

### Cyanuric Acid and Its Chlorinated Derivatives From Japan

**AGENCY:** International Trade Commission.

**ACTION:** Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

**EFFECTIVE DATE:** June 3, 1983.

**SUMMARY:** The United States International Trade Commission hereby gives notice of the institution of a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Japan of cyanuric acid and its chlorinated derivatives, provided for in item 425.10 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

**FOR FURTHER INFORMATION CONTACT:**

Mr. George Deyman, Investigator (202-523-0481), or Mr. John MacHatton, Supervisory Investigator (202-523-0439), Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

**SUPPLEMENTARY INFORMATION:**

**Background.**—This investigation is being instituted in response to a petition filed on June 3, 1983, on behalf of the Monsanto Industrial Chemicals Co., a U.S. producer of cyanuric acid and its chlorinated derivatives. The Commission must make its determination in the investigation within 45 days after the date of the filing of the petition, or by July 18, 1983 (19 CFR 207.17).

**Participation.**—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the

Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than seven (7) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the notice.

**Service of documents.**—The Secretary will compile a service list from the entries of appearance filed in the investigation. Any party submitting a document in connection with the investigation shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of the nonconfidential version of each such document on all other parties to the investigation. Such service shall conform with the requirements set forth in § 201.16(b) of the rules (19 CFR 201.16(b)), as amended by 47 FR 33682, Aug. 4, 1982.

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

**Written submissions.**—Any person may submit to the Commission on or before July 1, 1983, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

**Conference.**—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m., on June 28, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the staff investigator, Mr. George Deyman (202-523-0481), not later than June 24, 1983, to arrange for their appearance. Parties in support of the imposition of antidumping duties in the investigation and parties in opposition to the imposition of such

duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

**Public inspection.**—A copy of the petition and all written submissions, except for confidential business data, will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR 207, as amended by 47 FR 33682, Aug. 4, 1982), and part 201, subparts A through E (19 CFR part 201, as amended by 47 FR 33682, Aug. 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Deyman.

This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

Issued: June 8, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16085 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-190 (Final)]

### Nitrocellulose From France

#### Determination

On the basis of the record<sup>1</sup> developed in the subject investigation, the Commission determines,<sup>2</sup> pursuant to section 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)), that an industry in the United States is materially injured by reason of imports of nitrocellulose<sup>3</sup> which have been found by the Department of Commerce to be subsidized by the Government of France.

#### Background

The Commission instituted this investigation effective March 22, 1983, following a final determination by the Department of Commerce that subsidies were being provided to Societe Nationale des Poudres et Explosifs, a producer and exporter of nitrocellulose in France.

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)), 47 FR 6190, Feb. 10, 1982.

<sup>2</sup> Commissioner Stern dissenting.

<sup>3</sup> For purposes of this investigation, nitrocellulose is provided for in item 445.25 of the Tariff Schedules of the United States.



Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* on April 6, 1983 (48 FR 15018). The hearing was held in Washington, D.C. on May 9, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on June 6, 1983. A public version of the Commission's report, Nitrocellulose from France (investigation No. 701-TA-190 (Final), USITC Publication 1390, 1983) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: June 6, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-16094 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

**[Investigations Nos. 731-TA-92, 731-TA-95, 701-TA-195, and 701-TA-196 (Final)]**

**Stainless Steel Sheet and Strip From the Federal Republic of Germany and France and Stainless Steel Sheet and Strip and Plate From the United Kingdom**

**Determinations**

On the basis of the record<sup>1</sup> developed in the subject investigations, the Commission determines, pursuant to sections 735(b)(1) and 705(b)(1) of the Tariff Act of 1930 (19 U.S.C. Sections 1673d(b)(1) and 1671d(b)(1)), that—

An industry in the United States is materially injured by reason of imports of stainless steel sheet and strip<sup>2</sup> from the Federal Republic of Germany (investigation No. 731-TA-92 (Final)) and France (investigation No. 731-TA-95 (Final)) which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV);

An industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports of stainless

steel sheet and strip from the United Kingdom (investigation No. 701-TA-195 (Final)) which have been found by the Department of Commerce to be subsidized by that Government; and

An industry in the United States is materially injured by reason of imports of stainless steel plate<sup>3</sup> from the United Kingdom (investigation No. 701-TA-196 (Final)) which have been found by the Department of Commerce to be subsidized by that Government.

**Background**

The Commission instituted investigation No. 731-TA-92 (Final) effective December 17, 1982, following a preliminary determination by the Department of Commerce that imports of stainless steel sheet and strip from the Federal Republic of Germany were being, or were likely to be, sold in the United States at LTFV. Investigation No. 731-TA-95 (Final) was instituted effective December 9, 1982, following a similar determination by the Department of Commerce concerning imports of stainless steel sheet and strip from France. Investigations Nos. 701-TA-195 and 701-TA-196 (Final) were instituted effective February 10, 1983, following preliminary determinations by the Department of Commerce that imports from the United Kingdom of stainless steel sheet and strip and stainless steel plate were being subsidized by the Government of that country.

Notice of the institution of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing them in the *Federal Register* as shown below:

| Investigation No.           | FEDERAL REGISTER           |
|-----------------------------|----------------------------|
| 731-TA-92 (Final):          |                            |
| Instituted.....             | Jan. 5, 1983 (48 FR 538)   |
| Hearing rescheduled.....    | Feb. 24, 1983 (48 FR 7825) |
| 731-TA-95 (Final):          |                            |
| Instituted.....             | Jan. 5, 1983 (48 FR 539)   |
| Hearing rescheduled.....    | Feb. 24, 1983 (48 FR 7824) |
| 701-TA-195 and 196 (Final): |                            |
| Instituted.....             | Mar. 2, 1983 (48 FR 8676)  |

The hearing in connection with these investigations was held in Washington, D.C. on May 4, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on these investigations to the Secretary

<sup>1</sup> For purposes of these investigations, stainless steel sheet is provided for in items 607.7610, 607.9010, and 607.9020 of the Tariff Schedules of the United States Annotated (1983) (TSUSA) and stainless steel strip is provided for in items 608.4300 and 608.5700 of the TSUSA.

of Commerce on June 9, 1983. A public version of the Commission's report, Stainless Steel Sheet and Strip from the Federal Republic of Germany and Stainless Steel Sheet and Strip and Plate from the United Kingdom (investigations Nos. 731-TA-92, 731-TA-95, 701-TA-195, and 701-TA-196 (Final), USITC Publication 1391, 1983) contains the views of the Commission and information developed during the investigations.

By Order of the Commission.

Issued: June 9, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-16092 Filed 6-14-83; 8:45 am]

BILLING CODE 7020-02-M

**INTERSTATE COMMERCE COMMISSION**

[OP-5FC-268]

**Motor Carriers; Finance Applications; Decision-Notice**

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

*We find:*

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor the major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notice within 20 days after publication, or within any approved extension period. Otherwise, the



decision-notice shall have no further effect.

*It is ordered:*

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Members Carleton, Williams and Dowell.  
Agatha L. Mergenovich,  
Secretary.

Please direct status inquiries to Team 5, (202) 275-7289.

MC-FC-81483. By decision of June 2, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1181, the Review Board approved the transfer to BRUNK TRUCK LINE, INC., Inman, KS, of Certificates Nos. MC-112669 Subs 6, 9, 10, 13, and 14, issued August 17, 1966, March 11, 1968, September 16, 1977, March 15, 1977, and May 12, 1978, respectively, to FRIESEN TRUCK LINE, INC., Hutchinson, KS, authorizing the transportation of dairy products from Hutchinson, Wichita, and Hillsboro, KS, to points in named counties in CO, and points in NM; (1) ice cream, ice cream products, and frozen bakery products, and (2) meats, meat products and meat byproducts, and packinghouse products, with exceptions, when moving at the time and in the same vehicle with the commodities in (1) above, from Hutchinson, KS, to points in AR and MO; ice cream products and ice products, from the facilities of Jackson Ice Cream Co., Inc. at or near Denver, CO, to the facilities of Jackson Ice Cream Co., Inc., at or near Hutchinson, KS; ice cream products and ice products, from Hutchinson, KS, to points in Denver County, CO; and dairy products and ice products, from the facilities of Jackson Ice Cream Company, at Hutchinson, KS, to points in IA, NE, and OK. Representative: William L. Mitchell, 119 West Sherman, P.O. Box 604, Hutchinson, KS 67501.

[FR Doc. 83-15900 Filed 6-14-83; 8:45 am]  
BILLING CODE 7035-01-M

[Volume No. 30]

#### Motor Carrier; Intrastate Application

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by

49 CFR Part 1161 of the Commission's Rules of Practice which provide, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

By the Commission,  
Agatha L. Mergenovich,  
Secretary.

New York Docket No. T-10212, filed May 17, 1983. Applicant: ENDO FREIGHT FORWARDERS (N.Y.) INC., 21-17 37th Ave., Long Island City, NY 11101. Representative: Arthur Kulik, Esq., 3 East 54th St., New York, NY 10022. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Household Goods*: Between all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

[FR Doc. 83-15987 Filed 6-14-83; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

*Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods).* The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of

the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement



in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Megenovich,  
Secretary.

**Note.**—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

**Please direct status inquiries to Team Three at (202) 275-5223.**

*Volume No. OP3-246*

Decided: May 27, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 144314 (Sub-4), filed May 16, 1983. Applicant: FARWEST INDUSTRIES OF LONGVIEW, INC., 225 Industrial Way, P.O. Box 1793, Longview, WA 98632. Representative: Robert Portner (same address as applicant), (206) 425-6210. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 168104, filed May 16, 1983. Applicant: CONTINENTAL TRANSPORTATION BROKER, 1333 Willow Pass Rd., P.O. Box 4027, Concord, CA 94524. Representative: Lee Michael Chapple (same address as applicant), (415) 827-2668. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168124, filed May 18, 1983. Applicant: TRINITY TRANSPORTATION SERVICES, 5031 Rangeline, P.O. Box 551, Joplin, MO 64802. Representative: Lloyd E. Denman (same address as applicant), (417) 623-8556. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168164, filed May 20, 1983. Applicant: THE TOUR PEOPLE, LTD., 819 Sunrise Circle, Muscatine, IA 52761. Representative: Ralph C. Eucher, P.O. Box 619, Muscatine, IA 52761, (319) 263-8771. Transporting *passengers*, in charter and special operations, between points in the U.S.

**Note.**—Applicant seeks to provide privately-funded special and charter transportation.

MC 168185, filed May 20, 1983. Applicant: LAKES REGION TRANSIT

CO., INC., RFD 7, Box 9, Laconia, NH 03246. Representative: Frederick M. Shurbert, Sr. (same address as applicant), (603) 524-8820. Transporting *passengers*, in charter and special operations, between points in NH, ME, MA, VT, RI, NY, NJ, DE, CT, MD, OH, PA, VA, WV, AL, FL, GA, KY, MS, NC, SC, TN, and DC.

**Note.**—Applicant seeks to provide privately-funded special and charter transportation.

*Volume No. OP3-249*

Decided: June 2, 1983.

By the Commission, Review Board Members Parker, Fortier, and Krock.

MC 168155, filed May 18, 1983. Applicant: EXCEL INTERMODAL, INCORPORATED, Oak Brook Office Pavillion, Oak Brook, IL 60521. Representative: Paul T. Saharack, 7 So. Dearborn St., Suite 1412, Chicago, IL 60603, (312) 346-6347. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168195, filed May 20, 1983. Applicant: DON BAUER, RICK BAUER, KEVIN BAUER, A Partnership, d.b.a. BAUER FARMS, Route 2, Box 24, Ronan, MT 59864. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543-8369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

*Volume No. OP3-252*

Decided: June 7, 1983.

By the Commission, Review Board Members Carleton, Dowell, and Williams.

MC 168145, filed May 18, 1983. Applicant: BLOCK & ROSE WAREHOUSE CORP., 258 Sherman Ave., Newark NJ 07114. Representative: A. David Millner, P.O. Box Y-7 Becker Farm Rd., Roseland, NJ 07068, (201) 992-2200. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168044, filed May 16, 1983. Applicant: PURCELL TRAFFIC SERVICE, INC., 4615 Walzem, San Antonio, TX 78218. Representative: Kenneth R. Hoffman, 1600 W. 38th St., Suite 410, Austin, TX 78731, (512) 451-7409. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 1 at 202-275-7992.

*Volume No. OP-214*

Decided: June 7, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC 168290, filed May 23, 1983. Applicant: BOARDWALK LIMO, INC., 80 Maple Dr., Spring Lake Heights, NJ 07762. Representative: Kenneth A. Melveny, (same address as applicant), (201) 499-0471. Transporting *passengers*, in special operations, between points in NY, NJ, CT, PA and DE.

**Note.**—Applicant seeks to provide privately-funded special transportation.

MC 168321, filed May 25, 1983. Applicant: HARRIS TRUCK BROKERAGE, Route 1, Box 50-B, Rice, TX 75155. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255-6279. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168360, filed May 27, 1983. Applicant: ARKANSAS TRUCK BROKERAGE, INC., P.O. Box 446, Fayetteville, AR, 72701. Representative: Grant M. Davis, 2217 Juneway Terrace, Fayetteville, AR 72701, (501) 443-3257. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168380, Filed May 31, 1983. Applicant: BARLOW VAN LINES, INC., 1005 South Provence, Olthe, KS 66061. Representative: Jack L. Schiller, 11-56 76th Drive, Forest Hills, NY 11375, (212) 263-2078. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202-275-7030.

*Volume No. OP2-259*

Decided: June 3, 1983.

By the Commission, Review Board Members Joyce, Williams, and Dowell.

MC 157182 (Sub-2), filed May 26, 1983. Applicant: PARKWAY DISTRIBUTORS, INC., P.O. Box 2301, San Antonio, TX 78298. Representative: Kenneth R. Hoffman, Ste. 410, 1600 W. 38th St., Austin, TX 78731, (512) 451-7409. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159212, filed May 23, 1983. Applicant: OTTIS BENN, 3044 N. Ewing Ave., Altadena, CA 91001. Representative: Donaia R. Hedrick, P.O.



Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 165602 (Sub-1), filed May 23, 1983. Applicant: SHULTZ TRANSPORTATION CO., R.D. #2, Box 112, Conestoga, PA 17516. Representative: Richard E. Freeburn, 130 State St., P.O. Box 1000, Harrisburg, PA 17108, (717) 232-1876. Transporting *passengers*, in special and charter operations, between points in the U.S.

Note.—Applicant intends to provide privately-funded special and charter transportation.

MC 166913, filed May 23, 1983. Applicant: HAPPY TIME EXPRESS, LTD., 4990 Paradise Rd., Ste. 108, Las Vegas, NV 89119. Representative: Bernard S. Gilman (same address as applicant), (702) 798-4448. Transporting *passengers*, in special and charter operations, between points in NV, AZ, CA, UT, and CO.

Note.—Applicant intends to provide privately-funded charter and special transportation.

MC 168342, filed May 27, 1983. Applicant: ROGERS SERVICES, INC., 10735 South Cicero Ave., Oak Lawn, IL 60453. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312) 236-9375. As a broker of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 5 at 202-275-7289.

#### Volume No. OP5-271

Decided: June 3, 1983.

By the Commission, Review Board. Members Parker, Joyce, and Dowell.

MC 118638 (Sub-6), filed May 25, 1983. Applicant: GCS AIR SERVICE, INC., 8240 S.R. 309, Galion, OH 44833. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

#### Volume No. OP5-274

Decided: June 2, 1983.

By the Commission, Review Board. Members Dowell, Carleton, and Parker.

MC 167998, filed May 12, 1983. Applicant: ROBERT A. STRAIGHT, d.b.a. STRAIGHT TRUCKING, R.R. #3, Box 125, Bedford, IA 50833. Representative: Robert A. Straight (same address as applicant), (712) 523-2720. Transporting *food and other edible products and byproducts, intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except HI).

MC 168169, filed May 19, 1983. Applicant: UNICORN GRAPHICS, INC., d.b.a. UNICORN DELIVERY SERVICE, 1500 Eckington Place, NE., Washington, DC 20002. Representative: Robert K. Goren, 11300 Rockville Pike, Suite 1017, Rockville, MD 20852 (301) 984-6266. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

MC 168178 filed May 20, 1983. Applicant: DALE NEWMAN & JOAN NEWMAN d.b.a. D.J.N. TRUCKING, 304 Park Ave., Odebolt, IA 51458. Representative: Dale Newman (same address as applicant) (712) 668-4282. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168179, filed May 20, 1983. Applicant: DARYL J. PETERSON, d.b.a. A&P TRUCKING, E. 10421 5th, Spokane, WA 99206 Representative: Daryl J. Peterson (same address as applicant), (509) 926-6337. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168208, filed May 23, 1983. Applicant: MARQUIS TRAVEL SYSTEMS, INC., 12623 E. Imperial Hwy., No. 202, Santa Fe Springs, CA 90670. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, 714-667-8107. Transporting *passengers* in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-15962 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. OP2-262]

#### Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grant(s) of operating right authority is republished by order of the Commission to indicate a broadened grant of authority over that previous notice in the *Federal Register*.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this *Federal Register* notice.

By the Commission.

Agatha L. Mergenovich,  
Secretary.

MC 159632 (Sub-1) (republication), filed December 6, 1982, published in the *Federal Register* issue of December 20, 1982, and republished this issue. Applicant: JACK D. BAILEY TRUCKING, P.O. Box 245, Dade City, FL 33525. Representative: Jack D. Bailey (same address as applicant). A Decision of the Commission, *Review Board 1*, decided April 29, 1983 and served May 12, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *food and related products*, between points in Arizona, California, Oregon, Washington, Idaho, and Florida, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (2) *printed matter*, between points in Arizona, California, Oregon, Washington, Idaho, and Florida, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Massachusetts, New York, and Tennessee; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 83-15962 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M



[Volume No. OP3-253]

**Motor Carriers, Permanent Authority Decisions; Restriction Removals; Decision-Notice**

Decided: June 7, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the *Federal Register* of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

**Findings**

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, the Review Board Members Carleton, Dowell, and Williams.  
Agatha L. Mergenovich,  
*Secretary.*

Please direct status inquiries to Team 3, at (202) 275-5223.

MC 145595 (Sub-9)X, filed May 20, 1983. APPLICANT: WARREN G. GORMLEY, d.b.a. GORMLEY TRUCKING, 842 S. Glenn, Springfield, MO 65802. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Lead and Subs 2, 4, and 6F, certificates: Broaden (1) sand, gravel, rock, and coal (lead) "to coal, nonmetallic minerals, and clay, concrete, glass and stone products"; (2) foodstuffs (Sub 2) "to food and related products"; (3) charcoal, fireplace logs, wood chips, and lighter fluid and accessories (Sub 4); and charcoal, charcoal briquets, fireplace logs, wood chips, and lighter fluid and materials, equipment, and supplies (Sub 6F) "to petroleum and coal products, lumber

and wood products, and chemicals and related products"; (4) eliminate the "facilities of" restriction in Sub 2; (5) eliminate the "except commodities in bulk" (Sub 2 and 6F) and "except liquid commodities in bulk" (Sub 4); (6) replace authority to serve named points to county-wide authority, Osage County, MO for Meta, MO in (Sub 4); Taney County, MO for Branson, MO in (Sub 6F); and Jackson County, MO, for Independence, MO in (Sub 2); and authorize radial authority to replace existing one-way authority in (Lead and Subs 2, 4, and 6F).

FR Doc. 83-15988 Filed 6-14-83; 8:45 am)  
BILLING CODE 7035-01-M

**Motor Carriers; Proposed Exemptions**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notices of Proposed Exemptions.

**SUMMARY:** The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

**DATE:** Comments must be received within 30 days after the date of publication in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** Warren C. Wood, (202) 275-7977.

**SUPPLEMENTARY INFORMATION:** Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

By the Commission, Richard Lewis, Acting Director, Office of Proceedings.

Agatha L. Mergenovich,  
*Secretary.*

Volume OP3-257

Decided: June 8, 1983.

**Jim L. Langenfeld, d.b.a. D&J Enterprises—Purchase Exemption—Double "S" Truckline, Inc.**

MC-F-15294. Jim L. Langenfeld, d.b.a. D&J Enterprises (D&J) (MC 156387) and Double "S" Truckline, Inc. (Double "S") (MC 146055), seek an exemption from the requirement under section 11343 of prior regulatory approval for the purchase by D&J of a portion of the operating rights of Double "S" namely

its (Sub-21) authorizing the transportation of food and related products, between points in the United States (except Alaska and Hawaii).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioners representative: James F. Crosby, Registered Practitioner James F. Crosby & Associates, 7363 Pacific Street, Suite #210B, Omaha, NE 68114, (402) 397-9900.

Comments should refer to MC-F-15294.

Volume OP5-F269

Decided: June 7, 1983.

**Krajack Tank Lines, Inc.—Purchase Exemption—Kupper Bros., Inc.**

MC-F-15286 Krajack Tank Lines, Inc. (Krajack) (MC-89697), and Kupper Bros., Inc. (Kupper) (MC-106958), seek an exemption from the requirement under 49 U.S.C. 11343(e) of prior regulatory approval for the purchase by Krajack of all of Kupper's operating rights in Docket No. MC-106958 and Sub-Nos. 2, 4, 5, and 6X permits. No application for TA has been filed. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423. (2) Petitioner's representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048.

Comments should refer to No. MC-F-15286.

FR Doc. 83-15991 Filed 6-14-83; 8:45 am)  
BILLING CODE 7035-01-M

[No. 39241 et al.\*]

**Motor Carriers; Security Van Lines, Inc.; Petition for Exemption from Tariff Filing Requirements**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed exemptions.

**SUMMARY:** Four motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762.

The petitions for exemption from the tariff filing requirements may be inspected at the Public Docket Room (Room 1227) of the Commission in Washington, D.C.

Any interested party may file a comment in this proceeding.

**DATES:** Comments are due on June 30, 1983. If no timely filed adverse comments are received, the sought relief

\*This proceeding embraces Nos. 39243, C & L Transport, Inc., 39244 Ro-Mar Terminal & Warehouse Co., Inc., and 39245, M. H. Hillery, Inc.



will automatically become effective at the close of the comment period. If opposition comments are filed, the comments will be considered and, within 20 days of the close of the comment period, the Commission will issue a final decision granting or denying the relief sought.

**ADDRESS:** Send an original and 15 copies of comments to: Docket No. 39241, Room 2203, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Jane Morris, (202) 275-6434

or

Howell I. Sporn, (202) 275-7691.

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423 or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

Decided: May 31, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-15989 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

**Motor Carrier; Temporary Authority Application**

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of the authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the

service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

**Motor Carriers of Property**

*Notice No. F-268*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 167379 (Sub-II-1TA), filed April 25, 1983. Originally published in **Federal Register** dated June 16, 1983. Applicant: ROBERT W. DIFENDERFER, R.D. 5, Coatesville, PA 19320. Representative: Steven T. Blomberg, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Such commodities as are dealt in or used by refiners of precious metals and manufacturers of precious metal products, between pts. in the US (except AK & HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Johnson Matthey, Inc., 4 Malin Rd., Malvern, PA 19355.*

The purpose of republication is to change from a contract to a common carrier.

MC 167479 (Sub-II-2TA), filed May 31, 1983. Applicant: DARL ALTMAN, d.b.a. ALTMAN TRUCKING, 1207 Albon Rd., Holland, OH 43528. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375. *Scrap and processed metal from the facilities of King Scrap Iron and Metal Co., Inc., located at or near Detroit, MI and the facilities of Mercier Corporation located at or near Dearborn, MI to points in IN and OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: King Scrap Iron and Metal Co., Inc., P.O. Box 14018, Jefferson Station, Detroit, MI 48214; Mercier Corporation, 115 W. Brown Street, Birmingham, MI 48011.*

MC 165526 (Sub-II-2TA), filed June 2, 1983. Applicant: BAMBRICK ENTERPRISES, INC., P.O. Box 216, Douglassville, PA 19518. Representative: Joseph T. Bambrick, Jr. (address same as applicant). Contract, irregular: *General commodities (except classes A and B explosives and used household goods),*

between points in the U.S. (except AK and HI), under continuing contracts with Nature Food Centres, Inc., Wilmington, MA, and Koffman Products, Inc., Haverhill, MA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Nature Food Centres, Inc., 1 Nature's Way, Wilmington, MA 01887 and Koffman Products, Inc., 555 Broadway, Haverhill, MA 01830.

MC 168313 (Sub-2-1TA), filed May 26, 1983. Applicant: BUCKO VAN LINES, INC., P.O. Box 457, Germantown, MD 20874. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Household goods and business and electronic data processing machinery, between points in NY, NJ, PA, RI, VA, WV, CT, DE, DC, MD, NC, MA, SC, GA and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20205; National Bureau of Standards, Building 301, Washington, D.C. 20234; Hechinger Company, 3500 Pennsy Drive, Landover, MD 20785; Martin Marietta Aluminum, Inc., 6801 Rockledge Drive, Bethesda, MD 20817, and Routed Thru-Pac, Inc., 8019 Blair Road, P.O. Box 28386, Baltimore, MD 21236.*

MC 163566 (Sub-II-1TA), filed June 2, 1983. Applicant: CLINGERMAN TRUCKING CO., Star Route 4, Everett, PA 15537. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. *Concrete products between points in OH, IL, KS, NJ, MD and FL, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: G.H.A. Lock Joint, Inc., 150 North Main St., Wharton, NJ 07885.*

MC 168159 (Sub-II-1TA), filed June 1, 1983. Applicant: C. E. DAVIS TRUCKING, INC., 4004 Taylor Ave., Baltimore, MD 21236. Representative: Robert K. Goren, One Central Plaza, Suite 1017, 11300 Rockville Pike, Rockville, MD 20852. *Building materials between points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Tamko Asphalt Products, Inc., 220 West 4th St., Joplin, MO 64801.*

MC 48386 (Sub-II-8TA), filed May 26, 1983. Applicant: GRAVER TRUCKING, INC., R.D. #7, Box 7655, Stroudsburg, PA 18360. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517. *Floor covering and related commodities, between Mercer County, NJ, on the one hand, and, on the other, NC, SC, GA and FL, for 270 days.*



Supporting shipper: American Built Rite, 3131 Princeton Pike, Building 4A, Lawrenceville, NJ 08648.

MC 168326 (Sub-II-1-TA), filed May 31, 1983. Applicant: JAFFEE TRUCKING, 6028 Stanton Ave., Baltimore, MD 21210. Representative: Allan C. Jaffee (same as applicant). Contract irregular: *Fruit juice and juice products*, between Baltimore, MD; Phila. and Pittsburgh, PA; New York, NY, and DC under continuing contract(s) with Purity Products of Baltimore, MD for 270 days. Supporting shipper(s): Purity Products Inc., 1794 Union Ave., Baltimore, MD 21211.

MC 168310 (Sub-II-1-TA), filed May 26, 1983. Applicant: JENKINS TRUCKING & SONS, INC., Route 2, Albright, WV 26519. Representative: Harold E. Jenkins (same as applicant). *General commodities (except Classes A and B explosives, household goods and commodities in bulk, in tank vehicles)*, between points in WV, on the one hand, and, on the other, pts. in DE, IL, IN, KY, MD, NJ, NC, OH, PA, SC and VA, for 270 days. Supporting shipper(s): Preston Energy, Co. Kingwood, WV 26537. Brytes Equipment, L.T.D., Hazelton, WV 26535. Harbova Mining, Co., Kingwood, WV 26537. Bruceton Mills Farm Service, Bruceton Mills, WV 26252. T & T Coals, Inc., Bruceton Mills, WV 26525.

MC 168003 (Sub-II-1-TA), filed May 26, 1983. Applicant: JOHN'S MOBILE HOME SERVICE, INC., 2771 Lincoln Hwy. East, Rte. 30, Ronks, PA 17572. Representative: J. Bruce Walter, P.O. Box 1146, Harrisburg, PA 17108. *Mobile homes* between points in Lancaster County, PA, on the one hand, and on the other, points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Redman Homes, Inc., P.O. Box 428, Ephrata, PA 17522.

MC 167906 (Sub-II-1-TA), filed May 31, 1983. Applicant: GRIFF JONES TRANSPORT, INC., 177 Old Churchmans Rd., New Castle, DE 19720. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22901. Contract, irregular: *Fluid petroleum coke*, from Delaware City, DE to Pedricktown, NJ, under continuing contract with National Smelting Co. of NJ, Inc., for 270 days. Supporting shipper: National Smelting Co. of NJ, Inc., Penns Grove-Pedricktown Rd., Pedricktown, NJ 08067.

MC 168327 (Sub-II-1-TA), filed May 31, 1983. Applicant: W. D. KERR & SONS, INC., 118 Ritter Rd., RD. #2, Sewickley, PA 15143. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. (1) *Metal products excluding (commodities in bulk)*, (2) *machinery*, (3) *clay, concrete, glass or stone products*

(excluding commodities in bulk) and (4) *commodities which, because of size or weight, require special equipment or special handling*: between PA, on the one hand, and, on the other pts. in DC, IL, IN, KY, MD, MI, NJ, NY, OH, WV and VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: There are 8 supporting shippers. Their statements can be examined at the Phila. Reg. Ofc.

MC 107012 (Sub-II-308TA), filed May 26, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities (except Class A & B explosives and commodities in bulk)* between points in the US under continuing contract(s) with universal Foods of Milwaukee, WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Universal Foods Corporation, 433 East Michigan Street, Milwaukee, WI 53202.

MC 107012 (Sub-II-309TA), filed May 26, 1983. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *general commodities (except Class A & B explosives and commodities in bulk)* between points in the US under continuing contract(s) with The Lockheed Corporation, of Burbank, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: The Lockheed Corporation, P.O. Box 551, Burbank, CA 91520.

MC 107012 (Sub-II-310TA), filed June 1, 1983. Applicant: NORTH AMERICAN VAN LINES INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract irregular: *general commodities (except Classes A & B explosives and commodities in bulk)* between points in the US under continuing contract(s) with Seagate Technology, of Scotts Valley, CA, and its divisions and subsidiaries. An underlying ETA seeks 120 days authority. Supporting shipper: Seagate Technology, 360 El Pueblo Rd., Scotts Valley, CA 95066.

MC 139243 (Sub-II-6TA), filed May 31, 1983. Applicant: RIVER BEND TRANSPORT COMPANY, Sunset Avenue, North Bend, OH 45052. Representative: David F. Boehm, 2208 Central Trust Tower, Cincinnati, OH 45202. *General commodities (except Class A and B explosives)* from Cincinnati, OH commercial zone to the states of AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IA, KS, LA, ME, MD, MA,

MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, and WY for 270 days. Supporting shipper(s): River Transportation Company, 5297 River Rd., Cincinnati, OH 45233. North Bend Terminal Company, Sunset Ave., North Bend, OH 45052.

MC 155322 (Sub-II-2TA), filed June 1, 1983. Applicant: HANDY ROYALTY DBA ROYALTY TRUCKING, 2311 Starling Road, Bethel, Ohio 45106. Representative: JOHN L. ALDEN, 1396 W. Fifth Avenue, Columbus, OH 43212. Industrial air moving equipment, shutters, parts, and related equipments used for installation, except commodities in bulk, between Amelia, Clermont County, OH, on the one hand, and, on the other, Detroit MI, West Jefferson AL, Prescott AR, Mansfield LA, Shakopee MN, and the international border at or near Detroit MI and Niagara Falls NY for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper(s): Industrial Air, Inc., Box 215, Bach-Buxton Road, Amelia, OH 45102.

MC 167344 (Sub-II-1 TA), filed May 26, 1983. Applicant: IVAN STUTZMAN & SON TRUCKING, INC., City Road 626, P.O. Box 134, Berlin, OH 44610. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501-2028. *Garage doors*, from the facilities of Wayne Dalton Corporation at or near Mt. Hope, OH, to points in and west of MI, IN, KY, TN and MS (excluding AK and HI) for 270 days. An underlying eta seeks 120 days authority. Supporting shipper: Wayne Dalton Corporation, P.O. Box 67, Mt. Hope, OH 44660.

The following applications were filed in Region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4-104 TA), filed June 1, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S. (except AK and HI), under a continuing contract(s) with the Harris Corporation and its subsidiaries of Ft. Lauderdale, FL. Supporting shipper: Harris Corporation, 2102 Cypress Creek Rd., Ft. Lauderdale, FL 33310.

MC 15735 (Sub-No. 4-105 TA), filed June 1, 1983. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview IL 60153. Representative: Joseph P. Tuohy, P.O. Box 4403, Chicago, IL 60680. *Contract irregular: Household Goods*, between points in the U.S.



(Except AK & HI), under a continuing contract(s) with United Telecommunications, Inc. and its subsidiaries of Westwood, KS. Supporting shipper: United Telecommunications, Inc., 2330 Johnson Dr. Westwood, KS 66205.

MS 69833 (Sub-4-17 TA), filed May 31, 1983. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., NW., Grand Rapids, MI 49503. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226. Contract: irregular. *General Commodities* (except classes A and B explosives, commodities in bulk and those requiring special equipment, and household goods as defined by the Commission), between points in the U.S. (except AK and HI), under continuing contract with General Mills, Inc. and its subsidiaries. Supporting shipper: General Mills, Inc. and its subsidiaries, 9200 Wayzata Blvd., P.O. Box 1113, Minneapolis, MN 55440.

MC 87113 (Sub-4-8TA), filed May 31, 1983. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. Contract irregular: *household goods* between points in the U.S. under continuing contract(s) with American McGaw Division of American Hospital Supply Corp., of Irvine, CA, and its affiliates and subsidiaries. Supporting shipper: American McGaw Division, 2525, McGaw Ave., Irvine, CA 92714.

MC 108937 (Sub-4-7TA), filed June 1, 1983. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 2323 Terminal Road, St. Paul, MN 55113. Representative: Jerry E. Hess, General Counsel, P.O. Box 43640, St. Paul, MN 55164. Contract irregular: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) between points in the U.S. under continuing contracts with General Mills, Inc. Supporting shipper: General Mills, Inc., P.O. Box 1113, Minneapolis, MN 55440.

MC 110923 (Sub-4-3TA), filed May 31, 1983. Applicant: ALBERT LIVEK, d.b.a. AL LIVEK'S TRUCKING SERVICE, 808 Harrison Street, Kewanee, IL 61443. Representative: Edward D. McNamara, Jr., 907 South Fourth St., P.O. Box 5039, Springfield, IL 62705. Contract irregular: *Alcoholic beverages* between Perry, GA, on the one hand, and Kewanee, IL, on the other hand. An underlying ETA seeks 120 days' authority. Supporting shipper: C. L. Van DeVoorde

Distributing, Inc., 337 Tenney Street, Kewanee, IL 61443.

MC 141753 (Sub-4-2TA), filed June 1, 1983. Applicant: G. P. SULLIVAN COMPANY, 1808 South Laramie Ave., Cicero, IL 60650. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482-2400. *Furniture* between Des Moines County, IA, on the one hand, and, on the other, points in IN, IL, MI, MN, MO and WI. An underlying ETA seeks 120-days authority. Supporting shipper: Lehigh Leopold Furniture Company, Division of Litton Industries, 2825 Mt. Pleasant St. Burlington, IA 52601.

MC 143500 (Sub-4-11TA), filed June 1, 1983. Applicant: R. B. CARRIERS, INC., 305 S. Missouri Ave., P.O. Box 942, Jeffersonville, IN 47130. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. Contract: Irregular. *General commodities* (except household goods, Classes A & B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Mallinckrodt, Inc. Supporting shipper: Mallinckrodt, Inc., P.O. Box M, Paris, KY 40361.

MC 156645 (Sub-4-3TA), filed June 1, 1983. Applicant: FLEET CARRIERS, INC., 3158 Des Plaines Avenue, Des Plaines, IL 60018. Representative: Thomas M. O'Brien, Sullivan & Associates, Ltd., 180 North Michigan Ave., Suite 1700, Chicago, IL 60601. Contract, Irregular: *General commodities* (except Classes A and B explosives, household goods, and commodities in bulk), from the facilities of American Cyanamid Company located at Rosemont, IL to points in IA, IN, MI, MN, MO, NE, ND, OH, SD, and WI, under continuing contract(s) with American Cyanamid Company of Wayne, NJ. Supporting shipper: American Cyanamid Company, 1 Cyanamid Plaza, Wayne, NJ 07470.

MC 168111 (Sub-4-2TA), filed May 31, 1983. Applicant: LA VERNE R. KREGER, d.b.a. KREGER TRANSPORT, Route 4, P.O. Box 360, Minot, ND 58701. Representative: Jack L. Schiller, 111-56 76th Drive, Forest Hills, NY 11375. Contract, irregular: *Lumber and building materials* between points in ID, MN, MT, OR, WA and WY, on the one hand, and, on the other, Minot, ND under continuing contract(s) with Construction Supply and Warehouse Company of Minot, ND and G & M Lumber of Minot, ND. Supporting shippers: Construction Supply & Warehouse Company, 21 3rd St., SE., Minot, ND 58701 G & M Lumber, P.O. Box 3207, Minot, ND 58701.

MC 168393 (Sub-4-1TA), filed June 1, 1983. Applicant: TRUCK AMERICA, INC., 11938 Waveland, Franklin Park, IL 60131. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Avenue, Des Plaines, IL 60016, (312) 298-1094. *General Commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk). Between points in the Chicago, IL Commercial Zone, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: There are 18 shippers.

MC 99986 (Sub-4-1TA), filed May 27, 1983. Applicant: BELLEVILLE TRUCK LINE, INC., Route #1, Cross Plains, WI 53528. Representative: Richard D. Armstrong, 925 Hyland Drive, Stoughton, WI 53589. *General commodities* (except Classes A and B explosives, household goods and commodities in bulk) between points in Dane, Green and Rock Counties, WI and points in IA, IL, IN, MI, MN and WI. An underlying ETA seeks 120 days authority. There are nine (9) statements of support.

MC 113855 (Sub-4-14TA), filed May 26, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55903. Representative: Thomas J. Van Osdel, 15 Broadway—Suite 502, Fargo, ND 58102. Contract: Irregular: *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with Cammacorp of El Segundo, CA. Supporting shipper: Cammacorp, 360 N. Sepulveda, Suite 1000, P.O. Box 987, El Segundo, CA 90245.

MC 153273 (Sub-4-7 TA), filed May 10, 1983. Applicant: SCHREIBER TRANSIT, INC., 425 Pine St., P.O. Box 610, Green Bay, WI 54303. Representative: John H. Sage, 425 Pine St., P.O. Box 610, Green Bay, WI 54305. Contract: Irregular: *Alcoholic Beverage* from and to all points in CA, WI, MO, TX, AZ, WA, and Ogden, UT, under continuing contract with Wasatch Distributing Company of Ogden, UT. An underlying ETA seeks 120 days authority. Supporting shipper: Wasatch Distributing Company, Inc., P.O. Box 1492, Ogden, UT 84402.

MC 159423 (Sub-4-2 TA), filed May 27, 1983. Applicant: JOEL CARLSON TRUCKING, INC., Rt. 3 Box 128, North Branch, MN 55056. Representative: Jim Pitzer, P.O. Box 895, Renton, WA 98057, (206) 235-1111. *Pulp, Paper or Allied Products* between points in GA, IA, IL, IN, MI, MN, MO, ND, NE, NJ, NY, OH,



PA, SD, WI, for 270 days. (An underlying E.T.A. has been filed.) Supporting shippers: Quality Park Products, 1621 E. Henn., Minneapolis, MN. Continental Forest Industries, P.O. Box 348, Three Rivers, MI 49093.

MC 165668 (Sub-4-2 TA), filed May 26, 1983. Applicant: WAUSAU CARRIERS, INC., P.O. Box 398, Wausau, WI 54401. Representative: James A. Spiegel, Attorney Olde Time Office, 6333 Odana Road, Madison, WI 53719. *General commodities (except Classes A and B explosives, household goods as defined by the Commission and commodities in bulk)* between points within WI and the Upper Peninsula of Michigan on the one hand and on the other hand points within the U.S. (except AK and HI). There are nine (9) supporting shippers.

MC 168306 (Sub-4-1 TA), filed May 26, 1983. Applicant: TWIN CITY FRUIT, INC., d.b.a. TWIN CITY FRUIT FREIGHT, P.O. Box 390, Deadwood, SD 57732. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *General commodities* between points in NE and SD on the one hand, and on the other hand, points in CO, WY and MT. An ETA application has been filed for 120 days. Supporting shippers: Black Hills Packing Co., 1330 West Chicago St., Rapid City, SD and Twin City Fruit, Inc., P.O. Box 390, Deadwood, SD 57732.

MC 168333 (Sub-4-1 TA), filed May 26, 1983. Applicant: BETLEY ARMORED COURIER, INC., Box 66, Dowdham Road, Amberg, WI 54102. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Common; irregular; Money, Currency, Coins, Bullion, Securities, Food Stamps, Jewelry, or Other Valuables* between points in WI, MI, MN, and IL. Supporting shippers: Northern Michigan Bank, 723 Ludington St., Escanaba, MI 49829; First National Bank at Manistique, P.O. Box 369, 130 S. Cedar St., Manistique, MI 49854; First National Bank and Trust Co., 1205 Ludington St., Escanaba, MI 49829; The State Savings Bank, P.O. Box 271, Manistique, MI 49854.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 53965 (Sub-5-15TA), filed May 31, 1983. Applicant: GRAVES TRUCK LINE, INC., 8717 W. 110th St., Suite 700, Overland Park, KS 66210. Representative: Bruce A. Bullock, One Woodward Ave., 26th Fl., Detroit, MI 48226. *Contract; irregular, General Commodities (except classes A and B explosives, commodities in bulk and*

*those requiring special equipment, and household goods)*, between points in the U.S. (except AK and HI), under continuing contract with General Mills, Inc. and its subsidiaries. Supporting shipper: General Mills, Inc. and its subsidiaries, Minneapolis, MN.

MC 79658 (Sub-23TA), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey, 1212 St. George Road, Evansville, IN 47711. *Contract, Irregular; Household goods* between points in the U.S. (except AK and HI). Supporting shipper: Beatrice Food Co., and Affiliates, Chicago, IL.

MC 79658 (Sub-5-24TA), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same as above). *Contract, Irregular; Household goods* between points in the U.S. (exclusive of AK and HI). Supporting shipper: MCI Communications Corporation, Arlington, VA.

MC 79658 (Sub-5-25TA), filed May 31, 1983. Applicant: ATLAS VAN LINES, INC., Post Office Box 509, Evansville, IN 47711. Representative: Michael L. Harvey. *Contract, Irregular; Household goods* between points in the U.S. (exclusive of AK and HI). Supporting shipper: Moore Business Forms, Inc., Glenview, IL.

MC 143702 (Sub-5-2TA), filed May 31, 1983. Applicant: ALL FREIGHT SYSTEMS, INC., 1026 South 10th Street, Kansas City, KS 66105. Representative: Donald J. Quinn, commerce Bank Building, 8901 State Line—Suite 232, Kansas City, MO 64114. *Paint, varnish, lacquer or stains, liquid or resin, solution liquids* between points in the U.S. (except AK and HI). Supporting shipper: Cook Paint and Varnish Co., North Kansas City, MO.

MC 147204 (Sub-5-1TA), filed May 31, 1983. Applicant: JACK'S TRUCK RENTAL, INC., Route 3, Box 61, Holts Summit, MO. 65043. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. *Such commodities as are used by or dealt in by manufacturers and distributors of shoes*, between Cole County, MO on the one hand, and, on the other, Kansas City, KS, Kansas City, MO, St. Louis, MO, and E. St. Louis, IL and their commercial zones. Supporting Shipper: Florsheim Shoe Company, Chicago, IL.

MC 147378 (Sub-5-8TA), filed May 31, 1983. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 9 East

Fourth Street, Suite 305, Tulsa, OK 74103. *Contract; Irregular. Liquid corn sweetener, in bulk* from Tulsa, OK to all points in AR, KS, MO and OK, under a continuing contract(s) with A. E. Staley Manufacturing Company, Inc. of Decatur, IL.

MC 155903 (Sub-5-3TA), filed May 31, 1983. Applicant: DAHLIA PLANTATION, INC., Rt. 2, Box 18, Tallulah, LA 71282. Representative: Janet Boles Chambers, 8211 Goodwood Blvd., Suite C-1, Baton Rouge, LA 70806-7782. *Coal and coal products*, between Madison Port at or near Tallulah, LA on the one hand, and, on the other, the facilities of International Paper in Morehouse Parish, LA. Supporting shipper: Madison Parish Port, Tallulah, LA.

MC 154872 (Sub-5-3TA), filed May 31, 1983. Applicant: SOLAR TRANSPORT, INC., P.O. Box 537, Hampton, IA 50441. Representative: William L. Fairbank, 1300 United Central Bank Building, Des Moines, IA 50309. *Liquid calcium chloride, in bulk*, from Chicago, IL to points in IA and MN. Supporting shipper: House-Loebig Enterprises, Inc., Hampton, IA.

MC 161162 (Sub-5-TA), filed May 31, 1983. Applicant: SEITZ TRANSPORTATION, INC., Lake Road & Packers Ave., St. Joseph, MO 64502. Representative: E. Wayne Farmer, P.O. Box 26010, Kansas City, MO 64196. *Fresh, frozen and dehydrated meat and meat by-products, food and foodstuffs, containers, boxes, printed materials and those commodities used by meat packaging and processing houses or sold or distributed by grocery retail or wholesale operations* between points in MN, WI, NE, IA, IL, IN, CO, KS, MO, KY, OK, AR, TN, TX, LA, and MS. Supporting shipper(s): 9.

MC 168348 (Sub-5-TA), filed May 31, 1983. Applicant: THE FEED STORE & SUPPLY COMPANY, 238 N. Zaragoza, El Paso, TX 79907. Representative: Joe S. Carrasco, partner (same as applicant). *Metals, Metal Products and Building Materials*, between, Phoenix, AZ, Dallas, El Paso, Houston, San Antonio and Sweetwater, TX, on the one hand, and, on the other, points in AZ, AR, CA, LA, MO, NM, OK and TX. Supporting Witnesses: Specialty Forest Products, Inc., Phoenix, AZ; Wholesale Lumber Company, El Paso, TX; Lopez Scrap Metal, Inc., El Paso, TX and Drywall Supply Company, El Paso, TX.

MC 168350 (Sub-5-TA), filed May 31, 1983. Applicant: CLIFFORD SMOTHERS, d.b.a. SMOTHERS FARMS, Rural Route, North English, IA 52316. Representative: Richard D. Howe.



800 Hubbell Building, Des Moines, IA 50309. *Farm machinery or equipment*, between points in Iowa County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Kinze Manufacturing, Inc., Williamsburg, IA.

MC 29910 (Sub-5-79TA), filed June 2, 1983. Applicant: ABF FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. *Contract Carrier: general commodities (except Classes A and B explosives, household goods, and commodities in bulk)*, between points in the U.S. (except AK and HI), under a continuing contract with General Mills, Inc., its Divisions, Subsidiaries and Affiliates, Minneapolis, MN.

MC 98614 (Sub-5-7TA), filed June 3, 1983. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, Fifth Floor, 501 Union Street, Nashville, TN 37219. *Petroleum and petroleum products, in bulk*, from Shreveport, LA and its commercial zone to Houston, TX and its commercial zone. Supporting shipper: Atlas Processing, Inc., Shreveport, LA.

MC 145970 (Sub-5-5TA), filed June 1, 1983. Applicant: SKILLETT & SONS, INC., P.O. Box 196, Rush Center, KS 67575. Representative: William B. Barker, P.O. Box 1979, Topeka, KS 66601. *Animal food and materials and supplies used in the manufacture and distribution of animal food*, between McPherson County, KS on the one hand, and on the other points in the U.S. in and west of MN, IA, MO, AR, and LA (except AK and HI). Supporting shipper: Hubbard Milling Co., Mankato, MN.

MC 146055 (Sub-5-18TA), filed June 2, 1983. Applicant: DOUBLE "S" TRUCKLINE, INC., 731 Livestock Exchange Building, Omaha, NE 68107. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, D.C. 20036. *General Commodities, except classes A&B explosives, commodities in bulk, and household goods*, between points in AR, CA, CO, CT, IL, IN, IA, KS, KY, MA, MI, MN, MO, NE, NJ, NY, OH, OK, PA, SD, TN, TX, and WI. Supporting shipper: Interstate Freight Brokers, Inc., Sioux City, IA.

MC 146730 (Sub-5-5TA), filed June 2, 1983. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., PO Box 388, Sedalia, MO 65301. *Contract: Irregular. General commodities, except Class A and B explosives and household goods* between points in the U.S. except

AK and HI under continuing contract with Broderick and Bascom Rope Co., Inc., Sedalia, MO.

MC 151915 (Sub-5-4TA), filed June 1, 1983. Applicant: KELWORTH TRUCKING COMPANY, INC., Hwy 59 South, Hodgen, OK 74939. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. (1) *Dry chemicals, fertilizers and feed supplements*, between points in AR, CO, IA, KS, LA, MS, MO, NE, NM, OK, TN and TX, and (2) *Clay, Concrete, glass and stone products* between points in IL, IN, KY and OH. Applicant intends to tack this authority to existing irregular route authority to permit movements between this authority and existing authority. Supporting shippers: The Bassichis Company, Cleveland, OH; and Chem-Quip, Inc., Tulsa, OK.

MC 168411 (Sub-5-1TA), filed June 2, 1983. Applicant: SHARED SERVICE SYSTEMS, A DIVISION OF NEBRASKA METHODIST HOSPITAL, 1725 South 20th Street, Omaha, NE 68105. Representative: Robert D. Gisvold, 1600 TCF Tower, 121 South 8th Street, Minneapolis, MN 55402. *Contract, Irregular: hospital and medical supplies* between points in IA, NE, and KS under continuing contract(s) with American McGaw, Division of American Hospital Supply Corporation of Santa Ana, CA.

MC 168419 (Sub-5-1TA), filed June 2, 1983. Applicant: MITCHELL TRUCKING COMPANY, P.O. Box 82, Stamps, AR 71860. Representative: David L. Beatty, Drawer 640, Lewisville, AR 71845. *Lumber, plywood and other wood products* between points in AR, TX, LA and OK. Supporting shipper: Marlar & Whistle Lumber Co. Inc., Lewisville, AR.

MC 168429 (Sub-5-1TA), filed June 3, 1983. Applicant: KENNETH E. MANN d.b.a. K.E.M. TRUCKING, P.O. Box 213, Blair, NE 68008. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Such commodities as are used or dealt in by manufacturers and distributors of concrete mixing machinery*, between Blair and Omaha, NE on the one hand, and, on the other, points in the U.S. (except AK and HI), and points in their respective commercial zones. Supporting shipper: Concrete Equipment Company, Inc., Blair, NE 68008.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board (RMBC), 211 Main St., Suite 500, San Francisco, CA 94105.

MC 133589 (Sub-6-4TA), filed June 6, 1983. Applicant: BCT, INC., P.O.B. 7219, Boise, ID 83707. Representative: James R. Daly (same address as applicant).

*Commodities as are sold by wholesale, retail, and discount automotive parts stores* between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: Pacific Wholesalers Inc., 17972 S.W. McEwan Road, Portland, OR 97223.

MC 42487 (Sub-6-81TA), filed June 6, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O.B. 3062, Portland, OR 97208. *Contract Carrier, irregular routes: General commodities, (except Classes A and B explosives, household goods and commodities in bulk)*, between points in the U.S., (except AK and HI), for 270 days. Supporting shipper(s): Caterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61629.

MC 168128 (Sub-6-1TA) filed June 3, 1983. Applicant: HUMBOLDT LOADERS INC., P.O. Drawer RR, Arcata, CA, 95521. Representative: Gary Blanks (same as applicant). *Contract carrier; irregular route; Timber by-products*, from Arcata, CA to Keswick (Hwy 299) to So. Redding and Anderson (Old I5) and/or Arcata to Calpella, Willits and Ukiah, CA for 270 days. Supporting shipper: Simpson Timber Co., P.O. Drawer V., Arcata, CA 95521.

MC 149386 (Sub-6-1TA), dated: June 6, 1983. Applicant: LIQUID SUGARS INC., P.O. Box 96, Oakland, CA 94604. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Food and food products, including those in bulk*, between Emeryville and Stockton, CA; Salt Lake City, UT; Seattle, Tukwila, Toppenish and Spokane, WA; Salem, OR; Worland, WY; Denver, CO; Dallas, TX and New Orleans, LA, on the one hand, and, on the other, points in the U.S., for 270 days. Supporting shippers: Cargill Inc., Box 9300, Minneapolis, MN 55440; Hubinger Co., 1417 Exchange St., Keokuk, IA.

MC 160195 (Sub-6-2TA) filed June 6, 1983. Applicant: SAN RAFAEL TRUCK LINE, 1625 N. 26th Ave., Phoenix, AZ 85009. Representative: Kinley T. Gleave, P.O. Box 3916, Phoenix, AZ 85030. *Contract: irregular; General commodities (except class A and B explosives, commodities in bulk and household goods)* between points in the U.S. (except AK and HI), for 270 days. Supporting shipper: K Mart Corp., 3100 West Big Beaver Rd., Troy MI 48064.

MC 168480 (Sub-6-1TA), filed June 6, 1983. Applicant: ROBERT & BARBARA SWASH, 24959-8 Ave., RR No. 10, Aldergrove, B.C. VOX 1A0. Representative: (same as applicant). (1)



*Horses*, from ports of entry on the International Boundary between the U.S. and Canada located in WA and OR. Supporting shippers: Galloway Farms, 25152 40 Ave., Aldergrove, B.C. VOX 1AO; Napaley Lane Farm, 24905 25 Ave., Aldergrove, B.C. VOX 1AO.

MC 141871 (Sub-6-4TA), filed June 6, 1983. Applicant: WNI, INC., 8560 S.W. Salish Lane, Wilsonville, OR 97070. Representative: Thomas E. Vandenburg, P.O.B. 2298, Green Bay, WI 54306. *Contract; irregular. General Commodities, with usual exceptions*, between points in the U.S. (except AK and HI) for 270 days. Supporting shipper: Montgomery Ward and Co., One Montgomery Ward Plaza, Chicago, IL 60671.

WC 1373 (Sub-6TA), filed June 2, 1983. Applicant: IMPERIAL NAVIGATION, LTD., d.b.a. INLAND RAIL & BARGE SERVICE, 4533 N. Channel Ave., Portland, OR 97217. Representative: James H. Sanders (same as applicant). *Contract carrier, irregular routes, general commodities* (except class A & B explosives) between points in the U.S. for the account of Marine Intermodal Cooperative Association for 180 days. Supporting shipper: Marine Intermodal Cooperative Association, 4533 N. Channel Ave., Portland, OR 97217.

WC 1374 (Sub-6-1TA), filed June 6, 1983. Applicant: NORMAN F. RICHARDS, d.b.a. MARINE RAIL LINES, 44 Golf Club Rd., #148, Pleasant Hill, CA 94523-1582. Representatives: N. F. Richards (same as applicant). *General commodities* between San Francisco Bay and Humboldt Bay, CA, for 180 days. Supporting shippers: Louisiana-Pacific Corporation, 111 S.W. Fifth Ave., Portland, OR 97204; Pacific Lumber Co., P.O.B. 37, Scotia, CA 95565; Arcata Redwood Co., P.O.B. 218, Arcata, CA 95521; and Sierra Pacific Industries, P.O.B. 4728, Redding, CA 96099. Agatha L. Mergenovich, Secretary.

[FR Doc. 83-15963 Filed 6-14-83; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

(Docket No. 83-7)

**Ralph E. Lambert, M.D., Westwego, Louisiana; Hearing**

Notice is hereby given that on March 7, 1983, the Drug Enforcement Administration, Department of Justice, issued to Ralph E. Lambert, M.D., an Order To Show Cause as to why the Drug Enforcement Administration

should not revoke his DEA Certificate of Registration AL3378824.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, June 23, 1983, commencing at 9:30 a.m. in the U.S. Tax Court, Courtroom 211, U.S. Custom House, 423 Canal Street, New Orleans, Louisiana.

Date: June 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 10023 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-09-M

(Docket No. 83-8)

**Nam Jin Park, M.D., Searingtown, New York; Hearing**

Notice is hereby given that on February 22, 1983, the Drug Enforcement Administration, Department of Justice, issued to Nam Jin Park, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on June 9, 1982, for registration as a practitioner under 21 U.S.C. 823(f).

Thirty days having since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, June 30, 1983, commencing at 10:00 a.m. in Courtroom No. 3-B, Room 309, United States Claims Court, 717 Madison Place, N.W., Washington, D.C.

Dated: June 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-18025 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-09-M

(Docket No. 82-40)

**James Louis Robinson, M.D., Carrollton, Georgia; Hearing**

Notice is hereby given that on November 24, 1982, the Drug Enforcement Administration, Department of Justice, issued to James Louis Robinson, M.D., an Order To Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, AR1188398.

Thirty days having elapsed since the said Order To Show Cause was received

by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, June 21, 1983, commencing at 9:30 a.m. in Courtroom 1707, U.S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia.

Dated: June 7, 1983.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 83-18024 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-09-M

### Office of Juvenile Justice and Delinquency Prevention

#### National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

The twenty-seventh quarterly meeting of the National Advisory Committee for Juvenile Justice and Delinquency Prevention will be held in St. Louis, Missouri on June 13 and 14, 1983. The meeting will take place at the Sheraton Hotel and will run from 9:00 a.m. to 5:00 p.m. on Monday, June 13 and 9:00 a.m. to 12:00 noon on Tuesday, June 14.

The main topic of this meeting is reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Members of the public are welcome to attend.

Further information regarding this meeting may be obtained by contacting Sharon A. Wagner, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 724-7751.

This notice is being published less than 15 days before the meeting pursuant to 41 CFR 101-6.1015(b)(2) due to staff changes and consequent oversight. Wire service announcements have also been made for this meeting. Copies of minutes will be made available to any person, upon request.

Dated: June 9, 1983.

Approved:

Alfred S. Regnery,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-15966 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-18-M

### Bureau of Prisons

#### Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on June



20, 1983, at the Federal Institution, Ray Brook, New York.

The purpose of the meeting is to discuss: Comprehensive Crime Control Act of 1983; Impact on Corrections, S. 1182 Sentencing Reform Act of 1983, Implementation of Pretrial Service Act of 1983, Role of the Parole Commission in Reducing Overcrowding, Strategies to Reducing Overcrowding, and the Proposed Phase-out of U.S. Public Health Service Staff from Federal Bureau of Prisons.

Signed at Washington, D.C., this 8th day of June 1983.

Norman A. Carlson,

Director, Bureau of Prisons.

[FF Doc. 83-15985 Filed 6-14-83; 8:45 am]

BILLING CODE 4410-05-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-58]

### National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of finding of no significant impact.

**SUMMARY:** The seventh flight of the Space Shuttle (STS-7) with a crew of five is currently planned for June 1983 from Kennedy Space Center (KSC), Florida. This is the first flight which will return directly to KSC. The previous landing site, Edwards Air Force Base, California, will be an alternative landing site.

The primary purposes of the STS-7 mission are: (1) To launch two communications satellites to geosynchronous orbit with their associated Propulsion Assist Modules (PAM's) and (2) to conduct a variety of research experiments before returning the experimental equipment to Earth. A significant secondary objective is to acquire technical information about STS equipment for use in the Shuttle Program.

The two communications satellites are manufactured by Hughes Aircraft Company of El Segundo, California, for Telesat of Canada and Perumtel of Indonesia, the countries' telecommunications organizations. The technical characteristics and operations of these almost identical satellites have been approved by the associated telecommunications authority in each country. The frequency and orbital position allocations of each satellite have been negotiated by the Canadian and Indonesian authorities through

world and regional administrative radio conferences. The gross mass (including the PAM) and volume of each communication satellite are 4106 kg and 35 m<sup>3</sup>, respectively. Each mission uses two solid propellant motors with a total of 2251 kg of propellants as well as approximately 148 kg of hydrazine for use in the station-keeping propulsion systems. While the probability of a catastrophic Space Shuttle accident is very low, these propellants represent a major hazard source.

There are two major research payloads in the Space Shuttle's Cargo Bay, the SPAS-01 and OSTA-2. The SPAS-01 will be deployed from the Cargo Bay as a free-flyer to perform experiments and test the spacecraft's performance, before retrieval to the Cargo Bay. The OSTA-2 payload will remain in the Cargo Bay for the entire flight. The SPAS-01 is 4.2 m wide and 1.4 m long as mounted in the Cargo Bay and has a mass of about 1800 kg. Its propellant is nitrogen gas. The OSTA-2 pallet is similar to SPAS-01 in size and weight. There also will be seven self-contained research payloads mounted on the side of the Cargo Bay in canisters with a diameter of 52 cm and a length of 83 cm. The seven experiments will be initiated by the crew's remote commands; neither the crew's services nor Shuttle's utilities (e.g., electrical power) will be required after this initiating event.

Within the crew's compartment there are two major MidDeck-mounted research payloads: the Continuous Flow Electrophoresis System (CFES) and the Monodisperse Latex Reactor (MLR). Both of these systems have been flown successfully on previous Shuttle flights. The CFES uses electrophoretic techniques to separate pharmaceutically active compounds. The MLR reacts a water-latex solution to produce uniformly spherical latex particles for later use as a laboratory standard to determine pore size in membranes. In addition to the CFES and MLR, there will be a small number of student research experiments selected from among those ready at flight time. These are typically stored in cabin lockers.

The research payloads contain materials which are not normally considered hazardous. The major source of risk to the STS-7 mission from the research payloads is considered to come from their batteries. Any battery-related accident is unlikely to be catastrophic to the Space Shuttle.

Possible alternatives to the use of the Shuttle to transport the payloads (the proposed action) are: (1) No Action and (2) Use of Expendable Launch Vehicles.

The No Action alternative is defined as using terrestrial methods to achieve the goals of the STS-7 mission. For the two communications satellites, the terrestrial methods of providing the communications relay capacity include the use of microwave relay towers and submarine cables. The technology competes with and complements satellite relay technology. For relatively short distances and over high-traffic-density routes, ground microwave relay can provide lower service costs. For long distances and in remote areas, satellite relay usually provides lower service costs. Ground microwave relay service is also used to provide local service near satellite relay stations. The goals of the research payloads, however, could not be accomplished under the No Action alternative. There is no known way to conduct experiments in the terrestrial environment requiring more than very short periods (2-5 minutes) of weightlessness. Some of the payloads require views of the Earth or other aspects of the space environment (such as a view of the sun or stars unimpeded by the Earth's atmosphere) which can only be obtained from orbit. Selection of the No Action alternative thus implies foregoing the benefits from the proposed research experiments.

For the Expendable Launch Vehicle (ELV) alternative, one communications satellite would be flown on one Delta Launch Vehicle. The Hughes HS-376 spacecraft were designed to be launched by either the Delta or Shuttle, and several prior units have been launched by both vehicles. The research payloads, however, have been designed specifically for use with the Shuttle. Substantial redesign would be needed to reconfigure these payloads to fly on ELV's. In addition, a reentry system would be required. The SPAS-01 and OSTA-2 pallets, reconfigured, would each require a Delta launch. The remaining Shuttle Cargo Bay experiments and the crew-cabin experiments together would require at least one more Delta launch. Thus, the ELV equivalent to the STS-7 mission would require at least five Delta launches.

For the proposed action, the only measurable long-term adverse environmental impact from the normal activities with these payloads is the addition of two expendable PAM solid rocket motors, and two ultimately abandoned communications satellites to an already large population of manufactured space debris. The major concern associated with this debris is an increasing probability of collision with spacecraft. While the current debris



accumulation poses little threat to the terrestrial environment, there is a low probability of a collision with an active spacecraft. This collision would likely destroy the spacecraft with its fragments adding to the long-term debris population. If the spacecraft were manned, it is possible that a direct hit by debris would result in the loss of life.

If the communications satellites were launched by a Delta ELV, the Delta's second stage would also become part of the space debris population in addition to the spent PAM stage. For either alternative, the potential collision risk from their addition to the space debris population is currently considered by NASA to be acceptable in view of the benefits achievable through improved communications capabilities.

For both space launch alternatives, there is a low probability of a catastrophic accident caused either by the payload or by the launch vehicle. NASA safety procedures for payload design and operation significantly reduce the risk of payload-caused accidents. In the case of the Shuttle, such an accident could result in loss of the crew's lives. The Delta is unmanned. Accident consequences have been examined and have been determined to result in only local and temporary effects to the environment. Launch system accidents and detailed descriptions of their potential consequences are provided in the final Environmental Impact Statements for the Space Shuttle Program and for the Expendable Launch Vehicle Program. The STS-7 payload contribution to potential consequences is estimated to be very small when compared to the launch vehicle itself.

The research experiments are intended to be returned to the Earth and will have no interaction with the environment. These experiments have undergone safety reviews to assure that both the experiments and their ancillary equipment (such as batteries) cannot fail in a manner which would result in a hazard to the Shuttle mission. No synergistic hazards have been found for these payloads.

For the proposed action and alternatives, ground-based installations are needed. The construction, operation, and maintenance of these installations represent most of the direct impact on the human environment. For launch of communications satellites by either Shuttle or Deltas, the ground stations will be the same. For the No Action alternative, many microwave relay towers would be needed to provide coverage equivalent to the communications satellites. Resonance use would be the lowest for launch of the

payloads on ELV's, and the all ground-based system would be the highest.

The short-term, temporary environmental impact of the ELV launches would be less than a Space Shuttle launch in terms of noise and rocket exhaust effluents. Under the No Action alternative, communications systems using relay towers and submarine cables would have a longer impact on the terrestrial environment than a space-based system. This increased impact, however, would be dispersed geographically.

The Shuttle launch of the payloads is the currently proposed approach to the achievement of improved communication capabilities and for the research objectives in the space environment. The conclusion of all analyses is that the environmental effects of the proposed action are not significant.

**EFFECTIVE DATE:** June 15, 1983.

**ADDRESS:** National Aeronautics and Space Administration, Code MC, Washington, D.C. 20546.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Ott, 755-7472.

**SUPPLEMENTARY INFORMATION:** The environmental assessment for this proposed project was completed by the National Aeronautics and Space Administration in May 1983.

**Conclusion:** The launch of STS-7 payloads will not result in any significant adverse environmental impacts. No environmental impact statement is required for this launch.

Dated: June 10, 1983.

**Ann P. Bradley,**

*Acting Associate Administrator for Management.*

[FR Doc. 83-16002 Filed 6-14-83; 8:45 am]

**BILLING CODE 7510-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[File No. 22-12527]

### Standard Oil Co; Application and Opportunity for Hearing

June 8, 1983.

*Notice is hereby given* that the Standard Oil Company, an Ohio Corporation (the "Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the trusteeships of Chemical Bank under an existing indenture that has been qualified under the Act and a Trust Indenture with Guadalupe-Blanco River Authority (the

"Issuer") dated as of May 1, 1983, which has not been qualified under the Act, are 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 Chemical Bank from acting as Trustee under either of such Indentures.

The Applicant alleges that:

(1) Applicant is an obligor under an indenture dated as of May 1, 1971 and entered into between Kennecott Corporation and Chemical Bank, Trustee (the "original Indenture"), which indenture involved the issuance of \$200,000 principal amount of 7 3/4% Debentures Due 2001 (the "Debentures"). The Original Indenture has been qualified under the Act. Pursuant to a First Supplemental Indenture to the Original Indenture dated as of July 1, 1982 (the first Supplemental Indenture and the Original Indenture being hereinafter called the "1971 Indenture"), Applicant expressly guaranteed the payment of the principal of and premium, if any, and interest on the Debentures (the "July 1982 Guarantee").

(2) The Applicant is not in default in any respect under the 1971 Indenture, the July 1982 Guarantee or under any other existing indenture.

(3) On May 11, 1983 Chemical Bank entered into a Trust Indenture dated as of May 1, 1983 with the Issuer (the "1983 Indenture"), pursuant to which there were issued \$4,700,000 principal amount of Floating Rate Monthly Demand Water Supply Refunding Revenue Bonds, Series 1983 (Sohio Chemical Company Project) (the "Bonds").

(4) The Applicant is obligated to pay the principal of, premium, if any, and interest on the Bonds pursuant to a direct guarantee contained in a Guarantee Agreement dated as of May 1, 1983 between the Issuer and Applicant, which has been assigned to Chemical Bank, as Trustee (the "May 1983 guarantee").

(5) The Bonds have not been registered under the Securities Act of 1933 on the basis of the exemption provided by Section 3(a)(2) thereof, and the 1983 Indenture has not been qualified under the Act in reliance upon Section 304 thereof.

(6) The May 1983 Guarantee, if enforced against Applicant, would rank on a parity with the obligations evidenced by the July 1982 Guarantee, and the obligations of Applicant under the May 1983 Guarantee and the July 1982 Guaranty are wholly unsecured.

(7) Aside from differences among the 1971 Indenture and the 1983 Indenture as to amounts, interest rates, maturity



dates, redemption dates and redemption powers, and differences in form between the 1971 Indenture and the 1983 Indentures, the terms of said Indentures are substantially similar. In the opinion of Applicant, the differences between the 1971 Indenture and the 1983 Indenture are 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 Chemical Bank from acting as Trustee under either of said Indentures.

(8) Applicant has waived notice of hearing, any right to a hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said applications, which is a public document on file in the office of the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than July 5, 1983, submit to the Commission his views or any substantial facts bearing on this application or request that a hearing be held on such matter. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues to fact and law reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. 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. Persons who request a hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-18000 Filed 6-14-83; 8:45 am]  
BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Preferred Lenders Pilot Programs; Expansion

**AGENCY:** Small Business Administration.  
**ACTION:** Notice.

**SUMMARY:** The Small Business Administration has decided to expand the Pilot Preferred Lenders Program into Region IX (AZ, CA, HI, NV). This program allows certain lenders to approve and issue Small Business Administration loan guaranties without prior approval of SBA. The program is more fully explained on page 7667 in the *Federal Register*, Vol. 48, No. 37, February 23, 1983. The lenders participating in the Region IX pilot from the State of California will be Bank of America, Crocker National Bank, First Interstate Bank of California, Security Pacific National Bank, West Coast Bank, and Wells Fargo Bank; from the State of Arizona will be Thunderbird Bank and Valley National Bank; from the State of Hawaii will be the Bank of Hawaii; and from the State of Nevada will be the First Interstate Bank of Nevada.

At this time, it is planned that the pilot program will terminate on or before May 31, 1983. By that time, SBA plans to have completed an evaluation of the program and made a decision regarding nationwide implementation.

**FOR FURTHER INFORMATION CONTACT:** Dan Gibb, Chief, Financial Institutions Branch, (202) 653-6076 or Jim Hammersley, Financial Analyst, (202) 653-6268, Small Business Administration, Room 720, 1441 L Street NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: June 9, 1983.

James C. Sanders,  
Administrator.

[FR Doc. 83-16028 Filed 6-14-83; 8:45 am]  
BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

### Office of the Secretary

#### Advisory Committee On International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting of the Working Group on Multilateral Investment Standards for MNE's and UN Activities of the Advisory Committee on International Investment, Technology, and Development on Wednesday, July 6, 1983, from 9:30 a.m. to noon, Room 6320, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

The purpose of the meeting is to: discuss future steps on negotiations on a UN Code of Conduct on TNC's; discuss the outcome of the June OECD meetings on Guidelines for MNE's, national treatment and performance requirements; and review developments relating to the draft UN code on transfer of technology.

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: June 1, 1983.

Philip T. Lincoln, Jr.,  
Executive Secretary.

[FR Doc. 83-16015 Filed 6-14-83; 8:45 am]

BILLING CODE 4710-07-M

### [Public Notice CM-8/636]

#### Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Working Group on Fire Protection; Meeting

The U.S. Safety of Life at Sea (SOLAS) Subcommittee Working Group on Fire Protection will conduct an open meeting on June 28, 1983, at 9:30 A.M., in Room 1303 of the Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, D.C. 20593.

The purpose of the meeting will be to discuss the results of the 28th session of the International Maritime Organization (IMO) Subcommittee on Fire Protection, 17-21 January, 1983.

Members of the public may attend up to the seating capacity of the room.

For further information contact Mr. Donald J. Kerlin, U.S. Coast Guard (G-MTH-4/13), Washington, D.C. 20593. Telephone: (202) 426-2197.

Dated: June 1, 1983.

Samuel V. Smith,  
Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 83-18014 Filed 6-14-83; 8:45 am]

BILLING CODE 4710-07-M

## TENNESSEE VALLEY AUTHORITY

#### Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

**AGENCY:** Tennessee Valley Authority.  
**ACTION:** Forms Under Review by the Office of Management and Budget.



**SUMMARY:** The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523.

Type of Request: Revision of a currently approved collection

Title of Information Collection: Electric Load Research Questionnaire

Frequency of Use: On occasion

Type of Affected Public: Individuals or households, farms, and businesses or other for-profit

Standard Industrial Classification: All Small Businesses or Organizations Affected: Yes

Federal Budget Functional Category Code: 271

Estimated Number of Annual Responses: 1500

Estimated Total Annual Burden Hours: 750

Estimated Annual Cost to TVA: \$100,000

**Need for and Uses of Information:** Information is needed to evaluate the effects of demographic and other characteristics on the use patterns of electricity. This information is vital as input into ratemaking, cost-of-service, and forecasting procedures of the agency.

Dated: June 7, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83-18017 Filed 6-14-83; 8:45 am]

BILLING CODE 8120-01-M

## DEPARTMENT OF THE TREASURY

### Fiscal Service

[Dept. Circular 570, 1982 Rev., Supplement No. 25]

#### American Fidelity Fire Insurance Company; Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to American Fidelity Fire

Insurance Company, Woodbury, New York under Section 9304 to 9308 of Title 31 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated effective this date. The company was last listed as an acceptable surety on Federal bonds at 47 FR 28871, July 1, 1982.

With respect to any bonds currently in force with American Fidelity Fire Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Questions concerning this termination notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226. Telephone (202) 634-5745.

Dated: June 9, 1983.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations

[FR Doc. 83-15962 Filed 6-14-83; 8:45 am]

BILLING CODE 4810-35-M

## Internal Revenue Service

### Commissioner's Advisory Group; Open Meeting

There will be a meeting of the Commissioner's Advisory Group on June 29 and 30, 1983. The meeting will be held in Room 3313 of the Internal Revenue Service Building. The building is located at 1111 Constitution Ave., NW., Washington, D.C. The meeting will begin at 9:00 A.M. on Wednesday, June 29, and 9:00 A.M. on Thursday, June 30. The agenda will include the following topics:

Wednesday, June 29, 1983

Organizational Structure and Functional Responsibilities  
Tax Shelters and Partnerships  
Tax Havens  
Revenue Agent Training Program

Thursday, June 30, 1983

Automated Collection System  
Tax Forms Development  
Overview of Research Initiatives Within IRS  
Automation Developments

The meeting, which will be open to the public, will be in a room that accommodates approximately 50 people. If you would like to have the Committee consider a written statement, please call or write to John E. Burke, Assistant to the Deputy Commissioner, 1111 Constitution Ave., NW., Washington, D.C. 20224.

**FOR FURTHER INFORMATION CONTACT:** John E. Burke, Assistant to the Deputy Commissioner, (202) 566-4143 (Not toll free).

James I. Owens,

Acting Commissioner.

[FR Doc. 83-16006 Filed 6-14-83; 8:46 am]

BILLING CODE 4830-01-M

## VETERANS ADMINISTRATION

### Geriatrics and Gerontology Advisory Committee; Meeting

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that a meeting of the Geriatrics and Gerontology Advisory Committee will be held in Room 119 on June 28 and 29, 1983, at the Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, DC. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Administrator and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research, Educational and Clinical Centers established by the Department of Medicine and Surgery.

The sessions on June 28 will be closed to the public. The sessions on June 29 will be open to the public from 9 a.m. to conclusion at noon. Because seating capacity of the meeting room is limited, it will be necessary for those wishing to attend the open session to contact Mrs. Von Hudson, Program Assistant, Veterans Administration Central Office (phone 202-389-2298) prior to June 17, 1983.

The sessions will be closed since they involve discussion, examination, reference and review of staff and consultant critiques of research and medical care protocols and programs, and other similar documents in connection with the committee's evaluation of the Veterans Administration health care system, such as the President's Private Sector Survey.

The discussion and recommendations will deal with both qualifications of personnel conducting these studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and with agency plans to respond to the various critiques, the premature disclosure of which would frustrate the agency's responsible planning efforts. In addition, the premature public disclosure of the Committee's (GGAC) report would significantly frustrate the agency's implementation of the requirements of 38 U.S.C. 4101(f)(2)(C). Closure of the



meeting is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in 5 U.S.C. 552b(c) (6) and (9)(B).

Dated: June 8, 1983.

By direction of the Administrator.

*Rosa Maria Fontanez,*

*Committee Management Officer.*

[FR Doc. 83-15984 Filed 6-14-83; 8:45 am]

BILLING CODE 8320-01-M

#### **Veterans Administration Wage Committee; Meetings**

The Veterans Administration, in accordance with Pub. L. 92-463, gives notice that meetings of the Veterans Administration Wage Committee will be held on:

Wednesday, July 6, 1983

Thursday, July 21, 1983

Thursday, August 4, 1983

Thursday, September 1, 1983

Thursday, September 29, 1983.

The meetings will begin at 2:30 p.m. and will be held in Room 304, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, DC 20420.

The Committee's purpose is to advise the Chief Medical Director on the development and authorization of wage schedules for Federal Wage System (blue-collar) employees.

At these meetings the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules.

All portions of the meetings will be closed to the public because the matters considered are related solely to the internal personnel rules and practices of the Veterans Administration and because the wage survey data considered by the Committee have been

obtained from officials of private business establishments with a guarantee that the data will be held in confidence. Closure of the meetings is in accordance with subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and as cited in 5 U.S.C. 552b(c) (2) and (4).

However, members of the public are invited to submit material in writing to the Chairman for the Committee's attention.

Additional information concerning these meetings may be obtained from the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: June 6, 1983.

By direction of the Administrator.

*Rosa Maria Fontanez,*

*Committee Management Officer.*

[FR Doc. 83-15983 Filed 6-14-83; 8:45 am]

BILLING CODE 8320-01-M



# Sunshine Act Meetings

Federal Register

Vol. 48, No. 116

Wednesday, June 15, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1

#### 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, June 20, 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)(6), (c)(8), and (c)(9)(A)(ii) 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 subsections (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.

##### Discussion Agenda:

Request for reconsideration of a previous denial of an application for

consent to purchase assets and assume liabilities, establish eight branches and redesignate the main office:

Valley Bank and Trust Company, Mishawaka, Indiana, and insured State nonmember bank, for consent to purchase the assets of and to assume the liability to pay deposits made in American National Bank and Trust Company of South Bend, South Bend, Indiana, to establish the eight offices of American National Bank and Trust Company of South Bend as branches of Valley Bank and Trust Company, and to redesignate the present main office of American National Bank and Trust Company of South Bend as the main office of the resultant bank.

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: June 13, 1983.  
Federal Deposit Insurance Corporation.  
**Hoyle L. Robinson,**  
*Executive Secretary.*  
[S-654-83 Filed 6-13-83; 2:31 pm]  
BILLING CODE 6714-01-M

### 2

#### 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 Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, June 20, 1983, 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.

Disposition of minutes of previous meetings.

Application for consent to merge and establish three branches:

People's Savings Bank—Bridgeport, Bridgeport, Connecticut an insured mutual savings bank, for consent to merge, under its charter and with the title "People's Bank," with People's Bank, Vernon, Connecticut, an insured mutual savings bank, and to establish the three existing offices of People's Bank as branches of the resultant bank.

##### Report 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 Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

##### 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, 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: June 13, 1983.  
Federal Deposit Insurance Corporation.  
**Hoyle L. Robinson,**  
*Executive Secretary.*  
[S-655-83 Filed 6-13-83; 2:31 pm]  
BILLING CODE 6714-01-M

### 3

#### FEDERAL RESERVE SYSTEM

(Board of Governors)

**TIME AND DATE:** 10 a.m., Monday, June 20, 1983.

**PLACE:** 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

**STATUS:** Closed.

##### MATTERS TO BE CONSIDERED:

1. Proposed purchase of currency sorters within the Federal Reserve System.



2. Proposed purchase of telephone equipment within the Federal Reserve System.

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. 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: June 10, 1983.

**James McAfee,**

*Associate Secretary of the Board.*

[S-853-83 Filed 6-13-83; 1:51 pm]

**BILLING CODE 6210-01-M**

personnel rules and practices) and Section 552b(c)(10) (specifically concern \* \* \* the agency's participation in a civil action or proceeding, \* \* \* )

**MATTERS TO BE CONSIDERED:** Personnel matters.

**CONTACT PERSON FOR MORE**

**INFORMATION:** John C. Truesdale, Executive Secretary, Washington, D. C. 20570, telephone (202) 254-9430.

Dated: Washington, D.C., 10 June 1983.

By direction of the Board.

**John C. Truesdale,**

*Executive Secretary, National Labor Relations Board.*

[S-856-83 Filed 6-13-83; 3:31 pm]

**BILLING CODE 7545-01-M**

floor, headquarters building, 844 Rush Street, Chicago, Illinois, 60611.

**STATUS:** The entire meeting will be open to the public.

**MATTERS TO BE CONSIDERED:**

- (1) Canadian service.
- (2) Appeal of Southern Pacific Transportation Company.
- (3) Bureau of Audit and Investigation— independence of the internal auditor.
- (4) Audit priorities.
- (5) Proposed revisions to Board Orders 75-1 and 75-6.
- (6) Field office hours.
- (7) Proposed disability regulations (Part 220).
- (8) Supplemental budget request.
- (9) Report on benefit accuracy recommendations.
- (10) Part 395 of Board's regulations under Title VII of the Regional Rail Reorganization Act of 1973.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Beatrice Bzerski, COM No. 312-751-4920, FTS No. 387-4920.

[S-852-83 Filed 6-13-83; 1:04 pm]

**BILLING CODE 7905-01-M**

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**NATIONAL LABOR RELATIONS BOARD**

**TIME AND DATE:** 9 a.m., Monday, 13 June 1983.

**PLACE:** Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W.

**STATUS:** Closed to public observation pursuant to 5 U.S.C. 552b(c)(2) (internal

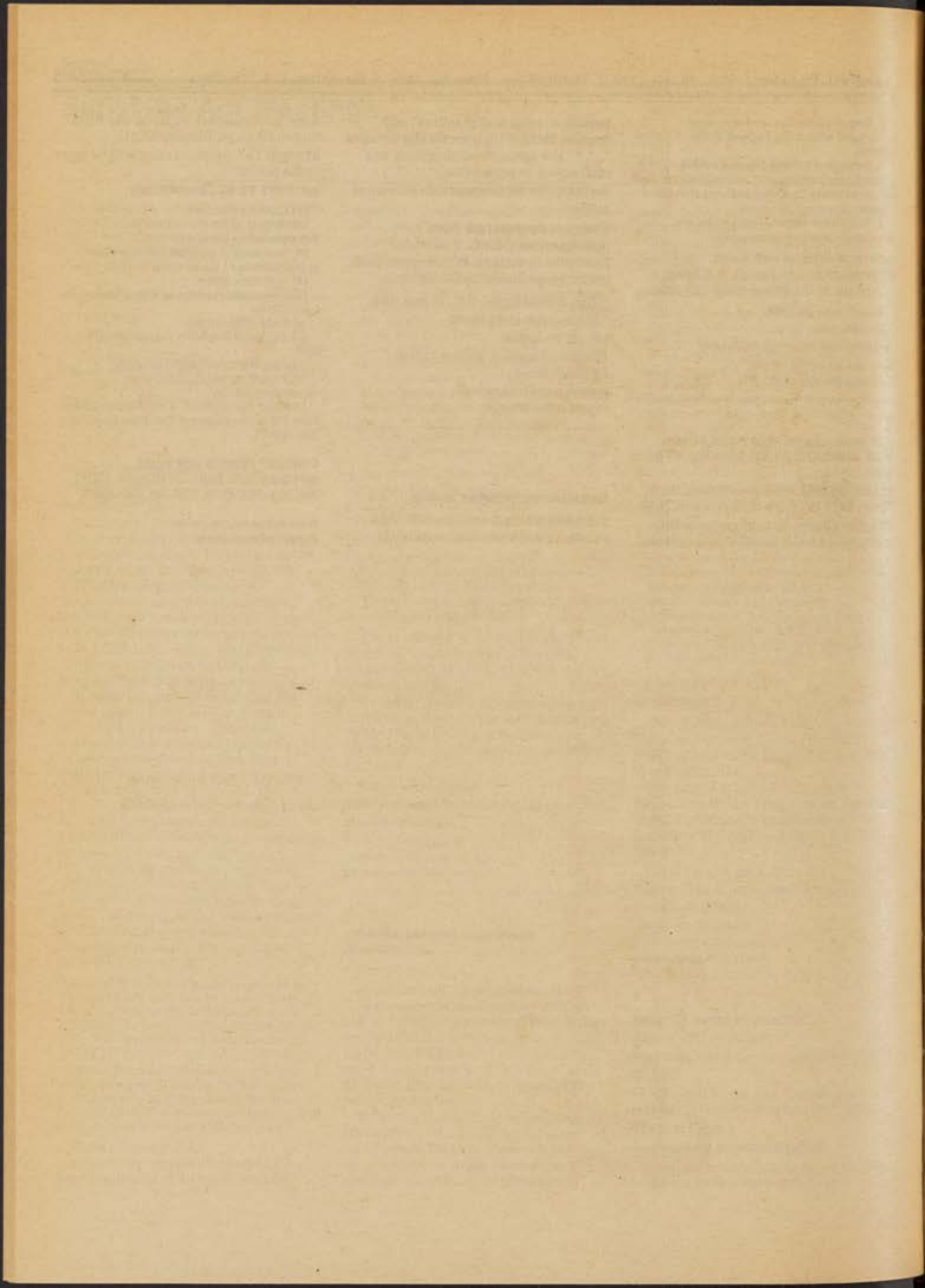
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**RAILROAD RETIREMENT BOARD**

**TIME AND DATE:** 9 a.m., June 23, 1983.

**PLACE:** Board's meeting room, eight







# **federal register**

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Wednesday  
June 15, 1983

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**Part II**

## **Department of Energy**

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**Sale of Strategic Petroleum Reserve  
Petroleum; Standard Sales Provisions**



## DEPARTMENT OF ENERGY

## 10 CFR Part 625

## Sale of Strategic Petroleum Reserve Petroleum; Standard Sales Provisions

**AGENCY:** Procurement and Assistance Management Directorate, Assistant Secretary for Management and Administration, Department of Energy.

**ACTION:** Request for comments on appendix to proposed rule.

**SUMMARY:** On March 16, 1983, the Department of Energy (DOE) proposed to adopt a rule governing price competitive sales of petroleum from the Strategic Petroleum Reserve (SPR) in the event that the SPR is drawn down to respond to a severe energy supply interruption or to meet obligations of the United States under the International Energy Program. The rule would establish a framework for conducting the price competitive sale of SPR petroleum and for entering into contracts with successful offerors. The proposed rule provides for the publication in the *Federal Register*, as an appendix to the rule, of Standard Sales Provisions (SSPs) containing or describing contract clauses, terms and conditions of sale, and performance and financial responsibility measures, which may be applicable to a particular sale of SPR petroleum. DOE now solicits written comments with respect to the proposed SSPs.

**DATES:** Comments on the SSPs by August 1, 1983.

**ADDRESSES:** Send comments to: Lynn Warner, MA-963.1, Department of Energy, Room 1J-027, 1000 Independence Avenue, SW., Washington, D.C. 20585.

**FOR FURTHER INFORMATION CONTACT:**

Marcia L. Morris, MA-441, Procurement and Assistance Management Directorate, Department of Energy, Room 1I-030, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-9073;

Fred A. Hutchinson, EP-532, Strategic Petroleum Reserve, Environmental Protection, Safety and Emergency Preparedness, Department of Energy, Room 3E-042, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-4734;

E. Grant Garrison, GC-11, Office of Assistant General Counsel, International Trade and Emergency Preparedness, Department of Energy, Room 6A-141, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2900

**SUPPLEMENTARY INFORMATION:**

## I. Background

- A. Establishment of the SPR
  - B. Drawdown and Distribution of the SPR
  - C. SPR Storage and Distribution Facilities
  - II. The Pending Rulemaking
    - A. Regulatory Background
    - B. The Proposed SPR Competitive Sales Rule
  - III. Proposed Standard Sales Provisions (SSPs)
    - A. Purposes
    - B. General Sales Procedures
    - C. Purchaser Performance and Financial Responsibility
      - 1. Offer Guarantee
      - 2. Performance and Payment Guarantee
      - 3. Liquidated Damages
      - 4. Termination for Default
      - 5. Other Performance and Financial Responsibility Measures
    - D. Additional Comments Sought
  - IV. Comment Procedures
- Appendix: Proposed Standard Sales Provisions

**I. Background***A. Establishment of the SPR*

The Energy Policy and Conservation Act (EPCA), Pub. L. 94-163, 42 U.S.C. section 6201 *et seq.*, signed into law on December 22, 1975, authorized the creation of the SPR. The objective of the SPR is to provide for the storage of substantial quantities of petroleum in order to diminish U.S. vulnerability to the effects of a severe energy supply interruption, and to facilitate carrying out U.S. obligations under the Agreement on an International Energy Program.

*B. Drawdown and Distribution of the SPR*

Section 161(b) of the EPCA provides that "no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan contained in the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a)."

An SPR Plan, which included detailed proposals for development of the SPR, was transmitted to the Congress as Energy Action No. 10 on February 16, 1977, and became effective on April 18, 1977. Subsequently, four amendments have been made to this Plan: Amendment No. 3, setting forth the planned method of withdrawal and distribution of the SPR oil, was transmitted to the Congress as Energy Action DOE No. 5 on October 21, 1979, and became effective on November 15, 1979.

In the Energy Emergency Preparedness Act of 1982 (EEPA), Pub. L. 97-229, Congress required that a new "Drawdown" (Distribution) Plan replacing SPR Plan Amendment No. 3 be transmitted to the Congress; it provided

that this Amendment No. 4 to the SPR Plan would take effect on the date transmitted, without Congressional review. The new Distribution Plan was transmitted to Congress on December 1, 1982, and took effect on that date. The new Plan provides that the principal method of distributing SPR oil will be price competitive sale. These Standard Sales Provisions (SSPs) are being developed in order to provide the contractual framework for implementing the sales policies described in Amendment No. 4.

Section 161(d) of the EPCA stipulates that drawdown and distribution of the SPR may not be undertaken unless the President finds that such actions are "required by a severe energy supply interruption or by obligations of the United States under the international energy program." A severe energy supply interruption is defined in section 3(8) of the EPCA as a national energy supply shortage which the President determines:

(A) is, or is likely to be, of significant scope and duration, and of an emergency nature;

(B) may cause major adverse impact on national safety or the national economy; and

(C) results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God.

The International Energy Program referred to in section 161(d) is the Agreement on an International Energy Program (IEP) signed by the United States on November 18, 1974. This Agreement authorizes, under specific conditions, an emergency program among participating countries for sharing the world-wide crude oil supplies available to them. The existence of IEP obligations can serve as a basis for authorizing an SPR drawdown. However, there is no requirement that the SPR be used to satisfy these obligations.

*C. SPR Storage and Distribution Facilities*

As of May 1, 1983, about 318 million barrels of crude oil were in storage in the SPR; virtually its entire permanent storage capacity currently available is filled with oil. That oil is stored in five Gulf Coast sites, each in proximity to and connected with one of three major interstate crude oil distribution pipelines, and with Gulf Coast docks from which the oil can be moved by water. Those current sites, pipelines and docks are:



| Site                | Pipeline | Docks                         |
|---------------------|----------|-------------------------------|
| Baytown Mound, Tex. | Seaway   | Seaway Docks, Freeport, Tex.  |
| Waf Hackberry, La.  | Texoma   | Sunoco Docks, Nederland, Tex. |
| Sulphur Mines, La.  | Texoma   | Sunoco Docks, Nederland, Tex. |
| Bayou Choctaw, La.  | Capline  | St. James, La. (U.S.-owned)   |
| Weeks Island, La.   | Capline  | St. James, La. (U.S.-owned)   |

These sites are filled with a number of different crude oils from a variety of sources. With one exception, crudes have been commingled in the storage caverns with other crudes of similar quality. There are four basic categories of crude oils stored in the SPR: (1) sour crude oil, consisting of a commingled blend of Arabian Light and similar high sulfur crudes; (2) sweet crude oil, consisting of a commingled blend of United Kingdom Forties and similar low sulfur crudes; (3) the SPR's Weeks Island mix, consisting of a commingled blend of Alaskan North Slope and similar crude oils; and (4) Mexican Maya, the only generic crude oil that is segregated in storage from other crudes. These crudes will be made available at terminals at the following locations for sale and delivery by pipeline or ship:

| Location        | Crudes                        |
|-----------------|-------------------------------|
| Freeport, Tex.  | Sweet, sour; Maya             |
| Nederland, Tex. | Sweet, sour                   |
| St. James, La.  | Sweet, sour; Weeks Island mix |

With the exception of Maya crude oil, no petroleum currently stored in the SPR will be offered for sale by generic type. For detailed specifications of the various blends, see Exhibit D to the SSPs.

The SPR now has the capability to withdraw petroleum from its sites for distribution at a sustainable rate of 1.7 million barrels per day. At an oil storage level of 500 million barrels, the SPR's distribution capability will increase to 3.5 million barrels per day. At a level of 750 million barrels SPR withdrawal capacity would be 4.5 million barrels per day.

## II. The Pending Rulemaking

### A. Regulatory Background

The previous SPR Distribution Plan, SPR Plan Amendment No. 3, set out a number of alternative distribution methods. To establish the regulatory basis for such distribution methods, DOE in 1980 adopted 10 CFR Part 220 pursuant to section 161(e) of the EPCA, as well as conforming amendments to its Standby Mandatory Crude Oil Allocation Program and Buy/Sell Program (45 FR 55379, Aug. 19, 1980). Part 220 provided for the distribution of

SPR oil only to refiners, and established three regulatory mechanisms for allocating SPR oil.

Under these regulations, prices were to be set for allocated high sulfur and low sulfur crude oils, with adjustments for gravity and sulfur content. The prices were not to be significantly higher or lower than the highest and lowest prices respectively, in comparable sales of allocated crude oil occurring in the month of sale.

On January 28, 1981, President Reagan issued Executive Order No. 17287, revoking allocation and price controls on crude oil and refined petroleum products. Part 220 was amended on April 3, 1981, to eliminate use of the Buy/Sell Program as means for distributing SPR oil (46 FR 20508). No further changes have been adopted to Part 220; however, those regulations are to be reviewed and revised as necessary to conform them with the new Distribution Plan, which relies primarily on price competitive sales for distributing SPR petroleum. Part 220 will continue to cover only the allocation of SPR petroleum in accordance with the new Distribution Plan, which provides that in any calendar month the Secretary may direct the distribution of up to 10 percent of the volume of the SPR oil sold in that calendar month, in such manner as he determines at his discretion; the price of such oil shall be the average price of SPR oil sold at the most recent competitive sale.

### B. The Proposed SPR Competitive Sales Rule

On March 16, 1983, DOE published in the *Federal Register* (48 FR 11125) its notice of proposed rulemaking to establish the framework for the price competitive sales of SPR petroleum in accordance with Amendment No. 4 to the SPR Plan. The proposed rule would adopt procedures governing the process by which DOE will conduct the price competitive sale of SPR oil during drawdown.

Price competitive sale of SPR petroleum involves four basic steps: the promulgation of SSPs; the issuance of a Notice of Sale; the selection of the highest offers; and the award of sales contracts. The purpose of the proposed rule is to facilitate the sales process, primarily by requiring the development of SSPs containing contract clauses which the Notice of Sale may make applicable to particular price competitive sales of SPR petroleum. These provisions will include any contract clauses that are required by law, regulation, SPR programmatic considerations, or sound business practice. They also will include

purchaser performance and financial responsibility measures or descriptions thereof. The SSPs differ in four main ways from the Basic Sales Agreement which DOE had issued in connection with the previous Distribution Plan: first, the SSPs place greater emphasis on purchaser performance and financial guarantees; second, they allow for significantly less subjective judgment in the evaluation of offers; third, they contain model contract terms and conditions, while providing a method of altering them at the time of drawdown through the Notice of Sale, if that proves necessary; and fourth, whereas the Basic Sales Agreements were to be signed in advance, there will be no presigning of the SSPs.

The proposed competitive sales rule would require the publication of the SSPs in the *Federal Register* and in the Code of Federal Regulations as an appendix to the final rule. It also provides for the periodic review and republication of the SSPs in the *Federal Register*, including any revisions thereto.

It is anticipated that the Notice of Sale will specify, by referencing the *Federal Register* and the Code of Federal Regulations in which the latest version of the SSPs was published, the contractual provisions contained or described therein that apply to that particular sale. The Notice of Sale may revise such terms and conditions, or add new ones which would apply to that particular sale, consistent with the SPR Distribution Plan. Offerors, as part of their offers for SPR petroleum, must agree to all contractual provisions and performance and financial responsibility measures made applicable by the Notice of Sale. The proposed rule provides that no contract may be awarded to an offeror which has not unconditionally agreed to all of the SSPs made applicable by the Notice of Sale. The proposed rule also provides that the terms and conditions set out in the Notice of Sale and the SSPs may be referenced in the contract documents rather than physically incorporated.

In order to assure that the drawdown objectives of the SPR are achieved and that only responsible offerors are awarded contracts, the proposed rule itself contains a measure to ensure purchaser performance, consisting of procedures for excluding a firm from participating in any future sale of SPR petroleum when that firm had previously been awarded a contract, yet failed to take delivery of the petroleum in accordance with the terms of the contract. This exclusion would be in addition to the other purchaser performance and financial guarantees



provided for in the SSPs. In addition to the remedies available to the Government under the contract and under the rule, a purchaser which defaults on a contract also may be subject to debarment procedures pursuant to other applicable DOE regulations.

### III. Proposed Standard Sales Provisions (SSPs)

#### A. Purposes

The "Drawdown" (Distribution) Plan, SPR Plan Amendment No. 4, requires that sale of at least ninety percent of the SPR petroleum sold in any one month, be exclusively by price competitive sale, to those eligible offerors making the highest offers. With respect to such sales, it provides:

At or before the time of offer, all buyers must sign the DOE's standard sales agreement which will set forth all of the provisions regarding the sale. The sales agreement is designed to expedite the process of selling and distributing SPR oil, and assuring performance under resulting awards. Provisions covered in a sales agreement may include such subjects as liability of the parties, payment procedure, crude oil quality differential pricing, and inspection and acceptance procedures, irrevocable letters of credit, performance bonds and/or other requirements or provisions which the Secretary may determine to be necessary or appropriate to assure performance and payment. Provisions in the sales agreement may be modified or deleted, as the Secretary may deem appropriate for a particular sale, through changes noted in the NS for that sale. Prior to award, successful bidders must provide financial and performance assurances which will guarantee their capability to carry out the contract.

The SSPs are the "standard sales agreement" provided for in Amendment No. 4. The pending DOE rule on competitive sales of SPR petroleum provides that no contract can be awarded to any offeror which fails to accept unconditionally those provisions made applicable to a particular sale by the Notice of Sale.

Plan Amendment No. 4 provides that price competitive sales of SPR petroleum will be open to all interested buyers; the universe of eligible offerors is to be as large as possible in order to facilitate the efficient distribution of SPR petroleum. Amendment No. 4 also provides for performance and financial responsibility measures in the SPR oil sales process, to reduce the risk that a buyer of SPR oil might fail to meet its contractual obligations to lift this oil on schedule or to pay the Government all amounts due.

The procedures and provisions contained in the proposed SSPs

published as an Appendix to this Notice have been designed to balance and achieve both of these objectives, permitting any offeror to compete in SPR oil sales, but assuring that each buyer will perform its contract in a responsible manner, thereby contributing to the success of SPR drawdown and distribution.

In order to maximize competition, DOE has made the SPR oil sales process as unrestricted and nonjudgmental as possible. Anyone may make an offer to purchase SPR oil, and prerequisites to doing so have been minimized. Wherever possible, the need for subjective judgements has been eliminated. As provided in Amendment No. 4, price is to be the determining factor in the award of SPR petroleum sale contracts.

In order to reduce the risk of purchases by persons who lack the capability or intent to take timely delivery of SPR petroleum, or the financial wherewithal to pay for it, the SSPs require that (1) a firm transportation plan showing an ability to move the oil must be submitted by a high offeror before it is awarded a contract, and (2) binding guarantees of the offeror's full performance and payment under the contract must be agreed to by each offeror as a precondition to contract award. The measures included in the SSPs to ensure the offeror's fulfillment of its responsibilities include:

1. Requirement for offer guarantee;
2. Requirement for letter of credit or cash deposit to guarantee performance and payment;
3. Assessment of liquidated damages for failure to lift oil in accordance with the contract; and
4. Possible termination for default.

In addition, the pending rulemaking contemplates the possible denial of future contracts for failure to perform in accordance with an SPR oil sale contract. Thus, an offer or agreement to acquire SPR oil will involve a substantial commitment to the implementation of SPR drawdown and distribution in a manner consistent with the purposes of the SPR.

It should be noted that the export of crude oil distributed from the SPR is limited by U.S. export control laws, the provisions of which differ depending on the source of the oil proposed to be exported. The most stringent statutory tests that must be met prior to export apply to domestically produced crude oil from the U.S., including Alaskan North Slope oil (section 7(d) of the Export Administration Act of 1979, 50 U.S.C. App. section 2406(d)) and Naval

Petroleum Reserves oil (10 U.S.C. section 7430(e)), both of which are contained in the SPR. The SPR also holds domestic oils which may be subject to other export limitations if the oil has been transported across a right-of-way granted under section 28(u) of the Mineral Lands Leasing Act (30 U.S.C. section 185(u)). The export of foreign oil is governed by the less stringent export controls in the Department of Commerce's "Short Supply Controls," 15 CFR Part 377. Because oil from various sources has been commingled in SPR storage, the applicability of these export control laws and regulations to any given lot of SPR oil is difficult to predict. The SSPs contain a warning concerning these restrictions and forbid the export of SPR petroleum in violation of applicable laws and regulations (see provision No. B.4 and Provision No. B.22).

#### B. General Sales Procedures

The SPR sales process starts with the issuance of a Notice of Sale, followed by the submission of offers by prospective buyers. The Government will evaluate the offers and award SPR sales contracts to those offerors making the highest priced responsive offers, which have provided the necessary assurances of performance and financial responsibility. The Notice of Sale is the document announcing the sale of SPR petroleum, the amount, characteristics and location of the petroleum being sold, the delivery period (presently expected to cover 30-60 days) and the procedures for submitting offers, as well as providing other information pertinent to a particular sale. In addition, the Notice of Sale will specify what contractual provisions and performance and financial responsibility measures are applicable to a particular sale. A sample Notice of Sale is at Exhibit B to the SSPs.

Over the course of an SPR drawdown, a number of Notices of Sale may be issued. Initially, Notices of Sale issued during SPR drawdown may allow an extremely short leadtime for bids and deliveries. While the amount of available leadtime of course will vary with the circumstances, it is possible that offerors might be given as little as seven days from the issuance of the Notice of Sale until offers are due, and as little as fifteen days from the time of issuance until oil delivery starts; a less compressed schedule may become more feasible after the initial stages of drawdown. Because of the possible short leadtime, the SSPs provide for the establishment of a list of prospective offerors. The Government will provide offerors on that list with copies of all



Notices of Sale. Prospective offerors are urged to submit their names for inclusion on the mailing list so that they will be assured of receiving the Notice of Sale in a timely fashion. No assurance can be given that requests for copies of a Notice of Sale that are received after the Notice has been issued will be processed in time for the requestor to submit an offer.

The next step in the sale process is the preparation by prospective purchasers of offers which must be submitted before a time specified in the Notice of Sale. The offer must unconditionally accept all terms and conditions made applicable to that sale by the Notice of Sale; must include an offer guarantee (Provision No. B.24); and must offer at least the minimum price, if any, specified in the Notice of Sale.

Following the receipt of offers the Government will evaluate the offers to select the "apparently successful" offerors. Offers will be for a specified amount of petroleum announced by DOE as available from the SPR at a given delivery point on a designated delivery date (termed a "delivery line item," see Exhibit A to the SSPs). Offers for a particular delivery line item will be ranked from highest to lowest with the offeror making the highest offer being selected as the apparently successful offeror. In the event that no offers are received for a particular item the SSPs establish a procedure for selecting an apparently successful offeror for that item without soliciting further offers (see Provision B.20). This procedure is designed to obtain the highest offer for the unsold petroleum without the delays inherent in negotiating with offerors or in issuing a new Notice of Sale.

All apparently successful offerors will be required, within as little as 72 hours, to provide firm transportation arrangements for the crude oil as well as either a letter of credit or a cash deposit as a guarantee of performance and payment of amounts due under the contract. Upon timely receipt of those items, and upon a final determination by the contracting officer that the offer is responsive and the offeror responsible, the Government will issue the Notice of Award.

As in any contracting program, it is possible that protests will be received regarding the Notice of Sale and the award process. However, given the importance to the Nation of the expeditious distribution of SPR petroleum and the achievement of the SPR's desired drawdown rate, DOE may elect notwithstanding such protests to proceed with contract awards and the delivery of SPR petroleum. This

underscores the need for public comment on the SSPs at this time.

### C. Purchaser Performance and Financial Responsibility

As explained above, the SSPs provide four major measures to assure purchaser performance and financial responsibility: (1) the offer guarantee, (2) the performance and payment guarantee, (3) liquidated damages, and (4) termination for default remedies.

1. *Offer Guarantee.* With its offer, the offeror must submit a guarantee that the offer will remain valid for ten days after the date set for receipt of offers. This guarantee may take the form of an offer bond on the Government's Standard Form 24, a certified or cashier's check, or a cash deposit to a special DOE account (see Provision No. B.24). The maximum amount of the required guarantee is ten million dollars or 30 percent of the total of all of the bidder's offers for SPR petroleum line items, whichever is less. The offer guarantee is to be available for offset against any damages incurred by the Government, including lost revenue on resale of the petroleum, in the event that an offeror makes the highest offer for an amount of petroleum but then does not provide the required performance and payment guarantee, or fails to execute the contract.

2. *Performance and Payment Guarantee.* In order to assure that the Government receives payment for oil delivered or for other amounts due under the contract in connection with the buyer's performance, such as liquidated damages or other damages for breach of contract, apparently successful offerors must provide a performance and payment guarantee prior to contract award. This may be in the form of either a letter of credit or an advance cash payment (see Provision No. C.15).

A letter of credit must be for 115 percent of the contract; this is because the quantity of crude oil specified in the contract is an estimated amount, with the Government reserving the right to over-deliver by as much as 15 percent in light of operational and logistical considerations. The letter of credit must be issued by a bank that participates in the Federal Reserve Bank FEDWIRE system (see Provision No. C.17). All letters of credit must be in the form of Exhibit F to the SSPs. The letter of credit will be an irrevocable clean letter of credit, with payment upon draft accompanied by a statement of an authorized Government official either that payment is due for oil delivered, or that payment is due for liquidated or other damages. The letter of credit

contains two statements which will oblige the issuer to make payment, so that a single letter of credit will suffice rather than requiring one letter as a performance guarantee and another as a payment guarantee. Prospective offerors are cautioned that the short time period between selection of the apparently successful offeror and contract award will not permit review of non-conforming letters of credit. Therefore, letters of credit containing language not in exact conformity with the SSPs will be unacceptable.

The letter of credit form at Exhibit F provides that (a) the Government may draw against it by partial drafts, (b) drafts will be received by the bank by wire message, and (c) the bank will honor the draft by directing a wire transfer of funds to the U.S. Treasury Account at the Federal Reserve Bank of New York.

After delivering the SPR petroleum to the purchaser, DOE will prepare a Department of Defense Standard Form DD250, and a message containing the wire draft and the prescribed statement of an authorized Government official. The message containing the wire draft and prescribed statement will be sent by the SPR's New Orleans office to the New Orleans Branch of the Atlanta Federal Reserve Bank for wire transmittal to the Bank which issued the letter of credit. Copies of the invoice and the DD250 will be mailed to the contractor and to the bank. The bank must wire the funds thus drawn upon to the U.S. Department of the Treasury Account at the New York Federal Reserve Bank by the next business day after receipt of the draft.

As an alternative to submitting a letter of credit, the apparently successful offeror may submit an advance cash payment by wire transfer to a special DOE Account, in an amount of 45 days' delivery revenue under the contract plus 15 percent of the total contract amount, or 115 percent of the entire contract amount, whichever is less. DOE would invoice the purchaser after each delivery, and the purchaser would make payment by wire transfer to the U.S. Department of the Treasury account. The cash guarantee will be applied as a credit against the final invoice.

Purchasers which are late in accepting delivery may be asked, before delivery is commenced, to provide additional payment guarantees in the form of either a wire transfer or an increase in the letter of credit, in order to assure the Government of full payment of amounts due under the contract (see Provision No. C.16). Purchasers failing to provide



such additional guarantees may have their deliveries reduced accordingly.

3. *Liquidated Damages.* A failure by purchasers to honor SPR petroleum sales contracts could hinder the attainment of the desired rate of SPR drawdown and distribution, with possible adverse effects on the Nation. To provide compensation for the damages incurred by the country from any such behavior, the SSPs impose liquidated damages on a buyer's unexcused failure to comply with the contractually agreed delivery schedule. These damages would be in an amount equal to one percent of the contract price per barrel of undelivered petroleum, for each day or fraction thereof that a purchaser is late in accepting the petroleum, up to a maximum of 30 days. For tanker deliveries, if the vessel arrives late, liquidated damages shall continue to run until delivery is completed. Liquidated damages will not be assessed when the contractor is late for reasons excused by Provision No. C.26, which provides in pertinent part:

(b) Except with respect to defaults of subcontractors, the purchaser shall not be charged with any liability to the Government under circumstances which prevent the purchaser's acceptance of delivery hereunder due to causes beyond the control and without the fault or negligence of the purchaser as determined by the Contracting Officer. Such causes shall include but are not limited to:

- (1) Acts of God or the public enemy;
- (2) Acts of the Government of the United States, acting in its sovereign or contractual capacity;
- (3) Fires, explosions or other catastrophes; or
- (4) Strikes.

In addition to being liable for liquidated damages, a purchaser which, without valid excuse, fails to take delivery of SPR petroleum it has contracted to buy, also may be liable to the Government for lost receipts in the event that its contract is terminated for default, and the petroleum is sold to another buyer at a lower price.

4. *Termination for Default.* The SSPs indicate, in Provision No. C.26, that in the event that:

- (a) The Government does not receive payment in accordance with any payment provision of the contract;
- (b) the purchaser fails to accept delivery under the terms of the contract; or

(c) The purchaser fails to comply with any other term or condition of the contract within five working days after written notice of such failure; and if such conduct is not excused (for the same reasons discussed above with respect to liquidated damages), the Contracting Officer may terminate the

contract in whole or in part. Should the Government exercise its right of termination, the Government may sell any contracted-for and undelivered petroleum and the original purchaser will be liable for the difference between the contract price and any lesser price obtained for the sale of the crude, as well as for any liquidated damages attributable to delivery delays occurring before another purchaser has lifted the petroleum. In no event shall the liquidated damages be assessed for more than thirty days.

If there is insufficient time to decide whether a failure or refusal to lift SPR oil on the contractually agreed schedule is due to a reason for which the contractor is culpable, DOE may elect initially to terminate the contract before determining whether there is a basis to declare a default. In this way, the Government can proceed to resell SPR petroleum that otherwise would not be distributed in a timely manner, and thereby maintain the desired drawdown rate. The Contracting Officer would proceed promptly to examine the facts, and would be allowed ten days within which he might convert the termination to one for default.

5. *Other Performance and Financial Responsibility Measures.* In addition to the performance and financial responsibility measures contained in the SSPs, the pending DOE rule on competitive SPR sales provides an additional remedy in the event of purchaser non-performance. The proposed rule would permit the DOE Headquarters Senior Procurement Official to exclude a firm from participating in any future sale of SPR petroleum when that firm had previously bid, was awarded a contract, and failed to take delivery of SPR petroleum in accordance with the terms of the contract. The ineligibility would not come into effect until after the firm had been given an opportunity to submit information or argument in opposition to the ineligibility. The Senior Procurement Official must consider the firm's response, if any, before making the purchaser ineligible for future award of SPR sales contracts. The ineligibility would continue for the length of time determined by the Senior Procurement Official as appropriate under the circumstances. The purchaser is to be notified of the result of the ineligibility proceedings. The proposed rule provides that at his discretion, the Senior Procurement Official may permit any such firm that petitions for reinstatement to participate in future SPR sales.

DOE believes that the five measures described above will adequately assure

purchaser performance and payment responsibility, so as to eliminate the need for subjective determinations of offeror responsibility by the Contracting Officer. Thus, the only other bases upon which the Contracting Officer will make a finding of nonresponsibility are a failure of an apparently successful offeror to submit a transportation plan showing its ability to take timely delivery of the SPR petroleum and move it to its destination, or if evidence comes to the Contracting Office's attention, with respect to an offeror, of conduct or activity which (a) represents a violation of law or regulation, or Executive Order having the force and effect of law, or (b) shows a lack of integrity or willingness to perform, and which would substantially diminish the Contracting Officer's confidence in the offeror's required performance under the proposed contract.

#### D. Additional Comments Sought

DOE solicits comments on the Standard Sales Provisions, and on the following related questions:

1. Do prospective offerors need any additional information on specifications for SPR petroleum, beyond that contained in Exhibit D of the SSPs?

2. Do the proposed gravity and sulfur adjustments (see Provision No. C.7) accurately reflect the possible quality differentials between SPR specifications and any non-conforming petroleum which may be delivered?

3. Absent events outside of the tanker master's control, can purchasers provide, five days prior to a tanker's estimated arrival time, a one day window for the tanker's arrival?

4. What should be the smallest and the largest quantity of SPR barrels sold as a single delivery line item? While administrative convenience would be served by selling large lot sizes, DOE seeks comments on the extent to which small sized lots may be needed by prospective offerors.

5. A transportation plan (see Exhibit C) is proposed to be required prior to contract award in order to assure the timely movement of SPR petroleum. Are there likely to be any circumstances where it is unreasonable to require such a plan before award?

6. It is intended that the transportation plan be accepted by the Contracting Officer so long as it shows credible arrangements consistent with the terms of the Notice of Sale for timely movement of the SPR petroleum to be awarded. Are there additional specific questions which could be asked on Exhibit C to further mechanize the



Contracting Officer's review of transportation plans?

7. For tanker and pipeline shipments, what minimum leadtime is required from the date of SPR contract award until the time of delivery to the buyer of SPR oil? Please specify what assumptions about tanker or pipeline capacity availability your answer is based on.

8. Will Forms DD250 and DD250-1 at Exhibit I provide adequate documentation of delivery? If not, suggestions of alternative forms would be welcome.

9. DOE has under consideration the question of need for additional SSPs concerning ship and dock demurrage. What other SSPs, if any, may be needed?

#### IV. Comment Procedures

You are invited to participate in this proceeding by submitting information, views or arguments with respect to the proposed adoption of the Standard Sales Provisions. Comments should be submitted no later than [insert date 45 days from date of publication] to the address indicated in the "ADDRESSES" section of this preamble and should be identified on the outside envelope and on the document with the designation: "Sales Provisions for Strategic Petroleum Reserve Petroleum". Ten copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room 1E-190, James Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

DOE does not intend to hold a hearing in connection with its inquiry on these matters.

Issued in Washington, D.C., June 2, 1983.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

[Federal Energy Administration Act of 1974, Pub. L. 93-275; Department of Energy Organization Act, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163]

#### List of Subjects in 10 CFR Part 625

Strategic petroleum reserve,  
Drawdown sales.

Accordingly, it is proposed to add the following Appendix A to proposed Part 625:

#### Appendix A to Part 625

##### Standard Sales Provisions

##### Index

##### Section A—General Pre-Sale Information

- A.1 List of abbreviations.
- A.2 Definitions.
- A.3 Standard Sales Provisions.
- A.4 Application of the Standard Sales Provisions.
- A.5 Periodic revisions of the Standard Sales Provisions.
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- A.7 Publicizing the Notice of Sale.
- A.8 Issuing office for the Standard Sales Provisions and Notice of Sale.
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##### Section B—Sales Solicitation Provisions

- B.1 Requirements for a valid offer—caution to offerors.
- B.2 Requirements of the Jones Act for U.S. flag vessels—caution to offerors.
- B.3 "Superfund" tax on SPR petroleum—caution to offerors.
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- B.9 Late offers, modifications of offers, and withdrawal of offers.
- B.10 Explanation requests from offerors.
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- B.12 Financial statement.
- B.13 Proprietary data.
- B.14 Notice of Sale line item schedule—petroleum quantity, quality, etc.
- B.15 Reserved.
- B.16 Information to be provided to DOE by the offeror on each delivery line item of its offer to buy petroleum.
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- B.18 Delivery points for crude oil sold from storage.
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##### Section C—Sales Contract Provisions

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- C.10 Environmental requirements—marine transportation.
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- C.22 Method of payment—general.
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- C.26 Termination.
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- C.28 Liquidated damages.
- C.29 Failure to perform SPR contracts.
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- C.31 Limitation of Government liability.
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- C.33 Purchaser's responsibility.
- C.34 Notices.
- C.35 SPR/Project Management Office representative for contract administration.
- C.36 Disputes.
- C.37 Assignment.
- C.38 Order of precedence.
- C.39 Gratuities.
- C.40 Officials not to benefit.
- C.41 Reserved.

##### Exhibits.

- A—Schedule Line Items.
- B—Sample Notice of Sale.
- C—Offeror Transportation Plan.
- D—SPR Crude Oil Characteristics and Delivery Point Data.
- E—Sample Offeror Response Sheet.
- F—Letter of Credit—Required Form.
- G—Information for Statistical Purposes.
- H—Instructions Guide for Funds Transfer.
- I—DD Forms 250 and DD Form 250-1.

##### Section A—General Pre-Sale Information

##### A.1 List of abbreviations.

- (a) DOE: Department of Energy
- (b) EPCA: Energy Policy and Conservation Act, Pub. L. 94-163 (42 U.S.C. Section 6201 *et seq.*)
- (c) NA: Notice of Acceptance
- (d) NS: Notice of Sale
- (e) SSP: Standard Sales Provisions
- (f) SPR: Strategic Petroleum Reserve
- (g) SPR/PMO: Strategic Petroleum Reserve/Project Management Office

##### A.2 Definitions.

(a) *Contract*. The term "Contract" means the sales contract under which the purchaser buys SPR petroleum from the Government. It



is composed of the NS, the NA, the successful offer, and the SSPs which are incorporated by reference.

(b) *Contracting Officer*. The term "Contracting Officer" means the person executing sales contracts on behalf of the Government, and any other Government employee properly designated as Contracting Officer. The term includes the authorized representative of a Contracting Officer acting within the limits of his authority, except as may be otherwise provided in the contract.

(c) *Department of Energy*. The term "Department of Energy" means the agency established by Pub. L. 95-91, 42 U.S.C. Section 7101 *et seq.* and any component thereof including the SPR Office.

(d) *Government*. The term "Government", unless otherwise indicated in the text, means the United States Government.

(e) *Line Item*. The term "line item" means a numbered listing of petroleum available for purchase by an offeror. A master line item is a listing of delivery line items consisting of quantities of crude available for sale, each with the same specifications, delivery point, and transportation restrictions. A delivery line item is a numbered item listed on a master line item specifying the amount of crude available for sale on a particular date. (See Exhibit A, Schedule of Line Items, and Provision No. C.5.)

(f) *Notice of Acceptance (NA)*. The term "Notice of Acceptance" means the document which is signed by the Government to accept the purchaser's offer to create a contract.

(g) *Notice of Sale (NS)*. The term "Notice of Sale" means the document announcing the sale of SPR petroleum, the amount, characteristics and location of the petroleum being sold, the delivery period and the procedures for submitting offers, as well as providing other information pertinent to a particular sale. In addition, the NS will specify what contractual provisions and financial and performance responsibility measures are applicable to a particular sale of petroleum. (See Exhibit B, Sample Notice of Sale.)

(h) *Offeror*. The term "offeror" means any person or entity (including a Government agency) which submits an offer in response to a NS. An apparently successful offeror is one which will be awarded a sales contract, after it is determined that the offer is responsive and the offeror is responsible.

(i) *Petroleum*. The term "petroleum" means crude oil owned or contracted for by DOE and in storage in any permanent SPR facility, or temporarily stored in other storage facilities, or in transit to such facilities (including petroleum under contract but not yet delivered to a loading terminal).

(j) *Price Competitive Sale*. The term "price competitive sale" used in connection with a sale of SPR petroleum means one in which contract awards are made to those responsive, responsible offerors offering the highest prices.

(k) *Project Manager*. The term "Project Manager" means the chief operating officer of the SPR/PMO. He is the duly authorized representative of the Secretary of Energy for the sale of petroleum from the Reserve. He is also the Head of Procuring Activity for the SPR/PMO.

(l) *Project Management Office*. The term "Project Management Office" means the collective staff of the SPR Office in Louisiana and Texas.

(m) *Purchaser*. The term "purchaser" means any person or entity (including a Government agency) which enters into a contract with DOE to purchase SPR petroleum.

(n) *Secretary*. The term "Secretary" means the Secretary of Energy or his duly authorized representatives.

(o) *Standard Sales Provisions*. The term "Standard Sales Provisions" means a set of terms and conditions of sale, which may contain or describe financial and performance responsibility measures, for petroleum sold from the Strategic Petroleum Reserve. These SSPs constitute the "standard sales agreement" referenced in the Strategic Petroleum Reserve "Drawdown" (Distribution) Plan, Amendment No. 4 to the SPR Plan.

(p) *Strategic Petroleum Reserve*. The term "Strategic Petroleum Reserve" means that program of the Department of Energy established by Title I, Part B of EPCA.

(q) *Strategic Petroleum Reserve Office*. The term "Strategic Petroleum Reserve Office" means the Deputy Assistant Secretary for the SPR and the collective staff reporting to him.

(r) *Work day*. The term "work day" means any day except Saturday, Sunday, or a U.S. Federal Government holiday.

(s) *Headquarters Senior Procurement Official*. The term "Headquarters Senior Procurement Official" means the Director, Headquarters Procurement and Assistance Management Directorate, DOE, or his duly authorized representative.

#### A.3 Standard Sales Provision.

(a) These Standard Sales Provisions (SSPs) contain general pre-sale information, sales solicitation provisions, and sales contract provisions setting forth terms and conditions of sale including purchaser financial and performance responsibility measures, or descriptions thereof. The NS may specify which of such terms and conditions shall apply to a particular sale of such petroleum, and it may specify any revisions therein and any additional provisions which shall be applicable to that sale. (See Exhibit B, Sample Notice of Sale.)

(b) All offerors must, as part of their offers for SPR petroleum in response to a NS, agree without exception to all provisions of the SSPs which the NS makes applicable to the particular sale. The Government will not award a contract to an offeror which has failed to so agree.

(c) The applicable provisions of the SSPs will be incorporated into the sales contracts by referring in the NS to the SSPs.

#### A.4 Application of the Standard Sales Provisions.

These SSPs apply to all price competitive sales of petroleum from the SPR.

#### A.5 Periodic revisions of the Standard Sales Provisions.

DOE will review the SSPs periodically and republish them in the *Federal Register*, with any revisions. When a NS is issued, it will cite the *Federal Register* and the Code of

Federal Regulations in which the latest version of the SSPs was published. Since the *Federal Register* is published on a daily basis, and the Code of Federal Regulations is only revised on an annual basis (and a further time lapse occurs between the end of the period covered by the revision and the availability of the Code of Federal Regulations volume in published form), some applicable SSPs may be available at a given time in published form only in the *Federal Register*. Interested persons may obtain a copy of the SSPs by writing to the address set forth in Provision No. A.8.

#### A.6 Offerors list for sales of petroleum.

(a) The SPR/PMO will maintain a list of those potential offerors which wish to receive a NS whenever such a document is issued. Signatories to the Basic Sales Agreement (BSA) which was intended to be utilized in SPR sales, but which no longer applies to such sales, will automatically be included unless they ask, in writing, to be excluded. They should update the information required by (c) below. In order to assure that potential offerors will receive the NS in timely fashion, they are encouraged to submit the information in (c) as soon as possible. A NS may be issued by telegram, with as little as a week or less allowed for the receipt of offers. While the Government will use its best efforts to supply copies of the NS to persons not on the list who request the NS at the time an SPR petroleum sale is announced this may not always be feasible in light of the short amount of time available before offers must be received.

(b) Any firm or individual may send a written request to be on the list to the following address:

U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP 5501, 900 Commerce Road East, New Orleans, Louisiana 70123. Telephone Number (504) 734-4220

(c) The request should be in writing and should include the following information:

Name of firm  
Mailing address  
City, State, Zip Code  
Name of authorized agent  
Telephone number for agent including area code  
TWX number/code  
Telecopier brand name and model number  
Is telecopier automatic or operator controlled?  
Telephone number for telecopier transmission including area code  
Telephone number for verification of message receipt including area code  
Dunn's Number

#### A.7 Publicizing the Notice of Sale.

(a) The NS will be sent to persons whose names are on the offerors list referenced in Provision No. A.6. Potential offerors are encouraged to send a representative to the SPR/PMO to obtain a copy of the NS.

(b) The NS will be sent to firms requesting it when a sale is announced. Firms may request the NS by telephone or in writing to



the telephone number or address in Provision A.8 above.

(c) A DOE press release, which will include the salient features of the NS, will be available to any news agency.

(d) At the option of the SPR Project Manager, advertisements may be placed in publications likely to reach interested parties, such as *Oil Daily*, *The Wall Street Journal* or *Commerce Business Daily*. The advertisements will contain the salient features of the NS and a name and telephone number at the SPR/PMO to call for further information.

#### A.8 Issuing office for the Standard Sales Provisions and Notice of Sale.

Copies of the SSPs, after publication in the *Federal Register*, and copies of the NS, when one is issued, may be obtained from the following address:

U.S. Department of Energy, Strategic Petroleum Reserve Office, Project Management Office, Procurement Division, Mail Stop EO 5501, 900 Commerce Road East, New Orleans, Louisiana 79123.

#### A.9 Penalty for false statements in offers to buy SPR petroleum.

A penalty for making false statements is imposed in the False Statements Act, 18 U.S.C. Section 1001, which provides:

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

#### Section B—Sales Solicitation Provisions

##### B.1 Requirements for a valid offer—caution to offerors.

A valid offer to purchase SPR petroleum must meet the following conditions:

(a) The offer guarantee in an amount adequate to guarantee the offer must be received prior to the time set for the receipt of offers;

(b) The offer must be received prior to the time set for receipt of offers;

(c) All required representations and certifications must have been made;

(d) Any amendments to the NS which explicitly require acknowledgment of receipt must be properly acknowledged; and

(e) The offeror must agree without exception to all provisions of the SSPs which the NS makes applicable to a particular sale, as well as to all provisions in the NS.

##### B.2 Requirements of the Jones Act for U.S. flag vessels—caution to offerors.

The Jones Act, 46 U.S.C. Section 883, prohibits the transportation of any merchandise, including SPR petroleum, by water or land and water, on penalty of forfeiture thereof, between points within the United States (excluding the Virgin Islands) in vessels other than vessels built in and documented under laws of the United States,

and owned by United States citizens, unless the prohibition has been waived by the Secretary of the Treasury. Transportation plans required by Provision No. B.22 shall reflect compliance with the Jones Act.

##### B.3 "Superfund" tax on SPR petroleum—caution to offerors.

The Hazardous Substance Response Revenue Act of 1980 Pub. L. 96-510, 26 U.S.C. Section 4611 *et seq.* imposes a tax of .079 cent a barrel on (1) crude oil received at a United States refinery and (2) petroleum products (including crude oil) entered into the United States for consumption, use, or warehousing. The Government already has paid the tax on some of the oil imported and stored in the SPR. No tax has been paid either on imported oil stored in the SPR prior to the effective date of this Act, or on the domestic oil stored in the SPR. Because various crude oils have been commingled in the SPR, on drawdown of the SPR it will not be possible to indicate to a purchaser of SPR crude oil which oil already has been taxed and which oil has not. Therefore, offerors may be liable to the Internal Revenue Service for the tax on SPR oil either received at a U.S. refinery, used, or exported. DOE has requested that the Internal Revenue Service develop a method to designate the oil on which the taxes have been paid; until such time as procedures are developed, or the tax expires, offerors are advised that they are responsible for payment of any "Superfund" taxes if they are assessed.

##### B.4 Export limitations and licensing—caution to offerors.

(a) Export of SPR crude oil is subject to U.S. export control laws, the provisions of which differ depending on the source of the crude oil proposed to be exported. For example, imported crude oil stored in the SPR may be exported pursuant to applicable Department of Commerce "Short Supply Controls", 15 CFR Part 377, if: the export is part of a transaction resulting in the importation of refined products of a quantity and quality not less than would be derived from domestic refining; the products are to be sold at prices no higher than the lowest prices at which they could have been sold by the nearest capable U.S. refinery; and for compelling economic or technological reasons beyond the exporter's control, the crude oil cannot reasonably be processed in the U.S. (10 CFR Section 377.6(d)(1)(vii)). However, there are somewhat more stringent, independent statutory tests to be met as preconditions to the export of certain other crude oils stored in the SPR, including Alaskan North Slope (ANS) and Naval Petroleum Reserves (NPR) oil. See section 7(d) of the Export Administration Act of 1979, 50 U.S.C. App. Section 2406(d) (ANS oil) and 10 U.S.C. Section 7430(e) (NPR oil); see also 30 U.S.C. Section 185(u) (oil shipped across a Mineral Lands Leasing Act Section 28(u) right-of-way) and 43 U.S.C. Section 1354(a) (OCS oil).

(b) The transportation plan required in Provision No. B.22 shall reflect compliance with the U.S. export control laws. However, offerors for SPR petroleum are put on notice that the various SPR crude oils, subject to

different export control laws, have been commingled in storage.

##### B.5 Preparation of offers.

In the event petroleum is sold from the SPR, the Government will issue a NS containing all of the pertinent information necessary for the offeror to prepare a priced offer. A NS may be issued by telegram, with as little as a week or less for the receipt of offers. Offerors are expected to examine the complete NS document, and to become familiar with the SSPs cited therein. Failure to do so will be at the offeror's risk.

##### B.6 Submission of offers and modification of previously submitted offers.

(a) Unless otherwise provided in the NS, offers may be submitted to the Government by mail, telegram, or mailgram. Offerors using offer bonds (SF-24), cashier's checks or certified checks may not submit them by telegram but must submit them in hard copy by mail or hand delivery.

(b) Unless otherwise provided in the NS, offers may be modified or withdrawn by mail, telegram, or mailgram, provided that the mail, telegram, or mailgram is received at the designated office prior to the hour and date specified for receipt of offers.

(c) Envelopes containing offers shall be plainly marked on the outside: "RE: SALE OF PETROLEUM FROM STRATEGIC PETROLEUM RESERVE. OFFERS ARE DUE (insert time of opening), LOCAL NEW ORLEANS, LA TIME on (insert date of opening). MAIL ROOM MUST MARK DATE AND TIME OF RECEIPT ON FACE OF THE ENVELOPE."

(d) The envelop shall be marked with the full name and return address of the offeror.

(e) Offers and modifications being sent by mail, telegram, or mailgram must be received at the address specified in the NS.

(f) Handcarried offers brought to the SPR/PMO in New Orleans, Louisiana on the day set for receipt of offers, or any day prior to that day, shall be taken by the offeror to the place specified in the NS. This includes mail being delivered by a delivery service. Handcarried offers shall be placed in the bid box on Saturdays, Sundays, and U.S. Government holidays or after business hours on workdays.

##### B.7 Acknowledgement of amendments to a Notice of Sale.

When an amendment to a NS requires acknowledgement of receipt, receipt by an offeror must be acknowledged (a) by signing and returning the amendment, or (b) by letter, mailgram, or telegram in either case to be sent to the address specified in the NS. Such acknowledgement must be received prior to the hour and date specified for receipt of offers.

##### B.8 Documents required in offer and award.

If an offeror is successful, the Government will make award using a Notice of Acceptance (NA) signed by the Contracting Officer. The NA will identify the items, quantities and prices, and method of delivery which the Government is accepting. Attached to the NA will be the NS and the successful offer. Provisions form Section C of the SSPs



will be made applicable through incorporation by reference in the NS. The Contracting Officer also shall provide the purchaser with an information copy of the then-current SSPs as published in the *Federal Register*. If time constraints require it, the Government may accept the offeror's offer by an electronic notice, such as telegram or telegraph, and the contract award shall be effective upon issuance of such notice. The electronic notice will be followed by a mailing of full documentation as described above.

**B.9 Late offers, modifications of offers, and withdrawal of offers.**

(a) Any offer received at the office designated in the NS after the exact time specified for receipt will be considered only if it is received before award is made and only under the following conditions:

(1) It was sent by registered or certified mail not later than the fifth calendar day prior to the date specified for the receipt of offers (e.g., an offer submitted in response to a NS requiring receipt of offers by the 20th of the month must have been mailed by the 15th or earlier); or

(2) It was sent by mail, telegram or mailgram if authorized, and it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation.

(b) Any modification or withdrawal of an offer is subject to the same conditions as in (a) above. An offer may also be withdrawn in person by an offeror or its authorized representative, provided the representative's identity is made known and the representative signs a receipt for the offer, but only if the withdrawal is made prior to the exact time set for receipt of offers.

(c) The only acceptable evidence to establish:

(1) The date of mailing of a late offer, modification, or withdrawal sent either by registered or certified mail is the U.S. Postal Service postmark on both the envelope or wrapper and the original receipt from the U.S. Postal Service. If neither postmark shows a legible date, the offer, modification or withdrawal shall be deemed to have been mailed late. (The term "postmark" means a printed, stamped, or otherwise placed impression, exclusive of a postage meter machine impression, that is readily identifiable without further action as having been supplied and affixed on the date of mailing by employees of the U.S. Postal Service. Therefore, offerors should request the postal clerk to place a hand cancellation bull's-eye "postmark" on both the receipt and the envelope or wrapper.)

(2) The time of receipt at the Government installation is the time/date stamp of such installation on the offer's wrapper or other documentary evidence of receipt maintained by the installation.

(d) Notwithstanding (a) and (b) of this provision, a late modification of an otherwise successful offer which makes its terms more favorable to the Government will be considered at any time it is received, and may be accepted.

**B.10 Explanation requests from offerors.**

Offerors may request explanations regarding meaning or interpretation of the NS on other than SSPs from the individual and telephone number indicated in the NS. On complex and/or significant questions, the Government reserves the right to have the offeror put the question in writing by mail, telegram or mailgram. Explanation or instructions regarding complex or significant issues will be given to prospective offerors only as an amendment to the NS.

**B.11 Currency for offers.**

Prices shall be stated and amounts shall be paid in U.S. dollars.

**B.12 Financial statement.**

After receipt of offers but prior to making award, the Government reserves the right to ask for the offeror's latest annual financial statement containing its balance sheet and profit and loss statement for the period covered thereby. A certification by a principal accounting officer that there have been no material changes in financial condition since the date of the statement, and that it presents the true financial condition as of the date of the offer, shall accompany the statement. If there has been a change, the amount and nature of the change must be specified and explained. The Contracting Officer must receive the data within three work days of a telephone request to the offeror.

**B.13 Proprietary data.**

If any data submitted in connection with a sale is considered proprietary, that information should be so marked. An explanation shall also be submitted as to the reason such data should be considered proprietary. Any final decision as to whether the material so marked is proprietary will be made by the Government. All DOE Freedom of Information regulations governing the release of proprietary data shall apply.

**B.14 Notice of Sale line item schedule—petroleum quantity, quality, etc.**

(a) Unless the NS provides otherwise, the master line items and delivery line items for sales contracts are as provided in Exhibit A, Schedule Line Items, to these SSPs. Each master line item is a listing of delivery line items consisting of quantities of crude oil available for sale, each with the same specifications, delivery point and transportation restrictions. Currently, in a drawdown the SPR may offer for sale up to seven mixtures of crude oil and/or a single generic type. Each master line item also will impose either one of two possible delivery restrictions on the sale of SPR crude: (1) either the oil must be moved from the delivery point by a major common carrier pipeline connected to the SPR sites (over the Seaway, Texoma or Capline pipeline), or (2) it must be moved by other means, including tanker or non-common carrier pipeline. Thus there currently are sixteen master line items in Exhibit A (eight SPR crudes, each with two possible delivery restrictions). These will be further divided into lots of various sizes, and each lot will have a specified delivery line item. Each delivery line item will contain

only one lot of a specified amount of petroleum with a specific delivery date. Each offeror, if determined to be the highest bidder on a delivery line item, agrees to enter into a contract and take delivery from the Government of the petroleum specified in that delivery line item on the date specified, in accordance with the terms of the contract. Both the master line items and the delivery line items may be supplemented or changed by the NS. For example, the NS may provide for two different lots on the same day, which would be reflected as two subitems on a delivery line item.

(b) Exhibit D, SPR Crude Oil Characteristics and Delivery Point Data, contains current specifications of each SPR crude oil and the delivery point for each. These specifications may change as more crude oils are stored in the SPR. Prospective purchasers are cautioned that the NS will provide the actual specification as to petroleum to be sold, should SPR petroleum specifications change as the SPR acquires additional crude oil. To the extent practicable, the NS will provide more specific data on each SPR crude offered.

DOE will use its best efforts to determine the availability of excess common carrier pipeline capacity before deciding how much of each SPR crude oil to make available for major common carrier pipeline delivery. However, DOE cannot guarantee that such capacity is available, and each apparently successful offeror is responsible for complying with the applicable pipeline tariffs.

(c) Offerors may make offers on more than one delivery line item. Offerors may not propose a different delivery point, delivery method or date from the delivery point, method and date set out by master line item and delivery line item. Unless otherwise specified in the NS, offerors may not make alternate offers; e.g., the offer may not state: either delivery line item number 0001A or delivery line item number 0001B, but not both.

(d) On some delivery line items the Government may receive no acceptable offers. Such delivery line items will be handled by the Phase II procedure set out in Provision No. B.20, Procedure for evaluation of offers. OFFERORS SHOULD INDICATE WHETHER OR NOT THEY WANT TO BE CONSIDERED FOR AWARDS UNDER PHASE II PROCEDURE.

**B.15 Reserved.**

**B.16 Information to be provided to DOE by the offeror on each delivery line item of its offer to buy petroleum.**

The following information will be provided to the Government by the offeror in its offer on each delivery line item (see also Exhibit F, Sample Offeror Response Sheet).

(a) Price offered in U.S. dollars per specified unit of measure, i.e., barrels;

(b) Maximum quantity from this delivery line item wanted by the offeror, if the NS permits the offeror to so specify;

(c) Minimum quantity from this delivery line item wanted by the offeror, if the NS permits the offeror to so specify;

(d) Elected method of taking delivery, if a choice is given;



- (e) Acknowledgement and acceptance of the time period provided for in the NS; and  
(f) Any other data required by the NS.

**B.17 Information to be provided by DOE to purchaser on each delivery line item awarded in the Notice of Award.**

The following information will be provided to the purchaser by the Government on the NA for each master line item and/or delivery line item if the offeror is awarded a contract:

- (a) Line item number;  
(b) Characteristics of petroleum awarded;  
(c) Total quantity awarded on the master line item and on each delivery line item;  
(d) Price in U.S. dollars per specified unit, i.e., barrels;  
(e) Extended total price offer for that line item;  
(f) Delivery point;  
(g) Delivery period;  
(h) Method of delivery; and  
(i) Any other data necessary for the sales contract.

**B.18 Delivery points for crude oil sold from storage.**

(a) The NS may specify delivery at one or more delivery points. The following list of delivery points and their geographical locations represent the terminal and dock facilities currently interconnected with permanent SPR storage facilities (see also Exhibit D. SPR Crude Oil Characteristics and Delivery Point Data):

| Delivery point      | Geographical location |
|---------------------|-----------------------|
| Seaway Terminal     | Freeport, Tex.        |
| Seaway Docks        | Freeport, Tex.        |
| Sonoco Terminal     | Nederland, Tex.       |
| Sonoco Docks        | Nederland, Tex.       |
| Locap Terminal      | St. James, La.        |
| DOE St. James Docks | St. James La.         |

(b) Delivery points are subject to change by the NS and may include additional or alternate facilities utilized in connection with Government contracts for the purchase of petroleum to fill the SPR. These may include loading terminals or transshipment terminals. Alternatively, the Government or its contractor may provide the transportation to the purchaser's facility, for example, when the oil is in transit to the SPR at time of sale.

(c) The NS may specify facility operator, contact information for scheduling delivery of cargoes purchased, and modes of transportation applicable for each delivery point (i.e., pipeline, barge, tanker, etc.), as well as applicable port data/restrictions (see Exhibit D. SPR Crude Oil Characteristics and Delivery Point Data, for additional information).

**B.19 Evaluation of offers**

The Contracting Officer will be the sole judge as to whether an offer conforms to the SSPs and the NS. The Contracting Officer will award to the highest responsible offeror whose offer is responsive to the SSPs and NS. The Government reserves the right to reject any or all offers and to waive minor formalities or irregularities in offers received.

**B.20 Procedures for evaluation of offers.**

(a) Evaluation of offers will take place in two phases. In Phase I, only offers on each delivery line item will be evaluated against each other. In Phase II, all offers for a particular master line item will be evaluated for the purpose of awarding contracts on delivery line items which had no acceptable offers. Offerors' attention is directed to the definition of "line item" in Provision No. A.2(e).

(b) Phase I—delivery line item evaluation—

(1) Any offers below a minimum acceptable price, specified in the NS, will be rejected as being non-responsive.

(2) All other offers on each delivery line item will be arrayed from highest price to lowest price for award consideration.

(3) Tied offers are two or more offers on the same delivery line item at the same price. Tied offers will be arrayed by drawing lots.

(4) The highest offers will be reviewed for responsiveness to the terms of the NS.

(5) Determinations of responsibility of potential purchasers before each award will be made by the Contracting Officer. Compliance with required performance and payment guarantees will effectively assure a finding of responsibility of offerors, except where: (i) a transportation plan on its face, or documents furnished in response to the Contracting Officer's request, raise substantial doubt as to the offeror's ability to take timely delivery of SPR petroleum and transport it to its destination point; (ii) evidence comes to the attention of the Contracting Officer, with respect to an offeror, of conduct or activity which represents a violation of law or regulation (including an Executive Order having the force and effect of law); or (iii) evidence is brought to the attention of the Contracting Officer of past activity or conduct of the offeror which shows a lack of integrity or willingness to perform, so as to substantially diminish the Contracting Officer's confidence in the offeror's performance under a proposed contract. Apparently successful offerors will be contacted by telephone and advised to provide the Contracting Officer, within three business days or such other time as the Contracting Officer shall determine, a letter of credit (see Exhibit F, Letter of Credit—Required Form) for cash guarantee as specified in the NS or SSPs, and details on transportation arrangements (see Exhibit C, Offeror Transportation Plan).

(6) Award on each delivery line item will be made to the responsive, responsible offeror which has offered the highest acceptable offer and which has provided the required letter of credit or cash guarantee.

(c) Phase II—master line item evaluation—

(1) If after Phase I, there are any delivery line items for which no acceptable offers were received, then Phase II will occur. During Phase II all offers above the minimum acceptable price (from offerors who have indicated that they wish to participate in Phase II) in each master line item with unawarded lots, will be arrayed in a single list from highest price to lowest price without regard to the delivery line item on which prices were originally offered.

(2) In Phase II, tied offers are two or more offers for the same master line item of

petroleum at the same price. In tie breaking under Phase II, offerors which were unsuccessful as a result of the tie breaking procedures in (b)(3) above shall be arrayed above successful offerors at the same price. Any ties in Phase II not broken by that procedure will be arrayed by a new drawing of lots.

(3) Subject to paragraph (2), each offer of an offeror which made offers on more than one delivery line item on a master line item will be ranked according to price.

(4) Because of the extremely short time constraints which will have to be placed on Phase II, offerors participating in Phase II are encouraged to consider in advance which other delivery line items the offeror would contract for.

(5) The Contracting Officer will offer by telephone or other appropriate means the remaining delivery line items (for which no acceptable offers had been received) to the offeror with the highest arrayed offer for that master line item. The offeror will have the option of taking delivery of any or all of the remaining delivery line items in that master line item. The price for each of these delivery line items will be the price that the offeror had offered for delivery line items in the Phase I evaluation.

(6) The offeror shall have one hour after specific offer by the Contracting Officer to accept the Government's offer for the additional delivery line items. Such acceptance may be by telephone. The Contracting Officer may make a recording of such conversation. The Contracting Officer may require immediate confirmation of the offeror's acceptance in writing.

(7) If the first offeror does not accept delivery of all of the delivery line items on the master line item offered by the Contracting Officer, the offeror with the next highest arrayed offer will be given the option of taking delivery of any or all of the remaining delivery line items, within the same length of time specified in (c)(6). The Contracting Officer shall continue down the list of offers in this manner until there is an acceptable offer for all of the delivery line items on the master line item, or until the remaining delivery line items are offered to the offeror with the lowest arrayed offer above the minimum price.

(8) The price that an offeror which offered different prices on different delivery line items for the Phase I evaluation shall pay for a delivery line item offered in Phase II shall depend upon when the offeror agrees to accept the Government's offer of the delivery line item. Offers are arrayed rather than offerors; therefore, in Phase II an offeror with multiple offers may refuse to accept a delivery line item under the Phase II offer at the higher offered price, but may accept it later if the Contracting Officer again offers the delivery line item after contacting all other offerors with offers arrayed between the first offeror's highest and next lowest offer. The Contracting Officer will not accept the lower price from an offeror with multiple offers without first making the delivery line items in that master line item available to all other offerors with higher prices. Offerors with multiple offers are cautioned that in



refusing delivery at a higher offered price, they may risk not being given a later opportunity to acquire the oil at a lower offered price.

(9) At the Contracting Officer's option, an apparently successful offeror in the Phase I evaluation, which is offered delivery line items under a master line item in Phase II, may be allowed to accept the Phase II delivery line item as a substitute for the first, provided the Phase II delivery line item is for a larger quantity of oil than was to be delivered under the apparent Phase I award. In the event that the Contracting Officer allows this substitution, the original delivery line item will go to the next highest arrayed offer for that delivery line item in Phase I. In the event that there is no other Phase I offer, the original delivery line item shall be included in the Phase II evaluation.

(10) Award of contracts for delivery line items accepted by offerors in Phase II will be made after the Contracting Officer has determined that the offer is responsive and that the offeror is responsible in accordance with (b)(4), (b)(5) and (b)(6) above.

#### *B.21 Procedures for resolicitation of offers on unsold delivery line items.*

(a) In the event that delivery line items remain unsold after completion of the Phase I and Phase II evaluation process, the Contracting Officer may issue an amendment to the NS, resoliciting offers on these delivery line items from all interested parties, not just those making offers in response to the original NS. Evaluation procedures for these delivery line items shall follow the procedures set forth in B.20. The Government reserves the right to change the master line items and delivery line items to propose different SPR crudes, delivery methods, lot sizes and delivery dates for the purpose of such resolicitation.

(b) In the event that for any reason a delivery line item which has been awarded becomes available to the Government for resale, the Contracting Officer may use the following procedures:

(1) If priced offers remain valid in accordance with Provision No. B.23, the delivery line item will go to the next highest arrayed offer for that delivery line item in Phase I; otherwise, it shall be offered in accordance with the master line item evaluation procedures in Provision No. B.20(c).

(2) If offers have expired in accordance with Provision No. B.23, the delivery line item may be offered to the next highest arrayed offer for that delivery line item in Phase I. The pertinent offeror may, at its option, accept or reject that delivery line item at the price originally offered, and if that offeror rejects the delivery line item, it will be offered to the next highest offeror, etc.

(3) If the delivery line item is not then resold, the Contracting Officer may at his option proceed with the Phase II master line item evaluation procedures of Provision No. B.20(c), amend the NS to resolicit offers for that delivery line item, or add the delivery line item to the next sales cycle.

#### *B.22 Transportation arrangements.*

(a) By submission of an offer, the offeror represents that it, or another party with

which it has a resale or exchange agreement, can take timely delivery of all petroleum for which a priced offer has been submitted.

(b) After the time set for receipt of offers, but prior to the award of a contract, each apparently successful offeror will be required to give the Government information showing its capability, or that of another party with which it has a resale or exchange agreement, to transport the petroleum from the delivery point. Such transportation plans must be submitted in the form provided in Exhibit C, Offeror Transportation Plan. If the apparently successful offeror does not provide such arrangements within a time limit to be set by the Contracting Officer, the Government will not award a contract to that offeror. Such time limit in the case of a Phase I apparently successful offer shall not be less than three business days (or such other time the Contracting Officer shall determine) from the time the offeror is first notified of the apparently successful offer.

(c) The offeror's attention is directed to Provision No. B.4, Export limitations and licensing and Provision No. B.2, Requirement of the Jones Act for U.S. flag vessels.

#### *B.23 Offeror's certification of acceptance period.*

(a) By submission of an offer, the offeror certifies that its priced offer will remain valid for 10 calendar days after the date set for the receipt of offers.

(b) By written mutual agreement of DOE and the offeror, an individual offeror's acceptance period may be extended for a longer period.

#### *B.24 Offer guarantee.*

(a) Each offeror must submit an acceptable offer guarantee. The offer guarantee must be received at the place specified for receipt of offers prior to the time and date set for receipt of offers.

(b) An offeror's failure to submit a timely, acceptable guarantee will result in rejection of its offer.

(c) The amount of the offer guarantee is ten million dollars or 30 percent of the total offer, whichever is less.

(d) Each offeror must submit one of the following types of offer guarantees with its offer:

(1) An offer bond executed on U.S. Government Standard Form 24;

(2) A certified or cashier's check payable to the Treasurer of the United States, drawn on a U.S. Bank that is a member of the Federal Reserve System; or

(3) A wire cash deposit to a special SPR/PMO account.

(e) If the offeror, a surety company or bank forwards the offer guarantee separately from the offer, the envelope shall clearly say "OFFER GUARANTEE OF (Name of company)" and shall be clearly marked in accordance with Provisions No. B.6(c).

(f) In the event that the offeror withdraws its offer within 10 days following the date set for receipt of offers, or in the event that the offeror fails to furnish a satisfactory transportation plan or performance and payment guarantee within the time limit specified by the Contracting Officer, it shall be liable for any amount lost by the

Government due to the difference between its offer and the resale price, and the offer guarantee shall be used toward offsetting such difference. Use of the offer guarantee for such recovery will not preclude recovery by the United States of damages in excess of the amount of the offer guarantee caused by the offeror's failure to keep its offer open for 10 calendar days after receipt of offers, or to provide the required transportation arrangements or performance and payment guarantee with the time limit set by the Contracting Officer.

(g) Guarantees (except bonds) will be returned to unsuccessful offerors within 25 calendar days after the date set for receipt of offers, and to successful offerors upon receipt of a satisfactory performance and payment guarantee. Offer bonds (Standard Form 24) will be returned only upon written request. Where the offer guarantee was a wire cash deposit, a cashier's check or a certified check, it may be applied toward either advance payment or cash guarantee amounts.

#### *B.25 Procedures for selling to other U.S. Government Agencies.*

(a) If a U.S. Government Agency submits an offer for crude oil in a price competitive sale, that offer will be arrayed for award consideration in Phase I and Phase II evaluation in accordance with Provision No. B.20, Procedures for Evaluation of Offers. If a U.S. Government Agency is an apparently successful offeror, award and payment will be made exclusively in accordance with statutory and regulatory requirements pertaining to interagency agreements, and the U.S. Government Agency will be responsible for complying with these within the time limits set by the Contracting Officer.

(b) U.S. Government Agencies are exempt from all guarantee requirements, but must complete all data on transportation arrangements (modified as appropriate to reflect differences in the applicability of laws referred to in Exhibit C, Offeror Transportation Plan) and representations and certifications. No failure by a U.S. Government Agency to comply with any of the requirements of these SSPs shall provide a basis for challenging a contract award to the U.S. Government Agency.

#### *Section C—Sales Contract Provisions*

##### *C.1 Information gathered for statistical purposes.*

The Contracting Officer, at his discretion, may require the purchaser to submit information called for in Exhibit G, Information for Statistical Purposes. That information may be used for analytical purposes, but will have no effect on contract evaluation and award.

##### *C.2 Certification of independent price determination.*

(a) By submission of an offer, the offeror certifies that in connection with the offer:

(1) The prices in the offer have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices, with any other offeror or with any competitor;



(2) Unless otherwise required by law, the prices which have been quoted in the offer have not been knowingly disclosed by the offeror and will not knowingly be disclosed directly or indirectly by the offeror prior to award, to any other offeror or to any competitor; and

(3) No attempt has been made or will be made by the offeror to induce any other person or firm to submit or not to submit an offer for the purpose of restricting competition.

(b) Each person signing the offer certifies that:

(1) He is the person within the offeror's organization responsible for the decision as to the prices being offered, and that he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above; or

(2)(i) He is not the person in the offeror's organization responsible within that organization for the decision as to the prices being offered but that he has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above, and as their agent does hereby so certify; and (ii) he has not participated, and will not participate, in any action contrary to (a)(1) through (a)(3) above.

(c) An offeror will not be considered for award where (a)(1), (a)(3), or (b) above has been deleted or modified. Where (a)(2) above has been deleted or modified the offer will not be considered for award unless the offeror furnishes with the offer a signed statement which sets forth in detail the circumstances of the disclosure and unless it is determined that such disclosure was not made for the purpose of restricting competition.

### C.3 Reserved.

### C.4 Certification of compliance with the Jones Act and the U.S. export control laws.

By submission of this offer, the offeror certifies that it will comply with the Jones Act, 46 U.S.C. Section 883, regarding use of United States flag vessels in the transportation of oil between points within the United States, and with any applicable U.S. export control laws affecting the export of SPR petroleum. Purchasers who have failed to comply with the Jones Act or the export control laws in the SPR sales may be found to be nonresponsible in the evaluation of offers under Provision No. B.20 of the SSPs. Those purchasers may also be subject to proceedings to make them ineligible for future awards in accordance with 10 CFR Part 625.

### C.5 Schedule line items.

Exhibit A, Schedule Line Items, gives a schedule of master line items and their associated delivery line items which may be used in a sale. There will be no minimum price on either kind of line item unless the NS specifically gives one. The quality differentials will be as specified in Provision No. C.7 unless the NS specifically changes them. The quantity for each delivery line item which will be given in the NS is not subject to increase or decrease at the choice of the

offeror. The DOE may vary actual delivery plus or minus 15% in accordance with Provision No. C.18.

### C.6 Acceptance of quality.

Except as provided hereafter, the Government does not guarantee that the crude oil delivered will meet the characteristics cited in the NS, and assumes no responsibility for deviations in quality. The NS will specify the range of specifications for each SPR crude oil offered on a master line item as well as the average characteristics as shown in Exhibit D, SPR Crude Oil Characteristics and Delivery Point Data. In the event that the specifications of the crude oil delivered do not fall within the range of specifications in the NS, the purchaser has the option of either accepting the crude oil with the price adjusted in accordance with Provision No. C.7, or not accepting the crude oil. In the event that the specifications of the crude oil delivered fall within the range of specifications in the NS but do not meet the specific range of API gravity and/or total sulfur content cited in the NS as the average specifications for that crude oil, the price shall be adjusted in accordance with Provision No. C.7.

### C.7 Quality differential for crude oil.

Unless otherwise specified in the NS, the following price adjustments will be made:

(a) A price adjustment (increase price as API gravity increases; decrease price as API gravity decreases) shall be made for any API gravity differential by adding or subtracting seven cents (\$.07) per barrel for each whole degree API that the crude oil delivered varies either from the offered crude oil's API gravity, or the outer edge of the range of API gravity, whichever is specified in the NS.

(b) Another price adjustment (decrease price as total sulfur content increases; increase price as total sulfur content decreases) shall be made for any sulfur differential by adding or subtracting seven cents (\$.07) per barrel for each one-tenth of one percent that the sulfur content of the crude oil delivered varies either from the offered crude oil's total sulfur content, or the outer edge of the range of sulfur content, whichever, is specified in the NS.

### C.8 Delivery and acceptance of crude oil.

(a) The purchaser, at his expense, shall make all necessary arrangements to accept delivery of the SPR petroleum. The Government will deliver and the purchaser will accept said petroleum at delivery points listed in the NS. Title and risk of loss shall pass to the purchaser at such delivery points in accordance with Provision No. C.9. The purchaser shall be responsible for meeting any delivery requirements imposed at those delivery points including complying with the rules, regulations, and procedures contained in applicable port/terminal manuals or other applicable documents such as pipeline tariffs on file with the Federal Energy Regulatory Commission.

(b) The following tanker loading conditions shall apply:

(1) Upon receipt of the NA, the purchaser shall furnish the SPR/PMO with an estimated schedule of planned lifting vessel arrivals.

(2) The arrival window shall be as established in the NS.

(3) The tanker shall have a minimum average load rate of 20,000 barrels per hour.

(4) At least ten (10) days in advance of each scheduled arrival date, unless the NA specifies another time, the purchaser shall furnish the SPR/PMO with vessel nominations specifying: (i) name and size of vessel, (ii) date of arrival, (iii) quantity to be loaded and contract number, and (iv) other relevant information requested in writing by the Contracting Officer. Once established, such nomination details can only be changed with the Government's prior written consent. The purchaser shall be entitled to substitute another vessel of similar size for any vessel so nominated, subject to the Government's approval. The Government should be given at least four (4) days notice prior to the actual firm date of arrival loading specified in the contract. The Government shall make a reasonable effort to accept any nomination for which notice has not been given in strict accordance with the above provisions.

(5) The purchaser shall arrange to have its vessel notify the SPR/PMO of the expected hour of arrival 72, 48 and 24 hours in advance, and after the first notice, to advise of any variation of more than four (4) hours. When the vessel is not more than six (6) hours from the load port and is ready to load, a Notice of Readiness shall be tendered by the tanker's Master and promptly confirmed in writing to the SPR/PMO and the terminal responsible for coordination of crude oil loading operations. Such notice shall be effective only if given during customary business hours of the port of loading.

(6) The Government shall use its best efforts to berth the purchaser's vessel as soon as possible after receipt of the Notice of Readiness.

(7) Hose and fittings for loading shall be provided by the Government.

(c) The following pipeline delivery conditions shall apply:

(1) Prior to the 26th day of the month preceding the month of delivery, the purchaser shall furnish the SPR/PMO with the following information: (i) confirmation of the pipeline's acceptance of the full amount of the petroleum proposed to be delivered; (ii) an estimated schedule (consistent with the terms of the contract) for delivery of the petroleum to the pipeline; and (iii) the name and telephone number of the pipeline point of contact with whom the SPR/PMO should coordinate the petroleum delivery.

(2) Once established, the pipeline delivery schedule can only be changed with the Government's prior written consent.

### C.9 Title and risk of loss.

Unless otherwise provided in the NS, title to and risk of loss for petroleum purchased from the Government will pass to the purchaser at the delivery point as follows:

(a) For marine shipment—when the petroleum passes the permanent loading equipment connections of the dock facility to the tankship/barge flange.

(b) For pipeline shipment—when the petroleum passes the permanent flange connecting the commercially owned pipeline



to the terminal central manifold at the delivery point.

(c) For in transit shipments—when the petroleum passes the permanent flange of the tankship manifold upon discharge into a marine terminal facility or another vessel.

(d) Terms for other SPR petroleum outside the U.S. will be given in the NS if they are applicable to the sale.

#### C.10 Environmental requirements—marine transportation.

(a) Vessels to be used for the transportation of oil purchased from the SPR will comply with all applicable rules and regulations, including The Ports and Waterways Safety Act, the Federal Water Pollution Control Act of 1972, the Oil Pollution Control Act of 1961, and other applicable statutes, rules and regulations, including the following: Parts 151, 153, 157, and 159, of Title 33 and Parts 30-36 and 542 of Title 46 of the Code of Federal Regulations.

(b) The purchaser will employ in the performance of this contract only vessels whose owners are parties to the Tanker Owners Voluntary Agreement Concerning Liability for Oil Pollution (TOVALOP) or who carry equivalent liability coverage.

(c) All crude oil transfer operations in performance of the purchase will be in accordance with the guidelines detailed in the International Oil Tanker Safety Guide, and U.S. Coast Guard Regulations, and the "Ship to Ship Transfer Guide" of the International Chamber of Shipping Oil Companies International Marine Forum.

(d) Failure to comply with all environmental requirements will be considered a failure to comply with the terms of any contract containing these SSPs, and may result in termination for default in accordance with Provision No. C.26.

#### C.11 Purchaser liability for excessive berth time.

The Government reserves the right to direct a marine vessel loading SPR oil at a delivery point specified in the NS, to vacate its SPR berth, should such vessel, through its operational inability to receive oil, cause the berth to be unavailable for an already scheduled follow-on vessel. Furthermore, should a breakdown of the vessel's propulsion system prevent its getting underway on its own power, the Government may cause the vessel to be removed from the berth with all costs to the account of the purchaser.

#### C.12 Determination of quantity of petroleum.

(a) Quantities will be determined from certified opening and closing tank gauge reports or delivery meter reports. All volumetric measurements will be converted to net barrels at 60°F using ASTM-ID Tables 5A and 6A, Petroleum Measurement Tables (American Edition), and by deducting basic sediment and water (BS&W) as determined from the composite all levels samples taken from the delivery tanks, and free water.

(b) The quantity determination shall be made and certified by the Government's authorized contractor responsible for loading operations, and witnessed by a Government Quality Assurance Representative at the

delivery point. Should the purchaser arrange for additional inspection services to witness quantity determination, such services will be for the account of the purchaser. Any disputes shall be settled in accordance with Provision No. C.36, Disputes.

#### C.13 Determination of quality of petroleum.

(a) The quality determination of the crude oil delivered to purchaser shall be made from a composite of all levels of samples taken from delivery tanks or line samples. Tests to be performed by the Government or its authorized contractor are:

(1) ASTM D96 Water and Sediment in Crude Oils or ASTM D95 Water in Petroleum Products by Distillation and ASTM D473 Sediment in Crude Oils by Extraction.

(2) ASTM D1552 Sulfur in Petroleum Products (high temperature method) or ASTM D2622 Sulfur in Petroleum Products (X-Ray Spectrographic Method).

(3) ASTM D1298-72 API Gravity of Crude Petroleum by Hydrometer Method.

(4) ASTM D445 Kinematic Viscosity of Transparent and Opaque Liquids.

(b) If a purchaser requires additional tests to be performed upon delivery, their cost shall be for the account of the purchaser. Any disputes shall be settled in accordance with Provision No. C.36, Disputes.

#### C.14 Delivery Documentation.

The quantity and quality determination shall be documented on the appropriate Department of Defense Petroleum Shipping and Inspection Report, DD250 (Pipeline) or DD250-1 (Tanker/Barge) (see Exhibit I for copies of the forms). Copies of the complete DD Form 250 or DD250-1 will be furnished to the purchaser and/or the purchaser's authorized representative upon completion of delivery. They will serve as the basis for invoicing and/or reconciliation invoicing for the sale of petroleum as well as for invoicing such associated services as may be provided for in the contract.

#### C.15 Performance and payment guarantee.

(a) The purchaser shall maintain in full force and effect a performance and payment guarantee satisfactory to the Contracting Officer for a period of one year from the date of the NA, unless otherwise released from this requirement by the Contracting Officer. The performance and payment guarantee must be in place before the Government will execute a NA. Failure to provide an acceptable performance and payment guarantee within a time limit to be specified by the Contracting Officer will be cause for rejection of the offeror's offer and grounds for liability by the offeror under the offer guarantee.

(1) The Contracting Officer or his designee may draw against this performance and payment guarantee at any time after the first delivery date specified in the contract for any monies due under the contract; and

(2) The Contracting Officer or his designee may draw against this performance and payment guarantee for any monies owing to the Government under the contract, no matter how the debt to the Government arose.

(b) The purchaser must furnish an acceptable performance and payment guarantee before the government will execute

the contract. The Government may specify a time deadline for furnishing the guarantee which may be as short as three (3) business days. The Government will give the purchaser a provisional contract number to use on the performance and payment guarantee.

(c) The performance and payment guarantee must be either (1) a cash wire deposit or (2) a letter of credit as shown in Exhibit F, Letter of Credit—Required Form. If a letter of credit is chosen, all costs will be borne by the purchaser.

(d) The amount of the letter of credit shall be 115 percent (115%) of the contract amount. The cash guarantee, on a contract for one month or less, is 115% of the contract price; on a contract for more than one month, it is 100% times 45 days delivery under the contract plus 15% of the entire contract amount.

#### C.16 Replacement of funds in the performance and payment guarantee.

(a) If the SPR/PMO (which may act through its Finance Division), with the approval of the Contracting Officer draws against the letter of credit, or cash deposit, for monies owed the Government for liquidated damages or other funds due the Government, the SPR/PMO or its Finance Division shall notify the purchaser within twenty-four hours of the fact of the withdrawal and the amount thereof. The Government shall dispatch such notification by U.S. Express Mail, U.S. Mail or telegraphic means. Purchaser is deemed to have received a mailed notice on the second day after its dispatch and to have received telegraphic notice the day after its dispatch.

(b) In the event that such a draw against the performance and payment guarantee exceeds 15 percent of the total contract amount the purchaser shall, within five working days after it is deemed to have received such notification, replenish an amount equal to that withdrawn or a lesser amount if specified by the contracting Officer, either by the wire transfer of funds in accordance with Provision No. C.22, or by the provision of a new letter of credit or amendment of the old letter of credit. If such replenishment is not made within five working days, the Contracting Officer may withhold deliveries under the contract on the sixth working day with no prior notice to the purchaser, and/or the Contracting Officer may terminate the contract in whole or in part on the sixth day without prior notice to the purchaser. Such termination would be for default in accordance with Provision No. C.26, Termination for purchaser default.

#### C.17 Letters of credit, general requirements.

Letters of credit must meet the following criteria:

(a) They must be from a bank which is a participant in the Federal Reserve Bank FEDWIRE funds transfer system.

(b) Each letter of credit must conform without exception to the standard letter of credit provided as Exhibit F, Letter of Credit—Required Form. The Government does not require information concerning the bank's agreement with its customer. Therefore any language in the letter of credit in addition to that specified in Exhibit F shall



cause the letter of credit to be unacceptable and shall be cause for rejection of the offeror's offer.

(c) The corporate minutes authorizing the bank official signing the letter of credit to do so, must be attached to it.

(d) The purchaser should request each issuing bank to send a copy of each letter of credit that it has issued in accordance herewith for an amount of \$100 million or more of its credit, as follows:

(1) If an issuer is a national banking association, to the Office of the Regional Administrator of National Banks in the Region in which the issuer's head U.S. office is located, and also to the Federal Reserve Bank of the District in which the issuer's head office is located; and

(2) If an issuer is a state member bank, a branch or agency of a foreign bank or an Edge Act Corporation, to the Federal Reserve Bank of the District in which the issuer's head U.S. office is located.

(e) As set forth in Exhibit F, the letters of credit must provide for drafts against the letters of credit by wire and for payment to the Government by wire transfer.

(f) As set forth in Exhibit F, the letters of credit shall be valid for a period of one year and may be drawn against by one or more partial drafts.

#### C.18 Contract amount estimated for crude oil.

The contract amount stated in the award documents for crude oil is an estimate. The per barrel unit price is subject to adjustments based on the sulfur and API gravity characteristics of the crude oil actually delivered. In addition, the Government reserves the right to deliver up to fifteen percent (15%) less or more than the scheduled delivery quantity. This can result in a delivery under the contract of as much as fifteen percent (15%) less or more for one line item. In the event that the Government delivers more than the contract amount, the purchaser shall not be required to engage additional vessels to take delivery of the additional quantity at its own expense unless notified by the Contracting Officer of the Government's intent to increase delivery prior to issuance of the NA.

#### C.19 Purchaser payment options.

(a) If the contract delivery period is one month or less, the purchaser may pay one hundred and fifteen percent (115%) of the contract amount in advance. A purchaser electing this option must inform the Government in its offer. Payment is required before award of the contract, and will be made by wire transfer in accordance with Provision No. C.22.

(b) If the contract delivery period is longer than one month, the purchaser may pay in advance a cash deposit equal to forty-five days delivery in addition to fifteen percent (15%) of the entire contract amount. A purchaser electing this option must so inform the Government in its offer. Payment is required before award of the contract and will be made by wire transfer in accordance with Provision No. C.22. See Provision No. C.20 for details of other billings under this method of payment.

(c) Unless the offeror indicates that it will use the payment options in (a) or (b) above, payment for SPR petroleum will be by letter of credit in accordance with Provision No. C.15(d) and Provision No. C.21.

#### C.20 Billing and payment—with purchaser's advance payment

(a) If the offeror has notified the Government in its offer that it elects to pay in advance, the following procedure will be applicable. After evaluation of offers is completed the Contracting Officer shall telephone the tentatively selected offeror and inform it that its offer is apparently successful. The Contracting Officer will inform the offeror that the advance payment specified in Provision No. C.19(a) or the cash deposit in Provision No. C.19(b) must be made within the time limit set by the Contracting Officer. This time limit shall be three business days, or such other time as the Contracting Officer may decide. The Contracting Officer may, at his discretion, send a confirming telegram, but the timeliness of the cash deposit is determined by the date of the telephone call. After the last delivery under the contract, a reconciliation billing will be made in accordance with paragraph (c) below.

(b) If the contract delivery period is more than one month, and the offeror has notified the Government in its offer that it elects to give a cash deposit, the purchaser will then be billed monthly for crude oil delivered. Payments on all but the last month will be in accordance with paragraph (e) below. The cash deposit will be credited against the last month's deliveries, and a reconciliation billing will be made by the Government to the purchaser in accordance with paragraph (c) below.

(c) On every contract with an advance payment or cash deposit there will be a reconciliation billing by the Government after final delivery under the contract. If money is due from the purchaser to the Government, an invoice will be issued to the purchaser (see paragraph (e) below). If money is due from the purchaser, a Treasury check will be issued in accordance with the Treasury Fiscal Requirements Manual.

(d) Invoices may be issued at any time to the purchaser for other monies due and payable under the contract. These would include, but are not limited to, interest due the Government, liquidated damages, amounts owing for any services provided for under the contract, and the difference between the sale price and resale price as defined in the clauses entitled Termination and Other Government remedies, Provision Nos. 26 and 27 respectively.

(e) The Contracting Officer shall determine the amount of any invoice issued and shall provide invoices to the purchaser by U.S. Express Mail, U.S. Mail or telegraphic invoice. A purchaser is deemed to have received a mailed invoice on the second day after its dispatch. Telegraphic invoices are deemed to have been received on the day after dispatch. All invoices payable by the purchaser must be paid in accordance with Provision No. C.22 no later than close of business, local SPR/PMO time, five business days after the purchaser is deemed to have received them.

#### C.21 Billing and payment—with purchaser's letter of credit.

(a) All purchasers not electing a cash deposit shall provide a letter of credit in accordance with Exhibit F. After the evaluation of offers is completed the Contracting Officer shall telephone the tentatively selected offeror and inform it that its offer is apparently successful. The Contracting Officer will inform the offeror that the letter of credit specified in Provision No. C.19(c) must be submitted within the time limit set by the Contracting Officer. This time limit shall be three business days, or such other time as the Contracting Officer may decide. The Contracting Officer may, at his discretion, send a confirming telegram, but the timeliness of the letter of credit is determined by the date of the telephone call.

(b) All costs associated with the letter of credit will be borne by the purchaser. Payment via sight draft against that letter of credit shall be made by wire transfer to the U.S. Treasury Department Account at the Federal Reserve Bank in New York in accordance with the letter of credit.

(c) After delivery of the SPR petroleum, and completion of the form DD250, the SPR/PMO Finance Division, with the approval of the Contracting Officer, shall prepare an invoice for the amount due in accordance with the contract and the DD250. The Contracting Officer shall have sole responsibility for determining the amount of any invoice.

(d) Upon completion of the invoice, the SPR/PMO Finance Division shall prepare a wire message in accordance with the letter of credit and present it to the New Orleans Branch of the Federal Reserve Bank in Atlanta for transmittal over the FEDWIRE system to the bank issuing the letter of credit. The bank shall use the wire transfer procedure specified in the letter of credit to transfer the invoiced funds to the Government.

(e) The SPR/PMO Finance Division shall provide copies of the invoices and the draft to the purchaser and the issuing bank by U.S. Express Mail or U.S. Mail.

(f) In the event that the issuing bank refuses to honor the sight draft against the letter of credit, the purchaser shall be responsible for paying any interest due from the time the wire message is transmitted to the notifying bank.

#### C.22 Method of payments—general.

(a) Notwithstanding any other clause of the contract, the Government may invoice the purchaser at any time for payment of monies due under the contract. If the invoice is for money, the payment of which is delinquent, interest on the money shall accrue from the date of the delinquency and not from the deemed date of receipt by purchaser of the invoice.

(b) All amounts payable by the purchaser in excess of \$1,000.00 shall be by wire transfer as a deposit to the account of the U.S. Treasury through the Federal Reserve Communications System (FRCS), i.e., payments made by wire transfer to a Federal Reserve Bank. Certain information which must be included on each wire transfer is



specified in Exhibit H, Instructions Guide for Funds Transfer.

(c) Payments in amounts less than \$1,000.00 shall be by check made out to the "Treasurer of the United States." Such payments will be sent to the SPR/PMO Finance Division.

(d) The Government may designate another place, different timing, or another method of payment after reasonable notice to the purchaser.

(e) No payment due the Government hereunder shall be subject to reduction or set-off for any claim of any kind against the United States arising independently of the contract.

(f) If a purchaser disagrees with the amounts claimed by the Government to be due from the purchaser on any invoice, the purchaser shall pay immediately the amount billed in the invoice, and notify the Contracting Officer of the basis for his disagreement. Any request for adjustment under this provision must be asserted within 10 days of the date the purchaser is deemed to have received the objectionable invoice; provided, however, that if the Contracting Officer decides that the facts justify such action, he may receive and act upon any such objection asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute, and purchaser shall file a claim promptly in accordance with Provision No. C.36, Disputes.

#### C.23 Currency for payment of contracts.

Payment for all petroleum purchase from the SPR shall be made in U.S. dollars only.

#### C.24 Interest.

All amounts due from and payable by the purchaser or its bank must be paid in accordance with the provision governing such payments. Amounts not paid in accordance with such provisions shall bear interest from the date due until the date payment is received by the Government. Interest shall be computed on a daily basis. The interest rate shall be in accordance with the Current Value of Funds rate as indicated in the Treasury notice published in the *Federal Register*, Vol. 48, No. 17, on January 25, 1983, at page 3443, or as subsequently amended quarterly by the Department of the Treasury in Bulletins to the Treasury Fiscal Requirements Manual and in the *Federal Register*.

#### C.25 Government options if payment is not received.

(a) All amounts due from and payable by the purchaser or by the bank issuing the purchaser's letter of credit must be paid by the deadlines set by the provisions governing them.

(b) If any amount owed to the Government is not paid within the time deadlines specified by the applicable provisions, the Contracting Officer may, at his discretion, take any of the actions listed in (1) thru (5) below. The Contracting Officer may take these steps simultaneously or in any sequence he deems appropriate. The Contracting Officer may, with or without prior notice to the purchaser:

(1) Invoice the purchaser for the amount on which payment is delinquent or provide written notice that payment is delinquent;

(2) Draw against the letter of credit for all amounts due and delinquent;

(3) Apply any advance payment received against the amount due and delinquent;

(4) Withhold all or any part of future deliveries under the contract; and/or

(5) Terminate the contract, in whole or in part, for purchaser default, in accordance with Provision No. C.26, by sending written notice of such default termination to the purchaser.

(c) Any disputes will be settled by the Contracting Officer in accordance with Provision No. C.36, Disputes.

#### C.26 Termination.

(a) Immediate termination:

(1) The Contracting Officer may terminate this contract in whole or in part, without liability of the Government, by written notice to the purchaser effective upon its being deposited in the U.S. Postal System addressed to the purchaser as provided in Provision No. C.34, Notices, in the event that the purchaser either notifies the Contracting Officer that it will not be able to accept, or fails to accept, any delivery line item in accordance with the terms of the contract. Such notice shall invite the purchaser to submit information to the Contracting Officer as to the reasons for the failure to accept the delivery line item in accordance with the terms of the contract.

(2) Within ten business days after the issuance of the notice of termination, the Contracting Officer may determine that such termination was a termination for default under subparagraph (b)(1)(ii), provided that in the absence of information which persuades the Contracting Officer that the purchaser's failure to accept the delivery line item was excusable, the Contracting Officer may base his default determination upon the fact of such failure without having to determine whether such failure was excusable under the terms of the contract. The Contracting Officer shall promptly give the purchaser written notice of such determination.

(3) Any termination other than one determined to be a termination for default in accordance with subparagraph (a)(2) and paragraph (b) shall be a termination for the convenience of the Government.

(b) Termination for Default:

(1) Subject to the provisions of subparagraphs (c)(2) and (c)(3) below, the Contracting Officer may terminate the contract in whole or in part for purchaser default, without liability of the Government, by written notice to the purchaser, effective upon its being deposited in the U.S. Postal System, addressed to the purchaser as provided in Provision No. C.34, in the event that:

(i) The Government does not receive payment in accordance with any payment provision of the contract;

(ii) The purchaser fails to accept delivery of petroleum in accordance with the terms of the contract; or

(iii) The purchaser fails to comply with any other term or condition of the contract within five (5) business days after the purchaser is deemed to have received written notice of such failure from the Contracting Officer.

(2) Except with respect to defaults of subcontractors, the purchaser shall not be determined to be in default or be charged with any liability to the Government under circumstances which prevent the purchaser's acceptance of delivery hereunder due to causes beyond the control and without the fault or negligence of the purchaser as determined by the Contracting Officer. Such causes shall include but are not limited to:

- (i) Acts of God or the public enemy;
- (ii) Acts of the Government of the United States, acting in its sovereign or contractual capacity;
- (iii) Fires, explosions or other catastrophes, or

(iv) Strikes.

(3) If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of the purchaser and its subcontractor, and without the fault or negligence of either of them, the purchaser shall not be determined to be in default or to be liable for any excess costs for failure to perform, unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the purchaser to meet the delivery schedule.

(4) In the event that the contract is terminated in whole or in part for default, the purchaser shall be liable to the Government for:

- (i) The difference between the contract price on the contract termination date and any lesser price the Contracting Officer obtained upon sale of the petroleum; and
- (ii) Liquidated damages as specified in Provision No. C.28 and paragraph (5) below.

(5) In the event that the Government exercises its right of termination for default as provided in this paragraph (b), then the purchaser shall be liable to the Government for liquidated damages in an amount as set forth in Provision No. C.28, as fixed, agreed, liquidated damages. Liquidated damages will be collected for each calendar day of delay or fraction thereof from the delivery date set forth in the line item contracted for until such time as another purchaser lifts that particular delivery line item. If that delivery line item is not resold, liquidated damages will run until the Government makes its first delivery under a contract awarded in response to the next NS issued after the defaulted contract's delivery date. In no event shall liquidated damages be assessed for more than 30 days.

(6) In the event that the Government exercises its right of termination for default, and it is later determined that the purchaser's failure to perform was excused in accordance with subparagraphs (2) and (3), the rights and obligations of the parties shall be the same as if such termination was a termination for convenience under paragraph (c).

(c) Termination for convenience:

(1) The sale of petroleum hereunder may, without liability of the Government, be decreased by more than 15 percent or terminated in whole or in part by the Government whenever the Secretary or his designee, at his discretion, determines that the current rate of sale from the SPR should be decreased or terminated.



(2) In addition to any other right or remedy provided for in the contract, the Government may terminate this contract at any time in whole or in part, without liability to the Government, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government.

(3) The purchaser will be given immediate written notice of any decrease of greater than 15 percent, or of termination, under this paragraph (c). The termination or reduction shall be effective upon its being deposited in the U.S. Postal System unless otherwise specified in the notice. The purchaser is deemed to have received a mailed notice on the second day after its dispatch. A telegraphic notice is deemed to be received on the day after dispatch.

(4) Termination for the convenience of the Government shall not excuse the purchaser from liquidated damages accruing prior to the effective date of the termination.

(d) Nothing herein contained shall limit the Government in the enforcement of any legal or equitable remedy which it might otherwise have, and a waiver of any particular cause for termination shall not prevent termination for the same cause occurring at any other time or for any other cause.

(e) In the event that the Government exercises its right of termination, as provided in paragraphs (a), (b), or (c)(2) above, the Contracting Officer may sell, upon such terms and conditions as he deems appropriate, any undelivered petroleum.

(f) The Government's ability to deliver petroleum under another contract on the date which the defaulted purchaser was scheduled to accept delivery, shall not excuse a purchaser that has been defaulted for failure to perform in accordance with the contract, from either liquidated damages or the difference between the contract price and any lesser price obtained on resale.

(g) Any disagreement with respect to the amount due the Government for either resale costs or liquidated damages shall be deemed to be a dispute and will be decided by the Contracting Officer pursuant to Provision No. C.36, Disputes.

(h) As used in the Provision No. C.26, the term "subcontractor" or "subcontractors" includes subcontractors at any tier.

#### C.27 Other Government remedies.

(a) The Government's rights under this provision are in addition to any other right or remedy available to it in law or by virtue of this contract.

(b) The Government may, without liability on its part, withhold deliveries hereunder if payment is not made in accordance with this contract.

(c) If the purchaser fails to take delivery of a delivery line item in accordance with the terms of the contract, but the Government does not elect to terminate that item for default under Provision No. C.26, the purchaser nonetheless shall be liable to the Government for liquidated damages in the amount set forth in Provision No. C.28 as fixed, agreed and liquidated damages for each calendar day of delay or fraction thereof until such time as it accepts delivery of the petroleum, or until the delivery line item is terminated for the convenience of the

Government, whichever occurs sooner. In no event shall such damages be assessed for longer than 30 days. No purchaser that fails to perform in accordance with the terms of the contract shall be excused from liability for liquidated damages in the event that the Government is able to deliver petroleum under another contract on the date which the non-performing purchaser was scheduled to accept delivery.

#### C.28 Liquidated damages.

(a) In case of failure on the part of the purchaser to perform within the time fixed in the contract or any extension thereof, the purchaser shall pay the Government liquidated damages in the amount of one percent (1%) of the contract price of the undelivered petroleum per calendar day of delay or fraction thereof (see paragraph (g) of Provision No. C.26, Termination for purchaser default, and paragraph (c) of Provision No. C.27, Other Government remedies).

(b) As provided in (a) above, liquidated damages will be assessed for each day or fraction thereof a purchaser is late in performing in accordance with the contract with respect to the delivery of petroleum sold under this contract, unless such tardiness is excused under the terms of this contract. For petroleum to be lifted by ocean vessel, damages will be assessed in the event that the tanker vessel has not commenced loading by 11:59 p.m. on the last day of the firm, agreed upon delivery window, unless the tanker has arrived at the roads and the tanker's Master has presented a notice of readiness to the Government or its agents prior to 6:00 p.m. of the last day of the firm, agreed upon delivery window. In the event that the vessel is tendered for loading after 6:00 p.m. on the last day of the delivery window, the Government shall use its best efforts to have the vessel loaded as soon as possible in its proper turn with other vessels under the circumstances prevailing at the time. However, purchasers are warned that except in the case of the DOE St. James Facility, loading arrangements must be made with privately owned docks and terminals in accordance with port manuals or other applicable documents, and the Government's authority to reschedule loading times accordingly may be limited to those facilities. Presentation of the notice of readiness after 6:00 p.m. of the last day of the firm, agreed upon delivery window by a vessel arriving late does not stop the assessment of liquidated damages, which shall continue until loading of the vessel is complete.

(c) Any disagreement with respect to the amount of liquidated damages due the Government will be deemed to be a dispute and will be decided by the Contracting Officer pursuant to Provision No. C.36, Disputes.

#### C.29 Failure to perform SPR contracts.

In addition to the usual debarment procedures, 10 CFR 625.3, provides that:

(a) In addition to any remedies available to the Government under the Contract of Sale, in the event that a purchaser fails to perform in accordance with applicable SPR petroleum sale contractual provisions, and such failure is not excused by those provisions, the

[Headquarters Senior Procurement Official] or his designee, at his discretion, may make such purchaser ineligible for future awards of SPR petroleum sales contracts.

(b) No purchaser shall be made ineligible for the award of any SPR sales contract prior to notice and opportunity to respond in accordance with the requirements of this subsection.

(1) Upon the determination that a purchaser is to be considered for ineligibility, the purchaser shall be sent by certified mail return receipt requested, the following:

(i) Notification that the [Headquarters Senior Procurement Official], is considering making the purchaser ineligible for future awards;

(ii) Identification of the SPR sales contract which the purchaser failed to comply with, along with a brief description of the events and circumstances relating to such failure;

(iii) Advice that the Purchaser may submit in writing for consideration by the [Headquarters Senior Procurement Official], in determining whether or not to impose ineligibility on the purchaser, any information or argument in opposition to the ineligibility; and

(iv) Advice that such information or argument in opposition to the ineligibility must be submitted within a certain time in order to be considered by the [Headquarters Senior Procurement Official], such time to be not less than 21 days.

(2) After the elapse of the time period established under subsection (1) for receipt of the purchaser's response, the [Headquarters Senior Procurement Official] at his discretion, and after consideration of the purchaser's written response, if any, may make the purchaser ineligible for future award of SPR petroleum sales contracts. Such ineligibility shall continue for the time period determined by the [Headquarters Senior Procurement Official] as appropriate under the circumstances.

(3) The purchaser shall be notified of the [Headquarters Senior Procurement Official's] decision.

(c) Any purchaser who has been excluded from participating in any SPR sale under (a) may request that the [Headquarters Senior Procurement Official] reconsider the purchaser's ineligibility. The [Headquarters Senior Procurement Official] at his discretion, may reinstate any such purchaser to eligibility for future competitive sales.

#### C.30 Reserved.

#### C.31 Limitation of Government Liability.

The Government's obligation under these SSPs and any resultant contract is to use its best efforts to perform in accordance therewith. The Government under no circumstances shall be liable thereunder to the purchaser for the conduct of its contractors or subcontractors or for indirect, consequential, or special damages arising from its conduct; neither shall the Government be liable thereunder to the purchaser for any damages due in whole or in part to causes beyond the control and without the fault or negligence of the Government, including but not restricted to, Acts of God or public enemy, acts of the



Government acting in its sovereign capacity, fires, floods, earthquakes, explosions, or other catastrophes or strikes.

**C.32 Government options in case of impossibility of performance.**

In the event that the Government is unable to deliver petroleum contracted for to the purchaser due either to events beyond the control of the Government, or to acts of the Government, its agents or its contractors or subcontractors at any tier, the Government at its option may offer different SPR crudes or delivery times to the purchaser in substitute for the deliveryline items included in the contracts. In the event that different SPR petroleum than originally contracted for is offered to the purchaser, the contract price will be as actually agreed to by the parties but in no event shall this price if used, be lower than the minimum acceptable price if used, in the most recent NS. The Government's obligation in such circumstances is to use its best efforts, and the Government under no circumstances shall be liable of the purchaser for damages arising from its failure to offer alternate SPR petroleum of delivery times.

**C.33 Purchaser's responsibility.**

The Government shall provide, at no cost to the purchaser, transportation by pipeline from the SPR storage sites to the supporting terminal facility specified in the master line item and, for tanker vessel loadings, a safe berth and loading facilities sufficient to deliver petroleum to the vessel's permanent hose connection. The purchaser agrees to assume responsibility for, to pay for, and to hold the Government harmless for any other costs associated with terminal, port, vessel and pipeline services necessary to receive and transport the oil, including but not limited to ship or port demurrage, tank storage charges and port charges incurred in the transportation of SPR petroleum sold under a contract incorporating this provision. The purchaser also agrees to assume responsibility for, to pay for and to hold the Government harmless for any liability, including consequential or other damages, incurred or occasioned by the purchaser, its agent, subcontractor at any tier, assignee or any subsequent purchaser, in connection with movement of oil sold under a contract incorporating this provision.

**C.34 Notices**

(a) Any notices required to be given by one party to the contract to the other shall be in writing, and shall be forwarded to the addressee, prepaid, by U.S. mail or telegram. Each party shall give the other written notice of any change of address.

(b) Notices to the purchaser shall be forwarded to the purchaser's address as it appears in the offer and in the contract.

(c) Notices to the Contracting Officer shall be forwarded to the following address:

U.S. Department of Energy, Strategic Petroleum Reserve, Project Management Office, Procurement Division, Mail Stop EP No. 5501, 900 Commerce Road East, New Orleans, Louisiana 70123

**C.35 SPR/PMO representative for contract administration.**

The SPR/PMO representative for each sale and the representative's telephone number will be provided in the NS. After award of a contract, the SPS/PMO representative for each contract and the representative's telephone number will be provided in the NA.

**C.36 Disputes.**

(a) This contract is subject to the Contract Disputes Act of 1978 (41 U.S.C. Section 601 *et seq.*). If a dispute arises relating to the contract, the purchaser may submit a claim to the Contracting Officer, who shall issue a written decision on the dispute in the manner specified in 41 CFR 1-1-318.1.

(b) "Claim" means:

(1) A written request submitted to the Contracting Officer;

(2) For payment of money, adjustment of contract terms, or other relief;

(3) Which is in dispute or remains unresolved after a reasonable time for its review and disposition by the Government; and

(4) For which a Contracting Officer's decision is demanded.

(c) In the case of dispute requests or amendments to such requests for payment exceeding \$5,000, the purchaser shall certify at the time of submission as a claim, as follows:

I certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of my knowledge and belief and that the amount requested accurately reflects the contract adjustment for which the purchaser believes the Government is liable.

Purchaser's Name \_\_\_\_\_  
Signature \_\_\_\_\_  
Title \_\_\_\_\_

(d) The Government shall pay the purchaser interest:

(1) On the amount found due to the purchaser on claims submitted under this clause;

(2) At the rates fixed by the Secretary of the Treasury;

(3) From the date the amount is due until the Government makes payment.

(e) The purchaser shall pay the Government interest:

(1) On the amount found due to the Government and unpaid on claims submitted under this clause;

(2) At the rates fixed by the Department of Energy for the payment of interest on past due accounts;

(3) From the date the amount is due until the purchaser makes payment.

(f) The decision of the Contracting Officer shall be final and conclusive and shall not be subject to review by any forum, tribunal, or Government agency, unless an appeal or action is commenced within the times specified by the Contract Disputes Act of 1978.

(g) The purchaser shall comply with any decision of the Contracting Officer and at the direction of the Contracting Officer shall proceed diligently with performance of this contract pending final resolution of any request for relief, claim, appeal, or action related to this contract.

**C.37 Assignment.**

The purchaser shall not make or attempt to make any assignment of a contract which incorporates these SSPs or any interest therein contrary to the provisions of Federal law, including the Anti-Assignment Act (41 U.S.C. Section 15), which provides:

No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

**C.38 Order of precedence.**

In the event of an inconsistency between the terms of the various parts of this contract, the inconsistency shall be resolved by giving precedence in the following order:

(a) Written amendments to the contract concerning scheduling instructions issued by the Government to the purchaser;

(b) The NA;

(c) The NS;

(d) Those provisions of the SSPs (as published in the Federal Register) made applicable to the contract by the NS; and

(e) The successful offer.

**C.39 Gratuities.**

(a) The Government, by written notice to the purchaser, may terminate the right of the purchaser to proceed under this contract if it is found, after notice and hearing, by the Secretary of his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered by or given by the purchaser, or any agent or representative of the purchaser, to any officer or employee of the Government, with a view toward securing a contract or securing favorable treatment with respect to the awarding, amending, or making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the Secretary or his duly authorized representative makes such findings shall be in issue and may be reviewed in any competent court.

(b) In the event that this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (1) to pursue the same remedies against the purchaser as it could pursue in the event of a breach of the contract by purchaser, and (2) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Secretary or his duly authorized representative) which shall not be less than three nor more than ten times the cost incurred by the purchaser in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.



**C.40 Officials not to benefit.**

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to

this contract if made with a corporation for its general benefit.

**C.41 Reserved.****Exhibits**

- A—Schedule Line Items  
B—Sample Notice of Sale

- C—Offeror Transportation Plan  
D—SPR Crude Oil Characteristics and Delivery Point Data  
E—Sample Offeror Response Sheet  
F—Letter of Credit—Required Form  
G—Information for Statistical Purposes  
H—Instructions Guide for Funds Transfer  
I—DD Form 250 and DD Form 250-1

**EXHIBIT A****SCHEDULE OF LINE ITEMS**

| Item No.                                    | Description of supplies   | Quantity | Unit | Unit price | Amount |
|---|---------------------------|----------|------|------------|--------|
| Master line item No. 001                    |                           |          |      |            |        |
| Seaway Sweet (see Exhibit D)                |                           |          |      |            |        |
| Delivery point: Freeway, TX—Seaway Terminal |                           |          |      |            |        |
| Delivery method: Common carrier pipeline    |                           |          |      |            |        |
| Delivery line items are as follows:         |                           |          |      |            |        |
| 001A  | Delivery on 1st of month  |          | Bbls | \$         | \$     |
| 001B  | Delivery on 2d of month   |          | Bbls | \$         | \$     |
| 001C  | Delivery on 3d of month   |          | Bbls | \$         | \$     |
| 001D  | Delivery on 4th of month  |          | Bbls | \$         | \$     |
| 001E  | Delivery on 5th of month  |          | Bbls | \$         | \$     |
| 001F  | Delivery on 6th of month  |          | Bbls | \$         | \$     |
| 001G  | Delivery on 7th of month  |          | Bbls | \$         | \$     |
| 001H  | Delivery on 8th of month  |          | Bbls | \$         | \$     |
| 001J  | Delivery on 9th of month  |          | Bbls | \$         | \$     |
| 001K  | Delivery on 10th of month |          | Bbls | \$         | \$     |
| 001L  | Delivery on 11th of month |          | Bbls | \$         | \$     |
| 001M  | Delivery on 12th of month |          | Bbls | \$         | \$     |
| 001N  | Delivery on 13th of month |          | Bbls | \$         | \$     |
| 001P  | Delivery on 14th of month |          | Bbls | \$         | \$     |
| 001Q  | Delivery on 15th of month |          | Bbls | \$         | \$     |
| 001R  | Delivery on 16th of month |          | Bbls | \$         | \$     |
| 001S  | Delivery on 17th of month |          | Bbls | \$         | \$     |
| 001T  | Delivery on 18th of month |          | Bbls | \$         | \$     |
| 001U  | Delivery on 19th of month |          | Bbls | \$         | \$     |
| 001V  | Delivery on 20th of month |          | Bbls | \$         | \$     |
| 001W  | Delivery on 21st of month |          | Bbls | \$         | \$     |
| 001X  | Delivery on 22d of month  |          | Bbls | \$         | \$     |
| 001Y  | Delivery on 23d of month  |          | Bbls | \$         | \$     |
| 001Z  | Delivery on 24th of month |          | Bbls | \$         | \$     |
| 001AA                                       | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 001BB                                       | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 001CC                                       | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 001DD                                       | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 001EE                                       | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 001FF                                       | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 001GG                                       | Delivery on 31st of month |          | Bbls | \$         | \$     |

**Master line item No. 002**

Seaway Sour (see Exhibit D)

Delivery point: Freeport, TX—Seaway Terminal

Delivery method: Common carrier pipeline

|                                     |                           |  |      |    |    |
|-------------------------------------|---------------------------|--|------|----|----|
| Delivery line items are as follows: |                           |  |      |    |    |
| 002A                                | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 002B                                | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 002C                                | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 002D                                | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 002E                                | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 002F                                | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 002G                                | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 002H                                | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 002J                                | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 002K                                | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 002L                                | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 002M                                | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 002N                                | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 002P                                | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 002Q                                | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 002R                                | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 002S                                | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 002T                                | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 002U                                | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 002V                                | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 002W                                | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 002X                                | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 002Y                                | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 002Z                                | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 002AA                               | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 002BB                               | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 002CC                               | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 002DD                               | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 002EE                               | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 002FF                               | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 002GG                               | Delivery on 31st of month |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No.                                     | Description of supplies   | Quantity | Unit | Unit price | Amount |
|--|---------------------------|----------|------|------------|--------|
| Master line item No. 003                     |                           |          |      |            |        |
| Mays (see Exhibit D)                         |                           |          |      |            |        |
| Delivery point: Freeport, TX—Seaway Terminal |                           |          |      |            |        |
| Delivery method: Common carrier pipeline     |                           |          |      |            |        |
| Delivery line items are as follows:          |                           |          |      |            |        |
| 003A   | Delivery on 1st of month  |          | Bbls | \$         | \$     |
| 003B   | Delivery on 2d of month   |          | Bbls | \$         | \$     |
| 003C   | Delivery on 3d of month   |          | Bbls | \$         | \$     |
| 003D   | Delivery on 4th of month  |          | Bbls | \$         | \$     |
| 003E   | Delivery on 5th of month  |          | Bbls | \$         | \$     |
| 003F   | Delivery on 6th of month  |          | Bbls | \$         | \$     |
| 003G   | Delivery on 7th of month  |          | Bbls | \$         | \$     |
| 003H   | Delivery on 8th of month  |          | Bbls | \$         | \$     |
| 003J   | Delivery on 9th of month  |          | Bbls | \$         | \$     |
| 003K   | Delivery on 10th of month |          | Bbls | \$         | \$     |
| 003L   | Delivery on 11th of month |          | Bbls | \$         | \$     |
| 003M   | Delivery on 12th of month |          | Bbls | \$         | \$     |
| 003N   | Delivery on 13th of month |          | Bbls | \$         | \$     |
| 003P   | Delivery on 14th of month |          | Bbls | \$         | \$     |
| 003Q   | Delivery on 15th of month |          | Bbls | \$         | \$     |
| 003R   | Delivery on 16th of month |          | Bbls | \$         | \$     |
| 003S   | Delivery on 17th of month |          | Bbls | \$         | \$     |
| 003T   | Delivery on 18th of month |          | Bbls | \$         | \$     |
| 003U   | Delivery on 19th of month |          | Bbls | \$         | \$     |
| 003V   | Delivery on 20th of month |          | Bbls | \$         | \$     |
| 003W   | Delivery on 21st of month |          | Bbls | \$         | \$     |
| 003X   | Delivery on 22nd of month |          | Bbls | \$         | \$     |
| 003Y   | Delivery on 23rd of month |          | Bbls | \$         | \$     |
| 003Z   | Delivery on 24th of month |          | Bbls | \$         | \$     |
| 003AA  | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 003BB  | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 003CC  | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 003DD  | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 003EE  | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 003FF  | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 003GG  | Delivery on 31st of month |          | Bbls | \$         | \$     |

Master line item No. 004  
 Texoma Sweet (see Exhibit D)  
 Delivery point: Nederland, TX—Sunoco Terminal  
 Delivery method: Common carrier pipeline

|                                     |                           |  |      |    |    |
|-------------------------------------|---------------------------|--|------|----|----|
| Delivery line items are as follows: |                           |  |      |    |    |
| 004A                                | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 004B                                | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 004C                                | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 004D                                | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 004E                                | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 004F                                | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 004G                                | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 004H                                | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 004J                                | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 004K                                | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 004L                                | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 004M                                | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 004N                                | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 004P                                | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 004Q                                | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 004R                                | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 004S                                | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 004T                                | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 004U                                | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 004V                                | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 004W                                | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 004X                                | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 004Y                                | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 004Z                                | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 004AA                               | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 004BB                               | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 004CC                               | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 004DD                               | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 004EE                               | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 004FF                               | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 004GG                               | Delivery on 31st of month |  | Bbls | \$ | \$ |

Master line item No. 005  
 Texoma Sour (see Exhibit D)  
 Delivery point: Nederland, TX—Sunoco Terminal  
 Delivery method: Common carrier pipeline

|                                     |                          |  |      |    |    |
|-------------------------------------|--------------------------|--|------|----|----|
| Delivery line items are as follows: |                          |  |      |    |    |
| 005A                                | Delivery on 1st of month |  | Bbls | \$ | \$ |
| 005B                                | Delivery on 2d of month  |  | Bbls | \$ | \$ |
| 005C                                | Delivery on 3d of month  |  | Bbls | \$ | \$ |
| 005D                                | Delivery on 4th of month |  | Bbls | \$ | \$ |
| 005E                                | Delivery on 5th of month |  | Bbls | \$ | \$ |
| 005F                                | Delivery on 6th of month |  | Bbls | \$ | \$ |
| 005G                                | Delivery on 7th of month |  | Bbls | \$ | \$ |
| 005H                                | Delivery on 8th of month |  | Bbls | \$ | \$ |
| 005J                                | Delivery on 9th of month |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No. | Description of supplies   | Quantity | Unit | Unit price | Amount |
|----------|---------------------------|----------|------|------------|--------|
| 005K     | Delivery on 10th of month |          | Bbls | \$         | \$     |
| 005L     | Delivery on 11th of month |          | Bbls | \$         | \$     |
| 005M     | Delivery on 12th of month |          | Bbls | \$         | \$     |
| 005N     | Delivery on 13th of month |          | Bbls | \$         | \$     |
| 005P     | Delivery on 14th of month |          | Bbls | \$         | \$     |
| 005Q     | Delivery on 15th of month |          | Bbls | \$         | \$     |
| 005R     | Delivery on 16th of month |          | Bbls | \$         | \$     |
| 005S     | Delivery on 17th of month |          | Bbls | \$         | \$     |
| 005T     | Delivery on 18th of month |          | Bbls | \$         | \$     |
| 005U     | Delivery on 19th of month |          | Bbls | \$         | \$     |
| 005V     | Delivery on 20th of month |          | Bbls | \$         | \$     |
| 005W     | Delivery on 21st of month |          | Bbls | \$         | \$     |
| 005X     | Delivery on 22d of month  |          | Bbls | \$         | \$     |
| 005Y     | Delivery on 23d of month  |          | Bbls | \$         | \$     |
| 005Z     | Delivery on 24th of month |          | Bbls | \$         | \$     |
| 005AA    | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 005BB    | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 005CC    | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 005DD    | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 005EE    | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 005FF    | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 005GG    | Delivery on 31st of month |          | Bbls | \$         | \$     |

Master line item No. 006

Bayou Choctaw Sweet (see Exhibit D)

Delivery point: St. James LA-LOCAP pipeline terminal

Delivery method: Common carrier pipeline

Delivery line items are as follows:

|       |                           |  |      |    |    |
|-------|---------------------------|--|------|----|----|
| 006A  | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 006B  | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 006C  | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 006D  | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 006E  | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 006F  | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 006G  | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 006H  | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 006J  | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 006K  | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 006L  | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 006M  | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 006N  | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 006P  | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 006Q  | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 006R  | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 006S  | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 006T  | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 006U  | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 006V  | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 006W  | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 006X  | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 006Y  | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 006Z  | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 006AA | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 006BB | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 006CC | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 006DD | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 006EE | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 006FF | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 006GG | Delivery on 31st of month |  | Bbls | \$ | \$ |

Master line item No. 007

Bayou Choctaw Sour (see Exhibit D)

Delivery point: St. James, LA-LOCAP pipeline terminal

Delivery method: Common carrier pipeline

Delivery line items are as follows:

|      |                           |  |      |    |    |
|------|---------------------------|--|------|----|----|
| 007A | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 007B | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 007C | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 007D | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 007E | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 007F | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 007G | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 007H | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 007J | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 007K | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 007L | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 007M | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 007N | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 007P | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 007Q | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 007R | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 007S | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 007T | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 007U | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 007V | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 007W | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 007X | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 007Y | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 007Z | Delivery on 24th of month |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No. | Description of supplies   | Quantity | Unit | Unit price | Amount |
|----------|---------------------------|----------|------|------------|--------|
| 007AA    | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 007BB    | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 007CC    | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 007DD    | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 007EE    | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 007FF    | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 007GG    | Delivery on 31st of month |          | Bbls | \$         | \$     |

Master line item No. 008

Week Island Mix (see Exhibit D)

Delivery point: St. James, LA-LOCAP pipeline terminal

Delivery method: Common carrier pipeline

Delivery line items are as follows:

|       |                           |  |      |    |    |
|-------|---------------------------|--|------|----|----|
| 008A  | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 008B  | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 008C  | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 008D  | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 008E  | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 008F  | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 008G  | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 008H  | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 008J  | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 008K  | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 008L  | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 008M  | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 008N  | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 008P  | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 008Q  | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 008R  | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 008S  | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 008T  | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 008U  | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 008V  | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 008W  | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 008X  | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 008Y  | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 008Z  | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 008AA | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 008BB | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 008CC | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 008DD | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 008EE | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 008FF | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 008GG | Delivery on 31st of month |  | Bbls | \$ | \$ |

Master line item No. 009

Seaway Sweet (see Exhibit D)

Delivery point: Freeport, TX

Delivery method:

(a) Private pipeline—delivered Seaway Terminal

(b) Tanker—delivered at Seaway Docks

Delivery line items are as follows:

|       |                           |  |      |    |    |
|-------|---------------------------|--|------|----|----|
| 009A  | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 009B  | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 009C  | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 009D  | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 009E  | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 009F  | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 009G  | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 009H  | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 009J  | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 009K  | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 009L  | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 009M  | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 009N  | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 009P  | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 009Q  | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 009R  | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 009S  | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 009T  | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 009U  | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 009V  | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 009W  | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 009X  | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 009Y  | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 009Z  | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 009AA | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 009BB | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 009CC | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 009DD | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 009EE | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 009FF | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 009GG | Delivery on 31st of month |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No.  | Description of supplies   | Quantity | Unit | Unit price | Amount |
|---|---------------------------|----------|------|------------|--------|
| Master line item No. 010                          |                           |          |      |            |        |
| Seaway Sour (see Exhibit D)                       |                           |          |      |            |        |
| Delivery point: Freeport, TX                      |                           |          |      |            |        |
| Delivery method:                                  |                           |          |      |            |        |
| (a) Private pipeline—delivered at Seaway Terminal |                           |          |      |            |        |
| (b) Tanker—delivered at Seaway Docks              |                           |          |      |            |        |
| Delivery line items are as follows:               |                           |          |      |            |        |
| 010A  | Delivery on 1st of month  |          | Bbls | \$         | \$     |
| 010B  | Delivery on 2nd of month  |          | Bbls | \$         | \$     |
| 010C  | Delivery on 3rd of month  |          | Bbls | \$         | \$     |
| 010D  | Delivery on 4th of month  |          | Bbls | \$         | \$     |
| 010E  | Delivery on 5th of month  |          | Bbls | \$         | \$     |
| 010F  | Delivery on 6th of month  |          | Bbls | \$         | \$     |
| 010G  | Delivery on 7th of month  |          | Bbls | \$         | \$     |
| 010H  | Delivery on 8th of month  |          | Bbls | \$         | \$     |
| 010J  | Delivery on 9th of month  |          | Bbls | \$         | \$     |
| 010K  | Delivery on 10th of month |          | Bbls | \$         | \$     |
| 010L  | Delivery on 11th of month |          | Bbls | \$         | \$     |
| 010M  | Delivery on 12th of month |          | Bbls | \$         | \$     |
| 010N  | Delivery on 13th of month |          | Bbls | \$         | \$     |
| 010P  | Delivery on 14th of month |          | Bbls | \$         | \$     |
| 010Q  | Delivery on 15th of month |          | Bbls | \$         | \$     |
| 010R  | Delivery on 16th of month |          | Bbls | \$         | \$     |
| 010S  | Delivery on 17th of month |          | Bbls | \$         | \$     |
| 010T  | Delivery on 18th of month |          | Bbls | \$         | \$     |
| 010U  | Delivery on 19th of month |          | Bbls | \$         | \$     |
| 010V  | Delivery on 20th of month |          | Bbls | \$         | \$     |
| 010W  | Delivery on 21st of month |          | Bbls | \$         | \$     |
| 010X  | Delivery on 22d of month  |          | Bbls | \$         | \$     |
| 010Y  | Delivery on 23d of month  |          | Bbls | \$         | \$     |
| 010Z  | Delivery on 24th of month |          | Bbls | \$         | \$     |
| 010AA   | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 010BB   | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 010CC   | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 010DD   | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 010EE   | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 010FF   | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 010GG   | Delivery on 31st of month |          | Bbls | \$         | \$     |

Master line item No. 011  
 Maya (see Exhibit D)  
 Delivery point: Freeport, TX  
 Delivery method:  
 (a) Private pipeline—delivered at Seaway Terminal  
 (b) Tanker—delivered at Seaway Docks

|                                     |                           |  |      |    |    |
|-------------------------------------|---------------------------|--|------|----|----|
| Delivery line items are as follows: |                           |  |      |    |    |
| 011A                                | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 011B                                | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 011C                                | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 011D                                | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 011E                                | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 011F                                | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 011G                                | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 011H                                | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 011J                                | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 011K                                | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 011L                                | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 011M                                | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 011N                                | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 011P                                | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 011Q                                | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 011R                                | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 011S                                | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 011T                                | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 011U                                | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 011V                                | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 011W                                | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 011X                                | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 011Y                                | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 011Z                                | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 011AA                               | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 011BB                               | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 011CC                               | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 011DD                               | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 011EE                               | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 011FF                               | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 011GG                               | Delivery on 31st of month |  | Bbls | \$ | \$ |

Master line item No. 012  
 Texoma Sweet (see Exhibit D)  
 Delivery point: Nederland, TX  
 Delivery method:  
 (a) Private pipeline—delivered at Sunoco Terminal  
 (b) Tanker—delivered at Sunoco Docks

|                                     |                          |  |      |    |    |
|-------------------------------------|--------------------------|--|------|----|----|
| Delivery line items are as follows: |                          |  |      |    |    |
| 012A                                | Delivery on 1st of month |  | Bbls | \$ | \$ |
| 012B                                | Delivery on 2d of month  |  | Bbls | \$ | \$ |
| 012C                                | Delivery on 3d of month  |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No. | Description of supplies   | Quantity | Unit | Unit price | Amount |
|----------|---------------------------|----------|------|------------|--------|
| 012D     | Delivery on 4th of month  |          | Bbls | \$         | \$     |
| 012E     | Delivery on 5th of month  |          | Bbls | \$         | \$     |
| 012F     | Delivery on 6th of month  |          | Bbls | \$         | \$     |
| 012G     | Delivery on 7th of month  |          | Bbls | \$         | \$     |
| 012H     | Delivery on 8th of month  |          | Bbls | \$         | \$     |
| 012J     | Delivery on 9th of month  |          | Bbls | \$         | \$     |
| 012K     | Delivery on 10th of month |          | Bbls | \$         | \$     |
| 012L     | Delivery on 11th of month |          | Bbls | \$         | \$     |
| 012M     | Delivery on 12th of month |          | Bbls | \$         | \$     |
| 012N     | Delivery on 13th of month |          | Bbls | \$         | \$     |
| 012P     | Delivery on 14th of month |          | Bbls | \$         | \$     |
| 012Q     | Delivery on 15th of month |          | Bbls | \$         | \$     |
| 012R     | Delivery on 16th of month |          | Bbls | \$         | \$     |
| 012S     | Delivery on 17th of month |          | Bbls | \$         | \$     |
| 012T     | Delivery on 18th of month |          | Bbls | \$         | \$     |
| 012U     | Delivery on 19th of month |          | Bbls | \$         | \$     |
| 012V     | Delivery on 20th of month |          | Bbls | \$         | \$     |
| 012W     | Delivery on 21st of month |          | Bbls | \$         | \$     |
| 012X     | Delivery on 22d of month  |          | Bbls | \$         | \$     |
| 012Y     | Delivery on 23d of month  |          | Bbls | \$         | \$     |
| 012Z     | Delivery on 24th of month |          | Bbls | \$         | \$     |
| 012AA    | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 012BB    | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 012CC    | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 012DD    | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 012EE    | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 012FF    | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 012GG    | Delivery on 31st of month |          | Bbls | \$         | \$     |

Master line item No. 013

Texoma Sour (see Exhibit D)

Delivery point: Nederland, TX

Delivery method:

(a) Private pipeline—delivered at Sunoco Terminal

(b) Tanker—delivered at Sunoco Docks

Delivery line items are as follows:

|       |                           |  |      |    |    |
|-------|---------------------------|--|------|----|----|
| 013A  | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 013B  | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 013C  | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 013D  | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 013E  | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 013F  | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 013G  | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 013H  | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 013J  | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 013K  | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 013L  | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 013M  | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 013N  | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 013P  | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 013Q  | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 013R  | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 013S  | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 013T  | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 013U  | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 013V  | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 013W  | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 013X  | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 013Y  | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 013Z  | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 013AA | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 013BB | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 013CC | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 013DD | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 013EE | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 013FF | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 013GG | Delivery on 31st of month |  | Bbls | \$ | \$ |

Master line item No. 014

Bayou Choctaw Sweet (see Exhibit D)

Delivery point: St. James, LA

Delivery method:

(a) Private pipeline—delivered at Locap Terminal

(b) Tanker—delivered at DOE St. James Docks

Delivery line items are as follows:

|      |                           |  |      |    |    |
|------|---------------------------|--|------|----|----|
| 014A | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 014B | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 014C | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 014D | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 014E | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 014F | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 014G | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 014H | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 014J | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 014K | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 014L | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 014M | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 014N | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 014P | Delivery on 14th of month |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No. | Description of supplies   | Quantity | Unit | Unit price | Amount |
|----------|---------------------------|----------|------|------------|--------|
| 014Q     | Delivery on 15th of month |          | Bbls | \$         | \$     |
| 014R     | Delivery on 16th of month |          | Bbls | \$         | \$     |
| 014S     | Delivery on 17th of month |          | Bbls | \$         | \$     |
| 014T     | Delivery on 18th of month |          | Bbls | \$         | \$     |
| 014U     | Delivery on 19th of month |          | Bbls | \$         | \$     |
| 014V     | Delivery on 20th of month |          | Bbls | \$         | \$     |
| 014W     | Delivery on 21st of month |          | Bbls | \$         | \$     |
| 014X     | Delivery on 22d of month  |          | Bbls | \$         | \$     |
| 014Y     | Delivery on 23d of month  |          | Bbls | \$         | \$     |
| 014Z     | Delivery on 24th of month |          | Bbls | \$         | \$     |
| 014AA    | Delivery on 25th of month |          | Bbls | \$         | \$     |
| 014BB    | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 014CC    | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 014DD    | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 014EE    | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 014FF    | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 014GG    | Delivery on 31st of month |          | Bbls | \$         | \$     |

Master line item No. 015

Bayou Choctaw Sour (see Exhibit D)

Delivery point: St. James, LA

Delivery method

(a) Private pipeline—delivered at Locap Terminal

(b) Tanker—delivered at DOE St. James Docks

Delivery line items are as follows:

|       |                           |  |      |    |    |
|-------|---------------------------|--|------|----|----|
| 015A  | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 015B  | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 015C  | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 015D  | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 015E  | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 015F  | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 015G  | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 015H  | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 015J  | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 015K  | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 015L  | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 015M  | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 015N  | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 015P  | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 015Q  | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 015R  | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 015S  | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 015T  | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 015U  | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 015V  | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 015W  | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 015X  | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 015Y  | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 015Z  | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 015AA | Delivery on 25th of month |  | Bbls | \$ | \$ |
| 015BB | Delivery on 26th of month |  | Bbls | \$ | \$ |
| 015CC | Delivery on 27th of month |  | Bbls | \$ | \$ |
| 015DD | Delivery on 28th of month |  | Bbls | \$ | \$ |
| 015EE | Delivery on 29th of month |  | Bbls | \$ | \$ |
| 015FF | Delivery on 30th of month |  | Bbls | \$ | \$ |
| 015GG | Delivery on 31st of month |  | Bbls | \$ | \$ |

Master line item No. 016

Wreck Island Mix (see Exhibit D)

Delivery point: St. James, LA

Delivery method

(a) Private pipeline—delivered at LOCAP Terminal

(b) Tanker—delivered at DOE St. James Docks

Delivery line items are as follows:

|       |                           |  |      |    |    |
|-------|---------------------------|--|------|----|----|
| 016A  | Delivery on 1st of month  |  | Bbls | \$ | \$ |
| 016B  | Delivery on 2d of month   |  | Bbls | \$ | \$ |
| 016C  | Delivery on 3d of month   |  | Bbls | \$ | \$ |
| 016D  | Delivery on 4th of month  |  | Bbls | \$ | \$ |
| 016E  | Delivery on 5th of month  |  | Bbls | \$ | \$ |
| 016F  | Delivery on 6th of month  |  | Bbls | \$ | \$ |
| 016G  | Delivery on 7th of month  |  | Bbls | \$ | \$ |
| 016H  | Delivery on 8th of month  |  | Bbls | \$ | \$ |
| 016J  | Delivery on 9th of month  |  | Bbls | \$ | \$ |
| 016K  | Delivery on 10th of month |  | Bbls | \$ | \$ |
| 016L  | Delivery on 11th of month |  | Bbls | \$ | \$ |
| 016M  | Delivery on 12th of month |  | Bbls | \$ | \$ |
| 016N  | Delivery on 13th of month |  | Bbls | \$ | \$ |
| 016P  | Delivery on 14th of month |  | Bbls | \$ | \$ |
| 016Q  | Delivery on 15th of month |  | Bbls | \$ | \$ |
| 016R  | Delivery on 16th of month |  | Bbls | \$ | \$ |
| 016S  | Delivery on 17th of month |  | Bbls | \$ | \$ |
| 016T  | Delivery on 18th of month |  | Bbls | \$ | \$ |
| 016U  | Delivery on 19th of month |  | Bbls | \$ | \$ |
| 016V  | Delivery on 20th of month |  | Bbls | \$ | \$ |
| 016W  | Delivery on 21st of month |  | Bbls | \$ | \$ |
| 016X  | Delivery on 22d of month  |  | Bbls | \$ | \$ |
| 016Y  | Delivery on 23d of month  |  | Bbls | \$ | \$ |
| 016Z  | Delivery on 24th of month |  | Bbls | \$ | \$ |
| 016AA | Delivery on 25th of month |  | Bbls | \$ | \$ |



## EXHIBIT A—Continued

| Item No. | Description of supplies   | Quantity | Unit | Unit price | Amount |
|----------|---------------------------|----------|------|------------|--------|
| 016BB    | Delivery on 26th of month |          | Bbls | \$         | \$     |
| 016CC    | Delivery on 27th of month |          | Bbls | \$         | \$     |
| 016DD    | Delivery on 28th of month |          | Bbls | \$         | \$     |
| 016EE    | Delivery on 29th of month |          | Bbls | \$         | \$     |
| 016FF    | Delivery on 30th of month |          | Bbls | \$         | \$     |
| 016GG    | Delivery on 31st of month |          | Bbls | \$         | \$     |

Note that the letters "I" and "O" are not used in numbering the delivery line items.

### Exhibit B—Telegraphic Notice of Sale (NS) (Sample)

(If the NS is sent by telegram, it could look substantially as shown below. If the NS is sent by mail, a Standard Form 33 will be included as a cover sheet.)

1. NS NO. DE-NS96-83P010001 IS ISSUED (date) FOR SALE OF STRATEGIC PETROLEUM RESERVE (SPR) CRUDE OIL. ALL REFERENCES TO "PROVISION NO." REFER TO THE STANDARD SALES PROVISIONS (SSPS) PUBLISHED IN THE FEDERAL REGISTER (date). ALL PROVISIONS ARE APPLICABLE TO THIS SALE EXCEPT THAT PROVISION NO(S). (give number or numbers) ARE CHANGED TO READ: (give changes). ADDITIONAL PROVISIONS ARE HEREBY ADDED (give new numbers which do not duplicate others in SSPs) WHICH READ (give text).

2. OFFERS AND OFFER GUARANTEES MUST BE RECEIVED BY 12 NOON LOCAL TIME ON (date) AT ADDRESSES FOR MAILED AND HANDCARRIED OFFERS GIVEN IN SSPs.

(or)

2. OFFERS AND OFFER GUARANTEES MUST BE RECEIVED BY 12 NOON LOCAL TIME ON (date) AT (address) FOR MAILED BIDS AND (address) FOR HAND CARRIED BIDS.

3. PUBLIC OPENING OF OFFERS WILL BE 1 P.M. LOCAL TIME, ROOM 333, (address). OFFERORS' REPRESENTATIVES ARE ENCOURAGED TO ATTEND.

4. SUBMIT TRANSPORTATION ARRANGEMENTS AS REQUIRED BY SSPs.

5. REPRESENTATIONS AND CERTIFICATIONS OF EXHIBIT G OF SSPs (ARE) (ARE NOT) REQUIRED.

(or)

5. ONLY REPRESENTATIONS NOS. (give numbers) OF EXHIBIT G OF SSPs ARE REQUIRED.

6. DIRECT QUESTIONS REGARDING NS TO (name of individual), TELEPHONE (504) 734-4220. COLLECT CALLS WILL NOT BE ACCEPTED.

7. QUALITY DIFFERENTIALS GIVEN PROV. NO. C. 7 IN SSPs NOT, REPEAT, NOT VALID. SUBSTITUTE PLUS OR MINUS \_\_\_\_\_ CENTS PER BBL.

8. MINIMUM ACCEPTABLE PRICES FOR OFFERED CRUDES ARE: BAYOU CHOCTAW SWEET, TEXOMA SWEET, AND SEAWAY SWEET \_\_\_\_\_ DOLLARS (\$ ) PER BBL; BAYOU CHOCTAW SOUR, \_\_\_\_\_ DOLLARS (\$ ) PER BBL; MAYA, \_\_\_\_\_ DOLLARS (\$ ) PER BBL; WEEKS ISLAND MIX, TEXOMA SOUR, AND SEAWAY SOUR NOT OFFERED THIS SALE.

9. COMMON CARRIER AND PRIVATELY OWNED PIPELINE PICKUP WINDOW IS PLUS OR MINUS FIVE DAYS. TANKER AND BARGE PICKUP WINDOW IS PLUS OR MINUS ONE DAY.

10. LINE ITEM NUMBERS GIVEN HEREIN REFER TO THOSE CITED IN PROVISION NO. C.5 AND ATTACHED AS EXHIBIT A OF SSPs. THE SPECIFICS FOR LINE ITEMS ARE GIVEN IN EXHIBIT A. QUANTITIES FOR LINE ITEMS ARE GIVEN BELOW:

QUANTITIES OFFERED THIS SALE ARE: LI 001A, TWO HUNDRED THOUSAND BARRELS; LI 001D, ONE HUNDRED THOUSAND BARRELS; LI 001U, TWO HUNDRED THOUSAND BARRELS; LI 002C, ONE HUNDRED THOUSAND BARRELS; LI 002J, NINETY THOUSAND BARRELS; LI 002X, SIXTY THOUSAND BARRELS; LI 004P, TWO HUNDRED THOUSAND BARRELS; LI 004GG, TWO HUNDRED THOUSAND BARRELS; LI 0011M, THREE HUNDRED THOUSAND BARRELS; ETC.

### Exhibit C

#### OFFEROR TRANSPORTATION PLAN

(check all applicable items and provide all requested information)

Name of Offeror: \_\_\_\_\_

\_\_\_\_\_ This is the transportation plan required to be submitted by the apparently successful offeror on delivery line item number \_\_\_\_\_.

The destination of this petroleum is: (Give geographical destination and identify facility which is to receive the shipment.)

\_\_\_\_\_ Shipment of this petroleum from the delivery point to its destination will be by \_\_\_\_\_ common carrier, \_\_\_\_\_ noncommon carrier pipeline. The identity of the pipeline(s) and the status of arrangements for the shipment of the delivery line item, through the pipeline(s) in accordance with the Notice of Sale, are as follows:

\_\_\_\_\_ Shipment of this petroleum from the delivery point to its destination will be by \_\_\_\_\_ tanker, \_\_\_\_\_ barge. The identity and basic characteristics of the vessel(s), and the status of arrangements for shipment of the delivery line item by the vessel(s) in accordance with the Notice of Sale, are as follows:

\_\_\_\_\_ The destination of the petroleum is a point within the United States for purposes of the Jones Act, 46 U.S.C. Section 883, and:

\_\_\_\_\_ the petroleum will be shipped by United States flag vessel(s) in accordance with that Act;

\_\_\_\_\_ the requirements of that Act have been or are being waived, as follows:

\_\_\_\_\_ The destination of the petroleum is outside the United States, its territories and possessions, but export of the delivery line item will be in accordance with applicable law, for the following reasons:

Documentation available in support of the above information will be provided with the submission of the transportation plan.

### EXHIBIT D

#### SPR CRUDE OIL CHARACTERISTICS, ST. JAMES, LA

| Characteristics                                      | Weeks Island Mix                           | Bayou Choctaw Sweet                            | Bayou Choctaw Sour                                |
|--|--|--|---|
| API gravity  | 29.0 ± 1                                   | 36.5 ± 1                                       | 33.0 ± 1  |
| Total Sulfur, wt. %, max                             | 1.44                                       | 0.5  | 2.0   |
| Pour Point, °F, max                                  | 5  | 50   | 50  |
| Viscosity, SUS@ 100°F, max                           | 72   | 75   | 75  |
| Total Nitrogen, wt. %, max                           | 0.196                                      | TBD  | TBD   |
| Carbon Residue, wt. %, max                           | 5.29                                       | TBD  | TBD   |
| Reid vapor pressure, max                             | 5.2  | 11   | 11  |
| Total Acid Number, max                               | 0.11                                       | 0.40   | 0.40  |
| Water and Sediment, vol. %, max                      | 1.0  | 1.0  | 1.0   |
| Crude Oils Comprising Stream* (percentage of stream) | Alaskan North Slope (43%)<br>Isthmus (21%) | Ninian (39%)<br>EsSider (27%)<br>Forties (15%) | Isthmus (45%)<br>Iranian Light (33%)<br>Maya (9%) |



## EXHIBIT D—Continued

| Characteristics | Weeks Island Mix        | Bayou Choctaw Sweet | Bayou Choctaw Sour      |
|-----------------|-------------------------|---------------------|-------------------------|
|                 | Gulf of Suez Blend (6%) | Brent (6%)          | Gulf of Suez Blend (3%) |
|                 | Maya (6%)               | Zarzafine (3%)      | Dubai (Fateh) (3%)      |
|                 | Dubai (Fateh) (5%)      | Kole (3%)           | Iranian Heavy (3%)      |
|                 | Abrabian Light (4%)     | Sirtica (3%)        | Arabian Light (2%)      |
|                 | Oman (4%)               | Loreto (2%)         | Oriente (1%)            |
|                 | Mandji (3%)             |                     | Lagomedio (1%)          |
|                 | Iranian Light (3%)      |                     |                         |
|                 | Oriente (2%)            |                     |                         |
|                 | Flotta (1%)             |                     |                         |
|                 | Iranian Heavy (1%)      |                     |                         |
|                 | Qatar Marine (1%)       |                     |                         |

TBD—To be determined.

\*As of December 31, 1982. Subject to change.

## SPR Crude Oil Characteristics—Nederland, TX

| Characteristics                                      | Texoma Sweet   | Texoma Sour   |
|--|--|---|
| API Gravity  | 36.5 ± 1   | 33.0 ± 1  |
| Total Sulfur, wt. %, max                             | 0.41   | 1.93  |
| Pour Point, °F, max                                  | 30   | 5   |
| Viscosity, SUS@ 100°F, max                           | 40   | 56  |
| Total Nitrogen, wt. %, max                           | 0.117  | 0.149   |
| Carbon Residue, wt. %, max                           | 2.44   | TBD   |
| Raid vapor pressure, max                             | 7.0  | 11  |
| Total Acid Number, max                               | 0.19   | 0.40  |
| Water and Sediment, vol. %, max                      | 1.0  | 1.0   |
| Crude Oils Comprising Stream* (percentage of stream) | Brent (22%)<br>Bonny Light (17%)<br>Es Sider (16%)<br>Ninian (10%)<br>Forties (8%)<br>Zuetina (5%)<br>Forcados (5%)<br>West Texas Intermediate (5%)<br>Sirtica (4%)<br>Saharan Blend (4%)<br>Kole (4%) | Isthmus (42%)<br>Arabian Light (26%)<br>Iranian Light (11%)<br>Dubai (Fateh) (10%)<br>Oriente (3%)<br>West Texas Blend (3%)<br>Iranian Heavy (2%)<br>Lagomedio (1%)<br>Flotta (1%)<br>Gulf of Suez Blend (1%) |

TBD—To be determined.

\*As of December 31, 1982. Subject to change.

## SPR Crude Oil Characteristics Freeport, TX

| Characteristics                                      | Seaway Sweet   | Seaway Sour   | Maya        |
|--|--|---|-------------|
| API Gravity  | 36.0 ± 1   | 33.0 ± 1  | 22.3        |
| Total Sulfur, wt. %, max                             | 0.37   | 2.0   | 3.69        |
| Pour Point, °F, max                                  | 40   | 50  | 5           |
| Viscosity, SUS@ 100°F, max                           | 48   | 75  | 313         |
| Total Nitrogen, wt. %, max                           | 0.117  | TBD   | TBD         |
| Carbon Residue, wt. %, max                           | TBD  | TBD   | TBD         |
| Raid vapor pressure, max                             | 11   | 11  | 11          |
| Total Acid Number, max                               | 0.40   | 0.40  | 0.40        |
| Water and Sediment, vol. %, max                      | 1.0  | 1.0   | 1.0         |
| Crude Oils Comprising Stream* (percentage of stream) | Forties (47%)<br>Ninian (21%)<br>Es Sider (17%)<br>Bonny Light (4%)<br>Sirtica (3%)<br>Ekofisk (3%)<br>Forcados (2%)<br>Brent (1%)<br>Saharan Blend (1%)<br>Zarzafine (1%) | Isthmus (64%)<br>Arabian Light (10%)<br>Dubai (Fateh) (9%)<br>Gulf of Suez Blend (8%)<br>Iranian Light (6%)<br>Oriente (3%) | Maya (100%) |

TBD—To be determined.

\*As of December 31, 1982. Subject to change.

## DELIVERY POINT DATA

| Terminal                    | Seaway Terminal, Freeport, Texas  | Sunoco Terminal, Inc., Nederland, Texas   | DQE St. James Terminal, St. James, Louisiana   |
|-----------------------------|---|---|--|
| Delivery points:            | (1) Seaway pipeline marine dock facility<br>(2) Jones Creek tank farm (Seaway pipeline) | (1) Sunoco terminal marine dock facility<br>(2) Sunoco terminal (Texoma or local pipelines) | (1) St. James terminal marine dock facility<br>(2) Locap terminal (Capline or local pipelines) |
| Marine dock facility, data: |   |   |  |
| (A)                         |   |   |  |
| Number of berths            | 3   | 5   | 2  |
| Max LGA                     | 750 ft <sup>3</sup>   | 1,000 ft <sup>3</sup>   | 940 ft <sup>3</sup>  |
| Max beam                    | 107 ft  | 145 ft  | NA   |
| Max draft (B)               | 35 ft   | 40 ft   | 39 ft <sup>2</sup>   |
| Max air draft               | NA  | 136   | 153 ft   |
| Max DWT (C)                 | 80,000 dwt <sup>2</sup>   | 140,000 dwt <sup>1</sup>  | 125,000 dwt <sup>2</sup>   |



EXHIBIT D—Continued  
DELIVERY POINT DATA—Continued

| Terminal                | Seaway Terminal, Freeport, Texas | Sunoco Terminal, Inc., Nederland, Texas | DOE St. James Terminal, St. James, Louisiana |
|-------------------------|----------------------------------|---|--|
| Barging capability..... | Yes <sup>2</sup>                 | Yes <sup>2</sup>                        | No.  |

<sup>1</sup> Max LOA 615 ft during hours of darkness.  
<sup>2</sup> Dwt can be larger if draft, LOA and beam restrictions are met. Max at dock 1 is 50,000 dwt. Terminal permission is required for less than 32,000 dwt.  
<sup>3</sup> Only dock No. 1 has barge loading capability.  
<sup>4</sup> No deballasting facilities are available.

<sup>1</sup> 65,000 dwt or larger are limited to daylight transfer. Max dwt may be larger if draft, LOA and beam restrictions are met and the pilots agree to bring vessel in.  
<sup>2</sup> There are 2 crude barge docks; docks A&B with max draft of 15 ft. Other barges go to ship dock No. 1.  
<sup>3</sup> Discharging ships over 750 ft LOA may require tugs in attendance. Holding tugs cannot be used for ships loading. Max LOA for loading is 750 ft.  
<sup>4</sup> St. James terminal draft is 42 ft at the dock. Draft at the bar at the mouth of the Mississippi is 33 ft for 100,000 dwt or over 40 ft for under 100,000 dwt.  
<sup>5</sup> Larger dwt can be accommodated with terminal approval.  
<sup>6</sup> No deballasting facilities are available.

(A) Contractor shall be responsible for confirming that proposed vessels can be accommodated by terminals, harbors and channels involved.  
 (B) Maximum draft is subject to varying limitations at river and harbor entrances due to tidal variances.  
 (C) Maximum DWT is theoretical berth handling capability; however, contractors must be aware that harbor and channel physical constraints are the controlling factor as to ship size, and are varying.

**SPR CRUDE OIL SPECIFICATION RANGES FOR INFORMATION PURPOSE ONLY**

The NS will establish the final ranges for the SPR petroleum to be sold.

|  | API gravity | Total sulfur, wt. % |
|--|-------------|---------------------|
| Sweet (Bayou Choctaw, Texoma, Seaway)..... | 32-38       | 0.1-0.5             |
| Sour (Bayou Choctaw, Texoma, Seaway).....  | 30-36       | 1.0-2.0             |
| Weeks Island Mix.....                      | 26-31       | 0.9-1.9             |
| Mays.....                                  | 21-25       | 2.5-3.5             |

Oil delivered by the SPR to the purchaser that falls outside of the ranges for the oil contracted for as established by the NS may be rejected by the purchaser in accordance with Provision C 5.

**Exhibit F**

NAME OF OFFEROR \_\_\_\_\_

**OFFEROR RESPONSE SHEET (SAMPLE)**

(The following provides general guidance only. Offer may take any written form. The offeror has total responsibility for the accuracy and completeness of its offer.)

- We acknowledge receipt of Notice of Sale (NS) No. DE-NS96-83P010001 issued (date).
- We acknowledge receipt, if applicable, of the following:

| Amendment No. | Date issued |
|---------------|-------------|
| 001.....      |             |
| 002.....      |             |
| etc.....      |             |

3. We agree without exception to all provision of the Standard Sales Provisions (SSPs) which the NS makes applicable to this sale as well as all provisions in the NS and all amendments to the NS. We understand that our offer is not valid without this agreement.

4. We understand that our offer is not valid unless we submit an offer guarantee in the amount of \$10 million or 30 percent of our total offer, whichever is less. The offer

guarantee must reach you prior to the time and date set for receipt of offers.

a. The amount of our offer guarantee is (check one)

\_\_\_\_\_ \$10 million  
 \_\_\_\_\_ \$\_\_\_\_\_ which is 30% of our total offer

b. The form of our offer guarantee is (check one)

\_\_\_\_\_ a cash deposit to the special SPR/PMO account  
 \_\_\_\_\_ a cashier's or certified check payable to the Treasurer of the United States  
 \_\_\_\_\_ a Standard Form (SF) 24, entitled "Bid Bond"

c. Our offer guarantee was forwarded (check one)

\_\_\_\_\_ by wire transfer  
 \_\_\_\_\_ in this envelope with our offer  
 \_\_\_\_\_ by our bank under a separate cover  
 \_\_\_\_\_ by our surety company under a separate cover

d. If I submitted a cash deposit or cashier's or certified check, and, if I am an apparently successful offeror, (check one)

\_\_\_\_\_ I want the amount of the offer guarantee applied toward the advance payment or cash guarantee.  
 \_\_\_\_\_ I intend to furnish a letter of credit for a financial guarantee and want the cash returned as soon as the letter of credit is approved by DOE.  
 \_\_\_\_\_ I will furnish the entire amount of the advance payment or cash guarantee by a new cash wire deposit. I want the original cash offer guarantee returned as soon as the new cash deposit is received.

5. We understand that a transportation plan must be submitted if we are an apparently successful offeror.

6. The NS \_\_\_\_\_, did \_\_\_\_\_ did not require any Representations or Certifications from Exhibit G. They are attached if they are required.

7. Our offers on available crude oil are:

| Line Item No. | Quality offered (BBLs) | Unit price | Amount |
|---------------|------------------------|------------|--------|
|               |                        |            |        |

8. We \_\_\_\_\_ do, \_\_\_\_\_ do not want to be included for Phase II evaluation.

9. Our authorized agent \_\_\_\_\_ will, \_\_\_\_\_ will not attend the public opening of offers and be available for Phase II evaluation.

I am \_\_\_\_\_, (name) \_\_\_\_\_ (title) of \_\_\_\_\_ (name of company, etc). I am the authorized agent of the offeror, in proof of which I submit a power of attorney or other enabling documents.

**Signature of Authorized Agent**

All offerors will supply the following information:

Name of firm  
 Mailing address  
 City, State, zip  
 Name of authorized agent  
 Telephone number for authorized agent including area code  
 TWX number (if any)  
 Telecopier brand name and model number (if any)  
 Is telecopier automatic or operator controlled?  
 Telephone number, including area code, for telecopier verification of message receipt  
 Dunn's number (if any)

**Exhibit F—Letter of Credit**

Procurement Division  
 Mail Stop EP-5501  
 Project Management Office  
 Strategic Petroleum Reserve  
 Department of Energy  
 900 Commerce Road East  
 New Orleans, Louisiana 70123  
 To the Strategic Petroleum Reserve  
 Drawdown Sales Coordinator:  
 By order of our customer (name and address) \_\_\_\_\_ we hereby establish in the Department of Energy's favor an irrevocable Letter of Credit, Numbered \_\_\_\_\_, for an amount not to exceed U.S. \$ \_\_\_\_\_

(the U.S. dollar amount expressed in word form) effective immediately and expiring at our office located at \_\_\_\_\_ (address) three hundred and sixty-five (365) days from the date of issuance of this Letter of Credit, relative to an offer by our customer dated \_\_\_\_\_ (date), to purchase Strategic Petroleum Reserve petroleum. Liability under this Letter of Credit shall commence upon



acceptance by the Government of our client's offer and the award of a contract for the delivery of Strategic Petroleum Reserve petroleum.

Funds under this Letter of Credit are available to the Department of Energy by its draft or drafts drawn on ourselves and accompanied by either a statement of a duly authorized official of the Department of Energy stating that:

This drawing is due the U.S. Government in payment for \_\_\_\_\_ barrels of petroleum sold to \_\_\_\_\_ (customer's name) under Contract No. \_\_\_\_\_ at a price of \$ \_\_\_\_\_ per barrel \_\_\_\_\_ (plus or minus) a sulfur differential of \_\_\_\_\_ tenths of one percent at \_\_\_\_\_ per one tenth of one percent per barrel and \_\_\_\_\_ (plus or minus) a gravity differential of \_\_\_\_\_ degrees at \$ \_\_\_\_\_ per degree API per barrel, for a total amount due of \$ \_\_\_\_\_ (U.S. dollar amount expressed in word form). The Government's invoice and supporting standard form DD250 will be forwarded by regular mail,

or a statement that:

This drawing is due the U.S. Government because of the failure of \_\_\_\_\_

(customer's name) to accept delivery of petroleum under Contract No. \_\_\_\_\_ at the time specified in the contract, resulting in damages due under the contract of \$ \_\_\_\_\_ (U.S. dollar amount expressed in word form).

or both. The Department of Energy may make multiple drawings totalling not more than the amount of funds specified in the first paragraph as available under this Letter of Credit. We will honor drafts presented by wire provided that each such draft contains either one of the two above statements.

Upon receipt of the Department of Energy's draft and accompanying statement we will honor the draft and make payment by 3 p.m. Eastern Standard Time of the next business day following receipt of the draft by wire transfer to the account of the U.S. Treasury through the Federal Reserve Communications System. Each wire transfer shall be formatted in accordance with prescribed Treasury requirements as set forth in Exhibit H of the Standard Sales Provisions.

This Letter of Credit is subject to the Uniform Customs and Practice for Documentary Credits (1974 Revision, International Chamber of Commerce Publication No. 290, and except as may be inconsistent therewith, to the Uniform Commercial Code in effect on the date of issuance of this Letter of Credit in the state in which the issuer's head office within the United States is located.

Address all communications regarding this Letter of Credit to \_\_\_\_\_

(address and any applicable reference)

Yours Truly,

Authorized Signature.

### Exhibit G—Information for Statistical Purposes

#### 1. Small and Small Disadvantaged Business Certification.

a. The offeror ( ) certifies that it is ( ) is not ( ) a small business concern as defined in accordance with Section 3 of the Small Business Act (15 U.S.C. 632).

b. The offeror ( ) certifies that it is a small business concern (as set forth in a above) and is ( ) is not ( ) owned and controlled by socially and economically disadvantaged individuals. Such a firm is defined as one—

(1) which is at least 51 per centum owned by one or more such individuals or, in the case of publicly owned business, at least 51 per centum of the stock is owned by such individuals;

(2) whose management and daily business operations are controlled by one or more such individuals; and

(3) which certifies concerning said ownership and control in accordance with section c below.

c. The offeror ( ) certifies that it is ( ) is not ( ) a minority individual(s) in accordance with c(1) below or that it is ( ) is not ( ) socially and economically disadvantaged in accordance with section c(2) or c(3). Socially and economically disadvantaged individuals are defined as:

(1) United States citizens who are Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, or other specified minorities;

(2) any other individual found to be disadvantaged pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637); or

(3) any other individual defined by the Small Business Administration as socially and economically disadvantaged for purposes relating to other sections of the Small Business Act.

Failure to execute all parts of the representation will be deemed a minor informality and the bidder of offeror shall be permitted to satisfy the requirement prior to award.

#### 2. Woman-Owned Business (FPR Temp. Reg. 48, 1978 Dec).

Concern is ( ), is not ( ) a woman-owned business.

A woman-owned business is a business which is, at least, 51 percent owned, controlled, and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management.

For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are, or are not, woman-owned if this information is available.

#### 3. Labor Surplus Area Concern (FPR § 1-1.807, 1968 Nov).

It ( ) is, ( ) is not, a labor surplus area concern. (For definition of "labor surplus area concern," see Code of Federal Regulations, Title 41, Subpart 1-1.8, Section 01.)

#### 4. Type of Business Organization (1977 Mar).

It operates as: ( ) an individual; ( ) a partnership; ( ) a joint venture; ( ) a nonprofit organization; ( ) a not-for-profit organization; ( ) an educational institution; ( ) a hospital; ( ) a State or local government agency; ( ) a U.S. Government Agency; ( ) a corporation, etc.

Offeror shall indicate the State and/or county in which it is incorporated, authorized to do business, or in residence.

#### 5. Affiliation and Identification Data.

a. Offeror shall incorporate in its offer the same data required by Provision No. A 6(c).

b. As part of its offer, offeror shall state whether it is owned or controlled by a parent company or other entity. If offeror is owned or controlled by a parent company or other entity, it shall state the name of the controlling entity, the main address of that entity, and the telephone number thereof.

c. A parent company for the purposes of this clause is a company which either owns the offeror or controls the activities and basic business policies of the offeror. To own another company means the parent company must own at least a majority (more than 50 percent) of the voting rights in the company. To control another company, such ownership is not required; if another company is able to formulate, determine, or veto basic business policy decisions of the offeror, such other company is considered the parent company of the offeror. This control may be exercised through the use of dominant minority voting rights; use of proxy voting, contractual arrangements, or otherwise.

### Exhibit H—Instructions Guide for Funds Transfer Messages to Treasury

The following instructions provide specific information which is required so that a funds (wire) transfer message can be transmitted to the Department of the Treasury. The funds transfer message format is shown in Attachment 1. A narrative description of each item on the funds transfer message follows:

#### Line 1

Item 1—Priority Code—The priority code will be provided by the sending bank. (Note: Some Federal Reserve district banks may not require this item.)

#### Line 2

Item 2—Treasury Department Code—The 9-digit identifier "021030004" is the routing symbol of the Treasury. This item is a constant and is required for all funds transfer messages sent to Treasury.

Item 3—Type Code—The type code will be provided by the sending bank (will be a 10 or 12).

#### Line 3

Item 4—Sending Bank Code—This 9-digit identifier will be provided by the sending bank.

Item 5—Class—The class field may be used at the option of the sending bank. (Note: Some Federal Reserve Districts prohibit use of this field.)

Item 6—Reference Number—The reference number will be inserted by the sending bank to identify the transaction.

Item 7—Amount—The amount must include the dollar sign and the appropriate



punctuation including cents digits. This item will be inserted by the sending bank.

rejected by the FED Bank and returned to the sending bank.

Line 4

Item 8—*Sending Bank Name*—The telegraphic abbreviation which corresponds to Item 4 will be provided by the sending bank.

Sample of Funds Transfer Message Format for SPR Oil Sales

Line 5

Items 9, 10, and 11—*Treasury Department, Name, Agency Location Code, Agency Number*—This item is of critical importance. It must appear on the funds transfer message in the precise manner as stated to allow for the automated processing and classification of funds transfer message to Treasury for credit to the Department of Energy. This item is comprised of a rigidly formatted, nonvariable sequence of characters as follows:

TREAS NYC/(89000201) DEPT OF ENERGY (SPRO)

Item 12—*Payment Identification*—The payment identification should be furnished by the remitter in the following manner:

Lines 6 and 7

The constant "Payment for the Sale of Crude Oil Under Contract No. \_\_\_\_\_ DD 250 No. \_\_\_\_\_" will be inserted.

Line 8

The constant "Deposit Account 89X0233" will be inserted.

Important Note: Line Nos. 2 and 5 are edited by the Federal Reserve Bank. If the wire transfer message is not formatted as prescribed above, the message will be

|  |      |              |
|--|------|--------------|
| 02   |      |              |
| To   | Type |              |
| 021030004                                  | 10   |              |
| From                                       | Ref  | Amount       |
| 011000390                                  | 0650 | \$500,000.00 |
| Ordering Bank and Related Data             |      |              |
| FIRST BOS                                  |      |              |
| TREAS NYC/(89000201) DEPT OF ENERGY (SPRO) |      |              |
| PAYMENT FOR THE SALE OF CRUDE OIL UNDER    |      |              |
| CONTRACT # DD250 #                         |      |              |
| DEPOSIT ACCOUNT 89X0233                    |      |              |

Attachment 1 to Exhibit H

BILLING CODE 6450-01-M

[FR Doc. 83-15314 Filed 6-14-83; 6:45 am]

BILLING CODE 6450-01-C



|  |  |   |   |   |                |                     |    |
|--|--|---|---|---|----------------|---------------------|----|
| <b>MATERIAL INSPECTION<br/>AND<br/>RECEIVING REPORT</b>  |  | 1. PROC. INSTRUMENT IDEN (CONTRACT)   |   | ORDERING NO.  | 6. INVOICE NO. | 7. PAGE             | OF |
|  |  | Exhibit I   |   |   | DATE           | 8. ACCEPTANCE POINT |    |
| 2. SHIPMENT NO.  | 3. DATE SHIPPED  | 4. B-L<br>TCN   |   | 5. DISCOUNT TERMS   |                |                     |    |
| 9. PRIME CONTRACTOR CODE   |  | 10. ADMINISTERED BY   |   | CODE  |                |                     |    |
| 11. SHIPPED FROM (If other than 9)   |  | FOB   |   | 12. PAYMENT WILL BE MADE BY   |                | CODE                |    |
| 13. SHIPPED TO   |  | 14. MARKED FOR  |   | CODE  |                |                     |    |
| 15. ITEM NO.   | 16. STOCK/PART NO.<br><small>(Indicate number of shipping containers - type of container - container number)</small> | DESCRIPTION   | 17. QUANTITY SHIP-REC'D *   | 18. UNIT  | 19. UNIT PRICE | 20. AMOUNT          |    |
| 21. PROCUREMENT QUALITY ASSURANCE  |  |   | 22. RECEIVER'S USE  |   |                |                     |    |
| A. ORIGIN<br><input type="checkbox"/> PGA <input type="checkbox"/> ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents. |  | B. DESTINATION<br><input type="checkbox"/> PGA <input type="checkbox"/> ACCEPTANCE of listed items has been made by me or under my supervision and they conform to contract, except as noted herein or on supporting documents. |   | Quantities shown in column 17 were received in apparent good condition except as noted. |                |                     |    |
| DATE   | SIGNATURE OF AUTH GOVT REP   | DATE  | SIGNATURE OF AUTH GOVT REP  | DATE RECEIVED   |                |                     |    |
| TYPED NAME AND OFFICE  |  | TYPED NAME AND TITLE  |   | SIGNATURE OF AUTH GOVT REP  |                |                     |    |
| 23. CONTRACTOR USE ONLY  |  |   | *If quantity received by the Government is the same as quantity shipped, indicate by "X" in mark. If different, enter actual quantity received below quantity shipped and encircle. |   |                |                     |    |



| TANKER/BARGE<br>MATERIAL INSPECTION<br>AND RECEIVING REPORT                                     |  | 1. TANKER/BARGE<br><input type="checkbox"/> LOADING REPORT <input type="checkbox"/> DISCHARGE REPORT |            | 2. INSPECTION OFFICE   |                          | 3. REPORT NUMBER                 |  |
|---|--|--|------------|--|--------------------------|----------------------------------|--|
| 4. AGENCY PLACING ORDER OR SHIPPER, CITY, STATE AND/OR LOCAL ADDRESS (Loading)                  |  |  |            | 5. DEPARTMENT  |                          | 6. PRIME CONTRACT OR R.O. NUMBER |  |
| 7. NAME OF PRIME CONTRACTOR, CITY, STATE AND/OR LOCAL ADDRESS (Loading)                         |  |  |            | 8. STORAGE CONTRACT  |                          |                                  |  |
| 9. TERMINAL OR REFINERY SHIPPED FROM, CITY, STATE AND/OR LOCAL ADDRESS                          |  |  |            | 10. ORDER NUMBER ON SUPPLIER   |                          |                                  |  |
| 11. SHIPPED TO: (Receiving Activity, City, State and/or Local Address)                          |  |  |            | 12. B/L NUMBER   |                          |                                  |  |
|   |  |  |            | 13. RECH. OR REQUEST NUMBER  |                          | 14. CARGO NUMBER                 |  |
| 15. VESSEL  |  | 16. DRAFT ARRIVAL<br>FORE    AFT   |            | 17. DRAFT SAILING<br>FORE    AFT   |                          |                                  |  |
| 18. PREVIOUS TWO CARGOES<br>FIRST                      LAST                                     |  | 19. PRIOR INSPECTION   |            |  |                          |                                  |  |
| 20. CONDITION OF SHORE PIPELINE   |  | 21. APPROPRIATION (Loading)  |            |  | 22. CONTRACT ITEM NUMBER |                                  |  |
| 23. PRODUCT   |  | 24. SPECIFICATIONS   |            |  |                          |                                  |  |
| 25. STATEMENT OF QUANTITY   |  | LOADED   | DISCHARGED | LOSS/GAIN  | PER CENT                 |                                  |  |
| BARRELS (Net Gals) (Net)  |  |  |            |  |                          |                                  |  |
| GALLONS (Net)   |  |  |            |  |                          |                                  |  |
| TONS (Long)   |  |  |            |  |                          |                                  |  |
| 26. STATEMENT OF QUALITY  |  |  |            |  |                          |                                  |  |
| TESTS   |  | SPECIFICATION LIMITS   |            |  | TEST RESULTS             |                                  |  |
|   |  |  |            |  |                          |                                  |  |
| 27. TIME STATEMENT  |  | DATE   | TIME       | 28. REMARKS (Note in detail cause of delays such as repairs, breakdown, slow operation, stoppages, etc.) |                          |                                  |  |
| NOTICE OF READINESS TO LOAD/DISCHARGE   |  |  |            |  |                          |                                  |  |
| VESSEL ARRIVED IN ROADS   |  |  |            |  |                          |                                  |  |
| MOORED ALONGSIDE  |  |  |            |  |                          |                                  |  |
| STARTED BALLAST DISCHARGE   |  |  |            |  |                          |                                  |  |
| FINISHED BALLAST DISCHARGE  |  |  |            |  |                          |                                  |  |
| INSPECTED AND READY TO LOAD/DISCHARGE   |  |  |            |  |                          |                                  |  |
| CARGO HOSES CONNECTED   |  |  |            |  |                          |                                  |  |
| COMMENCED LOADING/DISCHARGE   |  |  |            |  |                          |                                  |  |
| STOPPED LOADING/DISCHARGING   |  |  |            |  |                          |                                  |  |
| RESUMED LOADING/DISCHARGING   |  |  |            |  |                          |                                  |  |
| FINISHED LOADING/DISCHARGING  |  |  |            |  |                          |                                  |  |
| CARGO HOSES REMOVED   |  |  |            |  |                          |                                  |  |
| VESSEL RELEASED BY INSPECTOR  |  |  |            |  |                          |                                  |  |
| COMMENCED BUNKERING   |  |  |            |  |                          |                                  |  |
| FINISHED BUNKERING  |  |  |            |  |                          |                                  |  |
| VESSEL LEFT BERTH (Actual/Estimated)  |  |  |            | 29. COMPANY OR RECEIVING TERMINAL  |                          |                                  |  |
|   |  | (Signature)  |            |  |                          |                                  |  |
| 30. I CERTIFY THAT THE CARGO WAS INSPECTED, ACCEPTED AND LOADED/DISCHARGED AS INDICATED HEREON. |  |  |            | 31. I HEREBY CERTIFY THAT THIS TIME STATEMENT IS CORRECT.  |                          |                                  |  |
| (Date)  |  | (Signature of Authorized Government Representative)  |            |  | (Master or Agent)        |                                  |  |



# **federal register**

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Wednesday  
June 15, 1983

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**Part III**

**Department of  
Energy**

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**Federal Energy Regulatory Commission**

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**Determinations by Jurisdictional Agencies  
Under the Natural Gas Policy Act of  
1978**



## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Volume 911]

Determinations by Jurisdictional  
Agencies Under the Natural Gas Policy  
Act of 1978

Issued: June 9, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated

annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285

Port Royal Rd, Springfield, VA 22161.

Categories within each NGPA Section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 Mile rule)  
102-3: New well (1000 Ft rule)  
102-4: New onshore reservoir  
102-5: New reservoir and old OCS lease

Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressured brine  
107-CS: Coal Seams  
107-DV: Devonian Shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

Kenneth F. Plumb,  
Secretary.

NOTICE OF DETERMINATIONS  
ISSUED JUNE 9, 1983

VOLUME 911

| JD NO                                | JA DKT | API NO     | D | SEC(1)    | SEC(2)   | WELL NAME                  | FIELD NAME        | PROD   | PURCHASER         |
|--------------------------------------|--------|------------|---|-----------|----------|----------------------------|-------------------|--------|-------------------|
| OHIO DEPARTMENT OF NATURAL RESOURCES |        |            |   |           |          |                            |                   |        |                   |
| 8337695                              |        | 3405320463 |   | 107-TF    |          | HAROLD MACK #1             | CHESHIRE TOWNSHIP | 8.5    | COLUMBIA GAS TRAN |
| 8337696                              |        | 3407524014 |   | 103       | 107-TF   | AMOS YODER #1              | CLARK             | 15.0   |                   |
| 8337697A                             |        | 3407523936 |   | 103       |          | R HOKJORTH #4              | KILLBUCK          | 18.0   | NATIONAL GAS & OI |
| 8337697B                             |        | 3407523936 | D | 107-TF    |          | R HOKJORTH #4              | KILLBUCK          | 18.0   | NATIONAL GAS & OI |
| 8337698                              |        | 3413322699 |   | 103       | 107-TF   | ANN GRANC #1               | FRANKLIN          | 0.0    | COLUMBIA GAS OF O |
| 8337699                              |        | 3411966330 |   | 107-TF    |          | JAMES GAUSE #1             | LICKING           | 7.3    | NATIONAL GAS & OI |
| 8337701                              |        | 3411926429 |   | 103       | 107-TF   | OHIO POWER 2-A             | MEIGS             | 89.0   | TEXAS EASTERN TRA |
| 8337700                              |        | 3411926430 |   | 107-TF    |          | OHIO POWER 4-A             | MEIGS             | 113.0  | TEXAS EASTERN TRA |
| 8337702B                             |        | 3407521713 |   | 107-RT    |          | BEACHY #4                  | CLARK             | 1825.0 |                   |
| 8337702A                             |        | 3407521713 | D | 103       |          | BEACHY #4                  | CLARK             | 1825.0 |                   |
| 8337704                              |        | 3416727041 |   | 108       |          | KENNETH R CHRISTOPHER #1   |                   | 35.0   |                   |
| 8337703                              |        | 3416727032 |   | 108       |          | RONALD & SHELBA MAYLE #1   |                   | 10.0   | RIVER GAS CO      |
| 8337706                              |        | 3416922206 |   | 103       |          | CHARLES ZOLLINGER #1       | CHIPPewa          | 0.0    |                   |
| 8337707                              |        | 3416922737 |   | 103       |          | ELWOOD M STOUT #1          | CHIPPewa          | 0.0    |                   |
| 8337709                              |        | 3416922739 |   | 103       |          | ELWOOD M STOUT #3          | PITTMAN           | 0.0    |                   |
| 8337708                              |        | 3416922738 |   | 103       |          | ELWOOD STOUT #2            | CHIPPewa          | 0.0    |                   |
| 8337705                              |        | 3416922033 |   | 103       |          | RALPH J & ELOISE BUSSON #1 | CHIPPewa          | 0.0    |                   |
| 8337710                              |        | 3400922232 |   | 107-TF    |          | MICHAEL KUBACH #1          | LODI              | 1.5    |                   |
| 8337711                              |        | 3411122675 |   | 107-DV    |          | FREDERICK PETROLEUM #8     | FRANKLIN          | 11.0   |                   |
| 8337712                              |        | 3412122827 |   | 103       |          | J SHOCKLING #2             | EHOCK             | 10.0   |                   |
| 8337713                              |        | 3400922305 |   | 107-TF    |          | WAGNER #1                  | AMES              | 48.0   | COLUMBIA GAS TRAN |
| 8337714                              |        | 3411522623 |   | 107-TF    |          | WARREN & LILLIE FUSSNER #1 | RINGGOLD          | 15.0   |                   |
| 8337694                              |        | 3412725749 |   | 107-TF    |          | CAMERON #4                 | MONDAY CREEK      | 20.0   | COLUMBIA GAS TRAN |
| 8337715                              |        | 3403123305 |   | 107-RT    |          | DALE SCHLARD #1            | KEENE             | 14.0   | COLUMBIA GAS TRAN |
| 8337716                              |        | 3415321219 |   | 103       | 107-TF   | KAPUSINSKI #1              | HUDSON            | 40.0   | YANKEE RESOURCES  |
| 8337720                              |        | 3415321249 |   | 103       | 107-TF   | MANNING #1                 | THINSBURG         | 40.0   | YANKEE RESOURCES  |
| 8337717                              |        | 3415321146 |   | 103       | 107-TF   | MCGHEE #1                  | THINSBURG         | 36.0   | YANKEE RESOURCES  |
| 8337716                              |        | 3415321145 |   | 103       | 107-TF   | MINIHAN #1                 | THINSBURG         | 35.0   | YANKEE RESOURCES  |
| 8337719                              |        | 3415321237 |   | 103       | 107-TF   | MORIARTY-DRIVER #1         | HUDSON            | 50.0   | YANKEE RESOURCES  |
| 8337719                              |        |            |   | RECEIVED: | 05/23/83 | JA: OH                     |                   |        |                   |

BILLING CODE 6717-01-M



| JO NO                 | JA DKT | API NO     | D      | SEC(1) | SEC(2) | WELL NAME            | FIELD NAME   | PROD | PURCHASER        |
|-----------------------|--------|------------|--------|--------|--------|----------------------|--------------|------|------------------|
| 8337749               |        | 3415122223 | 108    |        |        | BARTLETT #1          |              | 10.0 | BONANZA GAS LINE |
| 8337750               |        | 3415122246 | 108    |        |        | BARTLETT #2          |              | 10.0 | BONANZA GAS LINE |
| 8337745               |        | 3415122161 | 108    |        |        | BOHMAN #1            |              | 10.0 | BONANZA GAS LINE |
| 8337746               |        | 3415122162 | 108    |        |        | BOHMAN #2            |              | 10.0 | BONANZA GAS LINE |
| 8337726               |        | 3401921150 | 108    |        |        | CONDITON LAND CO #1A |              | 10.0 | BONANZA GAS LINE |
| 8337785               |        | 3401921069 | 108    |        |        | CONDITON QUARRIES #1 |              | 10.0 | BONANZA GAS LINE |
| 8337747               |        | 3415122207 | 108    |        |        | DIEST #1             |              | 10.0 | BONANZA GAS LINE |
| 8337748               |        | 3415122209 | 108    |        |        | DIEST #2             |              | 10.0 | BONANZA GAS LINE |
| 8337753               |        | 3401920812 | 108    |        |        | GRAHAM #1            |              | 10.0 | BONANZA GAS LINE |
| 8337754               |        | 3401920813 | 108    |        |        | GRAHAM #2            |              | 10.0 | BONANZA GAS LINE |
| 8337755               |        | 3401920814 | 108    |        |        | GRAHAM #3            |              | 10.0 | BONANZA GAS LINE |
| 8337756               |        | 3401920815 | 108    |        |        | GRAHAM #4            |              | 10.0 | BONANZA GAS LINE |
| 8337757               |        | 3401920816 | 108    |        |        | GRAHAM #5            |              | 10.0 | BONANZA GAS LINE |
| 8337777               |        | 3401921034 | 108    |        |        | GRIMES #1            |              | 10.0 | BONANZA GAS LINE |
| 8337779               |        | 3401921044 | 108    |        |        | GRIMES #2            |              | 10.0 | BONANZA GAS LINE |
| 8337734               |        | 3401921265 | 108    |        |        | HARDING #3           |              | 10.0 | BONANZA GAS LINE |
| 8337733               |        | 3401921263 | 108    |        |        | HARDING #4           |              | 10.0 | BONANZA GAS LINE |
| 8337768               |        | 3401920872 | 108    |        |        | HILL #1              |              | 10.0 | BONANZA GAS LINE |
| 8337769               |        | 3401920873 | 108    |        |        | HILL #2              |              | 10.0 | BONANZA GAS LINE |
| 8337767               |        | 3401920864 | 108    |        |        | HILL #3              |              | 10.0 | BONANZA GAS LINE |
| 8337766               |        | 3401920862 | 108    |        |        | HILL #4              |              | 10.0 | BONANZA GAS LINE |
| 8337755               |        | 3401921359 | 108    |        |        | HOLLYFIELD #82       |              | 10.0 | BONANZA GAS LINE |
| 8337773               |        | 3401921008 | 108    |        |        | HUFF #1              |              | 10.0 | BONANZA GAS LINE |
| 8337782               |        | 3401921051 | 108    |        |        | KORNS #1             |              | 10.0 | BONANZA GAS LINE |
| 8337780               |        | 3401921048 | 108    |        |        | KORNS #3             |              | 10.0 | BONANZA GAS LINE |
| 8337762               |        | 3401920842 | 108    |        |        | KRANTZ #1            |              | 10.0 | BONANZA GAS LINE |
| 8337763               |        | 3401920843 | 108    |        |        | KRANTZ #5            |              | 10.0 | BONANZA GAS LINE |
| 8337772               |        | 3401920963 | 108    |        |        | LATIMER #1           |              | 10.0 | BONANZA GAS LINE |
| 8337765               |        | 3401920846 | 108    |        |        | LINDER #1            |              | 10.0 | BONANZA GAS LINE |
| 8337764               |        | 3401920845 | 108    |        |        | LINDER #2            |              | 10.0 | BONANZA GAS LINE |
| 8337736               |        | 3415121865 | 108    |        |        | MAUER #2             |              | 10.0 | BONANZA GAS LINE |
| 8337738               |        | 3415122118 | 108    |        |        | MAUER/THIESSEN #1    |              | 10.0 | BONANZA GAS LINE |
| 8337737               |        | 3415122117 | 108    |        |        | MAUER/THIESSEN #2    |              | 10.0 | BONANZA GAS LINE |
| 8337732               |        | 3401921254 | 108    |        |        | MCCARTY #1           |              | 10.0 | BONANZA GAS LINE |
| 8337774               |        | 3401921017 | 108    |        |        | MITCHELL #1          |              | 10.0 | BONANZA GAS LINE |
| 8337775               |        | 3401921018 | 108    |        |        | MITCHELL #2          |              | 10.0 | BONANZA GAS LINE |
| 8337776               |        | 3401921019 | 108    |        |        | MITCHELL #3          |              | 10.0 | BONANZA GAS LINE |
| 8337760               |        | 3401920840 | 108    |        |        | NAYLOR #1            |              | 10.0 | BONANZA GAS LINE |
| 8337761               |        | 3401920841 | 108    |        |        | NAYLOR #2            |              | 10.0 | BONANZA GAS LINE |
| 8337759               |        | 3401920839 | 108    |        |        | NAYLOR #3            |              | 10.0 | BONANZA GAS LINE |
| 8337725               |        | 3401921146 | 108    |        |        | OTTE #5              |              | 10.0 | BONANZA GAS LINE |
| 8337724               |        | 3401921145 | 108    |        |        | OTTE #6              |              | 10.0 | BONANZA GAS LINE |
| 8337723               |        | 3401921144 | 108    |        |        | OTTE #7              |              | 10.0 | BONANZA GAS LINE |
| 8337751               |        | 3415122274 | 108    |        |        | OYER #4              |              | 10.0 | BONANZA GAS LINE |
| 8337752               |        | 3415122275 | 108    |        |        | OYER #5              |              | 10.0 | BONANZA GAS LINE |
| 8337789               |        | 3415122290 | 108    |        |        | OYER #6              |              | 10.0 | BONANZA GAS LINE |
| 8337788               |        | 3415122286 | 108    |        |        | OYER #7              |              | 10.0 | BONANZA GAS LINE |
| 8337787               |        | 3415122280 | 108    |        |        | OYER #8              |              | 10.0 | BONANZA GAS LINE |
| 8337743               |        | 3415122146 | 108    |        |        | PICKENS #1           |              | 10.0 | BONANZA GAS LINE |
| 8337744               |        | 3415122152 | 108    |        |        | PICKENS #2           |              | 10.0 | BONANZA GAS LINE |
| 8337786               |        | 3401921111 | 108    |        |        | PUSKARICH #1         |              | 10.0 | BONANZA GAS LINE |
| 8337722               |        | 3401921129 | 108    |        |        | PUSKARICH #2         |              | 10.0 | BONANZA GAS LINE |
| 8337721               |        | 3401921114 | 108    |        |        | PUSKARICH #3         |              | 10.0 | BONANZA GAS LINE |
| 8337727               |        | 3401921146 | 108    |        |        | PUSKARICH #4         |              | 10.0 | BONANZA GAS LINE |
| 8337758               |        | 3401920837 | 108    |        |        | SANFORD #1           |              | 10.0 | BONANZA GAS LINE |
| 8337738               |        | 3401921090 | 108    |        |        | SHARP #2             |              | 10.0 | BONANZA GAS LINE |
| 8337781               |        | 3401921049 | 108    |        |        | SHARP #3             |              | 10.0 | BONANZA GAS LINE |
| 8337741               |        | 3415122135 | 108    |        |        | SICKAFOOSE #1        |              | 10.0 | BONANZA GAS LINE |
| 8337740               |        | 3415122134 | 108    |        |        | SICKAFOOSE #2        |              | 10.0 | BONANZA GAS LINE |
| 8337790               |        | 3415122336 | 108    |        |        | SICKAFOOSE #3        |              | 10.0 | BONANZA GAS LINE |
| 8337771               |        | 3401920923 | 108    |        |        | SIMLER #1            |              | 10.0 | BONANZA GAS LINE |
| 8337770               |        | 3401920922 | 108    |        |        | SIMLER #3            |              | 10.0 | BONANZA GAS LINE |
| 8337729               |        | 3401921195 | 108    |        |        | SLUTZ #2             |              | 10.0 | BONANZA GAS LINE |
| 8337728               |        | 3401921195 | 108    |        |        | SLUTZ #3             |              | 10.0 | BONANZA GAS LINE |
| 8337785               |        | 3401921110 | 108    |        |        | SMITH #1             |              | 10.0 | BONANZA GAS LINE |
| 8337784               |        | 3401921109 | 108    |        |        | SMITH #2             |              | 10.0 | BONANZA GAS LINE |
| 8337730               |        | 3401921209 | 108    |        |        | STERNER #2           |              | 10.0 | BONANZA GAS LINE |
| 8337731               |        | 3401921210 | 108    |        |        | STERNER #3           |              | 10.0 | BONANZA GAS LINE |
| 8337742               |        | 3415122136 | 108    |        |        | TIDENBURG #1B        |              | 10.0 | BONANZA GAS LINE |
| 8337759               |        | 3415122133 | 108    |        |        | TIDENBURG #2B        |              | 10.0 | BONANZA GAS LINE |
| -LEADER EQUITIES INC  |        |            |        |        |        | RECEIVED: 05/23/83   | JA: OH       |      |                  |
| 8337791               |        | 3407322742 | 103    | 107-TF |        | CHERRY #1            | WASHINGTON   | 13.0 |                  |
| 8337792               |        | 3411523113 | 103    | 107-TF |        | CLEMENS #1           | BLOOM        | 12.0 |                  |
| -M B OPERATING CO INC |        |            |        |        |        | RECEIVED: 05/23/83   | JA: OH       |      |                  |
| 8337794               |        | 3401421592 | 107-TF |        |        | BOWLING U #1-A       | BROWN        | 7.5  |                  |
| 8337805               |        | 3415123769 | 107-TF |        |        | BRESSON #1           | NIMISHILLEN  | 7.5  |                  |
| 8337813               |        | 3415123825 | 107-TF |        |        | BROOKSIDE FARMS #2   | NIMISHILLEN  | 5.5  |                  |
| 8337797               |        | 3401921827 | 107-TF |        |        | CERHAVA UNIT #1      | HARRISON     | 3.5  |                  |
| 8337806               |        | 3415123777 | 107-TF |        |        | COBLENTZ #1-A        | LAKE         | 7.5  |                  |
| 8337823               |        | 3415123796 | 107-TF |        |        | DEMYAN #1            | WAYNE        | 13.0 |                  |
| 8337803               |        | 3415123765 | 107-TF |        |        | DICKERHOOF #1        | WASHINGTON   | 7.5  |                  |
| 8337800               |        | 3415123784 | 107-TF |        |        | FAM CHARTON #2       | BETHLEHEM    | 7.5  |                  |
| 8337814               |        | 3415223714 | 107-TF |        |        | G & B MIZER #4       | WARREN       | 3.8  |                  |
| 8337796               |        | 3401921625 | 107-TF |        |        | GOTSCHALL U #1       | HARRISON     | 2.5  |                  |
| 8337818               |        | 3415223758 | 107-TF |        |        | HEID UNIT #4         | LAWRENCE     | 5.5  |                  |
| 8337815               |        | 3415123831 | 107-TF |        |        | KNODEL U #1          | SUGAR CREEK  | 3.8  |                  |
| 8337801               |        | 3415123759 | 107-TF |        |        | L KING #1            | LAKE         | 14.5 |                  |
| 8337810               |        | 3415123792 | 107-TF |        |        | LAUTZENHEISER #2-A   | BETHLEHEM    | 18.5 |                  |
| 8337809               |        | 3415123791 | 107-TF |        |        | MCCAULEY U #1        | NIMISHILLEN  | 12.8 |                  |
| 8337814               |        | 3415123826 | 107-TF |        |        | NEEDHAM U #1         | PERRY        | 7.5  |                  |
| 8337812               |        | 3415123819 | 107-TF |        |        | NEUBURN U #1         | LEXINGTON    | 3.5  |                  |
| 8337807               |        | 3415123784 | 107-TF |        |        | O FRANK U #1-A       | NIMISHILLEN  | 7.5  |                  |
| 8337819               |        | 3415223766 | 107-TF |        |        | O SCHOTT #1-A        | WAYNE        | 9.1  |                  |
| 8337811               |        | 3415123811 | 107-TF |        |        | P FRANK #1           | LAWRENCE     | 5.5  |                  |
| 8337802               |        | 3415123762 | 107-TF |        |        | RABER U #1           | NIMISHILLEN  | 7.5  |                  |
| 8337817               |        | 3415223757 | 107-TF |        |        | SOEHNLEN #1          | WAYNE        | 12.5 |                  |
| 8337799               |        | 3415123689 | 107-TF |        |        | STARK TRUSS #2       | BETHLEHEM    | 12.5 |                  |
| 8337795               |        | 3401921594 | 107-TF |        |        | W SNYDER #1          | BROWN        | 3.7  |                  |
| 8337798               |        | 3407523970 | 107-TF |        |        | WEAVER U #1-A        | WALNUT CREEK | 3.5  |                  |
| 8337821               |        | 3415223797 | 107-TF |        |        | WILKIN U #1          | WAYNE        | 14.5 |                  |
| 8337808               |        | 3415123785 | 107-TF |        |        | WOLFE #7             | NIMISHILLEN  | 3.8  |                  |
| 8337804               |        | 3415123745 | 107-TF |        |        | YODER-SLATER U #1    | NIMISHILLEN  | 3.5  |                  |
| -MARK RESOURCES CORP  |        |            |        |        |        | RECEIVED: 05/23/83   | JA: OH       |      |                  |
| 8337793               |        | 3400722186 | 107-TF |        |        | KENNEDY #1           | KINGSVILLE   | 30.0 |                  |



| JD NO  | JA DKT | API NO     | D SEC(1) | SEC(2)             | WELL NAME                        | FIELD NAME            | PROD | PURCHASER         |
|--|--------|------------|----------|--------------------|----------------------------------|-----------------------|------|-------------------|
| -NORTH EAST NATURAL GAS CO INC                     |        |            |          |                    |                                  |                       |      |                   |
| 8337823  |        | 3415721558 | 108      | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337822  |        | 3415721503 | 108      |                    | CANFIELD-MUNTZ #1                |                       | 0.7  | M B OPERATING CO  |
| 8337826  |        |            |          | RECEIVED: 05/23/83 | JAI OH                           |                       |      | 0.0               |
| -OHIO L & M CO INC                                 |        |            |          |                    |                                  |                       |      |                   |
| 8337826  |        | 3416923357 | 107-TF   |                    | MIKE MOORE #1                    | CHESTER               | 10.0 | COLUMBIA GAS TRAN |
| -OHIO OIL & GAS CO                                 |        |            |          |                    |                                  |                       |      |                   |
| 8337825  |        | 3415522311 | 107-TF   | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337824  |        | 3415522307 | 107-TF   |                    | STANDARD SLAG #2                 | WEATHERSFIELD         | 20.0 | COLUMBIA GAS TRAN |
| 8337824  |        |            | 107-TF   |                    | STANDARD SLAG #3                 | WEATHERSFIELD         | 20.0 | COLUMBIA GAS TRAN |
| -OXFORD OIL CO                                     |        |            |          |                    |                                  |                       |      |                   |
| 8337839  |        | 3416922956 | 107-TF   | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337838  |        | 3411926482 | 107-TF   |                    | JOHN SWANSON #1                  | CHESTER               | 12.0 |                   |
| 8337837  |        | 3411122946 | 107-TF   |                    | LULA ALIFF #1                    | HARRISON              | 11.0 |                   |
| 8337837  |        |            | 107-DV   |                    | MARY WINLAND #1                  | FRANKLIN              | 10.0 |                   |
| -POI ENERGY INC                                    |        |            |          |                    |                                  |                       |      |                   |
| 8337830  |        | 3405520437 | 103      | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337829  |        | 3405520436 | 103      |                    | 107-TF BAINBRIDGE INVESTMENT #2  | BAINBRIDGE            | 41.0 |                   |
| 8337827  |        | 3400722188 | 103      |                    | 107-TF BAINBRIDGE INVESTMENT #3  | BAINBRIDGE            | 41.0 |                   |
| 8337828  |        | 3400722197 | 103      |                    | 107-TF HRABAL UNIT #7            | ANDOVER               | 64.0 |                   |
| 8337831  |        |            | 103      |                    | 107-TF MURPHY #3                 | ROME                  | 28.0 |                   |
| -R C POLING CO INC                                 |        |            |          |                    |                                  |                       |      |                   |
| 8337831  |        | 3412725836 | 107-TF   | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337833  |        | 3411122933 | 103      |                    | HURST #1                         | MADISON               | 5.0  |                   |
| 8337832  |        | 3416727279 | 107-DV   | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337832  |        |            | 103      |                    | MERCKLE #5                       | BENTON                | 29.2 |                   |
| 8337836  |        |            | 107-DV   |                    | RIDGEMAY #7                      | GRANDVIEW             | 56.5 |                   |
| -THE BENATTY CORPORATION                           |        |            |          |                    |                                  |                       |      |                   |
| 8337836  |        | 3411522349 | 103      | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337835  |        | 3411522075 | 107-TF   |                    | 107-TF C DILLON #1               | DEERFIELD             | 25.0 | COLUMBIA GAS TRAN |
| 8337834  |        | 3411522002 | 107-TF   |                    | CO INFIRMARY #19                 | MORGAN                | 25.0 | COLUMBIA GAS TRAN |
| 8337834  |        |            | 107-TF   |                    | HUCK 5-24                        | MORGAN                | 30.0 | COLUMBIA GAS TRAN |
| -UNIVERSAL EXPLORATION                             |        |            |          |                    |                                  |                       |      |                   |
| 8337840  |        | 3410323356 | 107-TF   | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337841  |        |            | 107-TF   |                    | JAMES E & KATHY PACE 2           | WADSWORTH             | 15.0 | YANKEE RESOURCES  |
| -VICTOR PETROLEUM CORP                             |        |            |          |                    |                                  |                       |      |                   |
| 8337844  |        | 3407524028 | 103      | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337844  |        |            | 107-DV   |                    | 107-TF AMOS YODER #2             | CLARK                 | 3.0  |                   |
| 8337842  |        | 3411122977 | 107-DV   | RECEIVED: 05/23/83 | JAI OH                           |                       |      |                   |
| 8337842  |        | 3411122951 | 107-DV   |                    | H KNOWLTON #1                    | WASHINGTON            | 9.0  | RIVER GAS CO      |
| 8337843  |        | 3411122952 | 107-DV   |                    | H McDONALD #4                    | WASHINGTON            | 12.0 | COLUMBIA GAS TRAN |
| 8337843  |        |            | 107-DV   |                    | H McDONALD #5                    | WASHINGTON            | 16.0 | COLUMBIA GAS TRAN |
| *****  |        |            |          |                    |                                  |                       |      |                   |
| PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES |        |            |          |                    |                                  |                       |      |                   |
| *****  |        |            |          |                    |                                  |                       |      |                   |
| -A J MARTHA & ASSOCIATES INC                       |        |            |          |                    |                                  |                       |      |                   |
| 8337668  | 19789  | 3706327426 | 103      | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337646  | 19374  | 3704922432 | 107-TF   |                    | MOUNTAIN VIEW RANCH #5           | WHITE                 | 50.0 | PEOPLES NATURAL G |
| 8337645  | 19373  | 3704922432 | 102-3    | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337635  | 18448  | 3705120274 | 103      |                    | RENKIS #1 API-37-049-22432-00-03 | MILLCREEK             | 27.4 | NATIONAL FUEL GAS |
| 8337612  | 17517  |            | 103      | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337618  | 17523  | 3706325883 | 108      |                    | RENKIS #1 API-37-049-22432-00-03 | MILLCREEK             | 27.4 | NATIONAL FUEL GAS |
| 8337611  | 17516  | 3706325845 | 108      |                    | J SINAL #1                       | WALTERSBURG           | 0.0  | INDUSTRIAL ENERGY |
| 8337614  | 17519  | 3706325831 | 108      | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337615  | 17520  | 3706325847 | 108      |                    | BROTHERS #1                      | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337616  | 17521  | 3706325909 | 108      |                    | CONDRIET #2                      | CHEERYHILL            | 0.0  | COLUMBIA GAS TRAN |
| 8337613  | 17518  | 3706325640 | 108      |                    | FRAMPTON #1                      | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337617  | 17522  | 3706325641 | 108      |                    | MCCLOURE #1                      | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337624  | 18102  | 3712331357 | 102-3    |                    | MCCOMB #1                        | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337623  | 18101  | 3712331357 | 102-3    |                    | NICHOLS #1                       | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337632  | 18228  | 3712331551 | 107-TF   |                    | ORMISTON #2                      | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337631  | 18227  | 3712331551 | 102-3    |                    | J SINAL #1                       | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337633  | 18229  | 3712331554 | 102-3    |                    | ORMISTON #3                      | GREEN                 | 0.0  | COLUMBIA GAS TRAN |
| 8337634  | 18230  | 3712331554 | 107-TF   |                    | B I LAY #3                       | WILDCAT               | 12.0 | COLUMBIA GAS TRAN |
| 8337644  | 19212  | 3712332204 | 107-TF   |                    | B I LAY #5                       | WILDCAT               | 12.0 | COLUMBIA GAS TRAN |
| 8337605  | 19211  | 3712332204 | 102-3    |                    | B LAY #10                        | WILDCAT               | 18.0 | COLUMBIA GAS TRAN |
| 8337607  | 18099  | 3712331552 | 102-3    |                    | B LAY #10                        | WILDCAT               | 18.0 | COLUMBIA GAS TRAN |
| 8337622  | 18100  | 3712331552 | 107-TF   |                    | M J WOJTCWICZ UNIT #5            | WILDCAT               | 15.0 | COLUMBIA GAS TRAN |
| 8337622  | 18100  | 3712331552 | 107-TF   |                    | M J WOJTCWICZ UNIT #3            | WILDCAT               | 15.0 | COLUMBIA GAS TRAN |
| -CUMBERLAND OIL CORP                               |        |            |          |                    |                                  |                       |      |                   |
| 8337626  | 18104  | 3712331540 | 107-TF   | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337625  | 18103  | 3712331540 | 103      |                    | M MORRISON UNIT #6               | WILDCAT               | 0.0  | COLUMBIA GAS TRAN |
| 8337625  | 18103  | 3712331540 | 103      |                    | M MORRISON UNIT #6               | WILDCAT               | 14.0 | COLUMBIA GAS TRAN |
| 8337625  | 18103  | 3712331540 | 103      |                    | M WOJTCWICZ #4                   | WILDCAT               | 15.0 | COLUMBIA GAS TRAN |
| 8337625  | 18103  | 3712331540 | 103      |                    | M WOJTCWICZ #4                   | WILDCAT               | 15.0 | COLUMBIA GAS TRAN |
| -DORAN & ASSOCIATES INC                            |        |            |          |                    |                                  |                       |      |                   |
| 8337619  | 17555  | 3706322120 | 108      | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337647  | 19421  | 3703100000 | 108      |                    | J RUPCZYK #1                     | SUGAR GROVE           | 20.0 | NATIONAL FUEL GAS |
| 8337679  | 19950  | 3703320318 | 108      | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337693  | 20018  | 3703320320 | 108      |                    | J RUPCZYK #1                     | SUGAR GROVE           | 20.0 | NATIONAL FUEL GAS |
| 8337692  | 20017  | 3703320321 | 108      |                    | DALE MILLER #1 KN-10             | UPPER DEVONIAN SANDS  | 50.0 | T W PHILLIPS GAS  |
| 8337641  | 19958  | 3704922484 | 102-2    | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337640  | 19957  | 3704922484 | 107-TF   |                    | HOLLOBAUGH #1                    | MS PORT               | 0.0  | PEOPLES NATURAL G |
| 8337655  | 19952  | 3704922424 | 102-2    |                    | B & O RAILROAD #1 CLE-20318      | BOONE MOUNTAIN (CLEAR | 20.0 | CONSOLIDATED GAS  |
| 8337654  | 19951  | 3704922424 | 107-TF   |                    | CITY OF DUBOIS #2 CLE-20320      | BOONE MOUNTAIN (CLEAR | 16.4 | CONSOLIDATED GAS  |
| 8337653  | 19950  | 3704922526 | 107-TF   |                    | CITY OF DUBOIS #3 CLE-20321      | BOONE MOUNTAIN (CLEAR | 12.0 | CONSOLIDATED GAS  |
| 8337652  | 19949  | 3704922526 | 102-2    | RECEIVED: 05/20/83 | JAI PA                           |                       |      |                   |
| 8337657  | 19954  | 3704922522 | 102-2    |                    | BEEHIVE #1                       | LEDFORD FIELD         | 0.0  | NATIONAL FUEL GAS |
| 8337656  | 19953  | 3704922522 | 107-TF   |                    | BEEHIVE #1                       | LEDFORD FIELD         | 0.0  | NATIONAL FUEL GAS |
| 8337659  | 19956  | 3704922423 | 107-TF   |                    | FALKOWSKI #1                     | REEDS CORNER          | 0.0  | COLUMBIA GAS TRAN |
| 8337658  | 19955  | 3704922423 | 102-2    |                    | FALKOWSKI #1                     | REEDS CORNER          | 0.0  | COLUMBIA GAS TRAN |
| 8337649  | 19946  | 3704922375 | 102-2    |                    | FALKOWSKI #2                     | REEDS CORNER          | 0.0  | COLUMBIA GAS TRAN |
| 8337648  | 19945  | 3704922375 | 107-TF   |                    | FALKOWSKI #2                     | REEDS CORNER          | 0.0  | COLUMBIA GAS TRAN |
| 8337651  | 19948  | 3704922327 | 107-TF   |                    | GRAFIUS #1                       | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337650  | 19947  | 3704922327 | 102-2    |                    | GRAFIUS #1                       | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337663  | 19698  | 3704922394 | 102-2    |                    | MARTHA SMITH #1                  | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337662  | 19697  | 3704922394 | 107-TF   |                    | MARTHA SMITH #1                  | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337678  | 19910  | 3704922456 | 102-2    |                    | RINDERLE #1                      | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337677  | 19909  | 3704922456 | 107-TF   |                    | RINDERLE #1                      | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337665  | 19700  | 3704922396 | 102-2    |                    | SAUR #1                          | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337664  | 19699  | 3704922396 | 107-TF   |                    | SAUR #1                          | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337670  | 19894  | 3704922471 | 102-2    |                    | SAUR #2                          | WATERFORD POOL        | 0.0  | COLUMBIA GAS TRAN |
| 8337669  | 19893  | 3704922471 | 107-TF   |                    | SALMON B #2                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
| 8337672  | 19902  | 3704922475 | 102-2    |                    | POPOVICH #2                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
| 8337671  | 19901  | 3704922475 | 107-TF   |                    | POPOVICH #2                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
| 8337676  | 19906  | 3704922477 | 102-2    |                    | SALMON B #2                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
| 8337675  | 19905  | 3704922477 | 107-TF   |                    | SALMON B #3                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
| 8337674  | 19904  | 3704922496 | 102-2    |                    | SALMON B #3                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
|  |        |            | 107-TF   |                    | SALMON B #5                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
|  |        |            | 102-2    |                    | SALMON B #5                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
|  |        |            | 102-2    |                    | SALMON B #6                      | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |



| JD NO                             | JA DKT | API NO     | D SEC(1)  | SEC(2)   | WELL NAME                    | FIELD NAME            | PROD | PURCHASER         |
|-----------------------------------|--------|------------|-----------|----------|------------------------------|-----------------------|------|-------------------|
| 8337673                           | 19903  | 3704922496 | 107-TF    |          | SALMON B #6                  | WEST WATERFORD        | 0.0  | COLUMBIA GAS TRAN |
| -PENN-OHIO ENERGY CORP            |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337639                           | 18654  | 3712331993 | 102-2     |          | C MESSENGER #1               | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337638                           | 18653  | 3712331993 | 107-TF    |          | C MESSENGER #1               | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337643                           | 18737  | 3712331992 | 107-TF    |          | RUHLMAN #2                   | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337642                           | 18736  | 3712331992 | 102-2     |          | RUHLMAN #2                   | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337641                           | 18735  | 3712331991 | 107-TF    |          | RUHLMAN #3                   | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337640                           | 18734  | 3712331991 | 102-2     |          | RUHLMAN #3                   | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| -PETROTECH INC                    |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337621                           | 17940  | 3705324507 | 103       |          | TPI-6 = TA6                  | KOPPERS-SURFACE NATIO | 0.0  | NATIONAL FUEL GAS |
| -PHILLIPS PRODUCTION CO           |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337609                           | 17381  | 3706324460 | 108       |          | HELEN MCCORMICK #1           | WEST MAHONING         | 8.0  | COLUMBIA GAS TRAN |
| 8337620                           | 17786  | 3706325778 | 108       |          | LEONARD MUNAU #1             | GRANT                 | 18.0 | COLUMBIA GAS TRAN |
| 8337610                           | 17391  | 3706324140 | 108       |          | WILLIAM A GEORGE #1          | CENTER                | 12.0 | COLUMBIA GAS TRAN |
| -RICHARD M STEWART                |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337681                           | 19956  | 3706301749 | 108       |          | SHAFFER #1                   | WESTERN PENNA UPPER D | 2.0  | PEOPLES NATURAL G |
| 8337682                           | 19957  | 3706302030 | 108       |          | SMITH #1 TR 1 (FEE) IND-2030 | WESTERN PA UPPER DEVO | 1.1  | PEOPLES NATURAL G |
| 8337680                           | 19955  | 3706301767 | 108       |          | SMITH #1 TR 2 IND-1767       | WESTERN PA UPPER DEVO | 0.1  | PEOPLES NATURAL G |
| -T W PHILLIPS GAS & OIL CO        |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337689                           | 19973  | 3700500000 | 108       |          | A RUSH #1                    | MADISON               | 1.1  | T W PHILLIPS GAS  |
| 8337688                           | 19972  | 3700500000 | 108       |          | H M NICHOLS #1               | MADISON               | 2.1  | T W PHILLIPS GAS  |
| 8337690                           | 19974  | 3700500000 | 108       |          | M W SHERRIEB #1              | MADISON               | 1.1  | T W PHILLIPS GAS  |
| 8337683                           | 19967  | 3700500000 | 108       |          | JOHN G STIVENSON #1          | BURRELL               | 1.6  | T W PHILLIPS GAS  |
| 8337684                           | 19968  | 3700500000 | 108       |          | JOHN G STIVENSON #2          | BURRELL               | 1.4  | T W PHILLIPS GAS  |
| 8337687                           | 19971  | 3700500000 | 108       |          | MABEL CUNNINGHAM #3          | MADISON               | 5.1  | T W PHILLIPS GAS  |
| 8337691                           | 19975  | 3700500000 | 108       |          | R F SHOUP #2                 | MADISON               | 4.4  | T W PHILLIPS GAS  |
| 8337686                           | 19970  | 3700500000 | 108       |          | M H YOUNT #1                 | BURRELL               | 1.8  | T W PHILLIPS GAS  |
| 8337685                           | 19969  | 3700520578 | 108       |          | MAGLE HEIRS #3               | BURRELL               | 1.5  | T W PHILLIPS GAS  |
| -UNIVERSAL RESOURCES HOLDINGS INC |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337628                           | 18145  | 3712331095 | 102-2     |          | D SEKERAK #2                 | COLUMBUS              | 20.0 | NATIONAL FUEL GAS |
| 8337627                           | 18144  | 3712331095 | 107-TF    |          | D SEKERAK #2                 | COLUMBUS              | 20.0 | NATIONAL FUEL GAS |
| -US ENERGY DEVELOPMENT CORP       |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337630                           | 18159  | 3712331749 | 107-TF    |          | A SAVKO #2                   | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337629                           | 18158  | 3712331749 | 102-2     |          | A SAVKO #2                   | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337637                           | 18635  | 3712331790 | 102-2     |          | CORRY ROD & GUN #1           | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337636                           | 18634  | 3712331790 | 107-TF    |          | CORRY ROD & GUN #1           | COLUMBUS              | 20.0 | COLUMBIA GAS TRAN |
| 8337608                           | 9364   | 3712328594 | 107-TF    |          | D LITTLE #1                  | SUGAR GROVE           | 20.0 | NATIONAL FUEL GAS |
| 8337606                           | 9363   | 3712328594 | 102-3     |          | D LITTLE #1                  | SUGAR GROVE           | 20.0 | NATIONAL FUEL GAS |
| -VINEYARD OIL & GAS CO            |        |            | RECEIVED: | 05/20/83 | JA: PA                       |                       |      |                   |
| 8337667                           | 19709  | 3704922628 | 102-2     |          | HARDING #1                   | WATERFORD             | 18.0 | COLUMBIA GAS TRAN |
| 8337666                           | 19708  | 3704922628 | 107-TF    |          | HARDING #1                   | DRUHLIN               | 13.0 | COLUMBIA GAS TRAN |

[PR Doc. 83-16058 Filed 6-14-83; 8:45 am]

BILLING CODE 8717-01-C



[Volume 912]

**Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978**

Issued: June 9, 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 application for determination are available for inspection except to the extent such material is confidential

under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease  
102-2: New well (2.5 Mile rule)  
102-3: New well (1000 Ft rule)  
102-4: New onshore reservoir  
102-5: New reservoir and old OCS lease

Section 107-DP: 15,000 feet or deeper  
107-GB: Geopressed brine  
107-CS: Coal Seams  
107-DV: Devonian Shale  
107-PE: Production enhancement  
107-TF: New tight formation  
107-RT: Recompletion tight formation

Section 108: Stripper well  
108-SA: Seasonally affected  
108-ER: Enhanced recovery  
108-PB: Pressure buildup

Kenneth F. Plumb,  
Secretary.

**NOTICE OF DETERMINATIONS  
ISSUED JUNE 9, 1983**

VOLUME 912

| JO NO  | JA DKT    | API NO     | D SEC(1) | SEC(2) | WELL NAME                       | FIELD NAME            | PROD  | PURCHASER         |
|--|-----------|------------|----------|--------|---------------------------------|-----------------------|-------|-------------------|
| KANSAS CORPORATION COMMISSION                                  |           |            |          |        |                                 |                       |       |                   |
| -LLOYD GEORGE RECEIVED: 05/23/83 JA: K5                        |           |            |          |        |                                 |                       |       |                   |
| 8337847  | K-82-0651 | 1512500000 | 108      |        | BENNING #1                      | HERMAN BENNING        | 3.0   | VERDIGRIS ENERGY  |
| 8337848  | K-82-0652 | 1512500000 | 108      |        | BENNING #2                      | HERMAN BENNING        | 3.0   | VERDIGRIS ENERGY  |
| 8337846  | K-82-0653 | 1512500000 | 108      |        | BENNING #3                      | HERMAN BENNING        | 3.0   | VERDIGRIS ENERGY  |
| MONTANA BOARD OF OIL & GAS CONSERVATION                        |           |            |          |        |                                 |                       |       |                   |
| -FALCON-COLORADO EXPLORATION INC RECEIVED: 05/23/83 JA: MT     |           |            |          |        |                                 |                       |       |                   |
| 8337850  | 6-82-168  | 2507121755 | 108      |        | LEWIS 1-25                      | SWANSON CREEK         | 14.0  | MONTANA-DAKOTA UT |
| -MIDLAND GAS CORPORATION RECEIVED: 05/23/83 JA: MT             |           |            |          |        |                                 |                       |       |                   |
| 8337853  | 12-81-258 | 2510521145 | 108      |        | KUKI #1 2406                    | UNNAMED               | 18.0  | KN ENERGY INC     |
| -SHELL OIL CO RECEIVED: 05/23/83 JA: MT                        |           |            |          |        |                                 |                       |       |                   |
| 8337851  | 6-82-170  | 2502521199 | 103      |        | UNIT 11-29C                     | PENNEL                | 11.3  | MONTANA DAKOTA UT |
| 8337852  | 6-82-171  | 2502521206 | 103      |        | UNIT 31-80                      | PENNEL                | 1.1   | MONTANA DAKOTA UT |
| -TRICENTRAL UNITED STATES INC RECEIVED: 05/23/83 JA: MT        |           |            |          |        |                                 |                       |       |                   |
| 8337849  | 6-82-167  | 2504121575 | 108      |        | CROME 10-10X-T31H-R15E          | TIGER RIDGE FIELD - B | 4.0   | NORTHERN NATURAL  |
| 8337848  | 6-82-172  | 2504122199 | 103      |        | HERRON 31-16-T31H-R15E          | BULLHOOK UNIT         | 37.0  | NORTHERN NATURAL  |
| NORTH DAKOTA INDUSTRIAL COMMISSION                             |           |            |          |        |                                 |                       |       |                   |
| -AMERADA HESS CORPORATION RECEIVED: 05/23/83 JA: ND            |           |            |          |        |                                 |                       |       |                   |
| 8337856  | 712       | 3300700000 | 108      |        | FRYBURG HEATH MADISON UNIT 0813 | FRYBURG               | 1.0   | WESTERN GAS PROCE |
| -PETRO-LEWIS CORPORATION RECEIVED: 05/23/83 JA: ND             |           |            |          |        |                                 |                       |       |                   |
| 8337863  | 719       | 3301100286 | 108      |        | A E DSTROW 4-35                 | LITTLE MISSOURI       | 11.1  | MONTANA-DAKOTA UT |
| 8337860  | 716       | 3301100263 | 108      |        | AASEN #1                        | LITTLE MISSOURI       | 10.8  | MONTANA-DAKOTA UT |
| 8337858  | 714       | 3301100292 | 108      |        | AASEN 1-9                       | LITTLE MISSOURI       | 11.5  | MONTANA-DAKOTA UT |
| 8337857  | 713       | 3301100261 | 108      |        | CHAPMAN #1                      | LITTLE MISSOURI       | 10.0  | MONTANA-DAKOTA UT |
| 8337859  | 715       | 3301100283 | 108      |        | CHAPMAN 2-35                    | LITTLE MISSOURI       | 10.8  | MONTANA-DAKOTA UT |
| 8337862  | 718       | 3301100285 | 108      |        | MARY CARPENTER 3-35             | LITTLE MISSOURI       | 9.7   | MONTANA-DAKOTA UT |
| 8337861  | 717       | 3301100314 | 108      |        | STATE 4-16                      | LITTLE MISSOURI       | 6.8   | MONTANA-DAKOTA UT |
| -IENHECO OIL COMPANY RECEIVED: 05/23/83 JA: ND                 |           |            |          |        |                                 |                       |       |                   |
| 8337855  | 711       | 3300700860 | 102-2    |        | AMERADA STATE 1-16              | ANDERSON COULEE       | 401.0 | MONTANA DAKOTA UT |
| -UNIVERSAL RESOURCES CORPORATION RECEIVED: 05/23/83 JA: ND     |           |            |          |        |                                 |                       |       |                   |
| 8337854  | 710       | 3305300000 | 102-2    |        | NORBY 2A-20                     | KEENE                 | 0.0   | AMINOIL USA INC   |
| NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION              |           |            |          |        |                                 |                       |       |                   |
| -ANGELA P HOPKINS RECEIVED: 05/23/83 JA: NY                    |           |            |          |        |                                 |                       |       |                   |
| 8337890  | 4815      | 3101315517 | 107-TF   |        | HOPKINS YERICO WELL METER 4099  | LAKESHORE             | 0.0   | NATIONAL FUEL GAS |
| -BATH ELECTRIC GAS & WATER SYSTEMS RECEIVED: 05/23/83 JA: NY   |           |            |          |        |                                 |                       |       |                   |
| 8337913  | 3676      | 3110115492 | 102-2    |        | FEE #1                          | EXPERIMENTAL SHALE WE | 10.0  | CONSOLIDATED GAS  |
| 8337914  | 3677      | 3110116103 | 102-2    |        | FEE #3                          | EXPERIMENTAL SHALE WE | 7.1   | CONSOLIDATED GAS  |
| 8337912  | 3678      | 3110116102 | 102-2    |        | WARD #1                         | EXPERIMENTAL SHALE WE | 5.4   | CONSOLIDATED GAS  |
| -CONSOLIDATED GAS SUPPLY CORPORATION RECEIVED: 05/23/83 JA: NY |           |            |          |        |                                 |                       |       |                   |
| 8337872  | 5099      | 3105104089 | 108      |        | ROBERT L YUNKER N-810           | LEICESTER             | 13.0  | GENERAL SYSTEM PU |
| -DORAN & ASSOCIATES INC RECEIVED: 05/23/83 JA: NY              |           |            |          |        |                                 |                       |       |                   |

BILLING CODE 6717-01-M



| JD NO                              | JA DKT | API NO     | D SEC(1)  | SEC(2)   | WELL NAME                     | FIELD NAME              | PROD  | PURCHASER          |
|------------------------------------|--------|------------|-----------|----------|-------------------------------|-------------------------|-------|--------------------|
| 8337917                            | 4560   | 3101317702 | 102-2     | 107-TF   | CHESTER CAREY #1 KA-151       | MINA                    | 30.0  | COLUMBIA GAS TRAN  |
| 8337922                            | 4556   | 3101315980 | 107-TF    |          | J JONES #1 KV-41              | CARROLL                 | 30.0  | COLUMBIA GAS TRAN  |
| 8337865                            | 4564   | 3101317675 | 102-2     | 107-TF   | L BARRINGER #1 KA-147         | FRENCH CREEK            | 30.0  | COLUMBIA GAS TRAN  |
| 8337869                            | 4529   | 3101317614 | 102-2     | 107-TF   | MELVIN WALLACE #1 KA-141      | FRENCH CREEK            | 30.0  | COLUMBIA GAS TRAN  |
| 8337867                            | 4566   | 3101317648 | 102-2     | 107-TF   | HELL MORCROSS #1 KA-144       | MINA                    | 30.0  | COLUMBIA GAS TRAN  |
| 8337868                            | 4570   | 3101317774 | 102-2     | 107-TF   | R HUNNINK UNIT #1 KA-139      | CLYMER                  | 30.0  | COLUMBIA GAS TRAN  |
| 8337921                            | 4576   | 3100917723 | 102-2     | 107-TF   | ROGER ANNIS #1 KV-40          | SOUTH VALLEY            | 30.0  | COLUMBIA GAS TRAN  |
| 8337918                            | 4558   | 3100917605 | 102-2     | 107-TF   | SCHULTZ UNIT #1 KV-18         | COMENAGO                | 30.0  | COLUMBIA GAS TRAN  |
| 8337920                            | 4574   | 3101317707 | 102-2     | 107-TF   | T SHANSON UNIT #1 KV-39       | CARROLL                 | 30.0  | COLUMBIA GAS TRAN  |
| 8337883                            | 4568   | 3101317728 | 102-2     | 107-TF   | THOMAS ACORN #1 KA-161        | FRENCH CREEK            | 30.0  | COLUMBIA GAS TRAN  |
| 8337914                            | 4562   | 3101317798 | 102-2     | 107-TF   | W D WALLACE UNIT #1 KA-164    | FRENCH CREEK            | 30.0  | COLUMBIA GAS TRAN  |
| CLIFFSE MANAGEMENT ASSOCIATES INC  |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337871                            | 5133   | 3101314288 | 108       |          | BELL #5010                    | LAKE SHORE              | 30.0  | NATIONAL FUEL GAS  |
| ENVIROGAS INC                      |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337870                            | 4452   | 3100917714 | 102-2     | 107-TF   | A VISKER #1                   | WILDCAT                 | 18.0  | COLUMBIA GAS TRAN  |
| 8337886                            | 4471   | 3101317818 | 102-2     | 107-TF   | D EMDRY #1                    | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| 8337919                            | 3702   | 3100917216 | 102-2     | 107-TF   | G BROWN #6                    | WILDCAT                 | 18.0  | COLUMBIA GAS TRAN  |
| 8337885                            | 4199   | 3101317277 | 102-2     | 107-TF   | J COOPER # 6                  | WILDCAT                 | 18.0  | COLUMBIA GAS TRAN  |
| 8337882                            | 4496   | 3101317249 | 102-2     | 107-TF   | J COOPER #5                   | WILDCAT                 | 18.0  | COLUMBIA GAS TRAN  |
| 8337881                            | 4474   | 3101317710 | 102-2     | 107-TF   | J REDLECKI #2                 | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| 8337887                            | 4200   | 3101317686 | 102-2     | 107-TF   | L MICHELSEN #1                | WILDCAT                 | 18.0  | COLUMBIA GAS TRAN  |
| 8337885                            | 4470   | 3101317111 | 102-2     | 107-TF   | L WHITE #3                    | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| 8337879                            | 4472   | 3101317112 | 102-2     | 107-TF   | L WHITE #4                    | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| 8337866                            | 4468   | 3101317712 | 102-2     | 107-TF   | M BAYLE #1                    | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| 8337880                            | 4473   | 3101317722 | 102-2     | 107-TF   | W ROBINSON #1                 | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| 8337884                            | 4469   | 3101317758 | 102-2     | 107-TF   | X ANDERSON #1                 | CLYMER                  | 18.0  | TENNESSEE GAS PIP  |
| LENAPE RESOURCES CORP              |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337892                            | 3731   | 3105117306 | 102-2     |          | A E SCOTT #2 LRC #103         | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337894                            | 3728   | 3105116196 | 102-2     |          | A K MCILWATHE HD 1 LRC #88    | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337907                            | 3733   | 3105117311 | 102-2     |          | C A ANDERSON #1 LRC #105      | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337906                            | 3734   | 3105117312 | 102-2     |          | DOOLITTLE #1 - LRC #106       | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337910                            | 4892   | 3105117369 | 102-2     |          | E C AYERS UNIT #1 LRC #155    | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337895                            | 3729   | 3105116193 | 102-2     |          | E VOGLER UNIT #1 LRC #92      | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337897                            | 3727   | 3105116132 | 102-2     |          | GRACE MITCHELL #1 LRC #76     | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337896                            | 3727   | 3105116132 | 102-2     |          | GRACE MITCHELL #1 LRC #76     | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337895                            | 3730   | 3105117301 | 102-2     |          | H WILSON #1 LRC #93           | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337903                            | 3692   | 3105116192 | 102-2     |          | J P KRENZER UNIT #1 LRC #82   | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337900                            | 3887   | 3105116144 | 102-2     |          | JOHN S REED UNIT #1 LRC #51   | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337901                            | 3887   | 3105116144 | 102-2     |          | JOHN S REED UNIT NO 1 LRC #51 | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337909                            | 4890   | 3105117358 | 102-2     |          | L L POWELL HD 1 LRC #147      | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337908                            | 3732   | 3105117310 | 102-2     |          | L P HILL UNIT #1 LRC #104     | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337904                            | 3736   | 3105117303 | 102-2     |          | R GRANT #1 LRC #133           | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337905                            | 3735   | 3105116190 | 102-2     |          | S DEUEL #1 LRC #132           | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337911                            | 4891   | 3105117368 | 102-2     |          | S R POWELL #1 LRC #154        | WILDCAT                 | 20.0  | NEW JERSEY NATURA  |
| 8337899                            | 3726   | 3105116141 | 102-2     |          | THOMAS COONEY UNIT #1 LRC #69 | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337898                            | 3726   | 3105116141 | 102-2     |          | THOMAS COONEY UNIT #1 LRC #69 | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337889                            | 3693   | 3105117308 | 102-2     |          | W A DENOUN #1 LRC #85         | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| 8337902                            | 3694   | 3105116184 | 102-2     |          | WEEWOOD FARM UNIT #1 LRC #86  | CALEDONIA               | 20.0  | NEW JERSEY NATURA  |
| SINCLAIRVILLE PETROLEUM CORP       |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337878                            | 5106   | 3102914666 | 107-TF    |          | NAGEL #1                      | AURORA                  | 2.0   | NATIONAL FUEL GAS  |
| 8337873                            | 5105   | 3102915533 | 107-TF    |          | RICHARDSON #1                 | WILDCAT                 | 5.0   | NATIONAL FUEL GAS  |
| IRAHAN PETROLEUM INC               |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337891                            | 4635   | 3101317802 | 102-2     | 107-TF   | PAGETT #1 31-013-17802        | ELLINGTON               | 36.0  | COLUMBIA GAS TRAN  |
| IRISON PETROLEUM                   |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337877                            | 5100   | 3102915466 | 107-TF    |          | CHILCOTT #1                   | AURORA                  | 5.0   | NATIONAL FUEL GAS  |
| 8337875                            | 5102   | 3102915235 | 107-TF    |          | TAGLIARANO #1                 | AURORA                  | 5.0   | NATIONAL FUEL GAS  |
| 8337876                            | 5101   | 3102915534 | 107-TF    |          | TREFFS #2                     | AURORA                  | 5.0   | NATIONAL FUEL GAS  |
| 8337864                            | 5104   | 3102915192 | 107-TF    |          | YATES #1                      | AURORA                  | 10.0  | NATIONAL FUEL GAS  |
| 8337874                            | 5103   | 3102915487 | 107-TF    |          | YATES #2                      | ORCHARD PARK            | 5.0   | NATIONAL FUEL GAS  |
| US ENERGY DEVELOPMENT CORP         |        |            | RECEIVED: | 05/23/83 | JA: NY                        |                         |       |                    |
| 8337915                            | 4343   | 3101316590 | 102-2     | 107-TF   | LIND #1                       | CHARLOTTE               | 20.0  | COLUMBIA GAS TRAN  |
| OKLAHOMA CORPORATION COMMISSION    |        |            |           |          |                               |                         |       |                    |
| AMCO PRODUCTION CO                 |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338002                            | 21728  | 3509322464 | 105       |          | INIAN UNIT "H" #2             | EAST CAMPBELL - (HUNT)  | 20.0  | MICHIGAN WISCONSIN |
| 8338001                            | 21727  | 3507323306 | 105       |          | J N EISENEN UNIT #1           | NORTH OKARCHIE - (MISS) | 73.0  | PHILLIPS PETROLEU  |
| AM-SON CORPORATION                 |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338007                            | 21737  | 3507321607 | 108       |          | SMITH BROTHERS #1             | S W LINCOLN             | 12.2  | TRANSOK PIPE LINE  |
| ARCO OIL AND GAS COMPANY           |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338012                            | 20261  | 3511921987 | 102-4     |          | ROBERT M MURPHY #1            | N W STILLWATER AIRPOR   | 18.3  | ARCO OIL & GAS CO  |
| BRUNAR EXPLORATION CO              |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338004                            | 21731  | 3504723104 | 105       |          | BEBY #1                       | N E ELKHORN             | 100.0 | EASON OIL CO       |
| 8338003                            | 21729  | 3504721174 | 105       |          | CASSODY #1                    | N E ELKHORN             | 75.0  | EASON OIL CO       |
| CHEYENNE EXPLORATION INC           |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337996                            | 21685  | 3510321402 | 105       |          | MADDEN #1                     |                         | 0.0   | AMINGO USA INC     |
| CLARK RESOURCES INC                |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337985                            | 21440  | 3507323701 | 105       |          | CURRY #1                      | SOONER TREND            | 30.0  | CONOCO INC         |
| DAVIS OIL COMPANY                  |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337994                            | 21630  | 3501521238 | 105       |          | BROOKS #1                     | WALNUT CREEK            | 0.0   | LONE STAR GAS CO   |
| 8337993                            | 21647  | 3505121283 | 105       |          | MONTY #1                      | WALNUT CREEK            | 0.0   | LONE STAR GAS CO   |
| DESPAIN ENERGY ASSOCIATES INC      |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337998                            | 21695  | 3504700000 | 105       |          | JOHNSON #1                    | WEST END                | 36.0  | GRACE PETROLEUM C  |
| F C D OIL CORP                     |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337984                            | 21573  | 3505320946 | 105       |          | LEONARD I-20                  | S POND CREEK            | 76.7  | FARMLAND INDUSTRI  |
| 8337988                            | 21493  | 3505320916 | 105       |          | MARGARET I-29                 | S E POND CREEK          | 54.8  | FARMLAND INDUSTRI  |
| 8337989                            | 24494  | 3507323691 | 105       |          | OLIVER I-13                   | SOONER TREND            | 39.1  | EXXON CO U S A     |
| GEDDYNE RESOURCES INC              |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338008                            | 21773  | 3500722278 | 105       |          | MCALLISTER #1-19              | DOMBEY                  | 35.0  | K M ENERGY INC     |
| GEORGE RODMAN INC                  |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338000                            | 21705  | 3504921747 | 105       |          | LEESE #1-7                    | BRADLEY POOL            | 0.0   | TRANSOK PIPE LINE  |
| GREAT SOUTHWESTERN EXPLORATION INC |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338011                            | 18127  | 3511900000 | 102-4     |          | SAND SPRINGS HOME #1-A        | QUAY-YALE               | 1.0   | PHILLIPS PETROLEU  |
| GOLF OIL CORPORATION               |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337986                            | 21471  | 3501721919 | 105       |          | GEORGE MORGAN #1-14           | YUKON SOUTH             | 0.0   |                    |
| 8338010                            | 22293  | 3500300000 | 105       |          | TAYLOR-HEATH #1               | CHEROKEE WEST (CHEROK   | 6.0   | DELHI GAS PIPELIN  |
| L G WILLIAMS OIL COMPANY INC       |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8337995                            | 21675  | 3501722364 | 105       |          | WRIGHT #1-33                  | N W YUKON               | 238.0 | PHILLIPS PETROLEU  |
| LADD PETROLEUM CORPORATION         |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |
| 8338005                            | 21732  | 3509322552 | 105       |          | SHIDDELL #4 (MANNING)         | RINGWOOD                | 47.9  | RINGWOOD GATHERIN  |
| 8338006                            | 21733  | 3509322552 | 105       |          | SHIDDELL #4 (MISSISSIPPI)     | RINGWOOD                | 47.9  | RINGWOOD GATHERIN  |
| LINN L SHANKS                      |        |            | RECEIVED: | 05/21/83 | JA: OK                        |                         |       |                    |
| 8338014                            | 2092   | 3511100000 | 108       |          | CARNEY #3                     | BALDHILL                | 11.0  | PHILLIPS PETROLEU  |
| MARLIN OIL CORPORATION             |        |            | RECEIVED: | 05/20/83 | JA: OK                        |                         |       |                    |



| JD NO   | JA DKT  | API NO     | D SEC(1) | SEC(2) | WELL NAME                          | FIELD NAME            | PROD   | PURCHASER          |
|---|---------|------------|----------|--------|------------------------------------|-----------------------|--------|--------------------|
| 8337999   | 21701   | 3500721570 | 103      |        | BARFIELD #1                        | SE FLORIS             | 12.0   | PHILLIPS PETROLEU  |
| 8337987   | 21472   | 3507321524 | 103      |        | KUNTZ #1                           | KINGFISHER            | 3.6    | CITIES SERVICE GA  |
| -NORTEX GAS & OIL CO RECEIVED: 05/20/83 JAI OK                                    |         |            |          |        |                                    |                       |        |                    |
| 8337997   | 21608   | 3500722351 | 103      |        | BERYL 5 #1                         | IVANHOE               | 44.0   | NORTHERN NATURAL   |
| -PETRO-Lewis CORPORATION RECEIVED: 05/20/83 JAI OK                                |         |            |          |        |                                    |                       |        |                    |
| 8337991   | 21627   | 3507300000 | 103      |        | HOFFMAN 32-2                       |                       | 0.0    | CITIES SERVICE GA  |
| -PHILLIPS PETROLEUM COMPANY RECEIVED: 05/20/83 JAI OK                             |         |            |          |        |                                    |                       |        |                    |
| 8337992   | 24443   | 3504721516 | 108      |        | ALBERT "A" #1                      | SOONER TREND          | 12.0   | TRANSOK PIPELINE   |
| 8337990   | 21534   | 3501700000 | 108      |        | JIMSO A #1                         |                       | 10.5   | OKLAHOMA GAS & EL  |
| -THOMAS N BERRY & CO RECEIVED: 05/20/83 JAI OK                                    |         |            |          |        |                                    |                       |        |                    |
| 8338009   | 21774   | 3508121854 | 103      |        | WILKINS #2                         |                       | 100.0  | SUN GAS CO         |
| ***** WEST VIRGINIA DEPARTMENT OF MINES *****                                     |         |            |          |        |                                    |                       |        |                    |
| -ALLEGHENY & WESTERN ENERGY CORP RECEIVED: 05/23/83 JAI WV                        |         |            |          |        |                                    |                       |        |                    |
| 8338026   |         | 4708703647 | 107-DV   |        | B FERRELL #1                       | HARPER DISTRICT       | 3.6    | ROARING FORK GAS   |
| 8338027   |         | 4708703656 | 107-DV   |        | J KEE #2                           | HARPER DISTRICT       | 16.0   | ROARING FORK GAS   |
| 8338031   |         | 4708703548 | 107-DV   |        | O RAY #1                           | WALTON DISTRICT       | 36.0   | ROARING FORK GAS   |
| -ASHLAND EXPLORATION INC RECEIVED: 05/23/83 JAI WV                                |         |            |          |        |                                    |                       |        |                    |
| 8338024   |         | 4703903796 | 107-DV   |        | BRIAR MTN COAL & COKE #9 - 092842  | PAINT CREEK           | 87.0   | COLUMBIA GAS TRAN  |
| 8338028   |         | 4701900479 | 107-DV   |        | EASTERN GAS & FUEL #75 - 092992    | PAINT CREEK           | 27.0   | COLUMBIA GAS TRAN  |
| -BADGER OIL & GAS CO INC RECEIVED: 05/23/83 JAI WV                                |         |            |          |        |                                    |                       |        |                    |
| 8338023   |         | 4705900987 | 107-DV   |        | DUTY #1                            | DEVONIAN SHALE - BROW | 12.0   | COLUMBIA GAS TRAN  |
| -CAROT DIC & GAS CORP RECEIVED: 05/23/83 JAI WV                                   |         |            |          |        |                                    |                       |        |                    |
| 8338016   |         | 4701900371 | 108      |        | H BRADLEY #1                       | JEFFERSON             | 9.0    | EQUITABLE GAS CO   |
| 8338015   |         | 4706700492 | 108      |        | ROY LEE WALKER #1                  | JEFFERSON             | 17.0   | EQUITABLE GAS CO   |
| -D C MALCOLM INC RECEIVED: 05/23/83 JAI WV  |         |            |          |        |                                    |                       |        |                    |
| 8338013   |         | 4701501665 | 108      |        | MULLINS #1                         | SWANDALE-WIDEN        | 24.0   | EQUITABLE GAS CO   |
| -EASTERN AMERICAN ENERGY CORPORATION RECEIVED: 05/23/83 JAI WV                    |         |            |          |        |                                    |                       |        |                    |
| 8338030   |         | 4702103905 | 107-DV   |        | B S MESSENGER #5                   | GLENNVILLE            | 12.0   |                    |
| 8338025   |         | 4702103906 | 107-DV   |        | FRASHURE #6                        | GLENNVILLE            | 32.0   |                    |
| 8338029   |         | 4704103093 | 107-DV   |        | LODDIN #3                          | COURTHOUSE DISTRICT   | 10.0   | COLUMBIA GAS TRAN  |
| -J & J ENTERPRISES INC RECEIVED: 05/23/83 JAI WV                                  |         |            |          |        |                                    |                       |        |                    |
| 8338020   |         | 4703323220 | 103      |        | B-314                              | EADLE                 | 0.0    | CONSOLIDATED GAS   |
| 8338019   |         | 4700101723 | 103      |        | B-482                              | PHILIPPI              | 0.0    | CONSOLIDATED GAS   |
| 8338021   |         | 4703327750 | 103      |        | B-999                              | STIMPSON              | 0.0    | CONSOLIDATED GAS   |
| 8338022   |         | 4703327910 | 103      |        | J-636                              | TEN HILE              | 0.0    | CONSOLIDATED GAS   |
| 8338017   |         | 4703302793 | 103      |        | J-655                              | SARDIS                | 0.0    | CARNEGIE NATURAL   |
| -SPARTAN GAS COMPANY RECEIVED: 05/23/83 JAI WV                                    |         |            |          |        |                                    |                       |        |                    |
| 8338018   |         | 4710900890 | 103      |        | Y & O COAL 89-5-280                | CENTER                | 100.0  | COLUMBIA GAS TRAN  |
| ***** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE, LA ***** |         |            |          |        |                                    |                       |        |                    |
| -AMOCO PRODUCTION CO RECEIVED: 05/23/83 JAI LA 3                                  |         |            |          |        |                                    |                       |        |                    |
| 8337969   | G3-3590 | 1771041027 | 102-1    |        | DCS-G-3571 WELL #3                 | EUGENE ISLAND         | 1460.0 | TENNESSEE GAS PIP  |
| -ANADARKO PRODUCTION COMPANY RECEIVED: 05/23/83 JAI LA 3                          |         |            |          |        |                                    |                       |        |                    |
| 8337961   | G2-2701 | 1770440492 | 102-5    |        | EAST CAMERON BLK 359 #A-4          | EAST CAMERON          | 862.0  | TRUNKLINE GAS CO   |
| 8337958   | G2-2663 | 1770440486 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-1     | EAST CAMERON          | 2500.0 | TRUNKLINE GAS CO   |
| 8337951   | G2-2664 | 1770440486 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-10    | EAST CAMERON          | 2003.0 | TRUNKLINE GAS CO   |
| 8337937   | G2-2699 | 1770440488 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-2     | EAST CAMERON          | 1181.0 | TRUNKLINE GAS CO   |
| 8337925   | G2-2700 | 1770440488 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-2D    | EAST CAMERON          | 1347.0 | TRUNKLINE GAS CO   |
| 8337963   | G2-2684 | 1770440491 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-3D    | EAST CAMERON          | 2003.0 | TRUNKLINE GAS CO   |
| 8337939   | G2-2714 | 1770440498 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-5     | EAST CAMERON          | 1179.0 | TRUNKLINE GAS CO   |
| 8337946   | G2-2715 | 1770440498 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-5D    | EAST CAMERON          | 1179.0 | TRUNKLINE GAS CO   |
| 8337942   | G2-2682 | 1770440516 | 102-5    |        | EAST CAMERON BLK 359 WELL #A-9D    | EAST CAMERON          | 1763.0 | TRUNKLINE GAS CO   |
| 8337932   | G2-2679 | 1770440496 | 102-5    |        | EAST CAMERON BLK 359 WELL NO A-7   | PST CAMERON           | 676.0  | TRUNKLINE GAS CO   |
| 8337964   | G2-2680 | 1770440496 | 102-5    |        | EAST CAMERON BLK 359 WELL NO A-7D  | EAST CAMERON          | 1179.0 | TRUNKLINE GAS CO   |
| -ARCO OIL AND GAS COMPANY RECEIVED: 05/23/83 JAI LA 3                             |         |            |          |        |                                    |                       |        |                    |
| 8337956   | G3-3608 | 1770404083 | 102-1    |        | DCS G-4392 WEST CAMERON BLK 211 #1 | WEST CAMERON          | 7300.0 | CAJUN NATURAL GAS  |
| 8337968   | G3-3609 | 1770404094 | 102-1    |        | DCS G-4758 WEST CAMERON BLK 212 #C | WEST CAMERON          | 7300.0 | CAJUN NATURAL GAS  |
| 8337947   | G3-3610 | 1770404087 | 102-1    |        | DCS G-4758 WEST CAMERON BLK 212 #C | WEST CAMERON          | 3650.0 | CAJUN NATURAL GAS  |
| 8337976   | G2-3110 | 1781740176 | 102-1    |        | DCS-G 4501 A-4 ST #1               | MISSISSIPPI CANYON    | 3630.0 | TENNESSEE GAS PIP  |
| -CONOCO INC RECEIVED: 05/23/83 JAI LA 3   |         |            |          |        |                                    |                       |        |                    |
| 8337960   | G2-3115 | 1770340368 | 102-5    |        | EAST CAMERON 47 J-3                | EAST CAMERON          | 1175.0 | TENNESSEE GAS PIP  |
| -EXXON CORPORATION RECEIVED: 05/23/83 JAI LA 3                                    |         |            |          |        |                                    |                       |        |                    |
| 8337971   | G2-2860 | 1772240079 | 102-5    |        | DCS-G 1619 #A-14                   | SOUTH PASS            | 400.0  | COLUMBIA GAS TRAN  |
| 8337950   | G2-3308 | 1772240081 | 102-5    |        | DCS-G 1619 #A-15 5/T               | SOUTH PASS            | 330.0  | COLUMBIA GAS TRAN  |
| 8337955   | G2-3030 | 1772240062 | 102-5    |        | DCS-G 1619 #A-9                    | SOUTH PASS            | 275.0  | COLUMBIA GAS TRAN  |
| -FOREST OIL CORPORATION RECEIVED: 05/23/83 JAI LA 3                               |         |            |          |        |                                    |                       |        |                    |
| 8337949   | G2-3084 | 1771040865 | 102-5    |        | EUGENE ISLAND BLK 309 H-1          | EUGENE ISLAND         | 1095.0 | COLUMBIA GAS TRAN  |
| 8337934   | G2-3093 | 1771040948 | 102-5    |        | EUGENE ISLAND BLK 309 H-10         | EUGENE ISLAND         | 1825.0 | COLUMBIA GAS TRAN  |
| 8337967   | G2-3085 | 1771040866 | 102-5    |        | EUGENE ISLAND BLK 309 H-2          | EUGENE ISLAND         | 30.0   | COLUMBIA GAS TRAN  |
| 8337948   | G2-3086 | 1771040866 | 102-5    |        | EUGENE ISLAND BLK 309 H-2D         | EUGENE ISLAND         | 109.0  | COLUMBIA GAS TRAN  |
| 8337938   | G2-3087 | 1771040898 | 102-5    |        | EUGENE ISLAND BLK 309 H-3          | EUGENE ISLAND         | 1825.0 | COLUMBIA GAS TRAN  |
| 8337972   | G2-3088 | 1771040898 | 102-5    |        | EUGENE ISLAND BLK 309 H-3D         | EUGENE ISLAND         | 912.0  | COLUMBIA GAS TRAN  |
| 8337977   | G2-3089 | 1771040904 | 102-5    |        | EUGENE ISLAND BLK 309 H-4          | EUGENE ISLAND         | 54.0   | COLUMBIA GAS TRAN  |
| 8337962   | G2-3090 | 1771040904 | 102-5    |        | EUGENE ISLAND BLK 309 H-4D         | EUGENE ISLAND         | 84.0   | COLUMBIA GAS TRAN  |
| 8337973   | G2-3091 | 1771040925 | 102-5    |        | EUGENE ISLAND BLK 309 H-6          | EUGENE ISLAND         | 1095.0 | COLUMBIA GAS TRAN  |
| 8337936   | G2-3092 | 1771040936 | 102-5    |        | EUGENE ISLAND BLK 309 H-7          | EUGENE ISLAND         | 2555.0 | COLUMBIA GAS TRAN  |
| 8337923   | G2-3043 | 1770840263 | 102-5    |        | SOUTH MARSH ISLAND BLK 142 A-9B    | SOUTH MARSH ISLAND    | 400.0  | COLUMBIA GAS TRAN  |
| -GULF OIL CORPORATION RECEIVED: 05/23/83 JAI LA 3                                 |         |            |          |        |                                    |                       |        |                    |
| 8337944   | G2-3138 | 1771540473 | 102-5    |        | DCS-G 2624 #0-2                    | SOUTH TIMBALIER       | 32.0   | TEXAS EASTERN TRA  |
| 8337983   | G3-3583 | 1770040537 | 102-1    |        | WEST CAMERON BLK 204 DCS-G 3964 #C | WEST CAMERON          | 4000.0 | TEXAS EASTERN TRA  |
| -HUNT OIL COMPANY RECEIVED: 05/23/83 JAI LA 3                                     |         |            |          |        |                                    |                       |        |                    |
| 8337954   | G3-3575 | 1770940525 | 107-DP   |        | WELL #3                            | EUGENE ISLAND         | 3600.0 | MICHIGAN WISCONSIN |
| -KERR-MCQUEE CORPORATION RECEIVED: 05/23/83 JAI LA 3                              |         |            |          |        |                                    |                       |        |                    |
| 8337930   | G2-2988 | 1771140598 | 102-5    |        | DCS G-1528 #3-3                    | SHIP SHOAL            | 730.0  | TRANSCONTINENTAL   |
| 8337943   | G2-3155 | 1771140401 | 102-5    |        | DCS-G-1528 #0-2                    | SHIP SHOAL            | 1253.0 | TRANSCONTINENTAL   |
| -SHELL OFFSHORE INC RECEIVED: 05/23/83 JAI LA 3                                   |         |            |          |        |                                    |                       |        |                    |
| 8337978   | G2-2914 | 1770640380 | 102-5    |        | DCS-G 2280 D-4                     | SOUTH MARSH ISLAND    | 95.0   | TRANSCONTINENTAL   |
| -SONAT EXPLORATION COMPANY RECEIVED: 05/23/83 JAI LA 3                            |         |            |          |        |                                    |                       |        |                    |
| 8337982   | G2-2939 | 1770340371 | 102-5    |        | EAST CAMERON 45/46 A-7A            | EAST CAMERON          | 289.0  | SOUTHERN NATURAL   |
| -SUPERIOR OIL CO RECEIVED: 05/23/83 JAI LA 3                                      |         |            |          |        |                                    |                       |        |                    |
| 8337927   | G3-3621 | 1770340163 | 102-1    |        | DCS-G-3527 #A-1                    | EAST CAMERON          | 1000.0 |                    |
| 8337945   | G3-3631 | 1770340355 | 102-1    |        | DCS-G-3527 #A-2                    | EAST CAMERON          | 1000.0 |                    |
| 8337935   | G3-3698 | 1770740399 | 102-1    |        | DCS-G-4270 #C-1                    | SOUTH MARSH ISLAND    | 2000.0 |                    |
| 8337965   | G3-3612 | 1770740401 | 102-1    |        | DCS-G-4270 #C-2                    | SOUTH MARSH ISLAND    | 2000.0 |                    |
| 8337931   | G3-3607 | 1770740401 | 102-1    |        | DCS-G-4270 #C-2-D                  | SOUTH MARSH ISLAND    | 2000.0 |                    |
| 8337933   | G3-3602 | 1770740404 | 102-1    |        | DCS-G-4270 #C-3                    | SOUTH MARSH ISLAND    | 2000.0 |                    |
| -TENNECO OIL COMPANY RECEIVED: 05/23/83 JAI LA 3                                  |         |            |          |        |                                    |                       |        |                    |
| 8337961   | G2-3112 | 1770540342 | 102-5    |        | VERMILION 191 #C-1                 | VERMILION             | 1095.0 | TENNESSEE GAS PIP  |
| 8337924   | G2-2962 | 1770540346 | 102-5    |        | VERMILION 246 #C                   | VERMILION             | 0.0    | TENNESSEE GAS PIP  |
| -TEXACO INC RECEIVED: 05/25/83 JAI LA 3   |         |            |          |        |                                    |                       |        |                    |
| 8337966   | G3-3582 | 1770740411 | 102-1    |        | SOUTH MARSH ISLAND 236 #A-5        | SOUTH MARSH ISLAND    | 500.0  | NATURAL GAS PIPEL  |

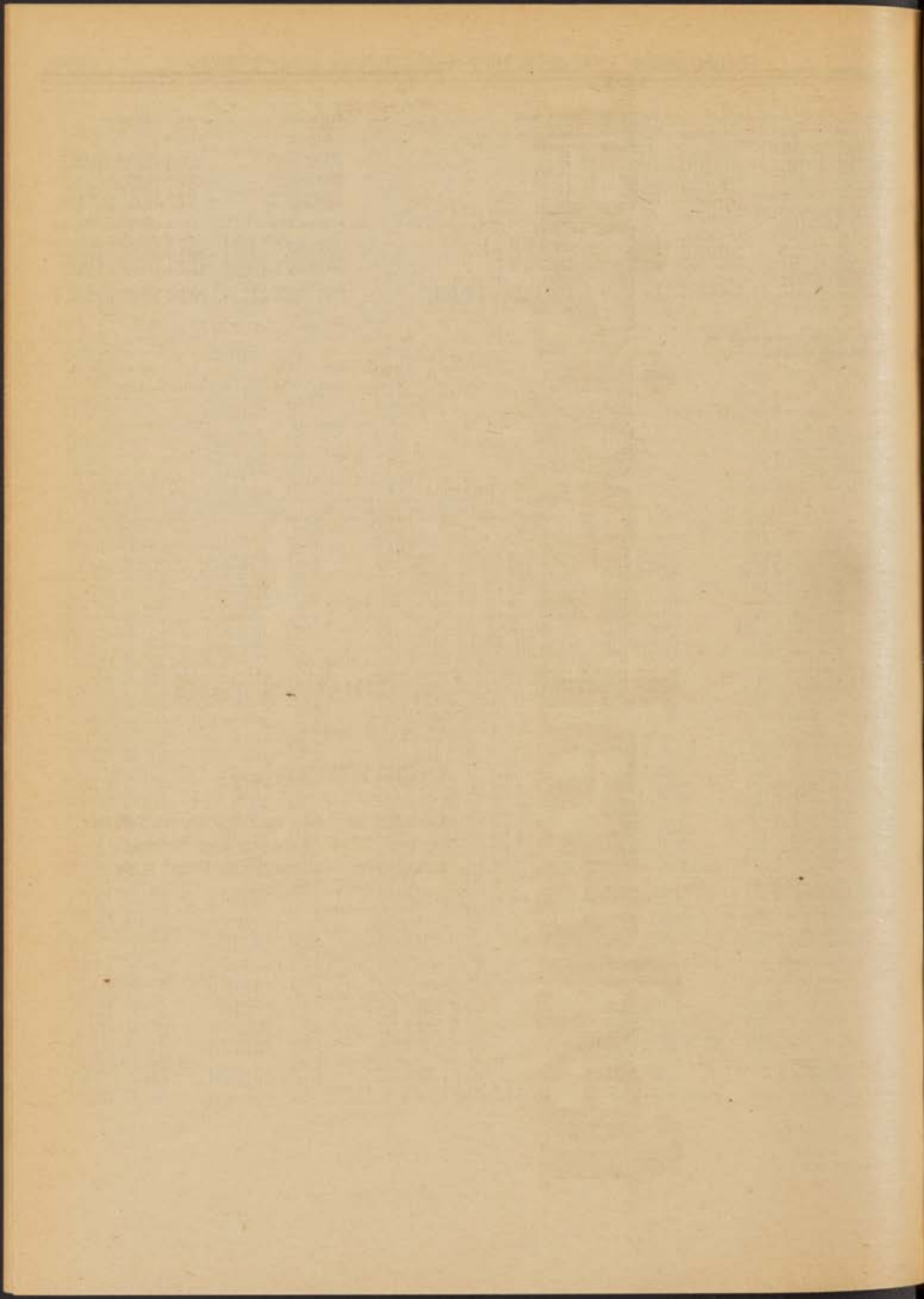


| JD NO                         | JA DKT  | API NO     | D     | SEC(1) | SEC(2) | WELL NAME               | FIELD NAME            | PROD   | PURCHASER         |
|-------------------------------|---------|------------|-------|--------|--------|-------------------------|-----------------------|--------|-------------------|
| 8337970                       | G3-3570 | 1770540534 | 102-1 |        |        | VERMILION 30 #2         | VERMILION             | 1132.0 |                   |
|                               |         |            |       |        |        | RECEIVED: 05/23/83      | JA: LA 3              |        |                   |
| -TRANSSCO EXPLORATION COMPANY |         |            |       |        |        |                         |                       |        |                   |
| 8337974                       | G3-3563 | 1772640016 | 102-1 |        |        | #1                      | BRETON SOUND          | 200.0  | TRANSCONTINENTAL  |
| 8337979                       | G3-3564 | 1772640019 | 102-1 |        |        | #2                      | BRETON SOUND          | 100.0  | TRANSCONTINENTAL  |
| 8337981                       | G3-3567 | 1772640018 | 102-1 |        |        | #2 5/T                  | BRETON SOUND          | 365.0  | TRANSCONTINENTAL  |
| 8337975                       | G3-3565 | 1772640020 | 102-1 |        |        | #3                      | BRETON SOUND          | 100.0  | TRANSCONTINENTAL  |
| 8337980                       | G3-3568 | 1772640021 | 102-1 |        |        | #3                      | BRETON SOUND          | 100.0  | TRANSCONTINENTAL  |
| 8337952                       | G3-3566 | 1772640024 | 102-1 |        |        | #5                      | BRETON SOUND          | 300.0  | TRANSCONTINENTAL  |
| -UNION OIL COMPANY OF CALIF   |         |            |       |        |        |                         |                       |        |                   |
|                               |         |            |       |        |        | RECEIVED: 05/23/83      | JA: LA 3              |        |                   |
| 8337940                       | G2-3134 | 1770040137 | 102-5 |        |        | OCS-G 0911 #A-2         | WEST CAMERON          | 625.0  | TEXAS EASTERN TRA |
|                               |         |            |       |        |        | RECEIVED: 05/23/83      | JA: TX 3              |        |                   |
| -EXXON CORPORATION            |         |            |       |        |        |                         |                       |        |                   |
| 8337928                       | G2-2989 | 4270340104 | 102-5 |        |        | OCS-G-3091 A-1          | MATAGORDA 633 FIELD   | 900.0  | SOUTHERN NATURAL  |
| 8337929                       | G2-2990 | 4270340107 | 102-5 |        |        | OCS-G-3091 A-2          | MATAGORDA 633 FIELD   | 1800.0 | SOUTHERN NATURAL  |
| 8337953                       | G2-2991 | 4270340115 | 102-5 |        |        | OCS-G-3091 A-3          | MATAGORDA 633 FIELD   | 1800.0 | SOUTHERN NATURAL  |
| 8337957                       | G3-3546 | 4270340151 | 102-1 |        |        | OCS-G-4139 B-2          | MATAGORDA 665 FIELD   | 1800.0 | SOUTHERN NATURAL  |
|                               |         |            |       |        |        | RECEIVED: 05/23/83      | JA: TX 3              |        |                   |
| -PENNZOIL COMPANY             |         |            |       |        |        |                         |                       |        |                   |
| 8337959                       | G2-3119 | 4270940706 | 102-5 |        |        | HIGH ISLAND A-499 #C-4  | HIGH ISLAND AREA SOUT | 876.0  | UNITED GAS PIPE L |
| 8337926                       | G2-3120 | 4270940706 | 102-5 |        |        | HIGH ISLAND A-499 #C-4A | HIGH ISLAND AREA SOUT | 730.0  | UNITED GAS PIPE L |

[FR Doc. 83-16050 Filed 6-14-83; 8:45 am]

BILLING CODE 6717-01-C







# federal register

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Wednesday  
June 15, 1983

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## Part IV

### Securities and Exchange Commission

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Equalization of Fees for Cash Tender  
Offers, Cash Mergers and Similar  
Acquisition Transactions; Final Rule



**SECURITIES AND EXCHANGE  
COMMISSION**
**17 CFR Part 240**

(Release No. 34-19870)

**Equalization of Fees for Cash Tender  
Offers, Cash Mergers and Similar  
Acquisition Transactions**
**AGENCY:** Securities and Exchange  
Commission.

**ACTION:** Notice of legislative action.

**SUMMARY:** The Commission today issued a notice of the enactment and effectiveness of legislation that requires the payment to the Commission of a filing fee for cash tender offers, proxy and information statements involving an acquisition, merger, consolidation or sale or other disposition of substantially all the assets of a company and certain other filings. In light of this legislation which became effective upon enactment, the Commission will commence the collection of these statutory fees and will no longer collect fees for affected filings which have been required pursuant to pre-existing rules.

**FOR FURTHER INFORMATION CONTACT:** Joseph G. Connolly, Jr. (202) 272-3097, Office of Tender Offers, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549.

**EFFECTIVE DATE:** June 7, 1983.

**SUPPLEMENTARY INFORMATION:** On June 6, 1983, President Reagan signed into law H.R. 2681 (Pub. L. 98-38) which, among other matters, amended Sections 13 and 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78n) (the "Exchange Act") to establish a fee for the filing of documents in connection with certain acquisitions and business combinations and consolidations. The statutory amendments which became

effective immediately were enacted to equalize the fees imposed for similar types of business combinations as well as to raise additional revenues.<sup>1</sup>

Pub. L. 98-38 amended the Exchange Act to require a fee for filings made with the Commission pursuant to: a) Section 13(e)(1) of the Exchange Act (one-fiftieth of one percent of the value of the securities proposed to be purchased<sup>2</sup>); b) Section 14(a) and (c) of the Exchange Act of the filing relates to an acquisition, merger, consolidation or proposed sale or other disposition of substantially all the assets of an issuer (one-fiftieth of one percent of the consideration being offered in the transaction); and c) Section 14(d)(1) of the Exchange Act (one-fiftieth of one percent of the consideration being offered in the transaction).

The filings under the Exchange Act that, as of June 7, 1983, became subject to one-fiftieth of one percent filing fee are: (a) Schedule 13E-4 (17 CFR 240.13e-101) filed pursuant to Rule 13e-4 (17 CFR 240.13e-4); (b) Schedule 14D-1 (17 CFR 240.14d-100) filed pursuant to rule 14d-3 (17 CFR 240.14d-3); (c) preliminary proxy material filed pursuant to Rule 14a-6 (17 CFR 240.14a-6) relating to a proposed acquisition, merger, consolidation or sale or other disposition of substantially all the assets of the issuer; (d) preliminary information

<sup>1</sup> H.R. Rep. No. 98-106, Cong. 1st Sess. 1-2 and 5-8 (1983). For example, prior to this legislation, a bidder in a tender offer in which the consideration offered was securities subject to the registration provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq.) was required by Section 6(b) of that Act to pay a registration fee of one-fiftieth of one percent; had the bidder commenced a cash tender offer, no fee would have been required.

<sup>2</sup> Until the incorporation of the provisions of the amendments into the Commission's regulations, the Commission will not object if the computation of this fee is based upon the criteria set forth in Rule 457(e) (17 CFR 230.457(e)) promulgated under the Securities Act of 1933.

statements filed pursuant to Rule 14c-5 (17 CFR 240.14c-5) relating to such transactions: (e) Schedule 13E-3 (17 CFR 240.13e-100) filed pursuant to Rule 13e-3 (17 CFR 240.13e-3) in connection with the acquisition of securities and which is not subject to any of the filing requirements set forth in paragraphs (a) through (d) above; and (f) a disclosure statement filed pursuant to Rule 13e-1 (17 CFR 240.13e-1).

The fee for the affected filings is to be paid by the person making the filing, except that in the case of proxy or information material involving two or more companies subject to the Commission's proxy rules, each such person must pay a proportionate share of such fee. Only one fee per transaction is required to be paid however. Accordingly, where a transaction involves more than one of the above referenced filing requirements or the registration provisions of the Securities Act of 1933, the payment of the fee with the initial filing will offset any subsequent filing fee obligation.

In view of the fact that the new filing fees are in lieu of, rather than in addition to the filing fees presently being collected for proxy material involving acquisitions, mergers and sales of assets pursuant to rule 14a-6(i) and information statements relating to similar acquisitions pursuant to Rule 14c-5 the Commission is suspending its collection of fees pursuant to Rule 14a-6(i) and Rule 14c-5(a), for the filings now subject to Public Law 98-38. The Commission intends to promptly initiate a rulemaking proceeding to rescind the suspended fees and to further implement this legislation.

In order to provide guidance, set forth below are the relevant sections of Public Law 98-38:



SEC. 2. (a) Section 13(e) of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end thereof the following new paragraph:

"(3) At the time of filing such statement as the Commission may require by rule pursuant to paragraph (1) of this subsection, the person making the filing shall pay to the Commission a fee of  $\frac{1}{50}$  of 1 per centum of the value of securities proposed to be purchased. The fee shall be reduced with respect to securities in an amount equal to any fee paid with respect to any securities issued in connection with the proposed transaction under section 6(b) of the Securities Act of 1933, or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this paragraph."

(b) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following new subsection:

"(g)(1)(A) At the time of filing such preliminary proxy solicitation material as the Commission may require by rule pursuant to subsection (a) of this section that concerns an acquisition, merger, consolidation, or proposed sale or other disposition of substantially all the assets of a company, the person making such filing, other than a company registered under the Investment Company Act of 1940, shall pay to the Commission the following fees:

"(i) for preliminary proxy solicitation material involving an acquisition, merger, or consolidation, if there is a proposed payment of cash or transfer of securities or property to shareholders, a fee of  $\frac{1}{50}$  of 1 per centum of such proposed payment, or of the value of such securities or other property proposed to be transferred; and

"(ii) for preliminary proxy solicitation material involving a proposed sale or other disposition of substantially all of the assets of a company, a fee of  $\frac{1}{50}$  of 1 per centum of the cash or of the value of any securities or other property proposed to be received upon such sale or disposition.

"(B) The fee imposed under subparagraph (A) shall be reduced with respect to securities in an amount equal to any fee paid to the Commission with respect to such securities in connection with the proposed transaction under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this subsection. Where two or more companies involved in an acquisition, merger, consolidation, sale, or other disposition of substantially all the assets of a company must file such proxy material with the Commission, each shall pay a proportionate share of such fee.

"(2) At the time of filing such preliminary information statement as the Commission may require by rule pursuant to subsection (c) of this section, the issuer shall pay to the Commission the same fee as required for preliminary proxy solicitation material under paragraph (1) of this subsection.

"(3) At the time of filing such statement as the Commission may require by rule pursuant to subsection (d)(1) of this section, the person making the filing shall pay to the Commission a fee of  $\frac{1}{50}$  of 1 per centum of the aggregate amount of cash or of the value of securities or other property proposed to be offered. The fee shall be reduced with respect to securities in an amount equal to any fee paid with respect to such securities in connection with the proposed transaction under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), or the fee paid under that section shall be reduced in an amount equal to the fee paid to the Commission in connection with such transaction under this subsection.

By the Commission,

George A. Fitzsimmons,

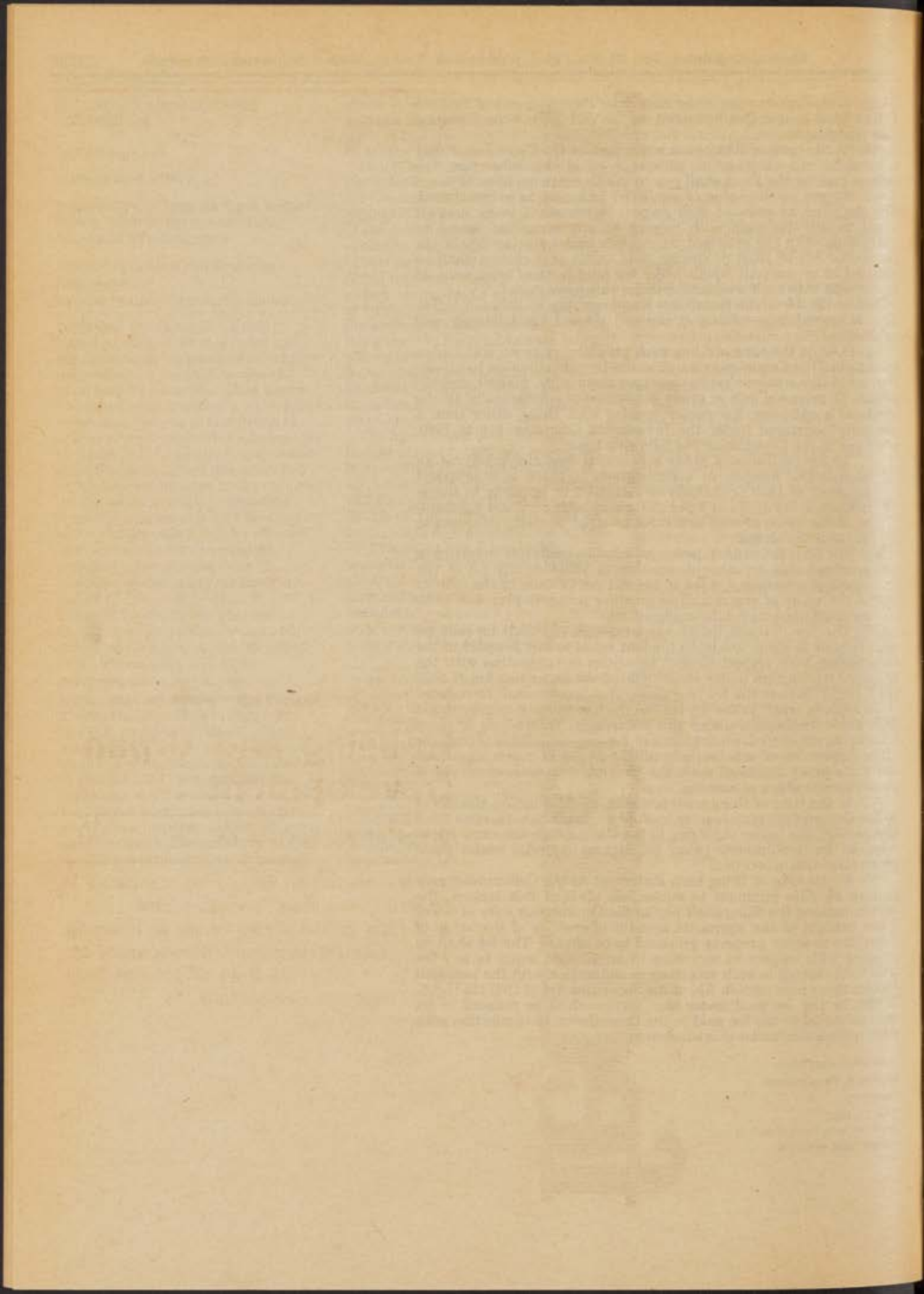
Secretary.

June 13, 1983.

[FR Doc. 83-16248 Filed 6-14-83; 11:23 am]

BILLING CODE 8010-01-M







# **Federal Register**

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Wednesday  
June 15, 1983

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## **Part V**

### **Department of Housing and Urban Development**

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Office of the Secretary

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**Nondiscrimination Based on Handicap in  
Federally-Assisted Programs and  
Activities of the Department of Housing  
and Urban Development; Revocation of  
Notice of Effective Date of Interim Rule;  
and Proposed Rulemaking**



**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of the Secretary**

**24 CFR Part 8**

[Docket No. R-83-528]

**Nondiscrimination Based on Handicap  
in Federally-Assisted Programs and  
Activities of the Department of  
Housing and Urban Development**

**AGENCY:** Department of Housing and Urban Development (HUD).

**ACTION:** Interim rule; revocation of notice of effective date.

**SUMMARY:** HUD is revoking the published effective date of the interim rule published May 6, 1983 (republished May 18, 1983) implementing Section 504 of the Rehabilitation Act of 1973, as amended. The interim rule, as published, will be treated as a proposed rule.

**FOR FURTHER INFORMATION CONTACT:** John Putman, Special Advisor to the Deputy Under Secretary for Intergovernmental Relations, or Clifton L. Baldwin, Disability Access Coordinator, Room 10184, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6732. A telecommunications device for deaf persons (TDD) is available at (202) 426-0016. These are not toll free numbers.

**SUPPLEMENTARY INFORMATION:** On May 6, 1983 HUD published an interim rule establishing procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department. The rule implemented Section 504 of the Rehabilitation Act of 1973, as amended. 48 FR 20638 (republished at 48 FR 22470, May 18, 1983). The interim rule was scheduled to become effective June 15, 1983, but public comments, to be considered prior to issuance of a final rule, were solicited for a 90-day period ending August 4, 1983.

A proposed rule was published on April 19, 1978 (43 FR 16652). In addition, ten public hearings were conducted throughout the country. More than 225 individuals and organizations presented testimony at the public hearings, and 258 written comments on the proposed rule were received. Many of the changes

made in the interim rule reflected consideration of the comments received in the public hearings and in response to the proposed rule. However, as indicated in the preamble to the interim rule, substantial changes also were based on consideration of other factors, including the decision of the United States Supreme Court in *Southeastern Community College v. Davis*, 442 U.S. 397 (1979), and subsequent appellate decisions regarding the extent of obligations of a recipient of Federal financial assistance imposed by Section 504 to accommodate the needs of handicapped persons, and a Report to Congress (B-197756, June 19, 1981) issued by the Comptroller General entitled "Weaknesses in the Planning and Utilization of Rental Housing for Persons in Wheelchairs".

Because of substantial changes that had been made from the proposed rule published in 1978 on grounds not fully discussed in connection with the publication of the proposed rule, the Department noted, in the preamble to the interim rule, that it normally would publish the revised regulation as a revised proposed rule for further comment, rather than for immediate effect. However, on June 16, 1981 the United States District Court, Central District of California, issued an order requiring HUD and certain other Federal agencies to publish final regulations implementing Section 504 on an expedited basis. *Paralyzed Veterans of America, et al. v. William French Smith, et al.*, No. 79-1979 WPG, June 16, 1981. The Department noted that while it did not construe the District Court order as necessarily overriding public notice and comment requirements otherwise applicable, the Department believed, on balance, that regulatory implementation of Section 504 with respect to HUD programs should not be subjected to further delay. In reaching this conclusion, the Department took into account the fact that principal substantive requirements under Subpart C of the rule, regarding program accessibility, already were in effect through program regulations and the HUD Minimum Property Standards.

Since publication of the interim rule, the Department has received comments which have led it to reconsider the balance struck between obtaining early

effectiveness and encouraging broad participation in the rulemaking process through public comment. Certain organizations representing disabled persons have disclosed a concern that publication of an interim rule, to become effective before receipt and consideration of public comments, indicates that the Department is "locked in" to the provisions of the interim rule and will not give serious consideration to further changes in response to comments.

The Department reiterates that this is not its intention. The Department publishes interim rules frequently and gives no less open and serious consideration to comments received on interim rules than to comments on proposed rules. In this particular instance, moreover, the election to proceed by interim rule was based solely upon the circumstances of the *Paralyzed Veterans* action.

The Department is concerned, however, that notwithstanding its own intentions, the reaction noted above of some organizations may indicate that publication of the rule as an interim rule may deter other interested persons from preparing and submitting comments. The Department's own experience would not support a conclusion that interested persons are less inclined to comment on interim rules than on proposed rules. Nonetheless, because the interests affected by this rule are extraordinarily broad and diverse and in order to encourage the broadest possible participation in this rulemaking, the Department has determined to revoke the notice of effective date of the interim rule and to treat the rule, as published, as a proposed rule.

Accordingly, the notice of effective date of the interim rule is hereby revoked. A notice of proposed rulemaking, converting the interim rule to a proposed rule and extending the comment period to September 6, 1983, appears elsewhere in this Part V of today's issue of the **Federal Register**.

Dated: June 14, 1983.

John J. Knapp,  
General Counsel.

[FR Doc. 83-16280 Filed 6-14-83; 12:30 pm]

BILLING CODE 4210-27-M



**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of the Assistant Secretary for  
Housing—Federal Housing  
Commissioner

**24 CFR Part 8**

[Docket No. R-83-528]

**Nondiscrimination Based on Handicap  
in Federally-Assisted Programs and  
Activities of the Department of  
Housing and Urban Development**

**AGENCY:** Department of Housing and  
Urban Development (HUD).

**ACTION:** Notice of proposed rule making;  
cross reference.

**SUMMARY:** Elsewhere in this Part V of  
today's issue, HUD is publishing a  
document announcing revocation of the  
notice of effective date of an interim rule  
published in the *Federal Register* on  
May 6, 1983 (48 FR 20638) and  
republished on May 18, 1983 (48 FR  
22470). As more fully explained in the

document published elsewhere in this  
Part V, the interim rule, scheduled to  
become effective on June 15, 1983, would  
have established procedures and  
policies to assure nondiscrimination  
based on handicap in programs and  
activities receiving Federal financial  
assistance from the Department of  
Housing and Urban Development.

HUD will now treat the published  
interim rule as proposed rule making  
and will consider the public comments  
received on that interim rule as  
comments on the proposed rule making.

**DATE:** The 90-day public comment  
period announced in the interim rule  
(which was scheduled to expire August  
4, 1983) is hereby extended until  
September 6, 1983.

**ADDRESS:** Interested persons are invited  
to submit comments regarding this rule  
to the Office of General Counsel, Rules  
Docket Clerk, Room 10278, Department  
of Housing and Urban Development, 451  
7th Street, S.W., Washington, D.C. 20410.  
Communications should refer to the  
above docket number and title. A copy of

each communication submitted will be  
available for public inspection and  
copying during regular business hours at  
the above address. The rule text is  
available on tape for persons with  
vision impairments in the office of the  
Rules Docket Clerk shown above.

**FOR FURTHER INFORMATION CONTACT:**

John Putman, Special Advisor to the  
Deputy Under Secretary for  
Intergovernmental Relations, or Clifton  
L. Baldwin, Disability Access  
Coordinator, Room 10184, Department of  
Housing and Urban Development, 451  
7th Street, S.W., Washington, D.C. 20410.  
Both of the above persons may be  
reached by telephone at (202) 755-6732.  
A telecommunications device for deaf  
persons (TDD) is available at (202) 426-  
0016. These are not toll free numbers.

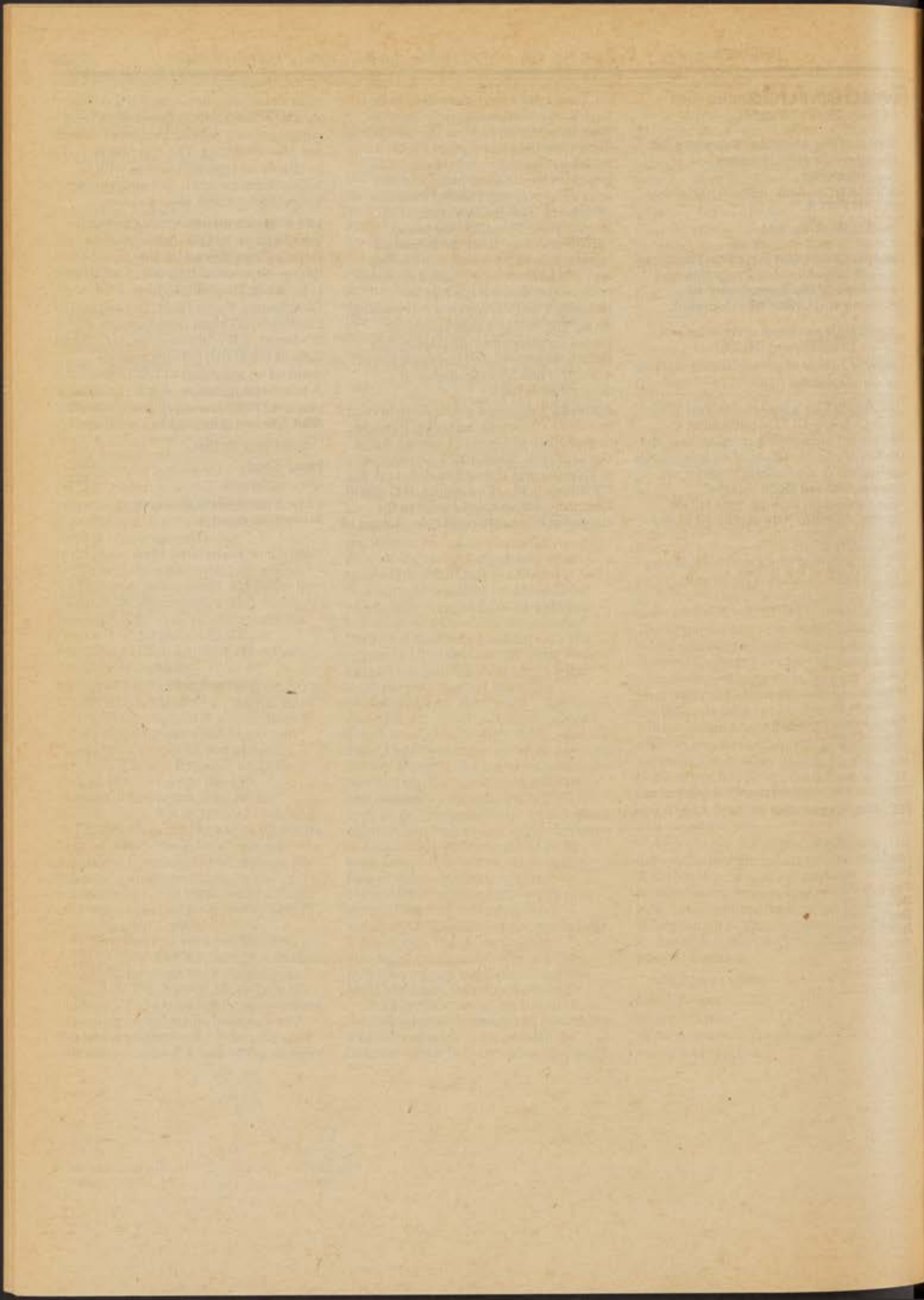
Dated: June 14, 1983.

**John J. Knapp,**  
*General Counsel.*

[FR Doc. 83-16279 Filed 6-14-83; 12:30 pm]

**BILLING CODE 4210-27-M**







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**AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK**

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication

on a day that will be a Federal holiday will be published the next work day following the holiday.

| Monday          | Tuesday   | Wednesday | Thursday        | Friday    |
|-----------------|-----------|-----------|-----------------|-----------|
| DOT/SECRETARY   | USDA/ASCS |           | DOT/SECRETARY   | USDA/ASCS |
| DOT/COAST GUARD | USDA/FNS  |           | DOT/COAST GUARD | USDA/FNS  |
| DOT/FAA         | USDA/REA  |           | DOT/FAA         | USDA/REA  |
| DOT/FHWA        | USDA/SCS  |           | DOT/FHWA        | USDA/SCS  |
| DOT/FRA         | MSPB/OPM  |           | DOT/FRA         | MSPB/OPM  |
| DOT/MA          | LABOR     |           | DOT/MA          | LABOR     |
| DOT/NHTSA       | HHS/FDA   |           | DOT/NHTSA       | HHS/FDA   |
| DOT/RSPA        |           |           | DOT/RSPA        |           |
| DOT/SLSDC       |           |           | DOT/SLSDC       |           |
| DOT/UMTA        |           |           | DOT/UMTA        |           |

Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

**List of Public Laws**

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing June 9, 1983



# Code of Federal Regulations

Revised in 1974

| Part | Section | Title          |
|------|---------|----------------|
| 1    | 1.1     | Administrative |
| 2    | 2.1     | Administrative |
| 3    | 3.1     | Administrative |
| 4    | 4.1     | Administrative |
| 5    | 5.1     | Administrative |
| 6    | 6.1     | Administrative |
| 7    | 7.1     | Administrative |
| 8    | 8.1     | Administrative |
| 9    | 9.1     | Administrative |
| 10   | 10.1    | Administrative |
| 11   | 11.1    | Administrative |
| 12   | 12.1    | Administrative |
| 13   | 13.1    | Administrative |
| 14   | 14.1    | Administrative |
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| 99   | 99.1    | Administrative |
| 100  | 100.1   | Administrative |





Just Released



# Code of Federal Regulations

Revised as of January 1, 1983

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|--------------------|--|--------|-----------------|
| _____              | Title 7—Agriculture (Parts 53 to 209)<br>(Stock No. 022-003-95104-1)         | \$7.50 | \$ _____        |
| _____              | Title 7—Agriculture (Parts 300 to 399)<br>(Stock No. 022-003-95106-7)        | 5.50   | _____           |
| _____              | Title 12—Banks and Banking (Parts 200 to 299)<br>(Stock No. 022-003-95126-1) | 8.00   | _____           |
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